

# State of Wisconsin



2003 Senate Bill 557

Date of enactment: **May 27, 2004**  
Date of publication\*: **June 11, 2004**

## 2003 WISCONSIN ACT 320

**AN ACT relating to:** repealing, consolidating, renumbering, amending, and revising various provisions of the statutes for the purpose of correcting errors, supplying omissions, correcting and clarifying references, eliminating defects, anachronisms, conflicts, ambiguities, and obsolete provisions, reconciling conflicts, and repelling unintended repeals (Revisor's Correction Bill).

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

**SECTION 1.** 16.415 (1) of the statutes, as affected by 2003 Wisconsin Act 33, sections 170, and 9160 (4q) is amended to read:

16.415 (1) Neither the secretary nor any other fiscal officer of this state may draw, sign, or issue, or authorize the drawing, signing, or issuing of any warrant on any disbursing officer of the state to pay any compensation to any person in the classified service of the state unless an estimate, payroll, or account for such compensation, containing the names of every person to be paid, bears the certificate of the appointing authority that each person named in the estimate, payroll, or account has been appointed, employed, or subject to any other personnel transaction in accordance with, and that the pay for the person has been established in accordance with, the law, compensation plan, or applicable collective bargaining agreement, and applicable rules of the director of the office of state employment relations and the administrator of the division of merit recruitment and selection in the office of state employment relations then in effect.

NOTE: 2003 Wis. Act 33, section 170, deleted "director of the office of state human resources management and the" from s. 16.415 (1) without showing it as stricken. The deletion was unintended. 2003 Wis. Act 33, section 9160 (4q) renamed

the office of state human resources management in the department of administration to be the office of state employment relations in the department of administration.

The Act 33, section 170, treatment of s. 16.415 also contained in the last sentence the stricken word "department," which was not preexisting text, and the underscored phrase "office of state human resources management," which was preexisting text. No changes were intended.

**SECTION 2.** 16.72 (2) (b) of the statutes, as affected by 2003 Wisconsin Act 33, is amended to read:

16.72 (2) (b) Except as provided in ss. 16.25 (4) (b), 16.751, 560.9813 (4) (b), and 565.25 (2) (a) 4., the department shall prepare or review specifications for all materials, supplies, equipment, other permanent personal property and contractual services not purchased under standard specifications. Such "nonstandard specifications" may be generic or performance specifications, or both, prepared to describe in detail the article which the state desires to purchase either by its physical properties or by its programmatic utility. When appropriate for such nonstandard items or services, trade names may be used to identify what the state requires, but wherever possible 2 or more trade names shall be designated and the trade name of any Wisconsin producer, distributor or supplier shall appear first.

NOTE: There is no s. 560.9813 (4) (b). 2003 Wis. Act 33 deleted "16.25 (4) (b)" and inserted "560.9813 (4) (b)." The change was unintended.

\* Section 991.11, WISCONSIN STATUTES 2001-02 : 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].

**SECTION 3.** 18.70 of the statutes is amended to read:

**18.70 Provisions applicable.** The following sections apply to this subchapter, except that all references to “public debt”, “debt” or “revenue obligation” are deemed to refer to “operating notes” all references to “evidence of indebtedness” are deemed to refer to “evidence of operating note” and all references to “evidences of indebtedness” are deemed to refer to “evidences of operating notes”: ss. 18.03, 18.06 (8), 18.07, 18.10 (1), (2), (4) to (9), and (11), 18.17, 18.52 (1), ~~18.58 (2) (1m)~~, 18.61 (1), 18.62, and 18.63.

NOTE: 2003 Wis. Act 33 renumbered s. 18.52 (1) to s. 18.52 (1m) and repealed s. 18.58 (2).

**SECTION 4.** 20.395 (3) (ck) of the statutes, as affected by 2003 Wisconsin Act 33, is amended to read:

20.395 (3) (ck) *West Canal Street reconstruction and extension, service funds.* From the general fund, as a continuing appropriation, the amounts in the schedule for the grant under s. 84.03 (3). All moneys transferred from the appropriation account under s. 20.505 (8) (hm) 21., 2001 stats., shall be credited to this appropriation account.

NOTE: Section 20.505 (8) (hm) 21. was repealed by 2001 Wis. Act 16, effective July 1, 2003.

**SECTION 5.** 20.425 (1) (i) of the statutes, as affected by 2003 Wisconsin Act 33, is amended to read:

20.425 (1) (i) *Fees, collective bargaining training, and publications.* The amounts in the schedule for the performance of fact-finding, mediation and arbitration functions, for the provision of copies of transcripts, for the cost of operating training programs under ss. 111.09 (3), 111.71 (5), and 111.94 (3), and for the preparation of publications, transcripts, reports, and other copied material. All moneys received under ss. 111.09 (1) and (2), 111.71 (1) and (2), and 111.94 (1) and (2), all moneys received from arbitrators and arbitration panel members, and individuals who are interested in serving in such positions, and from individuals and organizations who participate in other collective bargaining training programs conducted by the commission, and all moneys received from the sale of publications, transcripts, reports, and other copied material shall be credited to this appropriation account.

NOTE: Inserts missing commas.

**SECTION 6.** 20.435 (1) (gm) of the statutes is amended to read:

20.435 (1) (gm) *Licensing, review and certifying activities; fees; supplies and services.* The amounts in the schedule for the purposes specified in ss. 146.50 (8), 250.05 (6), 252.23, 252.24, 252.245, 254.176, 254.178, 254.179, 254.20 (5) and (8), 254.31 to 254.39, 254.41, 254.47, 254.61 to ~~254.89~~ 254.88, and 255.08 (2) and ch. 69, for the purchase and distribution of medical supplies and to analyze and provide data under s. 250.04. All moneys received under ss. 146.50 (5) (f); and (8) (d), 250.04 (3m), 250.05 (6), 252.23 (4) (a), 252.24 (4) (a), 252.245 (9), 254.176, 254.178, 254.181, 254.20 (5) and (8), 254.31 to 254.39, 254.41, 254.47, 254.61 to ~~254.89~~

~~254.88~~, and 255.08 (2) (b) and ch. 69 and as reimbursement for medical supplies shall be credited to this appropriation account.

NOTE: 2003 Wis. Act 33 renumbered s. 254.89 to be s. 97.24 (5).

**SECTION 7.** The treatment of 20.835 (1) (d) of the statutes by 2003 Wisconsin Act 31 is not repealed by 2003 Wisconsin Act 33, section 659. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 20.835 (1) (d) reads:

(d) *Shared revenue account.* A sum sufficient, less any amount appropriated under par. (t), to meet the requirements of the shared revenue account established under s. 79.01 (2) to provide for the distributions from the shared revenue account to counties, towns, villages and cities under ss. 79.03, 79.04 (1) to (4) and 79.06.

**SECTION 8.** 20.835 (1) (d) of the statutes, as affected by 2003 Wisconsin Act 33, section 660, is amended to read:

20.835 (1) (d) *Shared revenue account.* A sum sufficient to meet the requirements of the shared revenue account established under s. 79.01 (2) to provide for the distributions from the shared revenue account to counties, towns, villages and cities under ss. 79.03, 79.04 (1) to (4), and 79.06.

NOTE: Inserts cross-references inserted by 2003 Wis. Act 31. 2003 Wis. Act 33, section 660, repeals and recreates s. 20.835 (1) (d), effective 7-1-04, without taking into account the amendment of the section by 2003 Wis. Act 31. Inserts serial comma.

**SECTION 9.** 20.907 (5) (e) 12r. of the statutes, as created by 2003 Wisconsin Act 33, is amended to read:

20.907 (5) (e) 12r. Transfers from the income account of the state investment fund, to pay bank service costs under s. 34.045 (1) (b) (bm).

NOTE: The relevant portion of s. 34.045 (1) (b) is renumbered to s. 34.045 (1) (bm) by this bill.

**SECTION 10.** 20.923 (4) (c) 3m. of the statutes is amended to read:

20.923 (4) (c) 3m. Employment relations Administration, department of; office of state employment relations; division of merit recruitment and selection: administrator.

NOTE: 2003 Wis. Act 33 renamed the department of employment relations to be the office of state human resources management in the department of administration, which at Act 33, section 9160 (4q), was renamed the office of state employment relations in the department of administration.

**SECTION 11.** 20.923 (18) (a) of the statutes is amended to read:

20.923 (18) (a) The ~~department, as defined in s. 230.03 (9), office of state employment relations~~ shall determine what positions in the classified service are comparable positions to the unclassified positions of 3 sales representatives of prison industries and one sales manager of prison industries who are appointed under s. 303.01 (10). For each such unclassified position, the ~~department, as defined in s. 230.03 (9), office of state employment relations~~ shall determine the minimum

salary for each comparable position in the classified service and shall set an amount equal to that minimum salary as the salary for that unclassified position.

NOTE: Section 230.03 (9), which was repealed by 2003 Wis. Act 33, defined "department" to mean the department of employment relations. Act 33 renamed the department of employment relations to be the office of state human resources management in the department of administration, which at Act 33, section 9160 (4q), was renamed the office of state employment relations in the department of administration.

**SECTION 12.** 25.19 (3) of the statutes, as affected by 2003 Wisconsin Act 33, is amended to read:

25.19 (3) The secretary of administration shall, at the direction of the depository selection board under s. 34.045 (1) ~~(b)~~ (bm), allocate bank service costs to the funds incurring those costs.

NOTE: The relevant portion of s. 34.045 (1) (b) is renumbered to s. 34.045 (1) (bm) by this bill.

**SECTION 13.** 34.045 (1) (b) of the statutes, as affected by 2003 Wisconsin Act 33, is amended to read:

34.045 (1) (b) Establish procedures by which state agencies and departments pay for services through compensating balances or fees, or a combination of both methods.

(bm) Direct the secretary of administration to maintain compensating balances, or direct the investment board to pay bank service costs as allocated by the secretary of administration under s. 25.19 (3) directly from the income account of the state investment fund, or by a combination of such methods.

NOTE: Subdivides paragraph for sentence agreement with s. 34.045 (1) (intro.) and conformity with current style.

**SECTION 14.** 36.09 (1) (e) of the statutes is amended to read:

36.09 (1) (e) The board shall appoint a president of the system; a chancellor for each institution; a dean for each college campus; the state geologist; the director of the laboratory of hygiene; the director of the psychiatric institute; the state cartographer; with the advice of the land information board; and the requisite number of officers, other than the vice presidents, associate vice presidents and assistant vice presidents of the system; faculty; academic staff and other employees and fix the salaries, subject to the limitations under par. (j) and ss. 20.923 (4g) and 230.12 (3) (e), the duties and the term of office for each. The board shall fix the salaries, subject to the limitations under par. (j) and ss. 20.923 (4g) and 230.12 (3) (e), and the duties for each chancellor, vice president, associate vice president and assistant vice president of the system. No sectarian or partisan tests or any tests based upon race, religion, national origin, or sex shall ever be allowed or exercised in the appointment of the employees of the system.

NOTE: 1997 Wis. Act 237, section 82eg, inserted a semicolon without showing it as underscored. No change was intended.

**SECTION 15.** 36.27 (3) (title) of the statutes, as affected by 2003 Wisconsin Act 42, is amended to read:

36.27 (3) (title) TUITION REMISSIONS FOR SURVIVORS.

NOTE: 2003 Wis. Act 42 mistakenly amended s. 36.27 (3) (title). Instead, s. 36.27 (3m) (title) should have been amended. Section 36.27 (3m) relates only to survivors; 36.27 (3) is not so restricted.

**SECTION 16.** 36.27 (3m) (title) of the statutes is amended to read:

36.27 (3m) (title) FEE REMISSIONS FOR SURVIVORS.

NOTE: See the note to the previous section of this bill.

**SECTION 17.** 40.08 (1c) of the statutes is amended to read:

40.08 (1c) WITHHOLDING OF ANNUITY PAYMENTS. Notwithstanding sub. (1), any monthly annuity paid under s. 40.23, 40.24, 40.25 (1), or (2) ~~or (2m)~~, or 40.63 is subject to s. 767.265. The board and any member or agent thereof and the department and any employee or agent thereof are immune from civil liability for any act or omission while performing official duties relating to withholding any annuity payment pursuant to s. 767.265.

NOTE: 1997 Wis. Act 69 repealed s. 40.25 (2m).

**SECTION 18.** 40.08 (1g) of the statutes is amended to read:

40.08 (1g) WITHHOLDING OF LUMP SUM PAYMENTS. Notwithstanding sub. (1), any lump sum payment made under s. 40.23, 40.24, 40.25 (1), or (2) ~~or (2m)~~, or 40.63 is subject to s. 49.852. The board and any member or agent thereof and the department and any employee or agent thereof are immune from civil liability for any act or omission while performing official duties relating to withholding any lump sum payment pursuant to s. 49.852.

NOTE: 1997 Wis. Act 69 repealed s. 40.25 (2m).

**SECTION 19.** 40.285 (2) (a) 1. b. of the statutes, as created by 2003 Wisconsin Act 33, is amended to read:

40.285 (2) (a) 1. b. The number of years that may be purchased may not be greater than the accumulated current creditable service of the participating employee at the date of application, excluding all creditable service purchased under this section or s. 40.02 (17) (b), 1981, 1983, 1985, 1987, 1989, 1991, 1993, 1995, 1997, 1999, and 2001 stats., s. 40.02 (17) (e), 1987, 1989, 1991, 1993, 1995, 1997, 1999, and 2001 stats., s. 40.02 (17) (i), 1989, 1991, 1993, 1995, 1997, 1999, and 2001 stats., s. 40.02 (17) (k), 1989, 1991, 1993, 1995, 1997, 1999, and 2001 stats., s. 40.25 (6), 1981, 1983, 1985, 1987, 1989, 1991, 1993, 1995, 1997, 1999, and 2001 stats., s. or s. 40.25 (7), 1991, 1993, 1995, 1997, 1999, and 2001 stats., less the number of years of creditable service previously purchased under this paragraph or s. 40.25 (6), 1981, 1983, 1985, 1987, 1989, 1991, 1993, 1995, 1997, 1999, and 2001 stats.

NOTE: Corrects order error.

**SECTION 20.** 46.45 (3) (c) of the statutes, as created by 2003 Wisconsin Act 33, is amended to read:

46.45 (3) (c) At the request of a county, the department shall carry forward up to 5% of the amount allocated to the county under s. 46.40 (7) for a calendar year.

All funds carried forward under this paragraph shall be used for the purpose for which the funds were originally allocated, except that a county may not use any of those funds for administrative or staff costs. All funds carried forward under this paragraph that are not spent or encumbered by a county by December 31 of the calendar year to which those funds were carried forward shall lapse to the general fund on the succeeding January 1. An allocation of carried-forward funding under this paragraph does not affect a county's base allocation under s. 46.40 (7).

NOTE: Inserts missing word omitted from 2003 Wis. Act 33.

**SECTION 21.** 51.42 (6) (intro.) of the statutes is amended to read:

51.42 (6) POWERS AND DUTIES OF COUNTY COMMUNITY PROGRAMS DIRECTOR IN CERTAIN COUNTIES. (intro.) A county community programs director appointed under sub. (5) (a) 4. shall have all of the administrative and executive powers and duties of managing, operating, maintaining, and improving the programs of the county department of community programs, subject to such delegation of authority as is not inconsistent with this section and the rules of the department of health and family services promulgated under this section. In consultation and agreement with the county community programs board, the county community programs director appointed under sub. (5) (a) 4. shall do all of the following:

NOTE: Inserts correct cross-reference. 1997 Wis. Act 268 renumbered s. 51.42 (5) (d) to s. 51.42 (5) (a) 4.

**SECTION 22.** 66.1105 (4) (h) 5. of the statutes, as created by 2003 Wisconsin Act 34, is amended to read:

66.1105 (4) (h) 5. With regard to a city that has a population of at least 80,000 that was incorporated in 1850 and that is in a county with a population of less than 175,000 which that is adjacent to one of the Great Lakes, the planning commission may adopt an amendment to a project plan under subd. 1. to modify the district's boundaries by adding territory to the district that is contiguous to the district and that is served by public works or improvements that were created as part of the district's project plan not more than once during the expenditure period specified in sub. (6) (am) 1. for a district which that is located in a city to which sub. (6) (d) applies, except that in no case may expenditures for project costs that are incurred because of an amendment to a project plan that is authorized under this subdivision be made later than 17 years after the district is created. This subdivision does not apply to a tax incremental district that is created after January 1, 2004.

NOTE: Replaces "which" with "that" to correct grammar.

**SECTION 23.** 66.1105 (6) (a) 5. of the statutes, as created by 2003 Wisconsin Act 34, is renumbered 66.1105 (6) (a) 6.

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2003 Wis. Act 46 also created s. 66.1105 (6) (a) 5.

**SECTION 24.** 66.1105 (7) (as) of the statutes, as created by 2003 Wisconsin Act 46, is renumbered 66.1105 (7) (at).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2003 Wis. Act 34 also created s. 66.1105 (7) (as).

**SECTION 25.** 66.1333 (5r) (h) 2. of the statutes is amended to read:

66.1333 (5r) (h) 2. The principal amount of all of the bonds that are secured in whole or in part by the special debt service reserve fund, are outstanding on the date of computation, and mature during the fiscal year.

NOTE: Inserts missing comma.

**SECTION 26.** 66.1333 (5s) (d) 4. (intro.) and a. of the statutes, as created by 2003 Wisconsin Act 43, are consolidated, renumbered 66.1333 (5s) (d) 4. and amended to read:

66.1333 (5s) (d) 4. 'Refunding bonds.' All refunding bonds to be secured by the special debt service reserve fund meet all of the following conditions: a. The refunding bonds are to be issued to fund, refund, or advance refund bonds secured by a special debt service reserve fund.

NOTE: There being only one subdivision paragraph, s. 66.1333 (5s) (d) 4. (intro.) and a. are combined.

**SECTION 27.** 66.1333 (5s) (h) 2. of the statutes, as created by 2003 Wisconsin Act 43, is amended to read:

66.1333 (5s) (h) 2. The principal amount of all of the bonds that are secured in whole or in part by the special debt service reserve fund, are outstanding on the date of computation, and mature during the fiscal year.

NOTE: Inserts missing comma.

**SECTION 28.** 79.02 (3) (b) of the statutes, as affected by 2003 Wisconsin Act 33, is amended to read:

79.02 (3) (b) In November 2002, the amount of the payments to each municipality and county under ss. 79.03, 79.04, 79.05, 79.058, and 79.06 to be paid from the appropriation account under s. 20.855 (4) (rb), 2001 stats., shall be the amount of such payments to the municipality or county multiplied by the quotient of an amount equal to the moneys available, as determined by the department of administration, from the appropriation account under s. 20.855 (4) (rb), 2001 stats., divided by \$826,068,930.

NOTE: 2001 Wis. Act 109 repealed s. 20.855 (4) (rb) effective 7-1-03.

**SECTION 29.** 79.03 (3c) (f) of the statutes, as affected by 2003 Wisconsin Act 33, is amended to read:

79.03 (3c) (f) *Distribution amount.* If the total amounts calculated under pars. (c) to (e) exceed the total amount to be distributed under this subsection, the amount paid to each eligible municipality shall be paid on a prorated basis. The total amount to be distributed under

this subsection from s. 20.835 (1) (b) is \$10,000,000 beginning in 1996 and ending in 1999; and \$11,000,000 in the year 2000 and in the year 2001. The total amount to be distributed under this subsection from ss. 20.835 (1) (b) and 20.855 (4) (rb), 2001 stats., in 2002 is \$11,110,000 and the total amount to be distributed under this subsection from s. 20.835 (1) (b) in 2003 is \$11,221,100 less the reductions under s. 79.02 (3) (c) 3.

NOTE: 2001 Wis. Act 109 repealed s. 20.855 (4) (rb) effective 7-1-03.

**SECTION 30.** 79.03 (4) of the statutes, as affected by 2003 Wisconsin Act 33, is amended to read:

79.03 (4) In 1991, the total amount to be distributed under ss. 79.03, 79.04, and 79.06 from s. 20.835 (1) (d) is \$869,000,000. In 1992, the total amount to be distributed under ss. 79.03, 79.04, and 79.06 from s. 20.835 (1) (d) is \$885,961,300. In 1993, the total amount to be distributed under ss. 79.03, 79.04, and 79.06 from s. 20.835 (1) (d) is \$903,680,500. In 1994, the total amounts to be distributed under this section and ss. 79.04 and 79.06 from s. 20.835 (1) (d) are \$746,547,500 to municipalities and \$168,981,800 to counties. Beginning in 1995 and ending in 2001, the total amounts to be distributed under ss. 79.03, 79.04, and 79.06 from s. 20.835 (1) (d) are \$761,478,000 to municipalities and \$168,981,800 to counties. In 2002, the total amounts to be distributed under ss. 79.03, 79.04, and 79.06 from ss. 20.835 (1) (d) and 20.855 (4) (rb), 2001 stats., are \$769,092,800 to municipalities and \$170,671,600 to counties. In 2003, the total amounts to be distributed under ss. 79.03, 79.04, and 79.06 from s. 20.835 (1) (d), (m), (t), and (u) are \$776,783,700 to municipalities, less the reductions under s. 79.02 (3) (c) 3., and \$172,378,300 to counties, less the reductions under s. 79.02 (3) (c) 3.

NOTE: 2001 Wis. Act 109 repealed s. 20.855 (4) (rb) effective 7-1-03.

**SECTION 31.** 79.035 (2) (a) 1. of the statutes, as affected by 2003 Wisconsin Act 33, is amended to read:

79.035 (2) (a) 1. Except as provided under s. 79.02 (3) (e), for the distribution in 2004, each county and municipality will receive a payment that is equal to the amount of the payments the county or municipality would have received in 2003 under ss. 79.03, 79.058, and 79.06, if not for the reductions under s. 79.02 (3) (c) 3., less the amount of the reduction under subd. 2.

NOTE: Inserts missing "s."

**SECTION 32.** The treatment of 79.04 (1) (a) of the statutes by 2003 Wisconsin Act 31 is not repealed by 2003 Wisconsin Act 33. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 79.04 (1) (a) reads:

(a) An amount from the shared revenue account or, for the distribution in 2003, from the appropriation under s. 20.835 (1) (t) determined by multiplying by 3 mills in the case of a town, and 6 mills in the case of a city or village, the first \$125,000,000 of the amount shown in the account, plus leased property, of each public utility except qualified wholesale electric companies, as defined in s. 76.28 (1) (gm), on December 31 of the preceding year for "production plant, exclusive

of land," "general structures," and "substations," in the case of light, heat and power companies, electric cooperatives or municipal electric companies, for all property within a municipality in accordance with the system of accounts established by the public service commission or rural electrification administration, less depreciation thereon as determined by the department of revenue and less the value of treatment plant and pollution abatement equipment, as defined under s. 70.11 (21) (a), as determined by the department of revenue plus an amount from the shared revenue account or, for the distribution in 2003, from the appropriation under s. 20.835 (1) (t) determined by multiplying by 3 mills in the case of a town, and 6 mills in the case of a city or village, of the first \$125,000,000 of the total original cost of production plant, general structures, and substations less depreciation, land and approved waste treatment facilities of each qualified wholesale electric company, as defined in s. 76.28 (1) (gm), as reported to the department of revenue of all property within the municipality. The total of amounts, as depreciated, from the accounts of all public utilities for the same production plant is also limited to not more than \$125,000,000. The amount distributable to a municipality under this subsection and sub. (6) in any year shall not exceed \$300 times the population of the municipality.

**SECTION 33.** The treatment of 79.04 (2) (a) of the statutes by 2003 Wisconsin Act 31 is not repealed by 2003 Wisconsin Act 33. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 79.04 (2) (a) reads:

(a) Annually, except for production plants that begin operation after December 31, 2003, or begin operation as a repowered production plant after December 31, 2003, the department of administration, upon certification by the department of revenue, shall distribute from the shared revenue account or, for the distribution in 2003, from the appropriation under s. 20.835 (1) (t) to any county having within its boundaries a production plant, general structure, or substation, used by a light, heat or power company assessed under s. 76.28 (2) or 76.29 (2), except property described in s. 66.0813 unless the production plant or substation is owned or operated by a local governmental unit that is located outside of the municipality in which the production plant or substation is located, or by an electric cooperative assessed under ss. 76.07 and 76.48, respectively, or by a municipal electric company under s. 66.0825 an amount determined by multiplying by 6 mills in the case of property in a town and by 3 mills in the case of property in a city or village the first \$125,000,000 of the amount shown in the account, plus leased property, of each public utility except qualified wholesale electric companies, as defined in s. 76.28 (1) (gm), on December 31 of the preceding year for "production plant, exclusive of land," "general structures," and "substations," in the case of light, heat and power companies, electric cooperatives or municipal electric companies, for all property within the municipality in accordance with the system of accounts established by the public service commission or rural electrification administration, less depreciation thereon as determined by the department of revenue and less the value of treatment plant and pollution abatement equipment, as defined under s. 70.11 (21) (a), as determined by the department of revenue plus an amount from the shared revenue account or, for the distribution in 2003, from the appropriation under s. 20.835 (1) (t) determined by multiplying by 6 mills in the case of property in a town, and 3 mills in the case of property in a city or village, of the total original cost of production plant, general structures, and substations less depreciation, land and approved waste treatment facilities of each qualified wholesale electric company, as defined in s. 76.28 (1) (gm), as reported to the department of revenue of all property within the municipality.

The total of amounts, as depreciated, from the accounts of all public utilities for the same production plant is also limited to not more than \$125,000,000. The amount distributable to a county under this subsection and sub. (6) in any year shall not exceed \$100 times the population of the county.

**SECTION 34.** 79.058 (3) (d) of the statutes is amended to read:

79.058 (3) (d) In 2002, \$20,971,400, less amounts paid from the appropriation account under s. 20.855 (4) (rb), 2001 stats.

NOTE: 2001 Wis. Act 109 repealed s. 20.855 (4) (rb) effective 7-1-03.

**SECTION 35.** 126.31 (3) (b) a., b. and c. of the statutes, as created by 2003 Wisconsin Act 38, are renumbered 126.31 (3) (b) 1., 2. and 3.

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b), to conform numbering to current style.

**SECTION 36.** 126.47 (3) (b) a., b. and c. of the statutes, as created by 2003 Wisconsin Act 38, are renumbered 126.47 (3) (b) 1., 2. and 3.

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b), to conform numbering to current style.

**SECTION 37.** 146.70 (3m) (c) 1. (intro.) of the statutes, as created by 2003 Wisconsin Act 48, is amended to read:

146.70 (3m) (c) 1. (intro.) Except as provided in par. (d) i.e., a local government that operates a wireless public safety answering point, or local governments that jointly operate a wireless public safety answering point, may not receive a grant under par. (d) unless the requirements under subds. 3. to 5. are satisfied and, no later than the first day of the 3rd month beginning after the effective date of the rules promulgated under par. (d) 4., every county ~~which~~ that itself is one of the local governments or in which any of the local governments is located applies to the commission with an estimate, and supporting documentation, of the costs specified in subd. 1r. and the costs that the local government or local governments have directly and primarily incurred, or will directly and primarily incur, during the reimbursement period for leasing, purchasing, operating, or maintaining the wireless public safety answering point, including costs for all of the following:

NOTE: Replaces "which" with "that" to correct grammar.

**SECTION 38.** 146.70 (3m) (c) 3. of the statutes, as created by 2003 Wisconsin Act 48, is amended to read:

146.70 (3m) (c) 3. A local government that operates a wireless public safety answering point, or local governments that jointly operate a wireless public safety answering point, are not eligible for grants under par. (d) unless, no later than the first day of the 3rd month beginning after the effective date of the rules promulgated under par. (d) 4., every county ~~which~~ that itself is one of the local governments or in which any of the local governments is located has passed a resolution specifying that the wireless public safety answering point is eligible for the grants. Except as provided in subd. 4., only one wireless public safety answering point in each county is

eligible for local governments to receive grants under par. (d).

NOTE: Replaces "which" with "that" to correct grammar.

**SECTION 39.** 146.70 (3m) (h) of the statutes, as created by 2003 Wisconsin Act 48, is amended to read:

146.70 (3m) (h) *Other charges prohibited.* No local government or state agency, as defined in s. ~~46.375~~ 560.9810 (1), except the commission, may require a wireless provider to collect or pay a surcharge or fee related to wireless emergency telephone service.

NOTE: Inserts correct cross-reference. Section 16.375 was renumbered to s. 560.9810 by 2003 Wis. Act 33.

**SECTION 40.** 196.796 (1) (hm) of the statutes is amended to read:

196.796 (1) (hm) "Public utility" means every corporation, company, individual or association and their lessees, trustees, or receivers appointed by any court or state or federal agency, that may own, operate, manage, or control all or any part of a plant or equipment, within the state, for the production, transmission, delivery, or furnishing of electricity directly to or for the public, except that "public utility" does not include any municipal utility or municipal electric company, as defined in s. ~~66.073~~ ~~(3)~~ ~~(d)~~ 66.0825 (3) (d), or any cooperative association organized under ch. 185 for the purpose of producing or furnishing heat, light, power, or water to its members only.

NOTE: Inserts correct cross-reference.

**SECTION 41.** The treatment of 230.13 (1) (intro.) of the statutes by 2003 Wisconsin Act 33 is not repealed by 2003 Wisconsin Act 47. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 230.13 (1) (intro.) reads:

(1) Except as provided in sub. (3) and ss. 19.36 (10) to (12) and 103.13, the director and the administrator may keep records of the following personnel matters closed to the public:

**SECTION 42.** The treatment of 230.13 (3) of the statutes by 2003 Wisconsin Act 33 is not repealed by 2003 Wisconsin Act 47. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 230.13 (3) (a) reads:

(a) The director and the administrator shall provide to the department of workforce development or a county child support agency under s. 59.53 (5) information requested under s. 49.22 (2m) that would otherwise be closed to the public under this section. Information provided under this paragraph may only include an individual's name and address, an individual's employer and financial information related to an individual.

**SECTION 43.** 230.13 (3) (b) of the statutes, as created by 2003 Wisconsin Act 47, is amended to read:

230.13 (3) (b) The ~~secretary~~ director and the administrator may provide any agency with personnel information relating to the hiring and recruitment process, including specifically the examination scores and ranks and other evaluations of applicants.

NOTE: "Secretary" was changed to "director" by 2003 Wis. Act 33 in all of s. 230.13 in existence at the time.

**SECTION 44.** 301.47 (2) 1. and 2. of the statutes, as created by 2003 Wisconsin Act 52, are renumbered 301.47 (2) (a) and (b).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). Conforms numbering to current style.

**SECTION 45.** 340.01 (7m) of the statutes, as affected by 2003 Wisconsin Act 33, is amended to read:

340.01 (7m) “Commercial driver license” means a license issued to a person by this state or another jurisdiction ~~which that~~ is in accordance with the requirements of 49 USC 31301 to 31317, or by Canada or Mexico, and ~~which that~~ authorizes the licensee to operate certain commercial motor vehicles.

NOTE: The underscored comma was deleted by 2003 Wis. Act 33 without being shown as stricken. No change was intended.

**SECTION 46.** The treatment of 343.23 (2) (b) of the statutes by 2003 Wisconsin Act 30 is not repealed by 2003 Wisconsin Act 33. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, effective September 30, 2005, s. 343.23 (2) (b) reads:

(b) The information specified in pars. (a) and (am) must be filed by the department so that the complete operator’s record is available for the use of the secretary in determining whether operating privileges of such person shall be suspended, revoked, canceled, or withheld, or the person disqualified, in the interest of public safety. The record of suspensions, revocations, and convictions that would be counted under s. 343.307 (2) shall be maintained permanently, except that the department shall purge the record of a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b) after 10 years, if the person who committed the violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the violation, if the person does not have a commercial driver license, if the violation was not committed by a person operating a commercial motor vehicle, and if the person has no other suspension, revocation, or conviction that would be counted under s. 343.307 during that 10-year period. The record of convictions for disqualifying offenses under s. 343.315 (2) (h) shall be maintained for at least 10 years. The record of convictions for disqualifying offenses under s. 343.315 (2) (f) and (j), and all records specified in par. (am), shall be maintained for at least 3 years. The record of convictions for disqualifying offenses under s. 343.315 (2) (a) to (e) shall be maintained permanently, except that 5 years after a licensee transfers residency to another state such record may be transferred to another state of licensure of the licensee if that state accepts responsibility for maintaining a permanent record of convictions for disqualifying offenses. Such reports and records may be cumulative beyond the period for which a license is granted, but the secretary, in exercising the power of suspension granted under s. 343.32 (2) may consider only those reports and records entered during the 4-year period immediately preceding the exercise of such power of suspension.

**SECTION 47.** The treatment of 814.634 (1) (a) of the statutes by 2003 Wisconsin Act 30 is not repealed by 2003 Wisconsin Act 33. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor s. 814.634 (1) (a) reads:

(a) Except for an action for a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of

the violation, or for a safety belt use violation under s. 347.48 (2m), the clerk of circuit court shall charge and collect a \$68 court support services fee from any person, including any governmental unit as defined in s. 108.02 (17), paying a fee under s. 814.61 (1) (a), (3), or (8) (am) or 814.63 (1).

**SECTION 48.** The treatment of 814.65 (1) of the statutes by 2003 Wisconsin Act 30 is not repealed by 2003 Wisconsin Act 33. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, effective July 1, 2004, s. 814.65 (1) reads:

(1) COURT COSTS. In a municipal court action, except for an action for a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the violation, or for a violation of an ordinance in conformity with s. 347.48 (2m), the municipal judge shall collect a fee of not less than \$15 nor more than \$23 on each separate matter, whether it is on default of appearance, a plea of guilty or no contest, on issuance of a warrant or summons, or the action is tried as a contested matter. Of each fee received by the judge under this subsection, the municipal treasurer shall pay monthly \$5 to the secretary of administration for deposit in the general fund and shall retain the balance for the use of the municipality.

**SECTION 49.** 895.225 (2) of the statutes, as created by 2003 Wisconsin Act 56, is amended to read:

895.225 (2) The chief officials of local governments and the people of the state are invited either to join and participate in the observances, ceremonies, exercises, and activities under sub. (1) ~~which that~~ may be held under state auspices or to conduct similar observances in their respective localities.

NOTE: Corrects grammar.

**SECTION 50.** 943.203 (4) of the statutes, as created by 2003 Wisconsin Act 36, is amended to read:

943.203 (4) If an entity reports to a law enforcement agency for the jurisdiction in which the entity is located that ~~personal identifying information or a personal identifying an identification~~ document belonging to the entity reasonably appears to be in the possession of another in violation of this section or that another has used or has attempted to use it in violation of this section, the agency shall prepare a report on the alleged violation. If the law enforcement agency concludes that it appears not to have jurisdiction to investigate the violation, it shall inform the entity which law enforcement agency may have jurisdiction. A copy of a report prepared under this subsection shall be furnished upon request to the entity that made the request, subject to payment of any reasonable fee for the copy.

NOTE: Corrects terms consistent with the defined terms contained in s. 943.203 (1) (b) and (c).

**SECTION 51.** 961.41 (2) (bm) (title) of the statutes is created to read:

961.41 (2) (bm) (title) *Counterfeit of phencyclidine and certain other drugs.*

NOTE: Adds title because other paragraphs in s. 961.41 (2) have titles.

**SECTION 52.** The treatment of 973.015 (1) (a) of the statutes by 2003 Wisconsin Act 33 is not repealed by 2003 Wisconsin Act 50. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, effective September 30, 2005, s. 973.015 (1) (a) reads:

(a) Subject to par. (b), when a person is under the age of 21 at the time of the commission of an offense for which the person has been found guilty in a court for violation of a law for which the maximum penalty is imprisonment for one year or less in the county jail, the court may order at the time of sentencing that the record be expunged upon successful completion of the sentence if the court determines the person will benefit and society will not be harmed by this disposition. This subsection does not apply to information maintained by the department of transportation regarding a conviction that is required to be included in a record kept under s. 343.23 (2) (a).

**SECTION 53.** 2003 Wisconsin Act 33, section 473 is amended by replacing “section 9124 (2) (a), and for the costs of inspecting, licensing or certifying and approving facilities” with “section 9124 (2) (a), and for the costs of inspecting, licensing or certifying and approving facilities”.

NOTE: 2003 Wis. Act 33, section 473, inserted “or certifying” without showing it as underscored. The insertion was intended.

**SECTION 54.** 2003 Wisconsin Act 33, section 1620, is amended by replacing “applies in specific situations.” with “applies in specific situations.”.

NOTE: The underscored “specific situations.” was preexisting text. No change was intended.

**SECTION 55.** 2003 Wisconsin Act 33, section 2095rj is amended by replacing “from health care providers other than hospitals and ambulatory surgery centers”

with “from health care providers other than hospitals and ambulatory surgery centers”.

NOTE: 2003 Wis. Act 33, section 2095rj, inserted “from health care providers” without showing it as underscored. The insertion was intended.

**SECTION 56.** 2003 Wisconsin Act 33, section 2752 is amended by replacing “973.015 of the statutes is amended to read:” with “973.015 (1) of the statutes is amended to read:”.

NOTE: 2003 Wis. Act 33, section 2752, amended s. 973.015 (1) only.

**SECTION 57.** 2003 Wisconsin Act 48, section 10 is amended by replacing “[1997 Wisconsin Act 27] Section 9456 (3m) (a) The treatment of ~~sections 15.07 (1) (b) 16., 15.105 (16), 16.968 (by SECTION 142am), 20.505 (1) (title) (by SECTION 666h), section 20.505 (1) (ka) (by SECTION 669am), 23.27 (3) (a) (by SECTION 769ad), 23.325 (1) (a), 36.09 (1) (e), 36.25 (12m) (intro.), 59.43 (2) (ag) 1. and (e),~~” with “[1997 Wisconsin Act 27] Section 9456 (3m) (a) The treatment of ~~sections 15.07 (1) (b) 16., 15.105 (16), 16.968 (by SECTION 142am), 20.505 (1) (title) (by SECTION 666h), section 20.505 (1) (ka) (by SECTION 669am), 23.27 (3) (a) (by SECTION 769ad), 23.325 (1) (a), 36.09 (1) (e), 36.25 (12m) (intro.),~~”.

NOTE: 2001 Wis. Act 16, section 4041b, amended 1997 Wis. Act 27, section 9456 (3m), removing the reference to s. 59.43 (2) (ag) 1. and (e).

**SECTION 58. Effective date.** This act takes effect on the day after publication, except as follows:

(1) The treatment of sections 16.415 (1), 20.907 (5) (e) 12r., 25.19 (3), 34.045 (1) (b) of the statutes and the amendment of section 20.835 (1) (d) of the statutes take effect on July 1, 2004.

(2) The treatment of section 340.01 (7m) of the statutes takes effect on September 30, 2005.