

State of Wisconsin



2011 Senate Bill 284

Date of enactment: April 6, 2012
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2011 WISCONSIN ACT 257

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

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

SECTION 1. 15.107 (16) of the statutes is repealed.

SECTION 2. 16.023 of the statutes is repealed.

SECTION 3. 16.753 (3) of the statutes is amended to read:

16.753 (3) An agency shall post the information under sub. (2) within 24 hours of the time of initial solicitation or commencement of negotiations, or the time that the information becomes available, if the information is not available at the time of solicitation or commencement of negotiations, and shall maintain the posting until at least 90 days following the time of award of the contract or placement of the order or 90 days following the date of any change order, whichever is later. The agency shall also post any change order to a listed order or contract. If an original order or contract that did not involve a major expenditure, together with a change order, aggregates to a contract or order that involves a major expenditure, the agency shall post the information under sub. (4) (2) with respect to that order or contract.

SECTION 4. 20.395 (3) (ck) of the statutes is repealed.

SECTION 5. 20.395 (3) (cr) of the statutes is amended to read:

20.395 (3) (cr) *Southeast Wisconsin freeway rehabilitation, state funds.* As a continuing appropriation, the amounts in the schedule for rehabilitation of southeast

Wisconsin freeways, including reconstruction and interim repair of the Marquette interchange in Milwaukee County, ~~and for the grant under s. 84.03 (3) (a).~~ This paragraph does not apply to the installation, replacement, rehabilitation, or maintenance of highway signs, traffic control signals, highway lighting, pavement markings, or intelligent transportation systems, unless incidental to rehabilitation of southeast Wisconsin freeways. No moneys may be encumbered from this appropriation account after June 30, 2011. Notwithstanding s. 20.001 (3) (c), any unencumbered balance in this appropriation account on July 1, 2011, shall be transferred to the appropriation account under par. (cq).

SECTION 6. 20.395 (3) (cy) of the statutes is amended to read:

20.395 (3) (cy) *Southeast Wisconsin freeway rehabilitation, federal funds.* All moneys received from the federal government for rehabilitation of southeast Wisconsin freeways, including reconstruction and interim repair of the Marquette interchange in Milwaukee County, ~~and for the grant under s. 84.03 (3) (a),~~ for such purposes. This paragraph does not apply to the installation, replacement, rehabilitation, or maintenance of highway signs, traffic control signals, highway lighting, pavement markings, or intelligent transportation systems, unless incidental to rehabilitation of southeast Wisconsin freeways. No moneys may be encumbered from this appropriation account after June 30, 2011. Notwithstanding s. 20.001

* Section 991.11, WISCONSIN STATUTES 2009-10 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

(3) (c), any unencumbered balance in this appropriation account on July 1, 2011, shall be transferred to the appropriation account under par. (cx).

SECTION 7. 20.435 (4) (jw) of the statutes, as affected by [2009 Wisconsin Act 28](#), section [357](#), is amended to read:

20.435 (4) (jw) *BadgerCare Plus, hospital assessment, and pharmacy benefits purchasing pool administrative costs.* All moneys received from payment of enrollment fees under the program under s. 49.45 (23), all moneys transferred under s. 50.38 (9), all moneys transferred from the appropriation account under par. (jz), and 10 percent of all moneys received from penalty assessments under s. 49.471 (9) (c), for administration of the program under s. 49.45 (23), to provide a portion of the state share of administrative costs for the BadgerCare Plus Medical Assistance program under s. 49.471, for administration of the hospital assessment under s. 50.38, and to administer a contract with an entity to operate the pharmacy benefits purchasing pool under s. ~~146.65~~ 146.45.

SECTION 8. 20.931 (18) of the statutes is amended to read:

20.931 (18) This section shall be liberally construed and applied to promote the public interest and to effect the congressional intent in enacting [31 USC 3279 3729](#) to [3733](#), as reflected in the act and the legislative history of the act.

SECTION 9. 25.17 (1) (vm) of the statutes is amended to read:

25.17 (1) (vm) Tuition trust fund (s. 25.80);

SECTION 10. 25.17 (1) (zd) of the statutes is amended to read:

25.17 (1) (zd) Worker's compensation operations fund (s. 102.75);

SECTION 11. 29.307 (2) of the statutes is repealed.

SECTION 12. 29.307 (3) of the statutes is amended to read:

29.307 (3) ~~Subsection (2) and the Any~~ rules promulgated under ~~sub. (2) s. 29.307 (2), 2009 stats.~~, do not apply after June 30, 2004.

SECTION 13. 29.971 (11) of the statutes is amended to read:

29.971 (11) For hunting deer without the required approval, during the closed season, with the aid of artificial light or with the aid of an aircraft, ~~except as provided in s. 29.307 (2)~~, for the snaring of or setting snares for deer, or for the possession or control of a deer carcass in violation of s. 29.055 or 29.347, by a fine of not less than \$1,000 nor more than \$2,000 or by imprisonment for not more than 6 months or both. In addition, the court shall order the revocation of all approvals issued to the person under this chapter and shall prohibit the issuance of any new approval under this chapter to the person for 3 years.

SECTION 14. 49.143 (3g) (a) 1. of the statutes is amended to read:

49.143 (3g) (a) 1. The placement of participants in Wisconsin works Works employment positions into unsubsidized employment, as defined in s. 49.147 (1) (€).

SECTION 15. 49.147 (1) (intro.) and (c) of the statutes are consolidated, renumbered 49.147 (1) and amended to read:

49.147 (1) ~~DEFINITIONS~~ DEFINITION. In this section: (€) ~~“Unsubsidized,”~~ “unsubsidized employment” means employment for which the Wisconsin works Works agency provides no wage subsidy to the employer including self-employment and entrepreneurial activities.

SECTION 16. 49.148 (1) (b) 1. of the statutes is amended to read:

49.148 (1) (b) 1. Except as provided in subd. 1m., for a participant in a community service job under s. 49.147 (4), a monthly grant of \$673, paid by the Wisconsin works Works agency. For every hour that the participant misses work or education or training activities without good cause, the grant amount shall be reduced by \$5.15. Good cause shall be determined by the financial and employment planner in accordance with rules promulgated by the department. Good cause shall include required court appearances for a victim of domestic abuse. If a participant in a community service job under s. 49.147 (4) is required to work fewer than 30 hours per week because the participant has unsubsidized employment, as defined in s. 49.147 (1) (€), the grant amount under this paragraph shall equal the amount specified under subd. 1m. minus \$5.15 for each hour that the participant misses work or education or training activities without good cause.

SECTION 17. 49.148 (1m) (a) 1. of the statutes is amended to read:

49.148 (1m) (a) 1. A custodial parent of a child 12 weeks old or less who meets the eligibility requirements under s. 49.145 (2) and (3), unless another adult member of the custodial parent's Wisconsin Works group is participating in, or is eligible to participate in, a Wisconsin Works employment position or is employed in unsubsidized employment, as defined in s. 49.147 (1) (€).

SECTION 18. 49.15 (3) (a) of the statutes is amended to read:

49.15 (3) (a) Unsubsidized employment, as defined in s. 49.147 (1) (€).

SECTION 19. 49.77 (2) (a) 3. (intro.) and a. of the statutes are consolidated, renumbered 49.77 (2) (a) 3. and amended to read:

49.77 (2) (a) 3. Any needy person or couple residing in this state whose income, after deducting income excludable under federal Title XVI, is less than the combined benefit level available under federal Title XVI and this section, ~~if at least one of the following requirements are met: a. The~~ the person or couple was eligible for a state supplement under this section based on the last federal eligibility determination prior to January 1, 1996, but

was not eligible to receive a payment under federal Title XVI on that date.

SECTION 20. 64.26 (1) of the statutes is renumbered 64.26.

SECTION 21. 66.1001 (4) (b) 3. of the statutes is repealed.

SECTION 22. 73.03 (2) (a) of the statutes is renumbered 73.03 (2).

SECTION 23. 84.013 (2) (b) of the statutes is amended to read:

84.013 (2) (b) Except as provided in ss. 84.014, ~~84.03 (3)~~, and 84.555, and subject to s. 86.255, reconditioning, reconstruction and resurfacing of highways shall be funded from the appropriations under ss. 20.395 (3) (cq) to (cx) and 20.866 (2) (uur) and (ut).

SECTION 24. 84.03 (3) of the statutes is repealed.

SECTION 25. 86.31 (3s) of the statutes is repealed.

SECTION 26. 93.06 (12) of the statutes is repealed.

SECTION 27. 101.14 (4) (b) 3. a. of the statutes is amended to read:

101.14 (4) (b) 3. a. Every residence hall and dormitory over 60 feet in height, the initial construction of which was begun before April 26, 2000, that is owned or operated by the board of regents of the University of Wisconsin System to contain an automatic fire sprinkler system on each floor by January 1, 2006, ~~except that those rules shall not apply to Ogg Residence Hall at the University of Wisconsin-Madison until January 1, 2008.~~

SECTION 28. 102.11 (1) (intro.) of the statutes, as affected by 2009 Wisconsin Act 206, is amended to read:

102.11 (1) (intro.) The average weekly earnings for temporary disability, permanent total disability, or death benefits for injury in each calendar year on or after January 1, 1982, shall be not less than \$30 nor more than the wage rate that results in a maximum compensation rate of 110 percent of the state's average weekly earnings as determined under s. 108.05 as of June 30 of the previous year. The average weekly earnings for permanent partial disability shall be not less than \$30 and, for permanent partial disability for injuries occurring on or after May 6 1, 2010, and before January 1, 2011, not more than \$438, resulting in a maximum compensation rate of \$292, and, for permanent partial disability for injuries occurring on or after January 1, 2011, not more than \$453, resulting in a maximum compensation rate of \$302. Between such limits the average weekly earnings shall be determined as follows:

SECTION 29. 102.44 (1) (am) of the statutes, as affected by 2009 Wisconsin Act 206, is amended to read:

102.44 (1) (am) If the employee is receiving the maximum weekly benefits in effect at the time of the injury, the supplemental benefit for a week of disability occurring after May 6 1, 2010, shall be an amount that, when added to the regular benefit established for the case, shall equal \$582.

SECTION 30. 102.44 (1) (b) of the statutes, as affected by 2009 Wisconsin Act 206, is amended to read:

102.44 (1) (b) If the employee is receiving a weekly benefit that is less than the maximum benefit that was in effect on the date of the injury, the supplemental benefit for a week of disability occurring after May 6 1, 2010, shall be an amount sufficient to bring the total weekly benefits to the same proportion of \$582 as the employee's weekly benefit bears to the maximum in effect on the date of injury.

SECTION 31. 106.25 (1) (intro.) and (a) (intro.) of the statutes are consolidated, renumbered 106.25 (1) (intro.) and amended to read:

106.25 (1) ~~DEFINITIONS~~ DEFINITION. (intro.) In this section: ~~(a) "Public, "public~~ "public insurrection" means a civil disturbance in which a group or groups of persons are simultaneously engaged in acts of violence against persons or property by the illegal use of weapons, by burning, pillaging or looting or by committing any other illegal acts, and which is of such a magnitude as to result in any of the following:

SECTION 32. 106.25 (1) (a) 1., 2. and 3. of the statutes are renumbered 106.25 (1) (am), (b) and (c).

SECTION 33. 145.07 (7) (a) of the statutes, as affected by 2009 Wisconsin Act 291, is renumbered 145.07 (7).

SECTION 34. 165.76 (1m) of the statutes, as created by 2009 Wisconsin Act 261, is amended to read:

165.76 (1m) If a person is required to provide a biological specimen under sub. (1) (a) to (g) and the department of justice does not have the data obtained from analysis of a biological specimen from the person that the department is required to maintain in the data bank under s. 165.77 (3), the department may require the person to provide a biological specimen, regardless of whether the person previously provided a biological specimen under this section or s. 51.20 (13) (cr), 938.34 (15), 971.17 (1m) (a), 973.047, or ~~980.63~~ 980.063. The department of justice, the department of corrections, a district attorney, or a county sheriff, shall notify any person whom the department of justice requires to provide a biological specimen under this subsection.

SECTION 35. 285.69 (2) (e) of the statutes is amended to read:

285.69 (2) (e) Beginning in 2001, the owner or operator of a stationary source for which an operation permit is required shall pay to the department an annual fee of \$ ~~.86~~ 86 cents per ton of actual emissions in the preceding year of all air contaminants on which the fee under par. (a) is based.

SECTION 36. 301.10 (2) of the statutes is renumbered 301.10.

SECTION 37. 348.16 (1) (intro.) and (b) of the statutes are consolidated, renumbered 348.16 (1) and amended to read:

348.16 (1) In this section: ~~(b) “Class, “class ‘B’ highway”~~ includes those county trunk highways, town highways and city and village streets, or portions thereof, which have been designated as class “B” highways by the local authorities pursuant to s. 349.15.

SECTION 38. 350.12 (1) of the statutes is amended to read:

350.12 (1) REGISTRATION REQUIREMENT. After January 1, 1970, no person shall operate, and no owner shall give permission for the operation of any snowmobile within this state unless the operation of the snowmobile complies with sub. (3) (a) ~~(intro.)~~ 1. or (5) (cm) or is exempt from registration. No political subdivision shall have authority to register or license snowmobiles.

SECTION 39. 350.12 (3) (a) (intro.) of the statutes is renumbered 350.12 (3) (a) 1.

SECTION 40. 401.204 of the statutes, as affected by 2009 Wisconsin Act 320, is amended to read:

401.204 Value. Except as otherwise provided in chs. 403, 404, and 405, ~~and 406,~~ a person gives value for rights if the person acquires them under any of the following circumstances:

SECTION 41. 401.301 (3) (f) of the statutes, as affected by 2009 Wisconsin Act 320, is repealed.

SECTION 42. 405.103 (3) of the statutes is amended to read:

405.103 (3) With the exception of this subsection, subs. (1) and (4), ss. 405.102 (1) (i) and (j), 405.106 (4) and 405.114 (4), and except to the extent prohibited in ss. ~~401.102 (3)~~ 401.302 and 405.117 (4), the effect of this chapter may be varied by agreement or by a provision stated or incorporated by reference in an undertaking. A term in an agreement or undertaking generally excusing liability or generally limiting remedies for failure to perform obligations is not sufficient to vary obligations prescribed by this chapter.

SECTION 43. 408.103 (7) of the statutes, as created by 2009 Wisconsin Act 322, is amended to read:

408.103 (7) A document of title, as defined in s. 401.201 ~~(15)~~ (2) (i), is not a financial asset unless s. 408.102 (1) (i) 1. c. applies.

SECTION 44. 423.201 (1) (a) of the statutes is amended to read:

423.201 (1) (a) Is initiated by face-to-face solicitation away from a regular place of business of the merchant or by mail or telephone solicitation directed to the particular customer; and

SECTION 45. 565.30 (5r) (b) of the statutes, as affected by 2009 Wisconsin Act 402, is amended to read:

565.30 (5r) (b) Subject to par. (c), if the administrator receives a notice under s. 778.30 (2) (a), ~~800.09~~ 800.095 (1) (c), or 973.05 (5) (a) of the assignment of lottery prizes under s. 778.30 (1) (c), ~~800.09~~ 800.095 (1) (c), or 973.05 (4) (c) and determines that the person subject to the assignment is a winner or assignee of a lottery prize that is payable in installments, the administrator shall

withhold the amount of the judgment that is the basis of the assignment from the next installment payment. The administrator shall submit the withheld amount to the court that issued the assignment. At the time of the submittal, the administrator shall charge the administrative expenses related to that withholding and submittal to the winner or assignee of the lottery prize and withhold those expenses from the balance of the installment payment. The administrator shall notify the winner or assignee of the reason that the amount is withheld from the installment payment. If the initial installment payment is insufficient to pay the judgment and administrative expenses, the administrator shall withhold and submit to the court an amount from any additional installment payments until the judgment and administrative expenses are paid in full and the assignment is no longer in effect. The administrative expenses received by the department shall be credited to the appropriation under s. 20.566 (1) (h).

SECTION 46. 623.06 (2) (intro.) of the statutes is amended to read:

623.06 (2) (intro.) Except as provided in subs. (2a) and (2m), the minimum standard for the valuation of all such policies and contracts issued prior to the effective date of this section [see sub. (8) and s. 632.43 (9)] shall be that provided by the laws in effect immediately prior to such date. Except as provided in subs. (2a) and (2m), the minimum standard for the valuation of all such policies and contracts issued on or after the effective date of this section shall be the commissioners reserve valuation methods defined in subs. (3) to (4m) and (7), with ~~3-1/2%~~ 3.5 percent interest, or in the case of policies and contracts, other than annuity and pure endowment contracts, issued on or after June 19, 1974, and prior to November 8, 1977, ~~4%~~ 4 percent interest, and for policies issued on or after November 8, 1977, ~~4.5%~~ 4.5 percent interest and the following tables:

SECTION 47. 623.06 (2a) (a), (b), (c) and (d) of the statutes are amended to read:

623.06 (2a) (a) For individual annuity and pure endowment contracts issued prior to November 8, 1977, excluding any disability and accidental death benefits in such contracts—the 1971 individual annuity mortality table, or any modification of this table approved by the commissioner, and ~~6%~~ 6 percent interest for single premium immediate annuity contracts, and ~~4%~~ 4 percent interest for all other individual annuity and pure endowment contracts.

(b) For individual single premium immediate annuity contracts issued on or after November 8, 1977, excluding any disability and accidental death benefits in those contracts, the 1971 individual annuity mortality table or any individual annuity mortality table adopted after 1980 by the National Association of Insurance Commissioners, that is approved by rule adopted by the commissioner for use in determining the minimum standard of valuation for those contracts or any modification

of either table approved by the commissioner, and ~~7.5%~~ 7.5 percent interest. For other individual annuity and pure endowment contracts issued on or after November 8, 1977, excluding any disability and accidental death benefits in those contracts, the 1971 individual annuity mortality table or any individual annuity mortality table adopted after 1980 by the National Association of Insurance Commissioners, that is approved by rule adopted by the commissioner for use in determining the minimum standard of valuation for those contracts, or any modification of either table approved by the commissioner, and ~~5.5%~~ 5.5 percent interest for single premium deferred annuity and pure endowment contracts and ~~4.5%~~ 4.5 percent interest for all other individual annuity and pure endowment contracts.

(c) For all annuities and pure endowments purchased prior to November 8, 1977, under group annuity and pure endowment contracts, excluding any disability and accidental death benefits purchased under such contracts—the 1971 group annuity mortality table, or any modification of this table approved by the commissioner, and ~~6%~~ 6 percent interest.

(d) For all annuities and pure endowments purchased on or after November 8, 1977, under group annuity and pure endowment contracts, excluding any disability and accidental death benefits in those contracts, the 1971 group annuity mortality table or any group annuity mortality table adopted after 1980 by the National Association of Insurance Commissioners, that is approved by rule adopted by the commissioner for use in determining the minimum standard of valuation for those annuities and pure endowments, or any modification of either table approved by the commissioner, and ~~7.5%~~ 7.5 percent interest.

SECTION 48. 623.06 (2m) (a) 3. of the statutes is amended to read:

623.06 (2m) (a) 3. “I” means the applicable calendar year valuation interest rate determined under par. (c), rounded to the nearest ~~0.25%~~ 0.25 percent.

SECTION 49. 623.06 (2m) (d) of the statutes is amended to read:

623.06 (2m) (d) Notwithstanding par. (c) 1., if the calendar year valuation interest rate determined under par. (c) 1. differs from the corresponding actual rate for similar policies issued in the immediately preceding cal-

endar year by less than ~~0.5%~~ 0.5 percent, the calendar year valuation interest rate for those policies is the corresponding actual rate for the immediately preceding calendar year. For purposes of this paragraph, the calendar year valuation interest rate for policies issued in 1980 shall be determined using the reference interest rate for 1979 and shall be determined under this paragraph for subsequent calendar years notwithstanding s. 632.43 (6m).

SECTION 50. 623.06 (3m) (b) 1. of the statutes is amended to read:

623.06 (3m) (b) 1. The value defined in sub. (3) (a) is reduced by ~~45%~~ 15 percent of the amount of the excess premium.

SECTION 51. 800.09 (3) (title) of the statutes, as created by 2009 Wisconsin Act 17, is repealed.

SECTION 52. 911.01 (4) (c) of the statutes, as affected by 2009 Wisconsin Acts 214, 261 and 349, is amended to read:

911.01 (4) (c) *Miscellaneous proceedings.* Proceedings for extradition or rendition; sentencing, granting, or revoking probation, modification of a sentence under s. 302.1135, adjustment of a bifurcated sentence under s. 973.195 (1r), release to extended supervision under s. 302.113 (2) (b) or 304.06 (1) or discharge under s. 973.01 (4m); issuance of subpoenas or warrants under s. 968.375, arrest warrants, criminal summonses, and search warrants; hearings under s. 980.09 (2); proceedings under s. 971.14 (1r) (c); ~~or~~ proceedings with respect to pretrial release under ch. 969 except where habeas corpus is utilized with respect to release on bail or as otherwise provided in ch. 969; ~~and~~ or proceedings under s. 165.76 (6) to compel provision of a biological specimen for deoxyribonucleic acid analysis.

SECTION 53. 941.29 (9) (b) of the statutes, as created by 2009 Wisconsin Act 258, is amended to read:

941.29 (9) (b) This section does not apply to a person specified in sub. (1) (em) if the order under s. ~~51.30~~ 51.20 (13) (cv) 1. is canceled under s. 51.20 (13) (cv) 1m. c., if the order under s. 51.45 (13) (i) 1. is canceled under s. 51.45 (13) (i) 2. c., if the order under s. 54.10 (3) (f) 1. is canceled under s. 54.10 (3) (f) 2. c., or if the order under s. 55.12 (10) (a) is canceled under s. 55.12 (10) (b) 3.

SECTION 54. 973.045 (3) (b) of the statutes is renumbered 973.045 (3).

SECTION 55. Renumbering and cross-reference changes under s. 13.92 (1) (bm) 2., stats. Each statute listed in column A is renumbered to the statute number in column B, and cross-references to the renumbered statute are changed in the statutes listed in column C to agree with the renumbered statute, under section 13.92 (1) (bm) 2. of the statutes:

A Statute Renumbered	B New Statute Number	C
449.03, as affected by 2005 Wis. Act 297	449.03 (2)	
767.707, as created by 2009 Wis. Act 321	769.707	

SECTION 56. Corrections of obvious typographical errors under s. 35.17, stats. In the sections of the statutes listed in Column A, the text shown in Column B was changed to the text shown in column C to correct obvious typographical errors under s. 35.17 of the statutes:

A Statute Affected	B Erroneous text	C Corrected text
20.370 (6) (au)	Notwithstanding 20.001 (3) (a)	Notwithstanding s. 20.001 (3) (a)
48.415 (intro.), as affected by 2009 Wis. Act 94	jury t shall	jury shall
48.42 (1) (d), as affected by 2009 Wis. Act 94	Indian t Child	Indian Child
91.48 (2) (intro.), as affected by 2009 Wis. Act 28	March of 1 each	March 1 of each
287.17 (1) (p), as created by 2009 Wisconsin Act 50	cathode ray-tube	cathode-ray tube
648.45 (7) (c), as created by 2009 Wisconsin Act 28	permittee's	permittee's
968.20 (1r) (a), as affected by 2009 Wis. Act 258	s. 51.20 (13) (cv) 1., 2007, stats.	s. 51.20 (13) (cv) 1., 2007 stats.