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P6

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Revisors' bill
Do NOT Gen Cat
Do NOT Sort

LPS: delete entire
contents of -0187/PS
and replace with
the contents of the
attached insert.
Insert also has some
changes marked.

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7 **SECTION 2.** 40.03 (2) (it) of the statutes is repealed.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 X." Subchapter X of Chapter 40 was repealed 1-1-10 by 1999 Wis.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

2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0187/1insCJS

Do NOT Gen
Do NOT Sort
1
-0188/P4 plus -0187/P5
with SORT routine run

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LPS:
this is the
insert for
LRB-0187/P6

2 AN ACT relating to: affecting various provisions of the statutes to correct errors
3 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:

4 SECTION 1. The treatment of 15.08 (1m) (b) of the statutes by 2009 Wisconsin
5 Act 106 is not repealed by 2009 Wisconsin Act 149. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 15.08 (1m) (b) reads:

(b) The public members of the chiropractic examining board, the dentistry examining board, the hearing and speech examining board, the medical examining board, the physical therapy examining board, perfusionists examining council, respiratory care practitioners examining council and council on physician assistants, the board of nursing, the nursing home administrator examining board, the veterinary examining board, the optometry examining board, the pharmacy examining board, the marriage and family therapy, professional counseling, and social work examining board, the psychology examining board, and the radiography examining board shall not be engaged in any profession or occupation concerned with the delivery of physical or mental health care.

6 SECTION 2. The treatment of 15.085 (1m) (b) of the statutes by 2009 Wisconsin
7 Act 113 is not repealed by 2009 Wisconsin Act 149. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau s. 15.085 (1m) (b) reads:

(b) The public members of the podiatry affiliated credentialing board or occupational therapists affiliated credentialing board shall not be engaged in any profession or occupation concerned with the delivery of physical or mental health care.

8 SECTION 3. 20.437 (1) (jm) of the statutes, as affected by 2009 Wisconsin Act
9 76, section 1j, is amended to read:

1 20.437 (1) (jm) *Licensing activities.* All moneys received from licensing
 2 activities under ss. 48.60, 48.62, 48.625, and 938.22 (7), from fees under ss. 48.615,
 3 48.625, and 938.22 (7) (b) and (c), and from fees under s. 48.685 (8) charged to entities
 4 other than ~~day~~ child care centers or ~~day~~ child care providers, for the costs of licensing
 5 child welfare agencies under s. 48.60, foster homes under s. 48.62, group homes
 6 under s. 48.625, and shelter care facilities under s. 938.22 (7) and for the purposes
 7 specified in s. 48.685 (2) (am) and (b) 1., (3) (a) and (b), and (5) (a) with respect to those
 8 entities.

NOTE: Inserts correct term. 2009 Wis. Act 76 inserted references to "day care."
 2009 Wis. Act 185 changed "day care" to "child care" throughout the statutes without
 taking account of the treatment by Act 76.

9 **SECTION 4.** 20.437 (2) (jn) of the statutes, as affected by 2009 Wisconsin Acts
 10 76 and 185, is amended to read:

11 20.437 (2) (jn) *Child care licensing and certification activities.* All moneys
 12 received from licensing activities under s. 48.65, from certifying activities under s.
 13 48.651, from fees under ss. 48.65 (3) and 48.651 (2), and from fees under s. 48.685 (8)
 14 charged to ~~day~~ child care centers and ~~day~~ child care providers for the costs of
 15 licensing child care centers under s. 48.65 and of certifying child care providers under
 16 s. 48.651 and for the purposes specified in s. 48.685 (2) (am), (ar), and (b) 1. and 2.,
 17 (3) (am) and (bm), and (5) (a) with respect to ~~day~~ child care centers and ~~day~~ child care
 18 providers.

NOTE: Inserts correct term. 2009 Wis. Act 76 inserted four references to "day care"
 in this provision. 2009 Wis. Act 185 changed two previously existing references from "day
 care" to "child care" and made similar changes throughout the statutes without taking
 the treatment by Act 76 into account.

19 **SECTION 5.** 23.24 (2) (a) 4. of the statutes is amended to read:

20 23.24 (2) (a) 4. Administer and establish by rule procedures and requirements
 21 for the issuing of aquatic ~~plants~~ plant management permits required under sub. (3).

NOTE: Makes terminology consistent with the remainder of ch. 23.

1 **SECTION 6.** 23.33 (5r) (e) of the statutes is amended to read:

2 23.33 (5r) (e) If a private landowner enters into an agreement with a county
3 to allow a public all-terrain vehicle corridor on the landowner's land for a period of
4 at least 5 years, the landowner shall receive a supplemental payment, in addition to
5 the payment as calculated under par. ~~(e)~~ (d), that equals 10 percent of the payment
6 calculated under par. ~~(e)~~ (d) for each full or partial fiscal year that is included in the
7 5-year period.

NOTE: Corrects cross-reference. Section 23.33 (5r) (d) provides the method for calculating incentive payments. Section 23.33 (5r) (c) requires the forester or another employee of each county in which a public all-terrain vehicle corridor is located to measure the length of the corridor for the purpose of calculating the incentive payment.

8 **SECTION 7.** 23.33 (5r) (g) of the statutes is amended to read:

9 23.33 (5r) (g) During fiscal year 2007-08, the department may expend up to
10 \$100,000 from the appropriation under s. 20.370 (5) ~~(eu)~~ (cv) for incentive payments
11 under this program.

NOTE: Corrects cross-reference. Section 20.370 (5) (cv) is the appropriation for incentive payments to landowners for public all-terrain vehicle corridors. Section 20.370 (5) (cu) is the appropriation for payments to governmental units, under a separate program for all-terrain vehicle projects.

12 **SECTION 8.** 26.39 (7) (a) of the statutes, as affected by 2009 Wisconsin Acts 28
13 and 181, is amended to read:

14 26.39 (7) (a) From the appropriation under s. 20.370 (5) (ax), the department
15 shall establish a scholarship grant program to assist individuals who are seeking
16 certification by the Great Lakes Timber Professionals Association as master loggers
17 or who are seeking logger safety training certified by the Wisconsin Professional
18 ~~Loggers~~ Great Lakes Timber Professionals Association. A scholarship grant under
19 the program may not exceed 50 percent of the total cost of receiving the certification

1 or training. The department shall promulgate rules that establish criteria for the
2 program.

NOTE: 2009 Wis. Act 181 changed "Wisconsin Professional Loggers Association" to
"Great Lakes Timber Professionals Association" throughout the statutes but did not take
into account the treatment of s. 26.39 (7) (a) by 2009 Wis. Act 28, which added the
reference stricken above.

3 **SECTION 9.** 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 10.** 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.

8 **SECTION 11.** The treatment of 45.40 (3m) of the statutes by 2009 Wisconsin Act
9 37 is not repealed by 2009 Wisconsin Act 113. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference
bureau, s. 45.40 (3m) reads:

(3m) RULES. The department shall promulgate rules establishing eligibility
criteria and household income limits for payments under subs. (1m), (2), and (2m). The
department may not include in the rules establishing eligibility criteria and household
income limits any consideration of the first \$50,000 of cash surrender value of any life
insurance that is available to the veteran's household.

10 **SECTION 12.** 48.299 (9) of the statutes, as created by 2009 Wisconsin Act 94, is
11 amended to read:

12 48.299 (9) If at any point in the proceeding the court determines or has reason
13 to know that the child is an Indian child, the court shall provide notice of the
14 proceeding to the child's parent, Indian custodian, and tribe in the manner specified
15 in s. 48.028 (4) (a). The next hearing in the proceeding may not be held until at least
16 10 days after receipt of the notice by the parent, Indian custodian, and tribe or, if the

1 identity or location of the parent, Indian custodian, ~~expectant mother~~, or tribe cannot
 2 be determined, until at least 15 days after receipt of the notice by the U.S. secretary
 3 of the interior. On request of the parent, Indian custodian, or tribe, the court shall
 4 grant a continuance of up to 20 additional days to enable the requester to prepare
 5 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.

6 **SECTION 13.** 48.32 (1) (b) 1. c. of the statutes, as affected by 2009 Wisconsin Acts
 7 79 and 185, is amended to read:

8 48.32 (1) (b) 1. c. If a permanency plan has previously been prepared for the
 9 child, a finding as to whether the county department, department, or agency has
 10 made reasonable efforts to achieve the goal of the child's permanency plan, including,
 11 if appropriate, through an out-of-state placement,

NOTE: 2009 Wis. Act 185 deleted a comma where the underscored comma is inserted, but its reinsertion was made necessary by the treatment by 2009 Wis. Act 79. Act 79 inserted the stricken comma, but it was rendered unnecessary by the treatment by Act 185.

12 **SECTION 14.** 48.33 (4) (c) of the statutes, as affected by 2009 Wisconsin Acts 79
 13 and 185, is amended to read:

14 48.33 (4) (c) Specific information showing that continued placement of the child
 15 in his or her home would be contrary to the welfare of the child, specific information
 16 showing that the county department, the department, in a county having a
 17 population of 500,000 or more, or the agency primarily responsible for providing
 18 services to the child has made reasonable efforts to prevent the removal of the child
 19 from the home, while assuring that the child's health and safety are the paramount

1 concerns, unless any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5.
 2 applies, and, if a permanency plan has previously been prepared for the child,
 3 specific information showing that the county department, department, or agency has
 4 made reasonable efforts to achieve the goal of the child's permanency plan, including,
 5 if appropriate, through an out-of-state placement.

NOTE: 2009 Wis. Act 185 deleted a comma where the underscored comma is inserted, but its reinsertion was made necessary by the treatment by 2009 Wis. Act 79. Act 79 inserted the stricken comma, but it was rendered unnecessary by the treatment by Act 185.

6 **SECTION 15.** 48.335 (3g) (c) of the statutes, as affected by 2009 Wisconsin Acts
 7 79 and 185, is amended to read:

8 48.335 (3g) (c) That, if a permanency plan has previously been prepared for the
 9 child, the county department, department, or agency has made reasonable efforts to
 10 achieve the goal of the child's permanency plan, including, if appropriate, through
 11 an out-of-state placement.

NOTE: 2009 Wis. Act 185 deleted a comma where the underscored comma is inserted, but its reinsertion was made necessary by the treatment by 2009 Wis. Act 79. Act 79 inserted the stricken comma, but it was rendered unnecessary by the treatment by Act 185.

12 **SECTION 16.** 48.355 (2) (b) 6. of the statutes, as affected by 2009 Wisconsin Acts
 13 79 and 185, is amended to read:

14 48.355 (2) (b) 6. If the child is placed outside the home, a finding that continued
 15 placement of the child in his or her home would be contrary to the welfare of the child,
 16 a finding as to whether the county department, the department, in a county having
 17 a population of 500,000 or more, or the agency primarily responsible for providing
 18 services under a court order has made reasonable efforts to prevent the removal of
 19 the child from the home, while assuring that the child's health and safety are the
 20 paramount concerns, unless the court finds that any of the circumstances specified

1 in sub. (2d) (b) 1. to 5. applies, and, if a permanency plan has previously been
 2 prepared for the child, a finding as to whether the county department, department,
 3 or agency has made reasonable efforts to achieve the goal of the child's permanency
 4 plan, including, if appropriate, through an out-of-state placement,. The court shall
 5 make the findings specified in this subdivision on a case-by-case basis based on
 6 circumstances specific to the child and shall document or reference the specific
 7 information on which those findings are based in the court order. A court order that
 8 merely references this subdivision without documenting or referencing that specific
 9 information in the court order or an amended court order that retroactively corrects
 10 an earlier court order that does not comply with this subdivision is not sufficient to
 11 comply with this subdivision.

NOTE: 2009 Wis. Act 185 deleted a comma where the underscored comma is inserted, but its reinsertion was made necessary by the treatment by 2009 Wis. Act 79. Act 79 inserted the stricken comma, but it was rendered unnecessary by the treatment by Act 185.

A

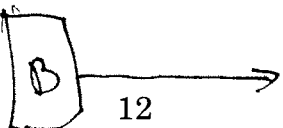
12 **SECTION 17.** 48.365 (2m) (a) 1. and 1m. of the statutes, as affected by 2009
 13 Wisconsin Act 79, section 44, and 2009 Wisconsin Act 94, section 106, and 2009
 14 Wisconsin Act 185, section 17, are amended to read:

15 48.365 (2m) (a) 1. Any party may present evidence relevant to the issue of
 16 extension. If the child is placed outside of his or her home, the person or agency
 17 primarily responsible for providing services to the child shall present as evidence
 18 specific information showing that the person or agency has made reasonable efforts
 19 to achieve the goal of the child's permanency plan, including, if appropriate, through
 20 an out-of-state placement,~~under~~. If an Indian child is placed outside the home of
 21 his or her parent or Indian custodian, the person or agency primarily responsible for
 22 providing services to the Indian child shall also present as evidence specific
 23 information showing that active efforts under s. 48.028 (4) (d) 2. have been made to

1 prevent the breakup of the Indian child's family and that those efforts have proved
2 unsuccessful.

3 1m. The judge shall make findings of fact and conclusions of law based on the
4 evidence. The findings of fact shall include a finding as to whether reasonable efforts
5 were made by the person or agency primarily responsible for providing services to
6 the child to achieve the goal of the child's permanency plan, including, if appropriate,
7 through an out-of-state placement, ~~under~~. If the child is an Indian child who is
8 placed outside the home of his or her parent or Indian custodian, the findings of fact
9 shall also include a finding that active efforts under s. 48.028 (4) (d) 2. were made to
10 prevent the breakup of the Indian child's family and that those efforts have proved
11 unsuccessful. An order shall be issued under s. 48.355.

NOTE: 2009 Wis. Act 185 deleted a comma where each underscored comma is inserted, but the reinsertion of those commas was made necessary by the treatment by 2009 Wis. Act 79. Act 79 inserted the stricken commas, but they were rendered unnecessary by the treatment by Act 185. 2009 Wis. Act 94 inserted the two instances of the word "under" that are stricken here, but they were rendered surplusage by the Act 185 treatment.



12 **SECTION 18.** 48.365 (2m) (ag) of the statutes, as affected by 2009 Wisconsin Act
13 Act 94, section 111, is amended to read:

14 48.365 (2m) (ag) The court shall give a foster parent or other physical custodian
15 described in s. 48.62 (2) who is notified of a hearing under sub. (2) ~~an opportunity a~~
16 right to be heard at the hearing by permitting the foster parent or other physical
17 custodian to make a written or oral statement during the hearing, or to submit a
18 written statement prior to the hearing, relevant to the issue of extension. A foster
19 parent or other physical custodian who receives notice of a hearing under sub. (2) and
20 ~~an opportunity a right~~ to be heard under this paragraph does not become a party to
21 the proceeding on which the hearing is held solely on the basis of receiving that notice
22 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 19.** 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.

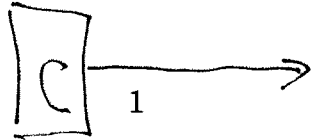
15 (b) At least 10 days before the date of the hearing the court shall notify the child;
16 any parent, guardian, and legal custodian of the child; any foster parent, or other
17 physical custodian described in s. 48.62 (2) of the child, the operator of the facility
18 in which the child is living, or 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.

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

16 (d) The court shall give a foster parent, other physical custodian described in
17 s. 48.62 (2), operator of a facility, or relative who is notified of a hearing under par.
18 (b) a right to be heard at the hearing by permitting the foster parent, other physical
19 custodian, operator, or relative to make a written or oral statement during the
20 hearing, or to submit a written statement prior to the hearing, relevant to the issues
21 to be determined at the hearing. The foster parent, other physical custodian,
22 operator of a facility, or relative does not become a party to the proceeding on which
23 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.



1 **SECTION 20.** 48.38 (5) (b) of the statutes, as affected by 2009 Wisconsin Act 94,

2 section 116, is amended to read:

3 48.38 (5) (b) The court or the agency shall notify the child, ~~if he or she is 12 years~~
 4 ~~of age or older~~; the child's parent, guardian, and legal custodian; the child's foster
 5 parent, the operator of the facility in which the child is living, or the relative with
 6 whom the child is living; and, if the child is an Indian child who is placed outside the
 7 home of his or her parent or Indian custodian, the Indian child's Indian custodian and
 8 tribe of the ~~date, time, and place, and purpose~~ of the review, of the issues to be
 9 determined as part of the review, and of the fact that they ~~may have an opportunity~~
 10 shall have a right to be heard at the review by submitting written comments not less
 11 than 10 working days before the review or by participating at the review as provided
 12 in par. (bm) 1. The court or agency shall notify the person representing the interests
 13 of the public, the child's counsel, the child's guardian ad litem, and the child's
 14 court-appointed special advocate of the ~~date~~ time, place, and purpose of the review,
 15 of the issues to be determined as part of the review, and of the fact that they may
 16 ~~submit written comments not less than 10 working days before the review~~ have an
 17 opportunity to be heard at the review as provided in par. (bm) 1. The notices under
 18 this paragraph shall be provided in writing not less than 30 days before the review
 19 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 21.** 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 22.** 48.38 (5) (c) 7. of the statutes, as affected by 2009 Wisconsin Acts
17 79 and 185, is amended to read:

18 48.38 (5) (c) 7. Whether reasonable efforts were made by the agency to achieve
19 the goal of the permanency plan, including, if appropriate, through an out-of-state
20 placement,

NOTE: 2009 Wis. Act 185 deleted a comma where the underscored comma is inserted, but its reinsertion was made necessary by the treatment by 2009 Wis. Act 79. Act 79 inserted the stricken comma, but it was rendered unnecessary by the treatment by Act 185.

1 **SECTION 23.** 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.

D

3 **SECTION 24.** 48.38 (5) (e) of the statutes, as affected by 2009 Wisconsin Act 94,
4 section 120, is amended to read:

5 48.38 (5) (e) Within 30 days, the agency shall prepare a written summary of
6 the determinations under par. (c) and shall provide a copy to the court that entered
7 the order; the child or the child's counsel or guardian ad litem; the person
8 representing the interests of the public; the child's parent, guardian, or legal
9 custodian; the child's court-appointed special advocate; the child's foster parent or,
10 the operator of the facility where the child is living, or the relative with whom the
11 child is living; and, if the child is an Indian child who is placed outside the home of
12 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.

E

13 **SECTION 25.** 48.38 (5m) (b) of the statutes, as affected by 2009 Wisconsin Act
14 94, section 122, is amended to read:

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

14 **SECTION 26.** The treatment of 48.38 (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. 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

F

under this paragraph may not disclose any information from the records to any other person.

1 SECTION 27. 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.

J

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 28. 48.48 (17) (c) 4. of the statutes, as affected by 2009 Wisconsin Act
10 28, section 985, and 2009 Wisconsin Act 180, is amended to read:

11 48.48 (17) (c) 4. Is living in a foster home, group home, or residential care center
12 for children and youth.

NOTE: 2009 Wis. Act 28, section 985, deleted the scored "or" without showing it as stricken. No change was intended.

13 SECTION 29. The treatment of 48.63 (5) (d) 4. of the statutes by 2009 Wisconsin
14 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.

1 **SECTION 30.** 48.651 (3) of the statutes, as created by 2009 Wisconsin Act 76, is
2 amended to read:

3 48.651 (3) (a) If a ~~day~~ child care provider certified under sub. (1) is convicted
4 of a serious crime, as defined in s. 48.685 (1) (c) 3m., or if a caregiver specified in s.
5 48.685 (1) (ag) 1. a. or a nonclient resident, as defined in s. 48.685 (1) (bm), of the ~~day~~
6 child care provider is convicted or adjudicated delinquent for committing a serious
7 crime on or after his or her 12th birthday, the department in a county having a
8 population of 500,000 or more, a county department, or an agency contracted with
9 under sub. (2) shall revoke the certification of the ~~day~~ child care provider
10 immediately upon providing written notice of revocation and the grounds for
11 revocation and an explanation of the process for appealing the revocation.

12 (b) If a ~~day~~ child care provider certified under sub. (1) is the subject of a pending
13 criminal charge alleging that the person has committed a serious crime, as defined
14 in s. 48.685 (1) (c) 3m., or if a caregiver specified in s. 48.685 (1) (ag) 1. a. or a nonclient
15 resident, as defined in s. 48.685 (1) (bm), of the ~~day~~ child care provider is the subject
16 of a pending criminal charge or delinquency petition alleging that the person has
17 committed a serious crime on or after his or her 12th birthday, the department in a
18 county having a population of 500,000 or more, a county department, or an agency
19 contracted with under sub. (2) shall immediately suspend the certification of the ~~day~~
20 child care provider until the department, county department, or agency obtains
21 information regarding the final disposition of the charge or delinquency petition
22 indicating that the person is not ineligible to be certified under sub. (1).

NOTE: Inserts correct term. 2009 Wis. Act 76 included references to "day care" in
this provision. 2009 Wis. Act 185 changed "day care" to "child care" throughout the
statutes without taking account of the treatment by Act 76.

1 **SECTION 31.** 48.685 (1) (c) 3m. of the statutes, as created by 2009 Wisconsin Act
2 76, is amended to read:

3 48.685 (1) (c) 3m. For purposes of licensing a person to operate a day child care
4 center under s. 48.65, certifying a day child care provider under s. 48.651, or
5 contracting with a person under s. 120.13 (14) to operate a day child care center, or
6 of permitting a person to be a caregiver or nonclient resident of such a day child care
7 center or day child care provider, any violation listed in subds. 1. to 3. or sub. (5) (br)
8 1. to 7.

NOTE: Inserts correct term. 2009 Wis. Act 76 included references to "day care" in
this provision. 2009 Wis. Act 185 changed "day care" to "child care" throughout the
statutes without taking account of the treatment by Act 76.

9 **SECTION 32.** The treatment of 48.685 (2) (am) (intro.) of the statutes by 2009
10 Wisconsin Act 76 is not repealed by 2009 Wisconsin Act 185. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference
bureau s. 48.685 (2) (am) (intro.) reads:

(am) The department, a county department, an agency contracted with under s.
48.651 (2), a child welfare agency, or a school board shall obtain all of the following with
respect to a caregiver specified in sub. (1) (ag) 1. b., a nonclient resident of an entity, and
a person under 18 years of age, but not under 12 years of age, who is a caregiver of a child
care center that is licensed under s. 48.65 or established or contracted for under s. 120.13
(14) or of a child care provider that is certified under s. 48.651:

11 **SECTION 33.** 48.685 (2) (ar) of the statutes, as created by 2009 Wisconsin Act
12 76, is amended to read:

13 48.685 (2) (ar) In addition to obtaining the information specified in par. (am)
14 with respect to a person who has, or is seeking, a license to operate a day child care
15 center under s. 48.65, certification as a day child care provider under s. 48.651, or a
16 contract under s. 120.13 (14) to operate a day child care center, a nonclient resident
17 of such an entity, or a person under 18 years of age, but not under 12 years of age,
18 who is a caregiver of such an entity, the department, a county department, an agency
19 contracted with under s. 48.651 (2), or a school board shall obtain information that

1 is contained in the sex offender registry under s. 301.45 regarding whether the
2 person has committed a sex offense that is a serious crime.

NOTE: Inserts correct term. 2009 Wis. Act 76 included references to "day care" in
this provision. 2009 Wis. Act 185 changed "day care" to "child care" throughout the
statutes without taking account of the treatment by Act 76.

3 **SECTION 34.** 48.685 (2) (b) 2. of the statutes, as created by 2009 Wisconsin Act
4 76, is amended to read:

5 48.685 (2) (b) 2. In addition to obtaining the information specified in subd. 1.
6 with respect to a caregiver specified in sub. (1) (ag) 1. a. of a day child care center that
7 is licensed under s. 48.65 or established or contracted for under s. 120.13 (14) or of
8 a day child care provider that is certified under s. 48.651, the day child care center
9 or day child care provider shall obtain information that is contained in the sex
10 offender registry under s. 301.45 regarding whether the person has committed a sex
11 offense that is a serious crime.

NOTE: Inserts correct term. 2009 Wis. Act 76 included references to "day care" in
this provision. 2009 Wis. Act 185 changed "day care" to "child care" throughout the
statutes without taking account of the treatment by Act 76.

12 **SECTION 35.** The treatment of 48.685 (2) (b) 4. of the statutes by 2009 Wisconsin
13 Act 76 is not repealed by 2009 Wisconsin Act 185. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference
bureau, s. 48.685 (2) (b) 4. reads:

4. Subdivisions 1. and 2. do not apply with respect to a nonclient resident or person
under 18 years of age, but not under 12 years of age, who is a caregiver of a child care
center that is licensed under s. 48.65 or established or contracted for under s. 120.13 (14)
or of a child care provider that is certified under s. 48.651 and with respect to whom the
department, a county department, an agency contracted with under s. 48.651 (2), or a
school board is required under par. (am) (intro.) to obtain the information specified in par.
(am) 1. to 5.

14 **SECTION 36.** 48.685 (3) (am) 1. of the statutes, as created by 2009 Wisconsin Act
15 76, is amended to read:

16 48.685 (3) (am) 1. Every 3 months or at any time within that period that the
17 department, a county department, an agency contracted with under s. 48.651 (2), or

1 a school board considers appropriate, the department, county department,
 2 contracted agency, or school board shall request the information specified in sub. (2)
 3 (am) 1. to 5. and (ar) for all caregivers specified in sub. (1) (ag) 1. b. who are licensed
 4 under s. 48.65 to operate a ~~day~~ child care center, certified as a ~~day~~ child care provider
 5 under s. 48.651, or contracted under s. 120.13 (14) to operate a ~~day~~ child care center.
 6 Beginning on January 1, 2011, and annually after that, the department shall submit
 7 a report to the appropriate standing committees of the legislature under s. 13.172 (3)
 8 describing the information collected under this subdivision, specifically any
 9 information indicating that a caregiver specified in sub. (1) (ag) 1. b. is ineligible
 10 under sub. (4m) (a) to be licensed under s. 48.65 to operate a ~~day~~ child care center,
 11 certified under s. 48.651 as a child care provider, or contracted under s. 120.13 (14)
 12 to operate a ~~day~~ child care center, and describing any action taken in response to the
 13 receipt of information under this subdivision indicating that such a caregiver is so
 14 ineligible.

NOTE: Inserts correct term. 2009 Wis. Act 76 included references to "day care" in this provision. 2009 Wis. Act 185 changed "day care" to "child care" throughout the statutes without taking account of the treatment by Act 76.

15 **SECTION 37.** 48.685 (3) (b) of the statutes, as affected by 2009 Wisconsin Acts
 16 76 and 185, is amended to read:

17 48.685 (3) (b) Subject to par. (bm), every 4 years or at any time within that
 18 period that an entity considers appropriate, the entity shall request the information
 19 specified in sub. (2) (b) 1. a. to e. for all persons who are caregivers specified in sub.
 20 (1) (ag) 1. a. of the entity. ~~child-child~~

NOTE: The stricken language was inserted by 2009 Wis. Act 185, but rendered superfluous by the treatment by 2009 Wis. Act 76.

21 **SECTION 38.** 48.685 (3) (bm) of the statutes, as created by 2009 Wisconsin Act
 22 76, is amended to read:

1 48.685 (3) (bm) Every year or at any time within that period that a day child
 2 care center that is licensed under s. 48.65 or established or contracted for under s.
 3 120.13 (14) or a day child care provider that is certified under s. 48.651 considers
 4 appropriate, the day child care center or day child care provider shall request the
 5 information specified in sub. (2) (b) 1. a. to e. and 2. for all persons who are caregivers
 6 specified in sub. (1) (ag) 1. a. of the day child care center or day child care provider
 7 who are 18 years of age or over.

NOTE: Inserts correct term. 2009 Wis. Act 76 included references to "day care" in this provision. 2009 Wis. Act 185 changed "day care" to "child care" throughout the statutes without taking account of the treatment by Act 76.

8 **SECTION 39.** The treatment of 48.685 (4m) (a) 1. of the statutes by 2009
 9 Wisconsin Act 76 is not repealed by 2009 Wisconsin Act 185. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 48.685 (4m) (a) 1. reads:

1. That the person has been convicted of a serious crime or, if the person is an applicant for issuance or continuation of a license to operate a child care center or for initial certification under s. 48.651 or for renewal of that certification or if the person is proposing to contract with a school board under s. 120.13 (14) or to renew a contract under that subsection, that the person has been convicted of a serious crime or adjudicated delinquent on or after his or her 12th birthday for committing a serious crime or that the person is the subject of a pending criminal charge or delinquency petition alleging that the person has committed a serious crime on or after his or her 12th birthday.



10 **SECTION 40.** The treatment of 48.685 (4m) (b) 1. of the statutes by 2009
 11 Wisconsin Act 76 is not repealed by 2009 Wisconsin Act 185. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 48.685 (4m) (b) 1. reads:

1. That the person has been convicted of a serious crime or, if the person is a caregiver or nonclient resident of a child care center that is licensed under s. 48.65 or established or contracted for under s. 120.13 (14) or of a child care provider that is certified under s. 48.651, that the person has been convicted of a serious crime or adjudicated delinquent on or after his or her 12th birthday for committing a serious crime or that the person is the subject of a pending criminal charge or delinquency petition alleging that the person has committed a serious crime on or after his or her 12th birthday.

12 **SECTION 41.** 48.685 (5) (br) (intro.) and 3m. of the statutes, as created by 2009
 13 Wisconsin Act 76, are amended to read:

1 48.685 (5) (br) (intro.) For purposes of licensing a person to operate a day child
2 care center under s. 48.65, certifying a day child care provider under s. 48.651, or
3 contracting with a person under s. 120.13 (14) to operate a day child care center or
4 of permitting a person to be a nonclient resident or caregiver specified in sub. (1) (ag)
5 1. a. of a day child care center or day child care provider, no person who has been
6 convicted or adjudicated delinquent on or after his or her 12th birthday for
7 committing any of the following offenses or who is the subject of a pending criminal
8 charge or delinquency petition alleging that the person has committed any of the
9 following offenses on or after his or her 12th birthday may be permitted to
10 demonstrate that he or she has been rehabilitated:

11 3m. Except for purposes of permitting a person to be a nonclient resident or
12 caregiver specified in sub. (1) (ag) 1. a. of a day child care center or day child care
13 provider, a violation of s. 943.201, 943.203, 943.32 (2), or 943.38 (1) or (2); a violation
14 of s. 943.34 (1), 943.395 (1), 943.41 (3) (e), (4) (a), (5), (6), or (6m), 943.45 (1), 943.455
15 (2), 943.46 (2), 943.47 (2), 943.50 (1m), or 943.70 (2) (a) or (am) or (3) (a) that is a
16 felony; or an offense under subch. IV of ch. 943 that is a felony.

NOTE: Inserts correct term. 2009 Wis. Act 76 included references to "day care" in these provisions. 2009 Wis. Act 185 changed "day care" to "child care" throughout the statutes without taking account of the treatment by Act 76.

17 **SECTION 42.** 48.685 (6) (am) of the statutes, as affected by 2009 Wisconsin Act
18 76, is amended to read:

19 48.685 (6) (am) Except as provided in this paragraph, every 4 years an entity
20 shall require all of its caregivers and nonclient residents to complete a background
21 information form that is provided to the entity by the department. Every year a day
22 child care center that is licensed under s. 48.65 or established or contracted for under
23 s. 120.13 (14) or a day child care provider that is certified under s. 48.651 shall

1 require all of its caregivers and nonclient residents to complete a background
2 information form that is provided to the day child care center or day child care
3 provider by the department.

NOTE: Inserts correct term. 2009 Wis. Act 76 inserted references to "day care."
2009 Wis. Act 185 changed "day care" to "child care" throughout the statutes without
taking account of the treatment by Act 76.

4 **SECTION 43.** 48.715 (4g) of the statutes, as created by 2009 Wisconsin Act 76,
5 is amended to read:

6 48.715 (4g) (a) If a person who has been issued a license under s. 48.66 (1) (a)
7 or a probationary license under s. 48.69 to operate a day child care center is convicted
8 of a serious crime, as defined in s. 48.685 (1) (c) 3m., or if a caregiver specified in s.
9 48.685 (1) (ag) 1. a. or a nonclient resident, as defined in s. 48.685 (1) (bm), of the day
10 child care center is convicted or adjudicated delinquent for committing a serious
11 crime on or after his or her 12th birthday, the department shall revoke the license
12 of the day child care center immediately upon providing written notice of revocation
13 and the grounds for revocation and an explanation of the process for appealing the
14 revocation.

15 (b) If a person who has been issued a license under s. 48.66 (1) (a) or a
16 probationary license under s. 48.69 to operate a day child care center is the subject
17 of a pending criminal charge alleging that the person has committed a serious crime,
18 as defined in s. 48.685 (1) (c) 3m., or if a caregiver specified in s. 48.685 (1) (ag) 1. a.
19 or a nonclient resident, as defined in s. 48.685 (1) (bm), of the day child care center
20 is the subject of a pending criminal charge or delinquency petition alleging that the
21 person has committed a serious crime on or after his or her 12th birthday, the
22 department shall immediately suspend the license of the day child care center until
23 the department obtains information regarding the final disposition of the charge or

1 delinquency petition indicating that the person is not ineligible to be licensed to
2 operate a day child care center.

NOTE: Inserts correct term. 2009 Wis. Act 76 included references to "day care" in this provision. 2009 Wis. Act 185 changed "day care" to "child care" throughout the statutes without taking account of the treatment by Act 76.

3 **SECTION 44.** 49.45 (5m) (ag) of the statutes is repealed.

NOTE: Section 49.45 (5m) (ag) defines "critical access hospital" for purposes of s. 49.45 (5m). 2009 Wis. Act 2 removed the only references to "critical access hospital" in s. 49.45 (5m), rendering the definition superfluous.

4 **SECTION 45.** The treatment of 50.39 (3) of the statutes by 2009 Wisconsin Act
5 113 is not repealed by 2009 Wisconsin Act 149. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 50.39 (3) reads:

(3) Facilities governed by ss. 45.50, 48.62, 49.70, 49.72, 50.02, 51.09, and 252.10, juvenile correctional facilities as defined in s. 938.02 (10p), correctional institutions governed by the department of corrections under s. 301.02, and the offices and clinics of persons licensed to treat the sick under chs. 446, 447, and 448 are exempt from ss. 50.32 to 50.39. Sections 50.32 to 50.39 do not abridge the rights of the medical examining board, physical therapy examining board, podiatry affiliated credentialing board, dentistry examining board, pharmacy examining board, chiropractic examining board, and board of nursing in carrying out their statutory duties and responsibilities.

6 **SECTION 46.** 66.0602 (3) (e) 8. of the statutes, as created by 2009 Wisconsin Act
7 28, is amended to read:

8 66.0602 (3) (e) 8. The amount that a political subdivision levies in that year to
9 pay the unreimbursed expenses related to an emergency declared under s. ~~166.03 (1)~~
10 ~~(b) 1.~~ 323.10, including any amounts levied in that year to replenish cash reserves
11 that were used to pay any unreimbursed expenses related to that emergency. A levy
12 under this subdivision that relates to a particular emergency initially shall be
13 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.

14 **SECTION 47.** The treatment of 66.1103 (11) (a) of the statutes by 2009 Wisconsin
15 Act 112 is not repealed by 2009 Wisconsin Act 173. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 66.1103 (11) (a) reads:

(a) With respect to the enforcement of any construction lien or other lien under ch. 779 arising out of the construction of projects financed under this section, no deficiency judgment or judgment for costs may be entered against the municipality or county. Projects financed under this section are not public works, public improvements or public construction within the meaning of ss. 59.52 (29), 60.47, 61.54, 62.15, 779.14, 779.15 and 779.155 and contracts for the construction of the projects are not public contracts within the meaning of ss. 59.52 (29) and 66.0901 unless factors including municipal or county control over the costs, construction and operation of the project and the beneficial ownership of the project warrant the conclusion that they are public contracts.

1 **SECTION 48.** 79.05 (2) (c) of the statutes, as affected by 2009 Wisconsin Act 28,
2 is amended to read:

3 79.05 (2) (c) Its municipal budget; exclusive of principal and interest on
4 long-term debt and exclusive of revenue sharing payments under s. 66.0305,
5 recycling fee payments under s. 289.645, unreimbursed expenses related to an
6 emergency declared under s. ~~166.03 (1) (b) 1.~~ 323.10, and expenditures from moneys
7 received pursuant to P.L. 111-5; for the year of the statement under s. 79.015
8 increased over its municipal budget as adjusted under sub. (6); exclusive of principal
9 and interest on long-term debt and exclusive of revenue sharing payments under s.
10 66.0305, recycling fee payments under s. 289.645, unreimbursed expenses related to
11 an emergency declared under s. ~~166.03 (1) (b) 1.~~ 323.10, and expenditures from
12 moneys received pursuant to P.L. 111-5; for the year before that year by less than the
13 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.

14 **SECTION 49.** 91.40 (3) of the statutes, as affected by 2009 Wisconsin Act 28, is
15 amended to read:

16 91.40 (3) A statement, signed by the county planning director or the chief
17 elected official, certifying that the farmland preservation zoning ordinance or
18 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.

1 **SECTION 50.** 100.187 (2) (a) 2. of the statutes, as created by 2009 Wisconsin Act
2 169, is amended to read:

3 100.187 (2) (a) 2. A summary of the results of the testing performed under subd.
4 1. ~~have~~ has been submitted to the department and approved by the department.

NOTE: Corrects grammar.

5 **SECTION 51.** 106.50 (5m) (dm) (intro.) of the statutes, as created by 2009
6 Wisconsin Act 95, is amended to read:

7 106.50 (5m) (dm) (intro.) It is not discrimination based on status as a victim
8 of domestic abuse, sexual ~~abuse~~ assault, or stalking for a landlord to bring an action
9 for eviction of a tenant based on a violation of the rental agreement or of a statute
10 that entitles the landlord to possession of the premises, unless subd. 1. or 2. applies.
11 A tenant has a defense to an action for eviction brought by a landlord if the tenant
12 proves by a preponderance of the evidence that the landlord knew or should have
13 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."

14 **SECTION 52.** 106.50 (5m) (dm) 1. of the statutes, as created by 2009 Wisconsin
15 Act 95, is amended to read:

16 106.50 (5m) (dm) 1. That the tenant is a victim of domestic abuse, sexual ~~abuse~~
17 assault, or stalking and that the basis for the action for eviction is conduct that
18 related to the commission of domestic abuse, sexual ~~abuse~~ assault, or stalking by a
19 person who was not the invited guest of the tenant.

NOTE: See the previous section of this bill.

1 **SECTION 53.** 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 54.** The treatment of 115.395 (2) of the statutes by 2009 Wisconsin Act
9 58 is not repealed by 2009 Wisconsin Act 180. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 119.245 (2), as renumbered from s. 115.395 (2) by 2009 Wis. Act 58, reads:

(2) Beginning in the 2008-09 school year, the board may apply to the department for an annual grant of up to \$10,000,000 to implement initiatives to improve pupil academic achievement in all grades, such as employing licensed teachers to tutor pupils who are struggling academically, or employing persons to coordinate the district's instructional programs and provide ongoing professional development for teachers. The board shall submit with its application a plan for the department's approval describing the initiatives for which the grant will be used, describing the research showing that the initiatives have a positive effect on pupil academic achievement, and including criteria for evaluating the effectiveness of the initiatives, such as high school graduation rates or the results of the statewide pupil assessments under s. 118.30.

10 **SECTION 55.** 118.51 (2) of the statutes, as affected by 2009 Wisconsin Act 185,
11 is amended to read:

12 118.51 **(2)** APPLICABILITY. A pupil may attend a public school, including a
13 charter school, prekindergarten, ~~or~~ 4-year-old kindergarten, or early childhood or
14 school-operated child care program, in a nonresident school district under this
15 section, except that a pupil may attend a prekindergarten, 4-year-old kindergarten,
16 or early childhood or school-operated child care program in a nonresident school
17 district only if the pupil's resident school district offers the same type of program that

1 the pupil wishes to attend and the pupil is eligible to attend that program in his or
2 her resident school district.

NOTE: 2009 Wis. Act 185 inserted "or" without showing it as underscored. No change was intended.

3 **SECTION 56.** 120.13 (14) (b) of the statutes, as created by 2009 Wisconsin Act
4 76, is amended to read:

5 120.13 (14) (b) 1. If a person who has contracted under par. (a) to provide a ~~day~~
6 child care program is convicted of a serious crime, as defined in s. 48.685 (1) (c) 3m.,
7 or if a caregiver specified in s. 48.685 (1) (ag) 1. a. or a nonclient resident, as defined
8 in s. 48.685 (1) (bm), of the ~~day~~ child care program is convicted or adjudicated
9 delinquent for committing a serious crime on or after his or her 12th birthday, the
10 school board shall rescind the contract of the contractor immediately upon providing
11 written notice of the rescission and the grounds for the rescission and an explanation
12 of the process for appealing the rescission.

13 2. If a person who has contracted under par. (a) to provide a ~~day~~ child care
14 program is the subject of a pending criminal charge alleging that the person has
15 committed a serious crime, as defined in s. 48.685 (1) (c) 3m., or if a caregiver
16 specified in s. 48.685 (1) (ag) 1. a. or a nonclient resident, as defined in s. 48.685 (1)
17 (bm), of the ~~day~~ child care program is the subject of a pending criminal charge or
18 delinquency petition alleging that the person has committed a serious crime on or
19 after his or her 12th birthday, the school board shall immediately suspend the
20 contract of the contractor until the school board obtains information regarding the
21 final disposition of the charge or delinquency petition indicating that the person is
22 not ineligible to provide a ~~day~~ child care program under this subsection.

NOTE: Inserts correct term. 2009 Wis. Act 76 included references to "day care" in this provision. 2009 Wis. Act 185 changed "day care" to "child care" throughout the statutes without taking account of the treatment by Act 76.

1 **SECTION 57.** 146.62 (1) (b) of the statutes is amended to read:

2 146.62 (1) (b) "Rural" means outside a metropolitan statistical area, as
3 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".

4 **SECTION 58.** 157.06 (14m) (e) of the statutes is amended to read:

5 157.06 (**14m**) (e) Ensure that the hospital works cooperatively with the
6 procurement organizations with which it has agreements ~~with~~ under par. (a) in
7 educating staff on donation issues, reviewing death records to improve identification
8 of potential donors, and maintaining potential donors while necessary testing and
9 placement of potential donated organs, tissues, and eyes takes place.

NOTE: Strikes unnecessary word.

10 **SECTION 59.** 166.218 of the statutes, as created by 2009 Wisconsin Act 43, is
11 renumbered 323.72, and 323.72 (1), as renumbered, is amended to read:

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

1 collapse team under the National Fire Protection Association standards NFPA 1006
2 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.

3 **SECTION 60.** 169.01 (12m) of the statutes is amended to read:

4 169.01 (12m) "Farm-raised game bird" means a bird of a wild nature that is
5 not native and that is held captive, but that is not possessed under the authority of
6 a license issued under s. 169.15, 169.19, 169.20, or 169.21.

NOTE: Inserts "and" to correct grammar.

7 **SECTION 61.** The treatment of 185.09 of the statutes by 2009 Wisconsin Act 165
8 is not repealed by 2009 Wisconsin Act 177. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference
bureau s. 185.09 reads:

185.09 Promotion expense; limitation. No cooperative funds may be used, nor
any stock issued, in payment of any promotion expenses in excess of 5 percent of the
paid-up capital stock or membership fees. This section does not apply to a cooperative
association organized under s. 185.981.

9 **SECTION 62.** 224.77 (1) (o) of the statutes, as affected by 2009 Wisconsin Act 95,
10 section 19, is amended to read:

11 224.77 (1) (o) In the course of practice as a mortgage banker, mortgage loan
12 originator, or mortgage broker, except in relation to housing designed to meet the
13 needs of elderly individuals, treat a person unequally solely because of sex, race,
14 color, handicap, sexual orientation, as defined in s. 111.32 (13m), religion, national
15 origin, age, or ancestry, the person's lawful source of income, or the sex, marital
16 status, or status as a victim of domestic abuse, sexual assault, or stalking, as defined
17 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).

18 **SECTION 63.** 231.35 (1) (d) of the statutes is amended to read:

1 231.35 (1) (d) "Rural" means outside a metropolitan statistical area specified
2 under 42 CFR 412.62 (f) (ii) (A) or in a city, village, or town with a population of not
3 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".

4 **SECTION 64.** 287.17 (10) (j) of the statutes, as created by 2009 Wisconsin Act
5 50, is amended to read:

6 287.17 (10) (j) *Audits.* The department may perform or contract for the
7 performance of an audit of the activities of a registered collector or registered
8 recycler. If the department performs or contracts for the performance of an audit of
9 a collector or recycler during the first 3 years in which the collector or recycler is
10 registered under sub. (7) or (8) (a), the collector or recycler shall pay 25 percent of the
11 cost of the audit. If the department performs or contracts for the performance of an
12 audit of a collector or recycler after the first 3 years in which the collector or recycler
13 is registered, the collector or recycler shall pay 50 percent of the cost of the audit.

NOTE: Inserts missing word.

14 **SECTION 65.** 287.95 (1) of the statutes, as affected by 2009 Wisconsin Acts 50
15 and 86, is amended to read:

16 287.95 (1) Any person who violates s. 287.07 (1m) or (4m), or (5) may be
17 required to forfeit \$50 for a first violation, may be required to forfeit \$200 for a 2nd
18 violation and may be required to forfeit not more than \$2,000 for a 3rd or subsequent
19 violation.

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

20 **SECTION 66.** 321.66 (1) (a) 2. of the statutes, as created by 2009 Wisconsin Act
21 56, is amended to read:

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

10 **SECTION 67.** 343.23 (2) (b) of the statutes, as affected by 2009 Wisconsin Act
 11 100, section 15, is amended to read:

12 343.23 (2) (b) The information specified in pars. (a) and (am) must be filed by
 13 the department so that the complete operator's record is available for the use of the
 14 secretary in determining whether operating privileges of such person shall be
 15 suspended, revoked, canceled, or withheld, or the person disqualified, in the interest
 16 of public safety. The record of suspensions, revocations, and convictions that would
 17 be counted under s. 343.307 (2) shall be maintained permanently. The record of
 18 convictions for disqualifying offenses under s. 343.315 (2) (h) shall be maintained for
 19 at least 10 years. The record of convictions for disqualifying offenses under s.
 20 343.315 (2) (f), (j), and (L), and all records specified in par. (am), shall be maintained
 21 for at least 3 years. The record of convictions for disqualifying offenses under s.
 22 343.315 (2) (a) to (e) shall be maintained permanently, except that 5 years after a
 23 licensee transfers residency to another state such record may be transferred to

1 another state of licensure of the licensee if that state accepts responsibility for
 2 maintaining a permanent record of convictions for disqualifying offenses. Such
 3 reports and records may be cumulative beyond the period for which a license is
 4 granted, but the secretary, in exercising the power of suspension granted under s.
 5 343.32 (2) may consider only those reports and records entered during the 4-year
 6 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.

7 **SECTION 68.** The treatment of 343.315 (3) (b) of the statutes by 2009 Wisconsin
 8 Act 28 is not repealed by 2009 Wisconsin Act 103. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 343.315 (3) (b) reads:

(b) If a person's license or operating privilege is not otherwise revoked or suspended as the result of an offense committed after March 31, 1992, which results in disqualification under sub. (2) (a) to (f), (h) to (j), or (L), the department shall immediately disqualify the person from operating a commercial motor vehicle for the period required under sub. (2) (a) to (f), (h) to (j), or (L). Upon proper application by the person and payment of the fees specified in s. 343.21 (1) (L) and (n), the department may issue a separate license authorizing only the operation of vehicles other than commercial motor vehicles.

9 **SECTION 69.** The treatment of 343.38 (2) of the statutes by 2009 Wisconsin Act
 10 100 is not repealed by 2009 Wisconsin Act 103. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 343.38 (2) reads:

(2) REINSTATEMENT OF NONRESIDENT'S OPERATING PRIVILEGE. A nonresident's operating privilege revoked or suspended under the laws of this state is reinstated as a matter of law when the period of revocation or suspension has expired and the nonresident pays the fees specified in s. 343.21 (1) (j), (jr), if applicable, and (n).

11 **SECTION 70.** 343.44 (2) (am) of the statutes is repealed.

NOTE: Repeals obsolete provision. This provision provides a penalty for violations of s. 343.44 (1) (b) that occurred before May 1, 2002. The criminal statute of limitations has now run on any violation committed prior to May 1, 2002.

12 **SECTION 71.** 343.44 (2) (b) (intro.) of the statutes is amended to read:

13 343.44 (2) (b) (intro.) Except as provided in ~~pars. (am) and par.~~ (as), any person
 14 who violates sub. (1) (b) or (d) shall be fined not more than \$2,500 or imprisoned for

1 not more than one year in the county jail or both. In imposing a sentence under this
2 paragraph, or a local ordinance in conformity with this paragraph, the court shall
3 review the record and consider the following:

NOTE: Section 343.44 (2) (am) is repealed by the previous section of this bill.

4 SECTION 72. 345.47 (1) (c) of the statutes, as affected by 2009 Wisconsin Acts
5 100 and 103, is amended to read:

6 345.47 (1) (c) If a court suspends an operating privilege under this section, the
7 court may take possession of the suspended license. If the court takes possession of
8 a license, it shall destroy the license. The court shall forward to the department the
9 notice of suspension, which shall clearly state that the suspension was for failure to
10 pay a forfeiture, plus costs, fees, and surcharges imposed under ch. 814 or for failure
11 to comply with an installment payment plan ordered by the court. The notice of
12 suspension shall be forwarded to the department within 48 hours after the order of
13 suspension. If the forfeiture, plus costs, fees, and surcharges imposed under ch. 814,
14 are paid during a period of suspension, or if the court orders an installment payment
15 plan under sub. (4), the court shall immediately notify the department, ~~(jr), if~~
16 applicable,

NOTE: The stricken language was inserted by 2009 Wis. Act 100 but rendered
superfluous by 2009 Wis. Act 103.

17 SECTION 73. The treatment of 346.65 (2c) of the statutes by 2009 Wisconsin Act
18 100 is not repealed by 2009 Wisconsin Act 180. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference
bureau, s. 346.65 (2c) reads:

(2c) In sub. (2) (am) 2., 3., 4., 4m., 5., 6., and 7., the time period shall be measured
from the dates of the refusals or violations that resulted in the revocation or convictions.
If a person has a suspension, revocation, or conviction for any offense under a local
ordinance or a state statute of another state that would be counted under s. 343.307 (1),
that suspension, revocation, or conviction shall count as a prior suspension, revocation,
or conviction under sub. (2) (am) 2., 3., 4., 4m., 5., 6., and 7.

1 **SECTION 74.** The treatment of 440.08 (2) (a) (intro.) of the statutes by 2009
2 Wisconsin Act 130 is not repealed by 2009 Wisconsin Act 174. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 440.08 (2) (a) (intro.) reads:

(a) Except as provided in par. (b) and in ss. 440.51, 442.04, 444.03, 444.11, 447.04 (2) (c) 2., 448.065, 449.17 (1m) (d), and 449.18 (2) (d), the renewal dates for credentials are as follows:

3 **SECTION 75.** 444.11 of the statutes, as affected by 2009 Wisconsin Act 111, is
4 amended to read:

5 **444.11 Licenses to matchmakers, referees, contestants, etc.** The
6 department may grant licenses upon application and the payment of the prescribed
7 fees to matchmakers, managers, referees, boxers, mixed martial arts fighters,
8 seconds, and trainers in professional contests and amateur mixed martial arts
9 fighting contests. The fees to be paid per year shall be: Matchmakers and managers,
10 \$10; referees and judges, \$15; examining physicians, \$10; boxers, \$40 and mixed
11 martial arts fighters, \$40; seconds, \$40; and timekeepers, \$10. The department may
12 limit, suspend, or revoke any license granted under this section or reprimand the
13 licensee upon such cause as it deems sufficient.

NOTE: Places dollar figure in correct location.

14 **SECTION 76.** The treatment of 447.03 (1) (intro.) of the statutes by 2009
15 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:

16 **SECTION 77.** The treatment of 655.45 (1) of the statutes by 2009 Wisconsin Act
17 113 is not repealed by 2009 Wisconsin Act 149. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 655.45 (1) reads:

(1) For the quarter beginning on July 1, 1986, and for each quarter thereafter, the director of state courts shall file reports complying with sub. (2) with the medical examining board, the physical therapy examining board, the podiatry affiliated credentialing board, the board of nursing and the department, respectively, regarding health care providers licensed by the respective bodies.

1 **SECTION 78.** The treatment of 757.05 (1) (a) of the statutes by 2009 Wisconsin
2 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.

3 **SECTION 79.** 767.127 (1) of the statutes is amended to read:

4 **767.127 (1) REQUIRED DISCLOSURE.** In an action affecting the family, except an
5 action to affirm marriage under s. 767.001 (1) (a), the court shall require each party
6 to furnish, on standard forms required by the court, full disclosure of all assets owned
7 in full or in part by either party separately or by the parties jointly. Disclosure may
8 be made by each party individually or by the parties jointly. Assets required to be
9 disclosed include, but are not be limited to, real estate, savings accounts, stocks and
10 bonds, mortgages and notes, life insurance, retirement interests, interest in a
11 partnership, limited liability company, or corporation, tangible personal property,
12 future interests whether vested or nonvested, and any other financial interest or
13 source. The court shall also require each party to furnish, on the same standard form,
14 information pertaining to all debts and liabilities of the parties. The form used shall
15 contain a statement in conspicuous print that complete disclosure of assets and debts
16 is required by law and deliberate failure to provide complete disclosure constitutes

1 perjury. The court shall require each party to attach to the disclosure form a
 2 statement reflecting income earned to date for the current year and the most recent
 3 statement under s. 71.65 (1) (a) that the party has received. The court may on its own
 4 initiative and shall at the request of either party require the parties to furnish copies
 5 of all state and federal income tax returns filed by them for the past 2 years, and may
 6 require copies of those returns for prior years.

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

7 **SECTION 80.** 814.63 (2) of the statutes, as affected by 2009 Wisconsin Acts 28
 8 and 100, is amended to read:

9 814.63 (2) Upon the disposition of a forfeiture action in circuit court for
 10 violation of a county, town, city, village, town sanitary district, or public inland lake
 11 protection and rehabilitation district ordinance, except for an action for a financial
 12 responsibility violation under s. 344.62 (2), or for a violation under s. 343.51 (1m) (b)
 13 or a safety belt use violation under s. 347.48 (2m), the county, town, city, village, town
 14 sanitary district, or public inland lake protection and rehabilitation district shall pay
 15 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.

16 **SECTION 81.** 815.18 (2) (i) of the statutes is amended to read:

17 815.18 (2) (i) "Farm products" has the meaning given under s. 409.102 (1) (~~im~~)
 18 (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).

19 **SECTION 82.** 895.483 (4) of the statutes, as created by 2009 Wisconsin Act 43,
 20 is amended to read:

1 895.483 (4) A regional structural collapse team, a member of such a team, and
 2 a local agency, as defined in s. ~~166.22~~ 323.70 (1) ~~(e)~~ (b), that contracts with the division
 3 of emergency management in the department of military affairs for the provision of
 4 a regional structural collapse team, are immune from civil liability for acts or
 5 omissions related to carrying out responsibilities under a contract under s. ~~166.218~~
 6 323.72 (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.

7 **SECTION 83.** 938.02 (8p) of the statutes, as created by 2009 Wisconsin Act 94,
 8 is renumbered 938.02 (8e) and amended to read:

9 938.02 (8e) "Indian custodian" means an Indian person who has legal custody
 10 under tribal law or custom or under state law of an Indian juvenile who is the subject
 11 of an Indian juvenile custody proceeding, as defined in s. 938.028 (2) (b), or of an
 12 Indian juvenile in need of protection or services under s. 938.13 (4), (6), (6m), or (7)
 13 who is the subject of a temporary physical custody proceeding under ss. ~~939.19~~
 14 938.19 to 938.21 or to whom temporary physical care, custody, and control has been
 15 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.

16 **SECTION 84.** The treatment of 938.32 (1) (c) 1. c. of the statutes by 2009
 17 Wisconsin Act 79 is not repealed by 2009 Wisconsin Act 185. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference
 bureau, s. 938.32 (1) (c) 1. c. reads:

c. If a permanency plan has previously been prepared for the juvenile, a finding
 as to whether the county department or agency has made reasonable efforts to achieve
 the goal of the juvenile's permanency plan, including, if appropriate, through an
 out-of-state placement.

18 **SECTION 85.** 938.32 (1) (c) 1m. of the statutes, as created by 2009 Wisconsin Act
 19 79, is amended to read:

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

12 **SECTION 86.** 938.33 (4) (c) of the statutes, as affected by 2009 Wisconsin Acts
13 79 and 185, is amended to read:

14 938.33 (4) (c) Specific information showing that continued placement of the
15 juvenile in his or her home would be contrary to the welfare of the juvenile, specific
16 information showing that the county department or the agency primarily
17 responsible for providing services to the juvenile has made reasonable efforts to
18 prevent the removal of the juvenile from the home, while assuring that the juvenile's
19 health and safety are the paramount concerns, unless any of the circumstances
20 specified in s. 938.355 (2d) (b) 1. to 4. applies, and, if a permanency plan has
21 previously been prepared for the juvenile, specific information showing that the
22 county department or agency has made reasonable efforts to achieve the goal of the

1 juvenile's permanency plan, including, if appropriate, through an out-of-state
2 placement,

NOTE: 2009 Wis. Act 185 deleted a comma where the underscored comma is inserted, but its reinsertion was made necessary by the treatment by 2009 Wis. Act 79. Act 79 inserted the stricken comma, but it was rendered unnecessary by the treatment by Act 185.

3 **SECTION 87.** 938.335 (3g) (c) of the statutes, as affected by 2009 Wisconsin Acts
4 79 and 185, is amended to read:

5 938.335 (3g) (c) That, if a permanency plan has previously been prepared for
6 the juvenile, the county department or agency has made reasonable efforts to achieve
7 the goal of the juvenile's permanency plan, including, if appropriate, through an
8 out-of-state placement,

NOTE: 2009 Wis. Act 185 deleted a comma where the underscored comma is inserted, but its reinsertion was made necessary by the treatment by 2009 Wis. Act 79. Act 79 inserted the stricken comma, but it was rendered unnecessary by the treatment by Act 185.

9 **SECTION 88.** The treatment of 938.34 (14r) (a) of the statutes by 2009 Wisconsin
10 Act 8 is not repealed by 2009 Wisconsin Act 103. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 938.34 (14r) (a) reads:

(a) In addition to any other dispositions imposed under this section, if the juvenile is found to have violated ch. 961, the court may suspend the juvenile's operating privilege, as defined in s. 340.01 (40), for not less than 6 months nor more than 5 years. If a court suspends a person's operating privilege under this paragraph, the court may take possession of any suspended license. If the court takes possession of a license, it shall destroy the license. The court shall forward to the department of transportation the notice of suspension stating that the suspension or revocation is for a violation of ch. 961.

11 **SECTION 89.** 938.355 (2) (b) 6. of the statutes, as affected by 2009 Wisconsin Acts
12 79 and 185, is amended to read:

13 938.355 (2) (b) 6. If the juvenile is placed outside the home, a finding that
14 continued placement of the juvenile in his or her home would be contrary to the
15 welfare of the juvenile or, if the juvenile has been adjudicated delinquent and is
16 placed outside the home under s. 938.34 (3) (a), (c), (cm), or (d) or (4d), a finding that

1 the juvenile's current residence will not safeguard the welfare of the juvenile or the
2 community due to the serious nature of the act for which the juvenile was adjudicated
3 delinquent. The court order shall also contain a finding as to whether the county
4 department or the agency primarily responsible for providing services under a court
5 order has made reasonable efforts to prevent the removal of the juvenile from the
6 home, while assuring that the juvenile's health and safety are the paramount
7 concerns, unless the court finds that any of the circumstances under sub. (2d) (b) 1.
8 to 4. applies, and, if a permanency plan has previously been prepared for the juvenile,
9 a finding as to whether the county department or agency has made reasonable efforts
10 to achieve the goal of the juvenile's permanency plan, including, if appropriate,
11 through an out-of-state placement,. The court shall make the findings specified in
12 this subdivision on a case-by-case basis based on circumstances specific to the
13 juvenile and shall document or reference the specific information on which those
14 findings are based in the court order. A court order that merely references this
15 subdivision without documenting or referencing that specific information in the
16 court order or an amended court order that retroactively corrects an earlier court
17 order that does not comply with this subdivision is not sufficient to comply with this
18 subdivision.

NOTE: 2009 Wis. Act 185 deleted a comma where the underscored comma is
inserted, but its reinsertion was made necessary by the treatment by 2009 Wis. Act 79.
Act 79 inserted the stricken comma, but it was rendered unnecessary by the treatment
by Act 185.

19 **SECTION 90.** 938.357 (2m) (am) 1. of the statutes, as created by 2009 Wisconsin
20 Act 94, is amended to read:

21 938.357 (2m) (am) 1. If the proposed change of placement would change the
22 placement of an Indian juvenile placed in the home of his or her parent or Indian
23 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.

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 91.** 938.365 (2) of the statutes, as affected by 2009 Wisconsin Act 94,
 12 section 371, is amended to read:

13 938.365 (2) NOTICE. No order may be extended without a hearing. The court
 14 shall provide notice of the time and place of the hearing to the juvenile ~~or the~~
 15 ~~juvenile's guardian ad litem or counsel~~, the juvenile's parent, guardian, and legal
 16 custodian, all of the parties present at the original hearing, the juvenile's foster
 17 parent or other physical custodian described in s. 48.62 (2), and the district attorney
 18 or corporation counsel in the county in which the dispositional order was entered.
 19 If the juvenile is an Indian juvenile who is in need of protection or services under s.
 20 938.13 (4), (6), (6m), or (7), the court shall also notify the Indian juvenile's Indian
 21 custodian and, if that juvenile is placed outside the home of his or her parent or
 22 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 92.** 938.365 (2m) (a) 1. and 1m. of the statutes, as affected by 2009
2 Wisconsin Act 79, section 146, 2009 Wisconsin Act 94, section 373, and 2009
3 Wisconsin Act 185, section 179, are amended to read:

4 938.365 (2m) (a) 1. Any party may present evidence relevant to the issue of
5 extension. If the juvenile is placed outside of his or her home, the person or agency
6 primarily responsible for providing services to the juvenile shall present as evidence
7 specific information showing that the person or agency has made reasonable efforts
8 to achieve the goal of the juvenile's permanency plan, including, if appropriate,
9 through an out-of-state placement. If an Indian juvenile is placed outside the home
10 of his or her parent or Indian custodian under s. 938.13 (4), (6), (6m), or (7), the person
11 or agency primarily responsible for providing services to the Indian juvenile shall
12 also present as evidence specific information showing that active efforts under s.
13 938.028 (4) (d) 2. have been made to prevent the breakup of the Indian juvenile's
14 family and that those efforts have proved unsuccessful.

15 1m. The court shall make findings of fact and conclusions of law based on the
16 evidence. The findings of fact shall include a finding as to whether reasonable efforts
17 were made by the person or agency primarily responsible for providing services to
18 the juvenile to achieve the goal of the juvenile's permanency plan, including, if
19 appropriate, through an out-of-state placement. If the juvenile is an Indian
20 juvenile who is placed outside the home of his or her parent or Indian custodian
21 under s. 938.13 (4), (6), (6m), or (7), the findings of fact shall also include a finding
22 that active efforts under s. 938.028 (4) (d) 2. were made to prevent the breakup of the

1 Indian juvenile’s family and that those efforts have proved unsuccessful. An order
2 shall be issued under s. 938.355.

NOTE: 2009 Wis. Act 185 deleted a comma where each underscored comma is inserted, but the reinsertion of those commas was made necessary by the treatment by 2009 Wis. Act 79. Act 79 inserted the stricken commas, but they were rendered unnecessary by the treatment by Act 185.

3 **SECTION 93.** 938.365 (2m) (ag) of the statutes, as affected by 2009 Wisconsin
4 Act 94, section 378, is amended to read:

5 938.365 (2m) (ag) The court shall give a foster parent or other physical
6 custodian described in s. 48.62 (2) who is notified of a hearing under sub. (2) ~~an~~
7 ~~opportunity~~ a right to be heard at the hearing by permitting the foster parent or other
8 physical custodian to make a written or oral statement during the hearing, or to
9 submit a written statement prior to the hearing, relevant to the issue of extension.
10 A foster parent or other physical custodian who receives notice of a hearing under
11 sub. (2) and ~~an opportunity~~ a right to be heard under this paragraph does not become
12 a party to the proceeding on which the hearing is held solely on the basis of receiving
13 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.

14 **SECTION 94.** The treatment of 938.38 (3) (intro.) of the statutes by 2009
15 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 95.** 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
22 determined at the hearing, and of the fact that they shall have a right to be heard
23 at the hearing.

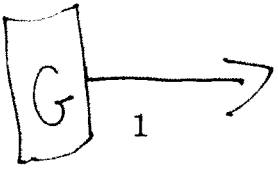
24 (c) If the juvenile's permanency plan includes a statement under sub. (4) (i)
25 indicating that the juvenile's age and developmental level are sufficient for the court

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

14 (d) The court shall give a foster parent, other physical custodian described in
15 s. 48.62 (2), operator of a facility, or relative who is notified of a hearing under par.
16 (b) a right to be heard at the hearing by permitting the foster parent, other physical
17 custodian, operator, or relative to make a written or oral statement during the
18 hearing, or to submit a written statement prior to the hearing, relevant to the issues
19 to be determined at the hearing. The foster parent, other physical custodian,
20 operator of a facility, or relative does not become a party to the proceeding on which
21 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.



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SECTION 96. 938.38 (5) (b) of the statutes, as affected by 2009 Wisconsin Act 94, section 384, is amended to read:

938.38 (5) (b) The court or the agency shall notify the juvenile, ~~if he or she is 10 years of age or older;~~ the juvenile's parent, guardian, and legal custodian; the juvenile's 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 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 juvenile's counsel, and the juvenile's guardian ad litem 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 juvenile's case 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.

1 **SECTION 97.** 938.38 (5) (bm) 1. of the statutes, as affected by 2009 Wisconsin
2 Act 79, section 163, is amended to read:

3 938.38 (5) (bm) 1. A juvenile, 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, or guardian ad litem who is provided notice of the
9 review under par. (b) may have an opportunity to be heard at the review by
10 submitting written comments relevant to the determinations specified in par. (c) not
11 less than 10 working days before the date of the review. A foster parent, operator of
12 a facility, or relative who receives notice of a hearing review under par. (b) and a right
13 to be heard under this subdivision does not become a party to the proceeding on which
14 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.

15 **SECTION 98.** 938.38 (5) (c) 7. of the statutes, as affected by 2009 Wisconsin Acts
16 79 and 185, is amended to read:

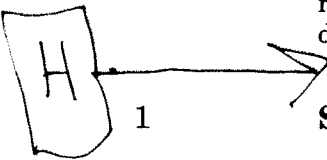
17 938.38 (5) (c) 7. Whether reasonable efforts were made by the agency to achieve
18 the goal of the permanency plan, including, if appropriate, through an out-of-state
19 placement.

NOTE: 2009 Wis. Act 185 deleted a comma where the underscored comma is
inserted, but its reinsertion was made necessary by the treatment by 2009 Wis. Act 79.
Act 79 inserted the stricken comma, but it was rendered unnecessary by the treatment
by Act 185.

20 **SECTION 99.** The treatment of 938.38 (5) (d) of the statutes by 2009 Wisconsin
21 Act 79 is not repealed by 2009 Wisconsin Act 94. Both treatments stand.

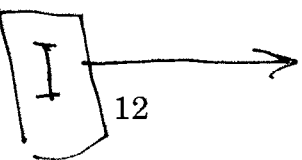
NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 938.38 (5) (d) reads:

(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.



1 **SECTION 100.** 938.38 (5) (e) of the statutes, as affected by 2009 Wisconsin Act
2 94, section 388, is amended to read:
3 938.38 (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 juvenile or the juvenile's counsel or guardian ad litem; the person
6 representing the interests of the public; the juvenile's parent, guardian, or legal
7 custodian; the juvenile's foster parent or, the operator of the facility where the
8 juvenile is living, or the relative with whom the juvenile is living; and, if the juvenile
9 is an Indian juvenile who is placed outside the home of his or her parent or Indian
10 custodian under s. 938.13 (4), (6), (6m), or (7), the Indian juvenile's Indian custodian
11 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.



12 **SECTION 101.** 938.38 (5m) (b) of the statutes, as affected by 2009 Wisconsin Act
13 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 102.** The treatment of 938.38 (5m) (d) of the statutes by 2009
 15 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 (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 103.** 938.48 (8p) of the statutes, as affected by 2009 Wisconsin Act 233,
2 is amended to read:

3 938.48 (8p) INDIAN JUVENILE PLACEMENTS. Reimburse Indian tribes and county
4 departments, from the appropriation under s. 20.410 (1) (3) (kp), for unexpected or
5 unusually high-cost out-of-home care placements of Indian juveniles who have
6 been adjudicated delinquent by tribal courts. In this subsection, “unusually
7 high-cost out-of-home care placements” means the amount by which the cost to an
8 Indian tribe or to a county department of out-of-home care placements of Indian
9 juveniles who have been adjudicated delinquent by tribal courts exceeds \$50,000 in
10 a fiscal year.

NOTE: Corrects cross-reference. Sections 20.410 (3) (kp) and 938.48 (8p) relate to Indian juvenile placements. Section 20.410 (1) (kp) relates to correctional officer training under s. 301.28.

11 **SECTION 104.** 941.29 (1) (f) of the statutes is amended to read:

12 941.29 (1) (f) Enjoined under an injunction issued under s. 813.12 or 813.122
13 or under a tribal injunction, as defined in s. 813.12 (1) (e), issued by a court
14 established by any federally recognized Wisconsin Indian tribe or band, except the
15 Menominee Indian tribe of Wisconsin, that includes notice to the respondent that he
16 or she is subject to the requirements and penalties under s. ~~941.29~~ this section and
17 that has been filed under s. 806.247 (3).

NOTE: Corrects citation form.

18 **SECTION 105.** The treatment of 961.50 (1) (intro.) of the statutes by 2009
19 Wisconsin Act 8 is not repealed by 2009 Wisconsin Act 103. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 961.50 (1) (intro.) reads:

(1) If a person is convicted of any violation of this chapter, the court may, in addition to any other penalties that may apply to the crime, suspend the person’s

operating privilege, as defined in s. 340.01 (40), for not less than 6 months nor more than 5 years. If a court suspends a person's operating privilege under this subsection, the court may take possession of any suspended license. If the court takes possession of a license, it shall destroy the license. The court shall forward to the department of transportation the record of conviction and notice of the suspension. The person is eligible for an occupational license under s. 343.10 as follows:

1 **SECTION 106.** 971.17 (1g) (title) of the statutes is created to read:

2 971.17 (**1g**) (title) NOTICE OF RESTRICTION ON FIREARM POSSESSION.

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

3 **SECTION 107.** 973.195 (1r) (e) of the statutes is amended to read:

4 973.195 (**1r**) (e) Notwithstanding the confidentiality of victim address
5 information obtained under s. ~~302.113 (9g) (g) 3.~~ 302.1135 (7) (c), a district attorney
6 who is required to send notice to a victim under par. (d) may obtain from the clerk
7 of the circuit court victim address information that the victim provided to the clerk
8 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.

9 **SECTION 108.** The treatment of 48.363 (1) (b) of the statutes by 2009 Wisconsin
10 Act 79, section 38, is not repealed by 2009 Wisconsin Act 94, section 100. Both
11 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.

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SECTION 109. The treatment of 48.365 (2m) (ag) of the statutes by 2009 Wisconsin Act 79, section 48, is not repealed by 2009 Wisconsin Act 94, section 110. Both 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.

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SECTION 110. 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.

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SECTION 111. 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 119. Both 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

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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.

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SECTION 112. The treatment of 48.38 (5m) (b) of the statutes by 2009 Wisconsin Act 79, section 69, is not repealed by 2009 Wisconsin Act 94, section 121. Both 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.

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SECTION 113. The treatment of 48.43 (5m) of the statutes by 2009 Wisconsin Act 79, section 90, is not repealed by 2009 Wisconsin Act 94, section 157. Both 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.

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SECTION 114. 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

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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 115. 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:

(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.

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SECTION 116. The treatment of 938.38 (5m) (b) of the statutes by 2009 Wisconsin Act 79, section 171, is not repealed by 2009 Wisconsin Act 94, section 389. Both 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.

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Move to J p. 15

1 SECTION 117. The treatment of 48.48 (17) (c) 4. of the statutes by 2009
2 Wisconsin Act 28, section 984, is not repealed by 2009 Wisconsin Act 180. Both
3 treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 48.48 (17) (c) 4. reads:

4. Is living in a foster home, treatment foster home, group home, or residential care center for children and youth.

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4 SECTION 118. The treatment of 48.685 (4m) (ad) of the statutes by 2009
5 Wisconsin Act 76, section 20, is not repealed by 2009 Wisconsin Act 185, section 66.
6 Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 48.685 (4m) (ad) reads:

(ad) The department, a county department, or a child welfare agency may license a foster home or treatment foster home under s. 48.62; the department may license a day care center under s. 48.65; 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 a child care provider under s. 48.651; and a school board may contract with a person under s. 120.13 (14), conditioned on the receipt of the information specified in sub. (2) (am) and (ar) indicating that the person is not ineligible to be licensed, certified, or contracted with for a reason specified in par. (a) 1. to 5.

7 SECTION 119. 2009 Wisconsin Act 42, section 16 is amended by replacing
8 "166.21 (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.

9 SECTION 120. 2009 Wisconsin Act 42, section 99 is amended by replacing "Each
10 such may appropriate" with "Each such governing body may appropriate".

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

11 SECTION 121. 2009 Wisconsin Act 42, section 104 is amended by replacing
12 "whichever is applicable," with "whichever is applicable."

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

13 SECTION 122. 2009 Wisconsin Act 42, section 212 is amended by replacing
14 "323.60 (3) and the" with "323.60 (3) and the".

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

1 **SECTION 123.** 2009 Wisconsin Act 42, section 245 is amended by replacing "An
2 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.

3 **SECTION 124.** 2009 Wisconsin Act 76, section 14 is amended by replacing "~~s.~~
4 ~~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.

5 **SECTION 125.** 2009 Wisconsin Act 112, section 4e is amended by replacing
6 "~~village, town, or county~~" with "village or, town, or county".

NOTE: "Or" was deleted without being shown as stricken. The change was intended.

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(END)