



2013 SENATE BILL 641

February 28, 2014 - Introduced by LAW REVISION COMMITTEE. Referred to
Committee on Judiciary and Labor.

1 **AN ACT relating to:** revising various provisions of the statutes for the purpose
2 of supplying omissions and eliminating defects (Correction Bill).

Analysis by the Legislative Reference Bureau

This correction bill, prepared by the Legislative Reference Bureau under s.
13.92 (1) (bm) 1. and 2. and (2) (i) and (L), stats. is 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.** The treatment of 14.11 (2) (b) of the statutes by 2013 Wisconsin Act
4 20 is not repealed by 2013 Wisconsin Act 105. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference
bureau, s. 14.11 (2) (b) reads:

(b) When special counsel is employed, a contract in writing shall be entered into
between the state and such counsel, in which shall be fixed the compensation to be paid
such counsel by the state. If the compensation is being determined on a contingent fee
basis, the contract is subject to s. 20.9305. The contract shall be executed in behalf of the
state by the governor, and shall be filed in the office of the secretary of state. Such
compensation shall be charged to the special counsel appropriation in s. 20.505 (1) (d).

5 **SECTION 2.** 29.216 (2) of the statutes, as affected by 2013 Wisconsin Act 61, is
6 amended to read:

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1 29.216 (2) AUTHORIZATION. The nonresident archer hunting license authorizes
2 the hunting of all game, except bear, elk, wild turkey, and fur-bearing animals,
3 during the open season for the hunting of that game with a bow and arrow.

NOTE: Restores a previously existing subsection title. The amendment of s. 29.216 (2) by 2013 Wis. Act 61 did not include the subsection title in accordance with current drafting style. There was no intent to remove the title.

4 **SECTION 3.** The treatment of 29.563 (12) (a) 2. of the statutes by 2013 Wisconsin
5 Act 55 is not repealed by 2013 Wisconsin Act 61. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 29.563 (12) (a) 2. reads:

2. Archer, crossbow, sports, or conservation patron, except as provided in subd. 2m: \$14.25 if deer tags are included; \$11.25 after open season and deer tags are not included.

6 **SECTION 4.** 49.496 (3) (aj) 2. of the statutes, as affected by 2013 Wisconsin Act
7 92, is repealed and recreated to read:

8 49.496 (3) (aj) 2. There is a presumption, consistent with s. 766.31, which may
9 be rebutted, that all property in the estate of a nonrecipient surviving spouse was
10 marital property held with the recipient and that 100 percent of the property in the
11 estate of the nonrecipient surviving spouse is subject to the department's claim
12 under par. (a).

NOTE: This section does not alter the text of s. 49.496 (3) (aj) 2., as affected by 2013 Wis. Act 92. The purpose of this section is to correct a drafting error in section 352 (1) of Act 92. As a result of the error, the effective date of the Act 92 treatment of s. 49.496 (3) (aj) 2. is unclear.

Under Act 92, section 352 (intro.), the general effective date for that act is 7-1-14. Section 352 (1) of Act 92 specifies that the effective date for the treatment of estate recovery charges, including the treatment of s. 49.496 (3m) (aj) 2., is the day after publication, which was 12-15-13. Act 92 contains no treatment of s. 49.496 (3m) (aj) 2. and there is no provision numbered s. 49.496 (3m). The inclusion of s. 49.496 (3m) (aj) 2. in section 352 (1) of Act 92 is clearly erroneous. The subject matter of s. 49.496 (3) is recovery from estates. Drafting records do not indicate that the treatment of s. 49.496 (3) (aj) 2. was intended to be other than the day after publication of Act 92.

The repeal and recreation of s. 49.496 (3) (aj) 2. in this bill is solely to ensure that the treatment of s. 49.496 (3) (aj) 2. by Act 92 takes effect no later than the effective date of this bill. It is not intended to preclude the possibility that the treatment of s. 49.496 (3) (aj) 2. was effective on 12-15-13.

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1 **SECTION 5.** 49.496 (3) (dm) 2. of the statutes, as affected by 2013 Wisconsin Act
2 92, is repealed and recreated to read:

3 49.496 **(3)** (dm) 2. The department shall release the lien in the circumstances
4 described in s. 49.849 (4) (c) 2.

NOTE: This section does not alter the text of s. 49.496 (3) (dm) 2., as affected by 2013 Wis. Act 92. The purpose of this section is to correct a drafting error in section 352 (1) of Act 92. As a result of the error, the effective date of the Act 92 treatment of s. 49.496 (3) (dm) 2. is unclear.

Under Act 92, section 352 (intro.), the general effective date for that act is 7-1-14. Section 352 (1) of Act 92 specifies that the effective date for the treatment of estate recovery charges, including the treatment of s. 49.496 **(3m)** (dm) 2., is the day after publication, which was 12-15-13. Act 92 contains no treatment of s. 49.496 (3m) (dm) 2. and there is no provision numbered s. 49.496 (3m). The inclusion of s. 49.496 (3m) (dm) 2. in section 352 (1) of Act 92 is clearly erroneous. The subject matter of s. 49.496 **(3)** is recovery from estates. Drafting records do not indicate that the treatment of s. 49.496 (3) (dm) 2. was intended to be other than the day after publication of Act 92.

The repeal and recreation of s. 49.496 (3) (dm) 2. in this bill is solely to ensure that the treatment of s. 49.496 (3) (dm) 2. by Act 92 takes effect no later than the effective date of this bill. It is not intended to preclude the possibility that the treatment of s. 49.496 (3) (dm) 2. was effective on 12-15-13.

5 **SECTION 6.** 60.23 (32) (b) 1. of the statutes, as created by 2013 Wisconsin Acts
6 50 and 51, is amended to read:

7 60.23 **(32)** (b) 1. In this paragraph, “town” means the town of Brookfield in
8 Waukesha County or the town of Somers in Kenosha County.

NOTE: Inserts language made necessary by the merger of the provisions created as s. 60.23 (32) (b) 1. by 2013 Wis. Acts 50 and 51.

9 **SECTION 7.** 60.23 (32) (d) of the statutes, as created by 2013 Wisconsin Acts 50
10 and 51, is amended to read:

11 60.23 **(32)** (d) If after January 1 a city or village annexes any part of a tax
12 incremental district that is created as provided under par. (b) 2., the department of
13 revenue shall redetermine the tax incremental base of the district by subtracting
14 from the tax incremental base the value of the taxable property that is annexed from
15 the existing district as of the following January 1, and if the annexation becomes

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1 effective on January 1 of any year, the redetermination shall be made as of that date.
2 The tax incremental base as redetermined under this paragraph is effective for the
3 purposes of this paragraph and par. (b) only if it is less than the original tax
4 incremental base determined under s. 66.1105 (5) (a).

NOTE: Inserts missing word.

5 **SECTION 8.** 60.85 (5) (d) 2. of the statutes is amended to read:

6 60.85 (5) (d) 2. If after January 1 a city or village annexes town territory that
7 contains part of a tax incremental district that is created by the town, the department
8 of revenue shall redetermine the tax incremental base of the district by subtracting
9 from the tax incremental base the value of the taxable property that is annexed from
10 the existing district as of the following January 1, and if the annexation becomes
11 effective on January 1 of any year, the redetermination shall be made as of that date.
12 The tax incremental base as redetermined under this subdivision is effective for the
13 purposes of this section only if it is less than the original tax incremental base
14 determined under par. (b).

NOTE: Inserts missing word.

15 **SECTION 9.** 62.233 (2) (b) of the statutes, as created by 2013 Wisconsin Act 80,
16 is amended to read:

17 62.233 (2) (b) For a city that incorporated after April 30, 1994, under s. 66.0203,
18 66.0211, 66.0213, or ~~66.025~~ 66.0215, a shoreland that before incorporation as a city
19 was part of a town that was subject to a county shoreland zoning ordinance under
20 s. 59.692.

NOTE: Inserts correct cross-reference. There is no s. 66.025. Section 66.0215
relates to incorporation of certain towns adjacent to 1st class cities.

21 **SECTION 10.** 108.02 (4m) of the statutes, as affected by 2013 Wisconsin Act 36,
22 is amended to read:

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1 108.02 (4m) BASE PERIOD WAGES. “Base period wages” means all of the following:

2 (a) All earnings for wage-earning service ~~which~~ that are paid to an employee
3 during his or her base period as a result of employment for an employer except any
4 payment made to or on behalf of an employee or his or her beneficiary under a
5 cafeteria plan within the meaning of 26 USC 125, if the payment would not be treated
6 as wages without regard to that plan and if 26 USC 125 would not treat the payment
7 as constructively received;.

8 (b) All sick pay ~~which~~ that is paid directly by an employer to an employee at
9 the employee’s usual rate of pay during his or her base period as a result of
10 employment for an employer;.

11 (c) All holiday, vacation, and termination pay ~~which~~ that is paid to an employee
12 during his or her base period as a result of employment for an employer;.

13 (d) For an employee who, as a result of employment for an employer, receives
14 temporary total disability or temporary partial disability payments under ch. 102 or
15 under any federal law which provides for payments on account of a work-related
16 injury or illness analogous to those provided under ch. 102, all payments that the
17 employee would have been paid during his or her base period as a result of
18 employment for an employer, but not exceeding the amount that, when combined
19 with other wages, the employee would have earned but for the injury or illness;.

20 (e) Back pay that an employee would have been paid during his or her base
21 period as a result of employment for an employer, if the payment of the back pay is
22 made no later than the end of the 104-week period beginning with the earliest week
23 to which the back pay applies;.

24 (f) All wages that an employer was legally obligated to pay in an employee’s
25 base period but failed to pay, or was prohibited from paying as a result of an

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1 insolvency proceeding under ch. 128 or as a result of a bankruptcy proceeding under
2 11 USC 101 et seq.; and

NOTE: Conforms (intro.) structure and subsequent punctuation to current style.
Replaces “which” with “that” for internal consistency and correct grammar.

3 **SECTION 11.** 111.84 (2) (intro.) of the statutes is amended to read:

4 111.84 (2) (intro.) It is an unfair labor practice for an employee individually or
5 in concert with others:

NOTE: Makes language consistent with s. 111.84 (title), (1), (2) (b), (3), and (4).

6 **SECTION 12.** 157.115 (2) (e) of the statutes is amended to read:

7 157.115 (2) (e) If within 60 days after notice is published under par. ~~(e)~~ (d) no
8 owner or assignee contacts the cemetery authority to express an intent to use the
9 abandoned lot for a future burial of human remains, the cemetery authority shall
10 bring an action in the circuit court of the county in which the abandoned lot is located
11 for a judgment that the cemetery lot is an abandoned lot and an order transferring
12 ownership of the abandoned lot to the cemetery authority.

NOTE: Inserts correct cross-reference. The notice under s. 157.115 (2) (c) is not
published. The notice under s. 157.115 (2) (d) is published.

13 **SECTION 13.** 196.85 (3) of the statutes is amended to read:

14 196.85 (3) If any public utility, sewerage system, joint local water authority, or
15 power district is billed under sub. (1), (2), or (2e) and fails to pay the bill within 30
16 days or fails to file objections to the bill with the commission, as provided in ~~this~~
17 ~~subsection~~ sub. (4), the commission shall transmit to the secretary of administration
18 a certified copy of the bill, together with notice of failure to pay the bill, and on the
19 same day the commission shall mail by registered mail to the public utility, sewerage
20 system, joint local water authority, or power district a copy of the notice that it has
21 transmitted to the state treasurer. Within 10 days after receipt of the notice and
22 certified copy of the bill, the secretary of administration shall levy the amount stated

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1 on the bill to be due, with interest, by distress and sale of any property, including
2 stocks, securities, bank accounts, evidences of debt, and accounts receivable
3 belonging to the delinquent public utility, sewerage system, joint local water
4 authority, or power district. The levy by distress and sale shall be governed by s.
5 74.10, 1985 stats., except that it shall be made by the secretary of administration and
6 that goods and chattels anywhere within the state may be levied upon.

NOTE: Inserts correct cross-reference. Objections to bills are provided for in s.
196.85 (4). There are no provisions for filing objections in s. 196.85 (3).

7 **SECTION 14.** 341.10 (6) of the statutes, as affected by 2013 Wisconsin Act 103,
8 is amended to read:

9 341.10 (6) The vehicle is was manufactured after 1969 and does not meet
10 manufacturer or importer certification label requirements as specified in 49 CFR 567
11 or the vehicle is a Kei class vehicle. This subsection does not apply to former military
12 vehicles, historic military vehicles, as defined in s. 341.269 (1) (a), for which the
13 department receives an application, and which are eligible, for registration under s.
14 341.269, or special interest vehicles, as defined in s. 341.266 (1) (c), for which the
15 department receives an application, and which are eligible, for registration under s.
16 341.266.

NOTE: Deletes a word that was rendered superfluous by 2013 Wis. Act 103.

17 **SECTION 15.** 343.32 (1) (intro.) and (c) of the statutes are consolidated,
18 renumbered 343.32 (1) and amended to read:

19 343.32 (1) The secretary shall revoke a person's operating privilege whenever
20 ~~one or more of the following conditions exist:~~(c) Notice notice has been received of
21 the conviction of such person in another jurisdiction for an offense therein which, if
22 committed in this state, would have required revocation of such person's operating
23 privilege under this subsection.

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NOTE: The subdividing of this subsection is unnecessary. It does not have multiple paragraphs.

1 **SECTION 16.** 628.02 (1) (b) 1. to 7m. of the statutes are amended to read:

2 628.02 (1) (b) 1. A regular salaried officer, employee, or other representative
3 of an insurer or licensed intermediary, other than a risk retention group or risk
4 purchasing group, who devotes substantially all working time to activities other
5 than those in par. (a), and who receives no compensation that is directly dependent
6 upon the amount of insurance business obtained;

7 2. A regular salaried officer or employee of a person seeking to procure
8 insurance, other than for members of a risk purchasing group, who receives no
9 compensation that is directly dependent upon the amount of insurance coverage
10 procured, with respect to such insurance;

11 3. A person who gives incidental advice in the normal course of a business or
12 professional activity other than insurance consulting if neither the person nor the
13 person's employer receives compensation directly or indirectly on account of any
14 insurance transaction that results from that advice;

15 4. A person who without special compensation performs incidental services for
16 another at the other's request without providing advice or technical or professional
17 services of a kind normally provided by an intermediary;

18 5. A holder of a group insurance policy, or any other person involved in mass
19 marketing, with respect to administrative activities in connection with such a policy,
20 if he or she receives no compensation therefor beyond actual expenses, estimated on
21 a reasonable basis;

22 6. A person who provides information, advice, or service for the principal
23 purpose of reducing loss or the risk of loss;

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1 7. A person who gives advice or assistance without compensation, direct or
2 indirect;

3 7m. A person who acts solely as an agent, as defined in s. 616.71 (1); or

NOTE: Conforms punctuation to current style.

4 **SECTION 17.** 701.0303 (8) (intro.) of the statutes, as created by 2013 Wisconsin
5 Act 92 is amended to read:

6 701.0303 (8) (intro.) If there is no representation by a person having a
7 substantially identical interest under s. ~~710.0304~~ 701.0304, the trustee may appoint
8 a representative to act if any of the following applies:

NOTE: Inserts correct cross-reference by correcting transposed digits. There is no
s. 710.0304. Section 701.0304 relates to representation of persons having substantially
identical interests.

9 **SECTION 18.** 701.0808 (7) (title) of the statutes, as created by 2013 Wisconsin
10 Act 92, is repealed.

NOTE: The other subsections in s. 701.0808 do not have titles.

11 **SECTION 19.** 701.1101 of the statutes, as created by 2013 Wisconsin Act 92, is
12 amended to read:

13 **701.1101 Short title and scope.** This subchapter may be cited as the
14 Wisconsin Uniform Principal and Income Act. Subject to s. ~~701.1206~~ 701.1205 (2),
15 this subchapter applies to a trust described in s. 701.0102 and an estate that is
16 administered in this state.

NOTE: Inserts correct cross-reference. Section 701.1205 (2), which relates to
applicability, was numbered s. 701.1206 (2) in an earlier draft of the bill that became 2013
Wis. Act. 92.

17 **SECTION 20.** 701.1205 (2) of the statutes, as affected by 2013 Wisconsin Act 92,
18 section 298, is amended to read:

19 701.1205 (2) Subchapter XI of this chapter applies to a trust or decedent's estate
20 existing on July 1, 2014, and to a trust or decedent's estate created or coming into

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1 existence after that date, except as otherwise expressly provided in subch. XI or by
2 the decedent's will or the terms of the trust. With respect to a trust or decedent's
3 estate existing on July 1, 2014, ss. 701.1110 to 701.1135 shall apply at the beginning
4 of the trust's or estate's first accounting period, as defined in s. ~~701.1125 (2) (a)~~
5 701.1102 (1), that begins on or after July 1, 2014.

NOTE: Inserts correct cross-reference. 2013 Wis. Act 92, section 298, replaced "s.
701.20 (2) (a)" with "s. 701.1125 (2) (a)". However, s. 701.20 (2) (a), the definition of
"accounting period" was renumbered to s. 701.1102 (1) by Act 92, section 205. There is
no definition of "accounting period" in s. 701.1125.

6 **SECTION 21.** 708.15 (10) (g) of the statutes, as created by 2013 Wisconsin Act
7 66, is amended to read:

8 708.15 (10) (g) Be signed by the satisfaction agent, as provided in ~~par. sub. (9)~~
9 (am), and contain a form of authentication authorized by s. 706.06 or 706.07.

NOTE: Inserts correct cross-reference. There is no s. 708.15 (10) (am). Section
708.15 (9) (am) relates to the signing of affidavits by satisfaction agents.

10 **SECTION 22.** 961.01 (20e) of the statutes is renumbered 961.01 (20b).

NOTE: Places definitions in alphabetical order consistent with current style.

11 **Section 23.** 2013 Wisconsin Act 48, section 1 is amended by replacing
12 "vehicle," with "vehicle,".

NOTE: An existing comma was underscored.

13 **Section 24.** 2013 Wisconsin Act 48, section 6 is amended by replacing "Caswell
14 in Oneida" with "Caswell, in Oneida".

NOTE: An existing comma was deleted without being stricken. The removal of the
comma was intended.

15 **Section 25.** 2013 Wisconsin Act 75, section 5 is amended by replacing "95.60
16 (2) (a) (intro.)" with "95.60 (2) (a)" in 2 places.

NOTE: 2013 Wisconsin Act 75, section 5, amended s. 95.60 (2) (a). Section 95.60 (2)
(a) does not contain an introductory clause.

17 **Section 26.** 2013 Wisconsin Act 92, section 267 is amended by replacing "In
18 this paragraph "plan" with "In this paragraph, "plan".

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NOTE: An existing comma was deleted without being stricken. The removal of the comma was intended.

1 **SECTION 27. Renumbering and cross-reference changes under s. 13.92**

2 **(1) (bm) 2., stats.** Each statute listed in column A was renumbered to the statute
3 number in column B, and cross-references to the renumbered statute were changed
4 in the statutes listed in column C to agree with the renumbered statute, under
5 section 13.92 (1) (bm) 2. of the statutes:

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

A Statute Renumbered	B New Statute Number	C Statutes in Which Cross-References are Changed
29.216 (3) (a) (title), as affected by 2013 Wis. Act 61	29.216 (3) (title)	none
30.208 (5) (c) 1. and 2.	30.208 (5) (c) 1m. a. and b.	none
49.163 (2) (a) 1. to 6., as created by 2013 Wis. Act 20	49.163 (2) (am) 1. to 6.	none
281.36 (3p) (d) 1. and 2.	281.36 (3p) (d) 1m. a. and b.	none

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701.1114, as affected by 2013 Wis. Act 92, section 255	701.1114 (1)	none
701.20 (9) (title), (b) and (c)	701.1114 (title), (2) and (3)	none

1 **SECTION 28. Corrections of obvious nonsubstantive errors under s.**
2 **35.17 (2), stats.** In the sections of the statutes listed in Column A, the text shown
3 in Column B was changed to the text shown in column C to correct obvious
4 nonsubstantive errors under s. 35.17 (2) of the statutes:

NOTE: Confirms correction of obvious nonsubstantive errors under s. 35.17 (2).

A Statute Affected	B Erroneous text	C Corrected text
49.849 (5r) (a), as created by 2013 Wis. Act 20	division of hearing and appeals	division of hearings and appeals
74.30 (1) (f), as affected by 2013 Wis. Act 81	(2) (b). (bm), and (bp)	(2) (b), (bm), and (bp)
101.02 (21) (a), as affected by 2013 Wis. Act 20	s., 101.122 (2) (c),	s. 101.122 (2) (c),
101.02 (24) (a) 2., as affected by 2013 Wis. Act 20	s., 101.122 (2) (c),	s. 101.122 (2) (c),

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118.134 (1) (b), as affected by 2013 Wis. Act 115	division of hearing and appeals	division of hearings and appeals
157.06 (11) (c) (intro.)	under (a) 1. to 4.	under par. (a) 1. to 4.
227.01 (13) (zz), as created by 2013 Wis. Act 52	551.202 (26) (c) 1. a. and 1. b. and (27) (c) 1. a. and 1. b.	551.202 (26) (c) 1. a. and b. and (27) (c) 1. a. and b.
281.31 (2) (e), as affected by 2013 Wis. Act 80	62.23 (7) 62.231, and 62.233	62.23 (7), 62.231, and 62.233
285.27 (3m) (b) (intro.) and (c), as created by 2013 Wis. Act 91	NR 428.04	s. NR 428.04
323.81 (7), as created by 2013 Wis. Act 97	welfare, transportation and communications	welfare, transportation, and communications
448.60 (1)	the s podiatry	the podiatry
551.202 (26) (c) 2., as created by 2013 Wis. Act 52	subd. 1. a. and 1. b.	subd. 1. a. and b.
551.202 (27) (c) 2., as created by 2013 Wis. Act 52	subd. 1. a. and 1. b.	subd. 1. a. and b.

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551.206, as created by 2013 Wis. Act 52	551.202 (26) (c) 1. a. and 1. b. and (27) (c) 1. a. and 1. b.	551.202 (26) (c) 1. a. and b. and (27) (c) 1. a. and b.
701.0105 (2) (g), as created by 2013 Wis. Act 92	directing party's or trust protector's	directing party's, or trust protector's
701.1013 (8), as created by 2013 Wis. Act 92	expenses, reasonable attorney fees and damages	expenses, reasonable attorney fees, and damages
905.03 (5) (b) (intro.), as created by Supreme Court Order 12-03	sub. (a)	par. (a)

1 **SECTION 29. Initial applicability.**

2 (1) ESTATE RECOVERY CHANGES. The treatment of section 49.496 (3) (aj) 2. and
3 (dm) 2. of the statutes first applies to the recovery of public assistance, as defined in
4 section 49.849 (1) (e) of the statutes, provided to individuals who die on October 1,
5 2013.

NOTE: Section 49.496 (3) (aj) 2. and (dm) 2. are repealed and recreated by SECTIONS
4 and 5 of this bill. This provision applies the initial applicability date for estate recovery
charges contained in 2013 Wis. Act 92, section 351 (1), to the treatments of s. 49.496 (3)
(aj) 2. and (dm) 2. by this bill.

6 **SECTION 30. Effective dates.** This act takes effect on the day after publication,
7 except as follows:

8 (1) The treatment of sections 701.0303 (8) (intro.), 701.0808 (7) (title), 701.1101,
9 and 701.1205 (2) of the statutes takes effect on July 1, 2014.

