



2011 SENATE BILL 287

November 8, 2011 – Introduced by LAW REVISION COMMITTEE. Referred to Committee on Judiciary, Utilities, Commerce, and Government Operations.

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.** 2.01 (19) of the statutes is amended to read:
4 2.01 **(19)** FLORENCE: Commencing at the southwest corner of township 38, of
5 range 15 east of the meridian aforesaid; thence east along the township line to the
6 southeast corner of township 38, of range 19 east; thence north on the range line to
7 the northern boundary of this state, in the Menomonee Menominee River; thence
8 northwesterly along said boundary line to the range line between ranges 14 and 15
9 east, in the Brule River; thence southerly on said range line to the place of beginning.

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NOTE: Corrects spelling. The Menominee River is located in northeast Wisconsin, including Florence County. The Menomonee River is located in southeast Wisconsin.

1 **SECTION 2.** 10.80 (5) (dm) of the statutes is amended to read:

2 10.80 **(5)** (dm) *9 days before election.* 9 days before a presidential election is the
3 earliest that new residents may apply to vote for president and vice president at the
4 office of the municipal clerk. See s. 6.15 ~~(3)~~ (2) (a).

NOTE: There is no s. 6.15 (3) (a). Requests for applications to vote in presidential elections are governed by s. 6.15 (2) (a).

5 **SECTION 3.** 10.80 (6) (a) 2. of the statutes is amended to read:

6 10.80 **(6)** (a) 2. 5 p.m. on the day before the general election in presidential
7 election years is the latest that new residents may apply to vote for president and vice
8 president at the office of the municipal clerk. See s. 6.15 ~~(3)~~ (2) (a).

NOTE: There is no s. 6.15 (3) (a). Requests for applications to vote in presidential elections are governed by s. 6.15 (2) (a).

9 **SECTION 4.** 13.41 (1) (a) (intro.) and (2) (a) (intro.) of the statutes, as affected
10 by 2009 Wisconsin Act 363, section 2r, are amended to read:

11 13.41 **(1)** (a) (intro.) If there are 9 or more vacancies in the senate at the same
12 time, as determined under s. 17.03, the senate leader of each political party, as
13 specified in pars. (b) and (c), shall, for each vacant senate seat that was last held by
14 a member of his or her party, do all of the following:

15 **(2)** (a) (intro.) If there are 25 or more vacancies in the assembly at the same
16 time, as determined under s. 17.03, the assembly leader of each political party, as
17 specified in pars. (b) and (c), shall, for each vacant assembly seat that was last held
18 by a member of his or her party, do all of the following:

NOTE: The underscored text was deleted by 2009 Wis. Act 363 without being shown as stricken. No change was intended.

19 **SECTION 5.** 20.505 (1) (is) of the statutes, as affected by 2009 Wisconsin Acts
20 28 and 302, is amended to read:

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1 20.505 (1) (is) *Information technology and communications services; nonstate*
2 *entities.* From the sources specified in ss. 16.972 (2) (b) and (c), 16.974 (2) and (3),
3 and 16.997 (2) (d) and (2g) (a) 3., to provide computer, telecommunications, electronic
4 communications, and supercomputer services, but not integrated business
5 information system services under s. 16.971 (2) (cf), to state authorities, units of the
6 federal government, local governmental units, tribal schools, and entities in the
7 private sector, the amounts in the schedule.

 NOTE: The phrase “, but not integrated business information system services under
s. 16.971 (2) (cf),” was deleted by 2009 Wisconsin Act 302 without being stricken. No
change was intended.

8 **SECTION 6.** 27.065 (12) (a) of the statutes is amended to read:

9 27.065 (12) (a) If in any action at law for the recovery of damages arising from
10 a failure to make a proper assessment of benefits and damages, or failure to observe
11 any provisions of law, or because of any act or defect in any proceeding in which
12 benefits and damages are assessed, and in any action to set aside any special
13 assessment against property for any purpose, or to set aside any special assessment
14 certificate, special improvement bond or tax certificate based upon such special
15 assessment, the court determines that such assessment is invalid by reason of a
16 defective assessment of benefits and damages, or for any cause, it shall stay all
17 proceedings in such action until a new assessment thereof is made as provided
18 hereinafter; thereupon the proper county authorities shall proceed forthwith to
19 make a new assessment of benefits and damages against the property of the plaintiff
20 as required by law in the case of the original assessment, and the plaintiff shall have
21 the same right to appeal from the new assessment as the plaintiff or the plaintiff’s
22 grantors would have had from the original assessment. If the validity of the new
23 assessment is contested by the plaintiff, the court shall summarily try the matter and

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1 file an order sustaining or overruling the objection of the plaintiff. If the new
2 assessments are held invalid, subsequent assessments may be made in like manner
3 and similar proceedings resorted to, to determine the validity of such assessments.
4 When the amount to be assessed against the plaintiff's property is finally determined
5 by an assessment of benefits and damages, which the court holds to be valid, or when
6 an appeal is taken, the court shall make an order, requiring the plaintiff to pay into
7 the court for the benefit of the parties entitled thereto, the amount which should be
8 justly assessed against the property in question; upon compliance with said order,
9 judgment shall be entered for the plaintiff with costs. If the plaintiff fails to comply
10 with such order the action shall be dismissed with costs.

NOTE: Inserts comma between identical words for clarity.

11 **SECTION 7.** 29.228 (2) (b) of the statutes, as created by 2009 Wisconsin Act 364,
12 is amended to read:

13 29.228 (2) (b) A nonresident annual fishing license issued to any nonresident
14 who holds a one-day fishing license under sub. (4m) that is valid during the same
15 year for which the resident nonresident applies for a resident nonresident annual
16 fishing license shall be issued at the reduced fee under s. 29.563 (3r).

NOTE: Licenses issued under s. 29.228 (4m) are issued to nonresidents.

17 **SECTION 8.** The treatment of 39.41 (1m) (a) (intro.) of the statutes by 2009
18 Wisconsin Act 302 is not repealed by 2009 Wisconsin Act 306. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference
bureau, s. 39.41 (1m) (a) (intro.) reads:

(a) Subject to par. (d), by February 25 of each school year, the school board of each
school district operating one or more high schools and the governing body of each private
high school and of each tribal high school shall:

19 **SECTION 9.** The treatment of 39.41 (1m) (b) of the statutes by 2009 Wisconsin
20 Act 302 is not repealed by 2009 Wisconsin Act 306. Both treatments stand.

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NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 39.41 (1m) (b) reads:

(b) Subject to par. (e), by February 25 of each school year, the school board of each school district operating one or more high schools and the governing body of each private high school and of each tribal high school may, for each high school with an enrollment of less than 80 pupils, nominate the senior with the highest grade point average in all subjects who may be designated as a scholar by the executive secretary under par. (c) 3.

1 **SECTION 10.** The treatment of 39.41 (1m) (e) of the statutes by 2009 Wisconsin
2 Act 302 is not repealed by 2009 Wisconsin Act 306. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 39.41 (1m) (e) reads:

(e) If 2 or more seniors from the same high school of less than 80 pupils have the same grade point average and, except for the limitation of one nominated senior, are otherwise eligible for nomination under par. (b), the faculty of the high school shall select the senior who may be nominated by the school board of the school district operating the public high school or the governing body of the private or tribal high school for designation under par. (b) as a scholar by the executive secretary. If that senior is designated as a scholar by the executive secretary, but does not qualify for a higher education scholarship under sub. (2) (a) or (3) (a), the faculty of the high school shall select, in order of priority, one or more of the remaining seniors with the same grade point average for certification as a scholar or, if there is no remaining senior with the same grade point average, one or more of the remaining seniors with the next highest grade point average, but not less than 3.800 or the equivalent, for certification as a scholar, and the school board of the school district operating the high school or the governing body of the private or tribal high school shall certify to the board one or more of these seniors as eligible for a higher education scholarship as a scholar under sub. (2) (a) or (3) (a) until the scholarship may be awarded by the board.

3 **SECTION 11.** The treatments of 40.51 (8) of the statutes by 2009 Wisconsin Acts
4 14, 28, 146 and 218 are not repealed by 2009 Wisconsin Act 346. All treatments
5 stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 40.51 (8) reads:

(8) Every health care coverage plan offered by the state under sub. (6) shall comply with ss. 631.89, 631.90, 631.93 (2), 631.95, 632.72 (2), 632.746 (1) to (8) and (10), 632.747, 632.748, 632.798, 632.83, 632.835, 632.85, 632.853, 632.855, 632.87 (3) to (6), 632.885, 632.89, 632.895 (5m) and (8) to (17), and 632.896.

6 **SECTION 12.** The treatments of 40.51 (8m) of the statutes by 2009 Wisconsin
7 Acts 14, 28, 146 and 218 are not repealed by 2009 Wisconsin Act 346. All treatments
8 stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 40.51 (8m) reads:

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(8m) Every health care coverage plan offered by the group insurance board under sub. (7) shall comply with ss. 631.95, 632.746 (1) to (8) and (10), 632.747, 632.748, 632.798, 632.83, 632.835, 632.85, 632.853, 632.855, 632.885, 632.89, and 632.895 (11) to (17).

1 **SECTION 13.** The treatment of 45.20 (2) (d) 1. (intro.) of the statutes by 2009
2 Wisconsin Act 297 is not repealed by 2009 Wisconsin Act 302. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 45.20 (2) (d) 1. (intro.) reads:

1. Subject to subd. 1m., a veteran's eligibility for reimbursement under this subsection at any institution of higher education in this state, at a school that is approved under s. 45.03 (11), at a proprietary school that is approved under s. 38.50, at a public or private high school, at a tribal school, as defined in s. 115.001 (15m), that operates any grade from 9 to 12, or at an institution where he or she is receiving a waiver of nonresident tuition under s. 39.47 is limited to the following:

3 **SECTION 14.** 45.34 (2) (b) 2. of the statutes is amended to read:

4 45.34 **(2)** (b) 2. Unless other acceleration provisions are permitted under s.
5 45.36 (2), the loan made under this subchapter will be repaid in full upon sale of the
6 residence or any of the person's interest in it. A divorce judgment divesting the
7 person's interest in the residence or a ~~quit-claim~~ quitclaim deed executed under the
8 judgment does not constitute a sale.

NOTE: Makes spelling consistent with the remainder of the statutes.

9 **SECTION 15.** The treatment of 46.10 (14) (a) of the statutes by 2009 Wisconsin
10 Act 28 is not repealed by 2009 Wisconsin Act 218. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 46.10 (14) (a) reads:

(a) Except as provided in pars. (b) and (c), liability of a person specified in sub. (2) or s. 46.03 (18) for inpatient care and maintenance of persons under 18 years of age at community mental health centers, a county mental health complex under s. 51.08, the centers for the developmentally disabled, the Mendota Mental Health Institute, and the Winnebago Mental Health Institute or care and maintenance of persons under 18 years of age in residential, nonmedical facilities such as group homes, foster homes, subsidized guardianship homes, residential care centers for children and youth, and juvenile correctional institutions is determined in accordance with the cost-based fee established under s. 46.03 (18). The department shall bill the liable person up to any amount of liability not paid by an insurer under s. 632.89 (2) or (4m) or by other 3rd-party benefits, subject to rules that include formulas governing ability to pay promulgated by the department under s. 46.03 (18). Any liability of the patient not payable by any other person terminates when the patient reaches age 18, unless the liable person has prevented payment by any act or omission.

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1 **SECTION 16.** 46.56 (15) (b) 4. of the statutes, as affected by 2009 Wisconsin Acts
2 28 and 334, is repealed and recreated to read:

3 46.56 (15) (b) 4. Submit a description of the existing services and other
4 resources in the county or tribe for children who are involved in 2 or more systems
5 of care, an assessment of any gaps in services, and a plan for using the funds received
6 under this subsection or funds from other sources to develop or expand the initiative.

NOTE: 2009 Wis. Act 28 amended s. 46.56 (15) (b) 4. effective the date stated in the notice provided by the secretary of children and families and published in the Wisconsin Administrative Register under s. 48.62 (9). 2009 Wis. Act 334 amended s. 46.56 (15) (b) 4., as affected by Act 28, but without a specified delayed effective date, which resulted in a possible ambiguity in the effective date for the treatment of s. 46.56 (15) (b) 4. by Act 334. The drafting file for Act 334 indicates no intention to delay the treatment of s. 46.56 (15) (b) 4. by that act. This bill section is intended to clarify that the effective date for the Act 334 treatment of s. 46.56 (15) (b) 4. is the general effective date for Act 334, May 27, 2010, the day after publication of Act 334, and not the effective date for the treatment of s. 46.56 (15) (b) 4. by Act 28.

7 **SECTION 17.** The treatment of 48.371 (1) (a) of the statutes by 2009 Wisconsin
8 Act 28 is not repealed by 2009 Wisconsin Act 209. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 48.371 (1) (a) reads:

(a) Results of an HIV test, as defined in s. 252.01 (2m), of the child, as provided under s. 252.15 (3m) (d) 15., including results included in a court report or permanency plan. At the time that the HIV test results are provided, the agency shall notify the foster parent, relative, or operator of the group home or residential care center for children and youth of the confidentiality requirements under s. 252.15 (6).

9 **SECTION 18.** The treatment of 48.78 (2) (a) of the statutes by 2009 Wisconsin
10 Act 185 is not repealed by 2009 Wisconsin Act 338. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 48.78 (2) (a) reads:

(a) No agency may make available for inspection or disclose the contents of any record kept or information received about an individual who is or was in its care or legal custody, except as provided under s. 48.371, 48.38 (5) (b) or (d) or (5m) (d), 48.396 (3) (b) or (c) 1., 48.432, 48.433, 48.48 (17) (bm), 48.57 (2m), 48.93, 48.981 (7), 938.51, or 938.78 or by order of the court.

11 **SECTION 19.** The treatment of 49.345 (14) (a) of the statutes by 2009 Wisconsin
12 Act 28 is not repealed by 2009 Wisconsin Act 218. Both treatments stand.

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NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 49.345 (14) (a) reads:

(a) Except as provided in pars. (b) and (c), liability of a person specified in sub. (2) or s. 49.32 (1) for care and maintenance of persons under 18 years of age in residential, nonmedical facilities such as group homes, foster homes, subsidized guardianship homes, and residential care centers for children and youth is determined in accordance with the cost-based fee established under s. 49.32 (1). The department shall bill the liable person up to any amount of liability not paid by an insurer under s. 632.89 (2) or (4m) or by other 3rd-party benefits, subject to rules that include formulas governing ability to pay established by the department under s. 49.32 (1). Any liability of the person not payable by any other person terminates when the person reaches age 18, unless the liable person has prevented payment by any act or omission.

1 **SECTION 20.** The treatment of 49.785 (1m) (b) of the statutes by 2009 Wisconsin
2 Act 15 is not repealed by 2009 Wisconsin Act 393. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 49.785 (1m) (b) reads:

(b) If the total funeral and burial expenses for the recipient exceed \$4,500, the department or county or applicable tribal governing body or organization responsible for burial of the recipient is not required to make a payment for funeral and burial expenses under sub. (1) (b).

3 **SECTION 21.** 51.06 (8) (b) 6. of the statutes is amended to read:

4 51.06 **(8)** (b) 6. The extent of Medical Assistance provided to relocated or
5 diverted individuals that is in addition to Medical Assistance provided to the
6 individuals under s. 46.27 (11), 46.275, 46.277, or 46.278, as a family care benefit
7 under ss. 46.2805 to 46.2895, or under any other home-based or community-based
8 program for which the department has received a waiver under 42 USC ~~2396n~~ 1396n
9 (c).

NOTE: Inserts correct cross-reference. There is no 42 USC 2396n. Waivers are allowed under 42 USC 1396n.

10 **SECTION 22.** The treatments of 66.0137 (4) of the statutes by 2009 Wisconsin
11 Acts 14, 28, 146, 180 and 218 are not repealed by 2009 Wisconsin Act 346. All
12 treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 66.0137 (4) reads:

(4) SELF-INSURED HEALTH PLANS. If a city, including a 1st class city, or a village provides health care benefits under its home rule power, or if a town provides health care benefits, to its officers and employees on a self-insured basis, the self-insured plan shall

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comply with ss. 49.493 (3) (d), 631.89, 631.90, 631.93 (2), 632.746 (10) (a) 2. and (b) 2., 632.747 (3), 632.798, 632.85, 632.853, 632.855, 632.87 (4), (5), and (6), 632.885, 632.89, 632.895 (9) to (17), 632.896, and 767.513 (4).

1 **SECTION 23.** The treatment of 66.1106 (7) (a) of the statutes by 2009 Wisconsin
2 Act 66 is not repealed by 2009 Wisconsin Act 312. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 66.1106 (7) (a) reads:

(a) Subject to pars. (am), (b), (c), (d), and (e), the department shall annually authorize the positive environmental remediation tax increment with respect to a parcel or contiguous parcels of property during the period of certification to the political subdivision that incurred the costs to remediate environmental pollution on the property, except that an authorization granted under this paragraph does not apply after the department receives the notice described under sub. (10) (b).

3 **SECTION 24.** The treatment of 71.08 (1) (intro.) of the statutes by 2009
4 Wisconsin Act 269 is not repealed by 2009 Wisconsin Act 295. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 71.08 (1) (intro.) reads as follows. The cross-reference to s. 71.07 (3rn) was changed from a cross-reference to s. 71.07 (3rm) by the legislative reference bureau under s. 13.92 (1) (bm) 2. to reflect the renumbering under s. 13.92 (1) (bm) 2. of s. 71.07 (3rm), as created by 2009 Wis. Act 295, to s. 71.07 (3rn). See also section 80 of this bill.

(1) IMPOSITION. If the tax imposed on a natural person, married couple filing jointly, trust, or estate under s. 71.02, not considering the credits under ss. 71.07 (1), (2dd), (2de), (2di), (2dj), (2dL), (2dr), (2ds), (2dx), (2dy), (3m), (3n), (3p), (3q), (3r), (3rm), (3rn), (3s), (3t), (3w), (5b), (5d), (5e), (5f), (5h), (5i), (5j), (6), (6e), (8r), and (9e), 71.28 (1dd), (1de), (1di), (1dj), (1dL), (1ds), (1dx), (1dy), (2m), (3), (3n), (3t), and (3w), 71.47 (1dd), (1de), (1di), (1dj), (1dL), (1ds), (1dx), (1dy), (2m), (3), (3n), (3t), and (3w), 71.57 to 71.61, and 71.613 and subch. VIII and payments to other states under s. 71.07 (7), is less than the tax under this section, there is imposed on that natural person, married couple filing jointly, trust or estate, instead of the tax under s. 71.02, an alternative minimum tax computed as follows:

5 **SECTION 25.** The treatment of 71.10 (4) (i) of the statutes by 2009 Wisconsin Act
6 269 is not repealed by 2009 Wisconsin Act 295. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 71.10 (4) (i) reads as follows. The cross-reference to s. 71.07 (3rn) was changed from a cross-reference to s. 71.07 (3rm) by the legislative reference bureau under s. 13.92 (1) (bm) 2. to reflect the renumbering under s. 13.92 (1) (bm) 2. of s. 71.07 (3rm), as created by 2009 Wis. Act 295, to s. 71.07 (3rn). See also section 80 of this bill.

(i) The total of claim of right credit under s. 71.07 (1), farmland preservation credit under ss. 71.57 to 71.61, farmland preservation credit, 2010 and beyond under s. 71.613, homestead credit under subch. VIII, farmland tax relief credit under s. 71.07 (3m), dairy manufacturing facility investment credit under s. 71.07 (3p), jobs tax credit under s. 71.07 (3q), meat processing facility investment credit under s. 71.07 (3r), woody biomass harvesting and processing credit under s. 71.07 (3rm), food processing plant and food warehouse investment credit under s. 71.07 (3rn), film production services credit under s. 71.07 (5f), film production company investment credit under s. 71.07 (5h), veterans and

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surviving spouses property tax credit under s. 71.07 (6e), enterprise zone jobs credit under s. 71.07 (3w), beginning farmer and farm asset owner tax credit under s. 71.07 (8r), earned income tax credit under s. 71.07 (9e), estimated tax payments under s. 71.09, and taxes withheld under subch. X.

1 **SECTION 26.** The treatment of 71.30 (3) (f) of the statutes by 2009 Wisconsin Act
2 269 is not repealed by 2009 Wisconsin Act 295. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 71.30 (3) (f) reads as follows. The cross-reference to s. 71.28 (3rn) was changed from a cross-reference to s. 71.28 (3rm) by the legislative reference bureau under s. 13.92 (1) (bm) 2. to reflect the renumbering under s. 13.92 (1) (bm) 2. of s. 71.28 (3rm), as created by 2009 Wis. Act 295, to s. 71.28 (3rn). See also section 80 of this bill.

(f) The total of farmland preservation credit under subch. IX, farmland tax relief credit under s. 71.28 (2m), dairy manufacturing facility investment credit under s. 71.28 (3p), jobs credit under s. 71.28 (3q), meat processing facility investment credit under s. 71.28 (3r), woody biomass harvesting and processing credit under s. 71.28 (3rm), food processing plant and food warehouse investment credit under s. 71.28 (3rn), enterprise zone jobs credit under s. 71.28 (3w), film production services credit under s. 71.28 (5f), film production company investment credit under s. 71.28 (5h), beginning farmer and farm asset owner tax credit under s. 71.28 (8r), and estimated tax payments under s. 71.29.

3 **SECTION 27.** The treatment of 71.49 (1) (f) of the statutes by 2009 Wisconsin Act
4 269 is not repealed by 2009 Wisconsin Act 295. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 71.49 (1) (f) reads as follows. The cross-reference to s. 71.47 (3rn) was changed from a cross-reference to s. 71.47 (3rm) by the legislative reference bureau under s. 13.92 (1) (bm) 2. to reflect the renumbering under s. 13.92 (1) (bm) 2. of s. 71.47 (3rm), as created by 2009 Wis. Act 295, to s. 71.47 (3rn). See also section 80 of this bill.

(f) The total of farmland preservation credit under subch. IX, farmland tax relief credit under s. 71.47 (2m), dairy manufacturing facility investment credit under s. 71.47 (3p), jobs credit under s. 71.47 (3q), meat processing facility investment credit under s. 71.47 (3r), woody biomass harvesting and processing credit under s. 71.47 (3rm), food processing plant and food warehouse investment credit under s. 71.47 (3rn), enterprise zone jobs credit under s. 71.47 (3w), film production services credit under s. 71.47 (5f), film production company investment credit under s. 71.47 (5h), beginning farmer and farm asset owner tax credit under s. 71.47 (8r), and estimated tax payments under s. 71.48.

5 **SECTION 28.** 77.54 (20n) (b) of the statutes, as affected by 2009 Wisconsin Acts
6 185 and 204, is amended to read:

7 77.54 (20n) (b) The sales price from the sale of and the storage, use, or other
8 consumption of food and food ingredients, except soft drinks, sold by hospitals,
9 sanatoriums, nursing homes, retirement homes, and community-based residential
10 facilities, as defined in s. 50.01 (1g), ~~child~~ and any facility certified or licensed under

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1 ch. 48, including prepared food that is sold to the elderly or handicapped by persons
2 providing mobile meals on wheels. In this paragraph, “retirement home” means a
3 nonprofit residential facility where 3 or more unrelated adults or their spouses have
4 their principal residence and where support services, including meals from a
5 common kitchen, are available to residents.

NOTE: The stricken “child” was inserted by 2009 Wis. Act 185, but rendered
superfluous by the treatment by 2009 Wis. Act 204.

6 **SECTION 29.** 108.18 (7) (a) 2. of the statutes, as affected by 2009 Wisconsin Act
7 287, is amended to read:

8 108.18 (7) (a) 2. Each payment shall be treated as a contribution required and
9 irrevocably paid under this chapter with respect to payrolls preceding the date it is
10 credited except as a refund or credit is authorized under par. (b), (e), (h), or (i).

NOTE: Inserts comma.

11 **SECTION 30.** 111.91 (2) (n) of the statutes, as affected by 2009 Wisconsin Acts
12 28 and 346, is amended to read:

13 111.91 (2) (n) The provision to employees of the health insurance coverage
14 required under s. 632.895 (11) to (14), (16), and (16m), and (17).

NOTE: Corrects punctuation. The cross-reference to s. 632.895 (16m) was changed
from a cross-reference to s. 632.895 (16) by the legislative reference bureau under s. 13.92
(1) (bm) 2. to reflect the renumbering under s. 13.92 (1) (bm) 2. of s. 632.895 (16), as
created by 2009 Wis. Act 346, to s. 632.895 (16m). See section 80 of this bill.

15 **SECTION 31.** 115.997 (14) (d) of the statutes, as created by 2009 Wisconsin Act
16 329, is amended to read:

17 115.997 (14) (d) The interstate commission shall keep accurate accounts of all
18 receipts and disbursements. The receipts and disbursements of the interstate
19 commission shall be subject to the audit and accounting procedures established
20 under its bylaws. However, all receipts and disbursements of funds handled by the
21 interstate commission shall by be audited yearly by a certified or licensed public

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1 accountant and the report of the audit shall be included in and become part of the
2 annual report of the interstate commission.

NOTE: Inserts correct word.

3 **SECTION 32.** The treatment of 118.125 (2) (n) of the statutes by 2009 Wisconsin
4 Act 302 is not repealed by 2009 Wisconsin Act 309. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 118.125 (2) (n) (intro.) and 1., as renumbered and amended from s. 118.125 (2) (n) by 2009 Wis. Act 309, read:

(n) For any purpose concerning the juvenile justice system and the system's ability to effectively serve a pupil, prior to adjudication:

1. A school board may disclose pupil records to a city attorney, corporation counsel, agency, as defined in s. 938.78 (1), intake worker under s. 48.067 or 938.067, court of record, municipal court, private school, or another school board if disclosure is pursuant to an interagency agreement and the person to whom the records are disclosed certifies in writing that the records will not be disclosed to any other person except as otherwise authorized by law. For the purpose of providing services to a pupil before adjudication, a school board may disclose pupil records to a tribal school if disclosure is pursuant to an agreement between the school board and the governing body of the tribal school and if the school board determines that enforceable protections are provided by a tribal school policy or tribal law that requires the tribal school official to whom the records are disclosed not to disclose the records to any other person except as permitted under this subsection.

5 **SECTION 33.** The treatment of 118.29 (2) (a) 3. of the statutes by 2009 Wisconsin
6 Act 160 is not repealed by 2009 Wisconsin Act 302. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, effective March 1, 2011, s. 118.29 (2) (a) 3. reads:

3. Subject to sub. (4m), is immune from civil liability for his or her acts or omissions in administering a nonprescription drug product or prescription drug to a pupil under subd. 1., 2., 2m., or 2r. unless the act is in violation of sub. (6) or the act or omission constitutes a high degree of negligence. This subdivision does not apply to health care professionals.

7 **SECTION 34.** The treatment of 118.29 (2) (b) of the statutes by 2009 Wisconsin
8 Act 160 is not repealed by 2009 Wisconsin Act 302. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, effective March 1, 2011, s. 118.29 (2) (b) reads:

(b) Subject to sub. (4m), any school district administrator, county children with disabilities education board administrator, cooperative educational service agency administrator, public, private, or tribal school principal, or private or tribal school administrator who authorizes an employee or volunteer to administer a nonprescription drug product or prescription drug to a pupil under par. (a) is immune from civil liability for the act of authorization unless it constitutes a high degree of negligence or the

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administrator or principal authorizes a person who has not received the required training under sub. (6) to administer a nonprescription drug product or prescription drug to a pupil.

1 **SECTION 35.** The treatments of 120.13 (2) (g) of the statutes by 2009 Wisconsin
2 Acts 14, 28, 146 and 218 are not repealed by 2009 Wisconsin Act 346. All treatments
3 stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 120.13 (2) (g) reads:

(g) Every self-insured plan under par. (b) shall comply with ss. 49.493 (3) (d), 631.89, 631.90, 631.93 (2), 632.746 (10) (a) 2. and (b) 2., 632.747 (3), 632.798, 632.85, 632.853, 632.855, 632.87 (4), (5), and (6), 632.885, 632.89, 632.895 (9) to (17), 632.896, and 767.513 (4).

4 **SECTION 36.** 138.14 (14) (g) of the statutes, as created by 2009 Wisconsin Act
5 405, is amended to read:

6 138.14 (14) (g) The division shall, by order or rule, stipulate the period for
7 which data is to be retained in the database only as required to ensure licensee
8 compliance with this act section or for enforcement or compliance purposes. The
9 division may require that any identifying customer information be deleted from the
10 database when data is archived. The division may maintain access to archived data
11 for future legislative or policy review.

NOTE: Inserts correct cross-reference.

12 **SECTION 37.** 165.755 (1) (b) of the statutes, as affected by 2009 Wisconsin Acts
13 12, 28 and 100, is amended to read:

14 165.755 (1) (b) A court may not impose the crime laboratories and drug law
15 enforcement surcharge under par. (a) for a violation of s. 101.123 (2) or (2m), for a
16 financial responsibility violation under s. 344.62 (2), or for a violation of a state law
17 or municipal or county ordinance involving a nonmoving traffic violation, a violation
18 under s. 343.51 (1m) (b), or a safety belt use violation under s. 347.48 (2m).

NOTE: Inserts a necessary comma.

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1 **SECTION 38.** 179.046 (title) of the statutes is created to read:

2 **179.046 (title) Change of registered office or agent.**

NOTE: Section 179.046 was created without a title by 2009 Wis. Act 237.

3 **SECTION 39.** The treatments of 185.983 (1) (intro.) of the statutes by 2009
4 Wisconsin Acts 14, 28, 146, 165 and 218 are not repealed by 2009 Wisconsin Act 346.
5 All treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 185.983 (1) (intro.) reads:

(1) Every voluntary nonprofit health care plan operated by a cooperative association organized under s. 185.981 shall be exempt from chs. 600 to 646, with the exception of ss. 601.04, 601.13, 601.31, 601.41, 601.42, 601.43, 601.44, 601.45, 611.26, 611.67, 619.04, 623.11, 623.12, 628.34 (10), 631.17, 631.89, 631.93, 631.95, 632.72 (2), 632.745 to 632.749, 632.775, 632.79, 632.795, 632.798, 632.85, 632.853, 632.855, 632.87 (2), (2m), (3), (4), (5), and (6), 632.885, 632.89, 632.895 (5) and (8) to (17), 632.896, and 632.897 (10) and chs. 609, 620, 630, 635, 645, and 646, but the sponsoring association shall:

6 **SECTION 40.** 193.221 (1) (b) of the statutes is amended to read:

7 193.221 (1) (b) The articles may be amended as restated articles using the
8 procedure under par. (a). If restated articles are adopted, the restated articles
9 ~~supercede~~ supersede all prior articles and amendments to the articles.

NOTE: Makes spelling consistent with the remainder of the statutes.

10 **SECTION 41.** 196.027 (2) (e) 3. of the statutes is amended to read:

11 196.027 (2) (e) 3. An application by an energy utility for a financing order and
12 commission approval of a financing order are in addition to and do not replace or
13 ~~supercede~~ supersede any other review or approval by the commission under this
14 chapter that may be required or allowed for environmental control activities.

NOTE: Makes spelling consistent with the remainder of the statutes.

15 **SECTION 42.** The treatment of 252.15 (2) (a) 7. a. of the statutes by 2009
16 Wisconsin Act 209 is not repealed by 2009 Wisconsin Act 302. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 252.15 (5g) (a) 1. to 5., as renumbered and amended from s. 252.15 (2) (a) 7. a. by 2009 Wis. Act 209, read:

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1. The person is an emergency medical technician; first responder; fire fighter; peace officer; correctional officer; person who is employed at a juvenile correctional facility, as defined in s. 938.02 (10p), or a secured residential care center for children and youth, as defined in s. 938.02 (15g); state patrol officer; jailer, keeper of a jail, or person designated with custodial authority by the jailer or keeper and the contact occurred during the course of the person providing care or services to the individual.

2. The person is a peace officer, correctional officer, state patrol officer, jailer, or keeper of a jail, or person designated with custodial authority by the jailer or keeper and the contact occurred while the person was searching or arresting the individual or while controlling or transferring the individual in custody.

3. The person is a health care provider or an employee of a health care provider and the contact occurred during the course of the person providing care or treatment to the individual or handling or processing specimens of body fluids or tissues of the individual.

4. The person is a staff member of a state crime laboratory and the contact occurred during the course of the person handling or processing specimens of body fluids or tissues of the individual.

5. The person is a social worker or an employee of a school district, cooperative educational service agency, charter school, private school, tribal school, as defined in s. 115.001 (15m), the Wisconsin Educational Services Program for the Deaf and Hard of Hearing, or the Wisconsin Center for the Blind and Visually Impaired and the contact occurred while the person was performing employment duties involving the individual.

1 **SECTION 43.** The treatment of 252.15 (5) (a) 19. of the statutes by 2009
2 Wisconsin Act 28 is not repealed by 2009 Wisconsin Act 209. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 252.15 (3m) (d) 15., as renumbered from s. 252.15 (5) (a) 19. by 2009 Wis. Act 209, reads:

15. If the subject of the HIV test is a child who has been placed in a foster home, group home, residential care center for children and youth, or juvenile correctional facility, as defined in s. 938.02 (10p), including a placement under s. 48.205, 48.21, 938.205, or 938.21, or for whom placement in a foster home, group home, residential care center for children and youth, or juvenile correctional facility is recommended under s. 48.33 (4), 48.425 (1) (g), 48.837 (4) (c), or 938.33 (3) or (4), to an agency directed by a court to prepare a court report under s. 48.33 (1), 48.424 (4) (b), 48.425 (3), 48.831 (2), 48.837 (4) (c), or 938.33 (1), to an agency responsible for preparing a court report under s. 48.365 (2g), 48.425 (1), 48.831 (2), 48.837 (4) (c), or 938.365 (2g), to an agency responsible for preparing a permanency plan under s. 48.355 (2e), 48.38, 48.43 (1) (c) or (5) (c), 48.63 (4) or (5) (c), 48.831 (4) (e), 938.355 (2e), or 938.38 regarding the child, or to an agency that placed the child or arranged for the placement of the child in any of those placements and, by any of those agencies, to any other of those agencies and, by the agency that placed the child or arranged for the placement of the child in any of those placements, to the child's foster parent or the operator of the group home, residential care center for children and youth, or juvenile correctional facility in which the child is placed, as provided in s. 48.371 or 938.371.

3 **SECTION 44.** 252.15 (5m) (d) 2. of the statutes, as created by 2009 Wisconsin Act
4 209, is amended to read:

SENATE BILL 287**SECTION 44**

1 252.15 (5m) (d) 2. A physician, physician assistant, or advanced practice nurse
2 prescriber, based on information provided to the physician, physician assistant, or
3 advanced practice nurse prescriber, determines and certifies in writing that the
4 contact under subd. 1. constitutes a significant exposure. A health care provider who
5 as has a contact under ~~par. (d)~~ subd. 1. c. may not make the certification under this
6 subdivision for himself or herself.

NOTE: Inserts correct word and corrects form of citation.

7 **SECTION 45.** 253.115 (8) of the statutes, as created by 2009 Wisconsin Act 279,
8 is amended to read:

9 253.115 (8) CONFIDENTIALITY. Except as provided under ~~pars.~~ sub. (7) (a) 3. and
10 (b), no information obtained under this section from the parents or legal guardian
11 may be disclosed except for use in statistical data compiled by the department
12 without reference to the identity of any individual and except as provided in s. 146.82
13 (2).

NOTE: Inserts correct cross-reference.

14 **SECTION 46.** 299.80 (9) (b) of the statutes is amended to read:

15 299.80 (9) (b) A provision of an approval that is identified under sub. (3) (b) as
16 being replaced by a cooperative agreement is ~~superseded~~ superseded by the
17 cooperative agreement.

NOTE: Makes spelling consistent with the remainder of the statutes.

18 **SECTION 47.** The treatment of 301.12 (14) (a) of the statutes by 2009 Wisconsin
19 Act 28 is not repealed by 2009 Wisconsin Act 218. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference
bureau, s. 301.12 (14) (a) reads:

(a) Except as provided in pars. (b) and (c), liability of a person specified in sub. (2)
or s. 301.03 (18) for care and maintenance of persons under 17 years of age in residential,
nonmedical facilities such as group homes, foster homes, residential care centers for
children and youth, and juvenile correctional institutions is determined in accordance
with the cost-based fee established under s. 301.03 (18). The department shall bill the

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liable person up to any amount of liability not paid by an insurer under s. 632.89 (2) or (4m) or by other 3rd-party benefits, subject to rules that include formulas governing ability to pay promulgated by the department under s. 301.03 (18). Any liability of the resident not payable by any other person terminates when the resident reaches age 17, unless the liable person has prevented payment by any act or omission.

1 **SECTION 48.** 302.46 (1) (a) of the statutes, as affected by 2009 Wisconsin Acts
2 12, 28 and 100, is amended to read:

3 302.46 (1) (a) If a court imposes a fine or forfeiture for a violation of state law
4 or for a violation of a municipal or county ordinance except for a violation of s. 101.123
5 (2) or (2m), for a financial responsibility violation under s. 344.62 (2), or for a violation
6 of state laws or municipal or county ordinances involving nonmoving traffic
7 violations, violations under s. 343.51 (1m) (b), or safety belt use violations under s.
8 347.48 (2m), the court, in addition, shall impose a jail surcharge under ch. 814 in an
9 amount of 1 percent of the fine or forfeiture imposed or \$10, whichever is greater.
10 If multiple offenses are involved, the court shall determine the jail surcharge on the
11 basis of each fine or forfeiture. If a fine or forfeiture is suspended in whole or in part,
12 the court shall reduce the jail surcharge in proportion to the suspension.

NOTE: Inserts a necessary comma.

13 **SECTION 49.** 323.51 (1) (title) of the statutes, as affected by 2009 Wisconsin Act
14 42, section 124, and 2009 Wisconsin Act 363, section 5, is amended to read:

15 323.51 (1) (title) DESIGNATION AND USE OF A ~~EMERGENCY~~ TEMPORARY LOCATION BY
16 THE GOVERNOR.

NOTE: “Emergency” was deleted in the 2009 Wis. Act 42 treatment without being shown as stricken. The change was intended.

17 **SECTION 50.** 341.14 (6m) (d) 3. of the statutes, as created by 2009 Wisconsin Act
18 195, is amended to read:

19 341.14 (6m) (d) 3. Notwithstanding subd. 2., upon receiving any application for
20 renewal of registration of a vehicle for which special plates have been issued under

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1 this subsection, if the applicant identifies himself or herself in the application as a
2 member or former member of a Wisconsin national guard unit identified by the
3 department of military affairs under subd. 5. and if the department is required under
4 s. 341.135 (2) to issue new registration plates for the vehicle, the department shall
5 provide to the applicant, to be affixed to one of these plates, a decal described in subd.
6 1. and instructions for placement of the decal on the plate.

NOTE: Corrects cross-reference. Section 341.135 (2) was repealed by 2009 Wis. Act 28 and the portion relevant to s. 341.14 (6m) (d) 3., as created by 2009 Wis. Act 195, was added to s. 341.135, as consolidated and renumbered from s. 341.135 (1) and (2m) and amended by Act 28.

7 **SECTION 51.** The treatments of 341.14 (6r) (b) 1. of the statutes by 2009
8 Wisconsin Acts 159 and 224 are not repealed by 2009 Wisconsin Act 226. All
9 treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 341.14 (6r) (b) 1. reads as follows. The cross-references to par. (f) 61r. and par. (f) 61m. were changed from cross-references to par. (f) 61. by the legislative reference bureau under s. 13.92 (1) (bm) 2. to reflect the renumbering under s. 13.92 (1) (bm) 2. of s. 341.14 (6r) (f) 61., as created by 2009 Wis. Act 226, to s. 341.14 (6r) (f) 61r. and of s. 341.14 (6r) (f) 61., as created by 2009 Wis. Act 224, to 341.14 (6r) (f) 61m. See also section 80 of this bill.

1. Subject to subd. 1m., upon application to register an automobile or motor home, or a motor truck, dual purpose motor home or dual purpose farm truck which has a gross weight of not more than 8,000 pounds, or a farm truck which has a gross weight of not more than 12,000 pounds, by any person who is a resident of this state and a member of an authorized special group, the department shall issue to the person special plates whose colors and design shall indicate that the vehicle is owned by a person who is a member of the applicable special group. The department may not issue any special group plates under par. (f) 55., 60., or 61r. until 6 months after the department has received information sufficient for the department to determine that any approvals required for use of any logo, trademark, trade name or other commercial symbol designating the professional football team or professional baseball team or associated with Harley-Davidson, Inc., have been obtained. Subject to sub. (9) (d), the department may not issue any special group plates under par. (f) 61m. until the department has received information sufficient for the department to determine that any license or other approval required for use of any logo, trademark or service mark, trade name or other commercial symbol to be used on or in association with these plates has been obtained. Notwithstanding s. 341.12 (2), if the department of corrections does not have flat-plate technology available for use in manufacturing license plates at quality and cost comparable to that available from the state of Minnesota, the department of transportation may not issue any special group plates under par. (f) 59. unless the department of transportation purchases the plates from the state of Minnesota. Sections

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16.70, 16.71, 16.72, 16.75, 16.752 to 16.755, 16.765, 16.77, and 16.82 do not apply to purchases of plates issued under par. (f) 59. from the state of Minnesota.

1 **SECTION 52.** The treatments of 341.14 (6r) (fm) 7. of the statutes by 2009
2 Wisconsin Acts 159, 224 and 226 are not repealed by 2009 Wisconsin Act 230. All
3 treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau s. 341.14 (6r) (fm) 7., effective June 1, 2011, reads as follows. The cross-references to par. (f) 61r. and par. (f) 61m. were changed from cross-references to par. (f) 61. by the legislative reference bureau under s. 13.92 (1) (bm) 2. to reflect the renumbering under s. 13.92 (1) (bm) 2. of s. 341.14 (6r) (f) 61., as created by 2009 Wis. Act 226, to s. 341.14 (6r) (f) 61r. and of s. 341.14 (6r) (f) 61., as created by 2009 Wis. Act 224, to 341.14 (6r) (f) 61m. See also section 80 of this bill.

7. After October 1, 1998, additional authorized special groups may only be special groups designated by the department under this paragraph. The authorized special groups enumerated in par. (f) shall be limited solely to those special groups specified under par. (f) on October 1, 1998. This subdivision does not apply to the special groups specified under par. (f) 3m., 6m., 9g., 9m., 12g., 12m., 15m., 19m., 49d., 49h., 49s., 54., 55., 55m., 56., 57., 58., 59., 60., 61., 61m., and 61r.

4 **SECTION 53.** The treatment of 343.06 (1) (c) of the statutes by 2009 Wisconsin
5 Act 28 is not repealed by 2009 Wisconsin Act 302. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 343.06 (1) (c) reads:

(c) To any person under age 18 unless the person is enrolled in a school program or high school equivalency program and is not a habitual truant as defined in s. 118.16 (1) (a), has graduated from high school or been granted a declaration of high school graduation equivalency, or is enrolled in a home-based private educational program, as defined in s. 115.001 (3g), and has satisfactorily completed a course in driver education in public schools approved by the department of public instruction, or in technical colleges approved by the technical college system board, or in nonpublic and private schools or tribal schools, as defined in s. 115.001 (15m), that meet the minimum standards set by the department of public instruction, or has satisfactorily completed a substantially equivalent course in driver training approved by the department and given by a school licensed by the department under s. 343.61, or has satisfactorily completed a substantially equivalent course in driver education or training approved by another state and has attained the age of 16, except as provided in s. 343.07 (1g). The department shall not issue a license to any person under the age of 18 authorizing the operation of "Class M" vehicles unless the person has successfully completed a basic rider course approved by the department. The department may, by rule, exempt certain persons from the basic rider course requirement of this paragraph. Applicants for a license under s. 343.08 or 343.135 are exempt from the driver education, basic rider or driver training course requirement. The secretary shall prescribe rules for licensing of schools and instructors to qualify under this paragraph. The driver education course shall be made available to every eligible student in the state. Except as provided under s. 343.16 (1) (bm) and (c) and (2) (cm) to (e), no operator's license may be issued unless a driver's examination has been administered by the department.

SENATE BILL 287**SECTION 54**

1 **SECTION 54.** 346.915 (3) of the statutes, as created by 2009 Wisconsin Act 255,
2 is amended to read:

3 346.915 **(3)** The operator of any vehicle that is not a snowplow and that
4 approaches from the rear any snowplow that is engaged in highway winter
5 maintenance snow and ice removal, as described in sub. (1), and is using lamps
6 described in s. 347.26 (7) and that is stopped at an intersection shall stop not less
7 than 20 feet from the snowplow and remain stopped until the snowplow resumes
8 motion.

NOTE: Adds “and” in 2 places to correct grammar.

9 **SECTION 55.** 440.314 (1) of the statutes, as created by 2009 Wisconsin Act 282,
10 is amended to read:

11 440.314 **(1)** The department may promulgate rules necessary to administer
12 this subchapter, including rules of conduct by behavior analysts and by holders of
13 temporary permits under sub. (2). Except as provided in subs. (2), and (3), ~~and~~ (4),
14 any rules regarding the practice of behavior analysis shall be consistent with
15 standards established by the Behavior Analyst Certification Board, Inc., or its
16 successor organization.

NOTE: There is no s. 440.314 (4).

17 **SECTION 56.** 448.015 (4) of the statutes, as affected by 2009 Wisconsin Acts 280
18 and 382, is renumbered 448.015 (4) (am), and 448.015 (4) (am) 2., as renumbered, is
19 amended to read:

20 448.015 **(4)** (am) 2. Any act by a physician or physician assistant in violation
21 of ch. 450 or 961.

22 **(bm)** “Unprofessional conduct” does not include providing expedited partner
23 therapy as described in s. 448.035.

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NOTE: 2009 Wisconsin Act 280 added to s. 448.015 (4) the language in the paragraph numbered (bm) by this provision. 2009 Wis. Act 382 subdivided s. 448.015 (4) into multiple paragraphs without taking into account the treatment by Act 280. Section 448.015 (4) is renumbered and reorganized by this provision to accommodate the language added by Act 280 within the structure created by Act 382.

1 **SECTION 57.** 450.01 (23) (c) of the statutes is amended to read:
2 450.01 **(23)** (c) The distribution of prescription drug samples, if the distribution
3 is permitted under 21 ~~CFR~~ USC 353 (d).

NOTE: Inserts correct cross-reference. There is no 21 CFR 353 (d). The distribution of drug samples is regulated under 21 USC 353 (d).

4 **SECTION 58.** 460.10 (1) (a) of the statutes, as affected by 2009 Wisconsin Act
5 355, section 43, is amended to read:
6 460.10 **(1)** (a) Requirements and procedures for a license holder to complete
7 continuing education programs or courses of study to qualify for renewal of his or her
8 license. The rules promulgated under this paragraph may not require a license
9 holder to complete more than 24 hours of continuing education ~~program~~ programs
10 or courses of study in order to qualify for renewal of his or her license.

NOTE: Replaces the singular with the plural for internal consistency.

11 **SECTION 59.** 628.347 (3) (b) 1. of the statutes, as affected by 2009 Wisconsin Act
12 343, is amended to read:
13 628.347 **(3)** (b) 1. Nothing in this subsection restricts an insurer from
14 contracting for the performance of a function required under par. (a), including
15 maintenance of procedures. An insurer is responsible for taking appropriate
16 corrective action and may be subject to, sanctions and penalties under subs. (5) and
17 (6), regardless of whether the insurer contracts for the performance of a function and
18 regardless of the insurer's compliance with subd. 2.

NOTE: Inserts missing word and deletes incorrect comma.

SENATE BILL 287**SECTION 60**

1 **SECTION 60.** 814.63 (1) (c) of the statutes, as affected by 2009 Wisconsin Acts
2 12, 28 and 100, is amended to read:

3 814.63 (1) (c) This subsection does not apply to an action for a violation of s.
4 101.123 (2) or (2m), for a financial responsibility violation under s. 344.62 (2), for a
5 violation under s. 343.51 (1m) (b), or for a safety belt use violation under s. 347.48
6 (2m).

NOTE: Adds “for” for internal consistency.

7 **SECTION 61.** The treatments of 895.48 (1m) (a) (intro.) of the statutes by 2009
8 Wisconsin Acts 113 and 302 are not repealed by 2009 Wisconsin Act 355. All
9 treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 895.48 (1m) (a) (intro.) reads:

(a) Except as provided in par. (b), any physician, physician assistant, podiatrist, or athletic trainer licensed under ch. 448, chiropractor licensed under ch. 446, dentist licensed under ch. 447, emergency medical technician licensed under s. 256.15, first responder certified under s. 256.15 (8), registered nurse licensed under ch. 441, or a massage therapist or bodywork therapist licensed under ch. 460 who renders voluntary health care to a participant in an athletic event or contest sponsored by a nonprofit corporation, as defined in s. 66.0129 (6) (b), a private school, as defined in s. 115.001 (3r), a tribal school, as defined in s. 115.001 (15m), a public agency, as defined in s. 46.856 (1) (b), or a school, as defined in s. 609.655 (1) (c), is immune from civil liability for his or her acts or omissions in rendering that care if all of the following conditions exist:

10 **SECTION 62.** The treatment of 895.48 (1m) (a) 2. of the statutes by 2009
11 Wisconsin Act 113 is not repealed by 2009 Wisconsin Act 355. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 895.48 (1m) (a) 2. reads as follows.

2. The physician, podiatrist, athletic trainer, chiropractor, dentist, emergency medical technician, first responder, physician assistant, registered nurse, massage therapist or bodywork therapist does not receive compensation for the health care, other than reimbursement for expenses.

12 **SECTION 63.** The treatment of 938.371 (1) (a) of the statutes by 2009 Wisconsin
13 Act 28 is not repealed by 2009 Wisconsin Act 209. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 938.371 (1) (a) reads:

(a) Results of an HIV test, as defined in s. 252.01 (2m), of the juvenile as provided under s. 252.15 (3m) (d) 15., including results included in a court report or permanency

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plan. At the time that the test results are provided, the agency shall notify the foster parent, relative, or operator of the group home, residential care center for children and youth, or juvenile correctional facility of the confidentiality requirements under s. 252.15 (6).

1 **SECTION 64.** 938.396 (1) (c) 3. (intro.) of the statutes, as affected by 2009
2 Wisconsin Acts 302 and 309, is amended to read:

3 938.396 **(1)** (c) 3. (intro.) At the request of a school district administrator,
4 administrator of a private school, or administrator of a tribal school, or designee of
5 a school district administrator, private school administrator, or tribal school
6 administrator, or on its own initiative, a law enforcement agency may, subject to
7 official agency policy, provide to the school district administrator, private school
8 administrator, or tribal school administrator or designee, for use as provided in s.
9 118.127, any information in its records relating to any of the following if the official
10 agency policy specifies that the information may not be provided to an administrator
11 of a tribal school or a tribal school administrator’s designee unless the governing
12 body of the tribal school agrees that the information will be used by the tribal school
13 as provided in s. 118.127 ~~(2)~~:

NOTE: 2009 Wis. Act 302 inserted the cross-reference to s. 118.127 (2), but 2009
Wis. Act 309 renumbered s. 118.127 (2) to s. 118.127 and changed the previously existing
cross-reference in this provision from s. 118.127 (2) to s. 118.127.

14 **SECTION 65.** 2009 Wisconsin Act 190, section 37, is amended by replacing
15 “critical access hospitals,” with “critical access hospitals,”.

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

16 **SECTION 66.** 2009 Wisconsin Act 200, section 10m, is amended by replacing “a
17 water heaters heater.” with “a water heaters heater.”.

NOTE: “A” was inserted without being underscored. The change was intended.

SENATE BILL 287**SECTION 67**

1 **SECTION 67.** 2009 Wisconsin Act 203, section 5, is amended by replacing “or
2 within the applicable time under sub. (1) or (2), whichever is latest” with “or within
3 the applicable time under sub. (1) or (2), whichever is latest”.

NOTE: Language was inserted without being underscored. The change was intended.

4 **SECTION 68.** 2009 Wisconsin Act 209, section 33, is amended by replacing
5 “~~home health agency, or inpatient~~” with “~~home health agency or inpatient~~”.

NOTE: Removes unnecessary inserted comma from stricken material.

6 **SECTION 69.** 2009 Wisconsin Act 209, section 106, is amended by replacing
7 “252.15 (5g) (intro.) and (a) of the statutes are created to read:” with “252.15 (5g)
8 (intro.) and (a) (intro.) of the statutes are created to read:”.

NOTE: 2009 Wis. Act 209, section 106, created only s. 252.15 (5g) (a) (intro.) and not the subsequent subdivisions.

9 **SECTION 70.** 2009 Wisconsin Act 258, section 1, is amended by replacing “owned
10 by the individual,” with “owned by the individual,”.

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

11 **SECTION 71.** 2009 Wisconsin Act 302, section 18, is amended by replacing
12 “secondary schools, including” with “secondary schools, including” in 2 places.

NOTE: Commas were inserted without being shown as underscored. The change was intended.

13 **SECTION 72.** 2009 Wisconsin Act 302, section 27, is amended by replacing
14 “45.20 (2) (a) 1., (c) 1. and (d) 1. of the statutes are amended to read:” with “45.20 (2)
15 (a) 1., (c) 1. and (d) 1. (intro.) of the statutes are amended to read:”.

NOTE: Section 45.20 (2) (d) 1. (intro.), and not the remainder of 45.20 (2) (d) 1., is treated by 2009 Wis. Act 302.

16 **SECTION 73.** 2009 Wisconsin Act 302, section 70, is amended by replacing
17 “~~district of,~~ private” with “~~district of,~~ private”.

NOTE: A comma was shown as both stricken and underscored. The underscore was intended.

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1 **SECTION 74.** 2009 Wisconsin Act 321, section 153, is amended by replacing
2 “individual,” with “individual”.

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

3 **SECTION 75.** 2009 Wisconsin Act 334, section 25, is amended by replacing
4 ““Treatment services”” with “_Treatment services””.

NOTE: A quotation mark was added without being underscored. The change was intended.

5 **SECTION 76.** 2009 Wisconsin Act 334, section 33, is amended by replacing
6 “systems of care,” and “agencies agency,” with “systems of care,” and “agencies
7 agency”.

NOTE: Two commas were inserted without being underscored. The change was intended.

8 **SECTION 77.** 2009 Wisconsin Act 334, section 52, is amended by replacing “115,
9 118, or 938” with “115, 118, or 938”.

NOTE: A comma was added without being underscored. The change was intended.

10 **SECTION 78.** 2009 Wisconsin Act 355, section 16, is amended by replacing
11 “B.W,” with “B.W.”.

NOTE: A period was deleted without being stricken. The change was unintended.

12 **SECTION 79.** 2009 Wisconsin Act 367, section 10, is amended by replacing “in
13 subd. 2.” with “in subd. 2.”.

NOTE: An existing period was underscored. No change was intended.

14 **SECTION 80. Renumbering and cross-reference changes under s. 13.92**
15 **(1) (bm) 2., stats.** Each statute listed in column A is renumbered to the statute
16 number in column B, and cross-references to the renumbered statute are changed
17 in the statutes listed in column C to agree with the renumbered statute, under
18 section 13.92 (1) (bm) 2. of the statutes:

NOTE: Confirms renumbering and corresponding cross-reference changes under s. 13.92 (1) (bm) 2.

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A Statute Renumbered	B New Statute Number	C Statutes in Which Cross-References are Changed
20.835 (2) (bc), as created by 2009 Wisconsin Act 295	20.835 (2) (be)	71.07 (3rn) (d) 2., as renumbered under this section 71.28 (3rn) (d) 2., as renumbered under this section 71.47 (3rn) (d) 2., as renumbered under this section
29.193 (3m) (a)	29.193 (3m)	none
30.29 (3m) (a), as created by 2009 Wisconsin Act 377	30.29 (3m)	none
36.25 (49), as created by 2009 Wisconsin Act 271	36.25 (49m)	none
48.33 (4) (d), as created by 2009 Wisconsin Act 94	48.33 (4) (dm)	none
48.357 (1) (c) 2m., as created by 2009 Wisconsin Act 94	48.357 (1) (c) 2r.	48.357 (1) (c) 2.
48.357 (2m) (bm), as created by 2009 Wisconsin Act 94	48.357 (2m) (br)	48.357 (2m) (b), as affected by 2009 Wisconsin Act 94, sections 91 and 92
48.365 (2m) (a) 1m., as created by 2009 Wisconsin Act 79	48.365 (2m) (a) 1r.	none

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48.38 (4) (i), as created by 2009 Wisconsin Act 94	48.38 (4) (im)	none
48.38 (5) (c) 8., as created by 2009 Wisconsin Act 94	48.38 (5) (c) 8m.	none
49.343 (2) (b) 6., as created by 2009 Wisconsin Act 335	49.343 (2) (b) 6m.	none
49.895 (4) (a) 2. and 3., (b), (c), and (d), as created by 2009 Wisconsin Act 76	49.845 (4) (a) 2. and 3., (b), (c), and (d)	none
50.36 (6), as created by 2009 Wisconsin Act 42	50.36 (6m)	323.19 (1)
70.11 (45), as created by 2009 Wisconsin Act 155	70.11 (45m)	none

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<p>71.07 (3rm), as created by 2009 Wisconsin Act 295</p>	<p>71.07 (3rn)</p>	<p>20.835 (2) (be), as renumbered under this section 71.05 (6) (a) 15. 71.08 (1) (intro.) 71.10 (4) (i) 71.21 (4) 71.28 (3rn) (c) 3. a., b., and c., as renumbered under this section 71.47 (3rn) (c) 3. a., b., and c., as renumbered under this section 77.92 (4) 560.2056 (1)</p>
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<p>71.28 (3rm), as created by 2009 Wisconsin Act 295</p>	<p>71.28 (3rn)</p>	<p>20.835 (2) (be), as renumbered under this section</p> <p>71.07 (3rn) (c) 3. a., b., and c., as renumbered under this section</p> <p>71.26 (2) (a) 4.</p> <p>71.30 (3) (f)</p> <p>71.34 (1k) (g)</p> <p>71.47 (3rn) (c) 3. a., b., and c., as renumbered under this section</p> <p>560.2056 (1)</p>
<p>71.47 (3rm), as created by 2009 Wisconsin Act 295</p>	<p>71.47 (3rn)</p>	<p>20.835 (2) (be), as renumbered under this section</p> <p>71.07 (3rn) (c) 3. a., b., and c., as renumbered under this section</p> <p>71.28 (3rn) (c) 3. a., b., and c., as renumbered under this section</p> <p>71.45 (2) (a) 10.</p> <p>71.49 (1) (f)</p> <p>560.2056 (1)</p>

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77.82 (7) (c) 3., as affected by 2009 Wisconsin Act 365	77.82 (7) (c)	none
84.10215, as created by 2009 Wisconsin Act 193	84.10217	none
84.1051, as created by 2009 Wisconsin Act 151	84.1053	none
106.54 (8), as created by 2009 Wisconsin Act 140	106.54 (8m)	none
111.91 (2) (gr), as created by 2009 Wisconsin Act 140	111.91 (2) (gu)	none
118.07 (4), as created by 2009 Wisconsin Act 44	118.07 (4m)	none
118.33 (6) (c), as created by 2009 Wisconsin Act 41	118.33 (6) (cm)	none
126.61 (3), as affected by 2009 Wisconsin Act 296, section 114	126.61 (3) (a)	none
126.81 (d), as affected by 2009 Wisconsin Act 296, section 145	126.81 (1) (d)	none
166.05 (1m), as created by 2009 Wisconsin Act 363	323.51 (1m)	none
253.16, as created by 2009 Wisconsin Act 148	253.165	none
341.14 (6r) (b) 14., as created by 2009 Wisconsin Act 226	341.14 (6r) (b) 14m.	20.395 (5) (eh) 25.40 (1) (a) 29.

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341.14 (6r) (f) 61., as created by 2009 Wisconsin Act 224	341.14 (6r) (f) 61m.	341.14 (6r) (b) 1. and 14., (c), and (fm) 7. 341.14 (9) (d) 1. (intro.) and b. and 2.
341.14 (6r) (f) 61., as created by 2009 Wisconsin Act 226	341.14 (6r) (f) 61r.	341.14 (6r) (b) 1., (c), (e), and (fm) 7. 341.14 (6r) (b) 14m., as renumbered under this section
440.314 (2) (a), as created by 2009 Wisconsin Act 282	440.314 (2)	none
444.01 (1r), as created by 2009 Wisconsin Act 111	444.01 (1j)	none
460.03 (1m) (intro.), (a), and (b), as affected by 2009 Wisconsin Act 355, section 17	460.03 (intro.), (1), and (2)	460.13
460.03 (1m) (c), as created by 2009 Wisconsin Act 355	460.03 (3)	none

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560.033, as created by 2009 Wisconsin Act 299	560.0335	16.75 (3m) (a) 1., 2., and 3. and (c) 5. b. 16.855 (10m) (ac) 16.87 (1) (am) 18.16 (1) (a) and (b) 18.64 (1) (a) and (b) 18.77 (1) (a) and (b) 25.185 (1) (a) and (b) 84.075 (1c) (a) 200.57 (1) (a) 229.46 (1) (ag) 229.70 (1) (ag) 229.8273 (1) (am) 229.845 (1) (ag) 231.29 (1) 234.36 (1)
609.71, as created by 2009 Wisconsin Act 218	609.715	none
609.87, as created by 2009 Wisconsin Act 346	609.875	none
632.895 (16), as created by 2009 Wisconsin Act 346	632.895 (16m)	111.91 (2) (n) 609.875, as renumbered under this section
704.90 (2m) (a), as affected by 2009 Wisconsin Act 380	704.90 (2m)	none

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755.10 (2) (a), as created by 2009 Wisconsin Act 402	755.10 (2)	none
800.04 (1) (bm), as affected by 2009 Wisconsin Act 402, section 19	800.035 (2m)	none
938.33 (4) (d), as created by 2009 Wisconsin Act 94	938.33 (4) (dm)	none
938.357 (1) (c) 2m., as created by 2009 Wisconsin Act 94	938.357 (1) (c) 2r.	938.357 (1) (c) 2.
938.357 (2m) (bm), as created by 2009 Wisconsin Act 94	938.357 (2m) (br)	938.357 (2m) (b), as affected by 2009 Wisconsin Act 94, sections 358 and 359
938.365 (2m) (a) 1m., as created by 2009 Wisconsin Act 79	938.365 (2m) (a) 1r.	none
938.38 (4) (i), as created by 2009 Wisconsin Act 94	938.38 (4) (im)	none
938.38 (5) (c) 8., as created by 2009 Wisconsin Act 94	938.38 (5) (c) 8m.	none
938.02 (18e), as created by 2009 Wisconsin Act 302	938.02 (18k)	none

1 **SECTION 81. Corrections of obvious typographical errors under s. 35.17,**
2 **stats.** In the sections of the statutes listed in Column A, the text shown in Column
3 B was changed to the text shown in column C to correct obvious typographical errors
4 under s. 35.17 of the statutes:

SENATE BILL 287**SECTION 81**

NOTE: Confirms the correction of obvious typographical errors in the statutes under s. 35.17. The affected statutes are printed in the 2009–10 printed volumes as corrected.

A Statute Affected	B Erroneous text	C Corrected text
7.30 (1) (a)	are are appointed	are appointed
11.60 (4), as affected by 2009 Wisconsin Act 89	or 11.517	or s. 11.517
13.685 (8), as created by 2009 Wisconsin Act 28	that that the committee [2 places]	that the committee
16.75 (3m) (c) 4., as affected by 2009 Wisconsin Act 299	the the amount	the amount
30.625 (1) (a), as affected by 2009 Wisconsin Act 180	under under	under
48.38 (4m) (a), as created by 2009 Wisconsin Act 79	the the hearing	the hearing
49.45 (54) (b), as created by 2009 Wisconsin Act 28	the the remaining	the remaining
50.38 (6) (a) 1., as created by 2009 Wisconsin Act 2	under under	under
62.63 (5)	employe	employee
62.69 (2) (e)	10 days additional days	10 additional days
66.1105 (4e) (a) 5., as created by 2009 Wisconsin Act 310	sub. 3.	subd. 3.
66.1105 (4m) (b) 4., as affected by 2009 Wisconsin Act 310	this paragraph.”.	this paragraph.

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71.05 (6) (a) 15., as affected by 2009 Wisconsin Act 295	(3n), (3rm) (3p), (3q), (3r), (3s)	(3n), (3p), (3q), (3r), (3rm), (3s)
71.47 (5r) (c) 1., as created by 2009 Wisconsin Act 265	No credit maybe allowed	No credit may be allowed
101.16 (4) (b) 1.	the the interruption	the interruption
125.26 (2w), as created by 2009 Wisconsin Act 28	license.”.	license.
138.14 (8) (e), as created by 2009 Wisconsin Act 405	demand therefore	demand therefor
146.37 (1g), as affected by 2009 Wisconsin Act 113	or s podiatry	or podiatry
153.05 (1) (b), as affected by 2009 Wisconsin Act 274	“that is 18	that is 18
157.06 (11) (f) 3.	passes to to the appropriate	passes to the appropriate
165.76 (6) (a), as created by 2009 Wisconsin Act 261	the the person	the person
196.197 (3) (a) 2.	under under	under
196.197 (3) (b) 2.	under under	under
196.491 (4) (c) 2.	under under	under
244.61 (form) (8th paragraph), as created by 2009 Wisconsin Act 319	MARRIAGE IN ANNULLED	MARRIAGE IS ANNULLED
252.15 (2m) (a) 5., as created by 2009 Wisconsin Act 209	person or or	person or

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252.15 (3m) (e), as created by 2009 Wisconsin Act 209	constitutes as significant	constitutes a significant
321.10 (1) (e)	may may not exceed	may not exceed
341.09 (1) (c)	subs. (2m) (a) 1. b.	sub. (2m) (a) 1. b.
343.315 (2) (L), as created by 2009 Wisconsin Act 28	the the department	the department
349.19	under under	under
450.19 (2) (d), as created by 2009 Wisconsin Act 362	practioner	practitioner
632.69 (14) (g) 13., as created by 2009 Wisconsin Act 344	merits desirability or advisability	merits, desirability, or advisability
911.01 (4) (c), as affected by 2009 Wisconsin Act 349	search warrant; hearings	search warrants; hearings
938.07 (3)	need t for	need for
968.375 (9), as created by 2009 Wisconsin Act 349	the the judge	the judge
973.045 (1) (a), as affected by 2009 Wisconsin Act 28	count, \$ \$67.	count, \$67.
973.045 (1) (b), as affected by 2009 Wisconsin Act 28	count, \$ \$92.	count, \$92.
995.24, as created by 2009 Wisconsin Act 327	William D Hoard's	William D. Hoard's

1 **SECTION 82. Effective dates.** This act takes effect on the day after publication,
2 except as follows:

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1 (1) The amendment of section 13.41 (1) (a) (intro.) and (2) (a) (intro.) of the
2 statutes takes effect on the day after the secretary of state notifies the legislature
3 that an amendment to the Wisconsin Constitution has been approved that requires
4 the legislature to provide for temporary succession to the powers and duties of public
5 offices for the period of an emergency resulting from a cause other than an enemy
6 action, or on the day after publication, whichever is later.

7

(END)