

2001 Assembly Bill 936

Date of enactment: **May 10, 2002**  
Date of publication\*: **May 24, 2002**

## 2001 WISCONSIN ACT 105

**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.** 10.68 (3) (c) of the statutes, as affected by 2001 Wisconsin Act 62, is amended to read:

10.68 (3) (c) *Friday before primary.* Vacancies may be filled ~~in~~ within 4 days. See s. 7.38 (2).

NOTE: 2001 Wis. Act 62 inserted the stricken "in" without showing it as underscored and deleted the underscored "within" without showing it as stricken. No change was intended.

**SECTION 2.** 10.68 (5) (a) of the statutes, as affected by 2001 Wisconsin Act 62, is amended to read:

10.68 (5) (a) *Friday before election.* Vacancies may be filled ~~in~~ within 4 days. See s. 7.38 (2).

NOTE: 2001 Wis. Act 62 inserted the stricken "in" without showing it as underscored and deleted the underscored "within" without showing it as stricken. No change was intended.

**SECTION 3.** 13.94 (1) (o) of the statutes is repealed.

NOTE: The performance evaluation required under this provision has completed by the legislative audit bureau, and the required report has been released.

**SECTION 4.** 13.94 (11) of the statutes is repealed.

NOTE: The performance evaluation and report required are planned for release in 2002.

**SECTION 5.** 14.16 (10) of the statutes, as created by 2001 Wisconsin Act 100, is renumbered 14.16 (10m).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2001 Wis. Act 20 also created a provision numbered 14.16 (10).

**SECTION 6.** 15.01 (4) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

15.01 (4) "Council" means a part-time body appointed to function on a continuing basis for the study, and recommendation of solutions and policy alternatives, of the problems arising in a specified functional area of state government, except the Wisconsin land council has the powers specified in s. 16.965 (3) and (5) and the powers granted to agencies under ch. 227, the Milwaukee River revitalization council has the powers and duties specified in s. 23.18, the council on physical disabilities has the powers and duties specified in s. 46.29 (1) and (2), and the state council on alcohol and other drug abuse has the powers and duties specified in s. 14.24, ~~and, before January 1, 2001, the council on health care fraud and abuse has the powers and duties specified in s. 146.36.~~

NOTE: Deletes obsolete provision. 2001 Wis. Act 38 repealed s. 146.36.

**SECTION 7.** The treatment of 15.08 (1m) (b) of the statutes by 2001 Wisconsin Act 80 is not repealed by 2001 Wisconsin Act 89. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, effective 1-1-03, s. 15.08 (1m) (b) reads:

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\* Section 991.11, WISCONSIN STATUTES 1999-00 : 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].

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

**SECTION 8.** 16.965 (2) of the statutes, as affected by 2001 Wisconsin Acts 16 and 30, is amended to read:

16.965 (2) From the appropriations under ~~ss. s.~~ 20.505 (1) (cm) and (if), the department may provide grants to local governmental units to be used to finance the cost of planning activities, including contracting for planning consultant services, public planning sessions and other planning outreach and educational activities, or for the purchase of computerized planning data, planning software or the hardware required to utilize that data or software. The department shall require any local governmental unit that receives a grant under this section to finance a percentage of the cost of the product or service to be funded by the grant from the resources of the local governmental unit. The department shall determine the percentage of the cost to be funded by a local governmental unit based on the number of applications for grants and the availability of funding to finance grants for the fiscal year in which grants are to be provided. A local governmental unit that desires to receive a grant under this subsection shall file an application with the department. The application shall contain a complete statement of the expenditures proposed to be made for the purposes of the grant. No local governmental unit is eligible to receive a grant under this subsection unless the local governmental unit agrees to utilize the grant to finance planning for all of the purposes specified in s. 66.1001 (2).

NOTE: Corrects cross-reference.

**SECTION 9.** The treatment of 20.255 (1) (c) of the statutes by 2001 Wisconsin Act 16 is not repealed by 2001 Wisconsin Act 57. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor s. 20.255 (1) (c) reads:

(c) *Energy costs: Wisconsin Educational Services Program for the Deaf and Hard of Hearing and Wisconsin Center for the Blind and Visually Impaired.* The amounts in the schedule to be used at the facilities of the Wisconsin Educational Services Program for the Deaf and Hard of Hearing and the Wisconsin Center for the Blind and Visually Impaired to pay for utilities and for fuel, heat and air conditioning and to pay costs incurred by or on behalf of the department under ss. 16.858 and 16.895.

**SECTION 10.** 20.292 (title) of the statutes is amended to read:

**20.292 (title) Technical college system, board of.**

NOTE: Conforms title to agency name under s. 15.94.

**SECTION 11.** 20.435 (4) (gm) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

20.435 (4) (gm) *Health services regulation and vital statistics.* The amounts in the schedule for the purposes specified in chs. 69 and 150. All moneys received under ch. 69 and s. 150.13 shall be credited to this appropriation account. From the fees collected under s. 50.135 (2), \$310,100 in fiscal year 2001-02 and ~~\$297,200~~ \$309,300 in fiscal year 2002-03 shall be credited to this appropriation account.

NOTE: 2001 Wis. Act 16 added \$309,300 without deleting \$297,200.

**SECTION 12.** 20.680 (2) (ga) of the statutes, as created by 2001 Wisconsin Act 16, is amended to read:

20.680 (2) (ga) *Court commissioner training.* All moneys received from fees for court commissioner training programs under s. ~~757.69~~ 757.68 (8), for those purposes.

NOTE: SECTION 73 of this bill renumbered s. 757.69 (8), as created by 2001 Wis. Act 16, to 757.68 (8). This cross-reference was also created in 2001 Wis. Act 16.

**SECTION 13.** 20.835 (2) (am) of the statutes is repealed.

NOTE: Section 20.835 (2) (am) states: "*Onetime rebate of nonbusiness consumer sales tax.* A sum sufficient to pay the aggregate claims approved under s. 77.64." 2001 Wis. Act 38 repealed s. 77.64, leaving this provision without effect.

**SECTION 14.** 21.75 (1) (e) of the statutes, as created by 2001 Wisconsin Act 24, is renumbered 21.75 (1) (cm).

NOTE: Places definition in alphabetical order within the subsection, consistent with current style.

**SECTION 15.** The treatment of 25.29 (4m) of the statutes by 2001 Wisconsin Act 16 is not repealed by 2001 Wisconsin Act 56. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, effective 1-1-03, s. 25.29 (4m) reads:

(4m) No moneys that accrue to the state for or in behalf of the department under ch. 29 or 169 or s. 90.21 may be expended or paid for the enforcement of the treaty-based, off-reservation rights to fish held by members of federally recognized American Indian tribes or bands domiciled in Wisconsin.

**SECTION 16.** 29.024 (1) of the statutes, as affected by 2001 Wisconsin Act 56, is amended to read:

29.024 (1) APPROVALS REQUIRED. Except as specifically provided in this chapter, ch. 169, or s. 95.55 (5), no person may hunt or trap in this state, fish in the waters of this state or engage in any of the activities regulated under this chapter unless the appropriate approval is issued to the person. A person shall carry the required approval with him or her at all times while hunting, trapping, or fishing or engaged in regulated activities unless otherwise required by this chapter or unless otherwise authorized or required by the department. A person shall exhibit the approval to the department or its wardens on demand.

NOTE: The underscored language was inserted by 2001 Wis. Act 56 without being underscored. The change was intended.

**SECTION 17.** 29.337 (1) (intro.) of the statutes, as affected by 2001 Wisconsin Act 56, is amended to read:

29.337 (1) (intro.) The owner or occupant of any land, and any member of his or her family, may hunt or trap beaver, coyotes, foxes, raccoons, woodchucks, rabbits, and squirrels on the land without a license issued under this chapter or ch. 169 at any time, except as follows:

NOTE: The underscored comma was inserted by 2001 Wis. Act 56 without being underscored. The change was intended.

**SECTION 18.** 30.277 (1m) (a) of the statutes is renumbered 30.277 (1m).

NOTE: 2001 Wis. Act 38 repealed s. 30.277 (1m) (b). There are no other paragraphs.

**SECTION 19.** 31.02 (4g) 1. and 2. of the statutes are renumbered 31.02 (4g) (a) and (b).

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

**SECTION 20.** The treatment of 44.70 (2g) of the statutes by 2001 Wisconsin Act 16 is not repealed by 2001 Wisconsin Act 57. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 44.70 (2g) reads:

(2g) "Educational agency" means a school district, charter school sponsor, secured correctional facility, private school, cooperative educational service agency, technical college district, private college, public library system, public library board, the Wisconsin Center for the Blind and Visually Impaired, or the Wisconsin Educational Services Program for the Deaf and Hard of Hearing.

**SECTION 21.** 48.31 (2) of the statutes is amended to read:

48.31 (2) The hearing shall be to the court unless the child, the child's parent, guardian, or legal custodian, the unborn child by the unborn child's guardian ad litem, or the expectant mother of the unborn child exercises the right to a jury trial by demanding a jury trial at any time before or during the plea hearing. If a jury trial is demanded in a proceeding under s. 48.13 or 48.133, the jury shall consist of 6 persons. If a jury trial is demanded in a proceeding under s. 48.42, the jury shall consist of 12 persons unless the parties agree to a lesser number. Chapters 756 and 805 shall govern the selection of jurors. If the hearing involves a child victim or witness, as defined in s. 950.02, the court may order the taking and allow the use of a videotaped deposition under s. 967.04 (7) to (10) and, with the district attorney, shall comply with s. 971.105. At the conclusion of the hearing, the court or jury shall make a determination of the facts, except that in a case alleging a child or an unborn child to be in need of protection or services under s. 48.13 or 48.133, the court shall make the determination under s. 48.13 (intro.) or 48.133 (~~intro.~~) relating to whether the child or unborn child is in need of protection or services which that can be ordered by the court. If the court finds that the child or unborn child is not within the jurisdiction of the court or, in a case alleging a child or an unborn child to be in need of protection or services under s. 48.13 or 48.133, that the child or unborn child is not in need of protection or services which that can be ordered by the court or if the

court or jury finds that the facts alleged in the petition have not been proved, the court shall dismiss the petition with prejudice.

NOTE: Corrects cross-reference. Section 48.133 does not have an introductory provision.

**SECTION 22.** The treatment of 48.371 (3) (intro.) of the statutes by 2001 Wisconsin Act 59 is not repealed by 2001 Wisconsin Act 69. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 48.371 (3) (intro.) reads:

(3) (intro.) At the time of placement of a child in a foster home, treatment foster home, group home, or residential care center for children and youth or, if the information is not available at that time, as soon as possible after the date on which the court report or permanency plan has been submitted, but no later than 7 days after that date, the agency, as defined in s. 48.38 (1) (a), responsible for preparing the child's permanency plan shall provide to the foster parent, treatment foster parent, or operator of the group home or residential care center for children and youth information contained in the court report submitted under s. 48.33 (1), 48.365 (2g), 48.425 (1), 48.831 (2) or 48.837 (4) (c) or permanency plan submitted under s. 48.355 (2e), 48.38, 48.43 (1) (c) or (5) (c), 48.63 (4) or (5) (c) or 48.831 (4) (e) relating to findings or opinions of the court or agency that prepared the court report or permanency plan relating to any of the following:

**SECTION 23.** The treatments of 48.981 (2) of the statutes by 2001 Wisconsin Acts 59 and 69 are not repealed by 2001 Wisconsin Act 70. All treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, effective 4-1-04, s. 48.981 (2) reads:

(2) PERSONS REQUIRED TO REPORT. A physician, coroner, medical examiner, nurse, dentist, chiropractor, optometrist, acupuncturist, other medical or mental health professional, social worker, marriage and family therapist, professional counselor, public assistance worker, including a financial and employment planner, as defined in s. 49.141 (1) (d), school teacher, administrator, or counselor, mediator under s. 767.11, child care worker in a day care center, group home, as described in s. 48.625 (1m), or residential care center for children and youth, day care provider, alcohol or other drug abuse counselor, member of the treatment staff employed by or working under contract with a county department under s. 46.23, 51.42, or 51.437 or a residential care center for children and youth, physical therapist, physical therapist assistant, occupational therapist, dietitian, speech-language pathologist, audiologist, emergency medical technician, first responder, or police or law enforcement officer having reasonable cause to suspect that a child seen in the course of professional duties has been abused or neglected or having reason to believe that a child seen in the course of professional duties has been threatened with abuse or neglect and that abuse or neglect of the child will occur shall, except as provided under sub. (2m), report as provided in sub. (3). A court-appointed special advocate having reasonable cause to suspect that a child seen in the course of the court-appointed special advocate's activities under s. 48.236 (3) has been abused or neglected or having reason to believe that a child seen in the course of those activities has been threatened with abuse or neglect and that abuse or neglect of the child will occur shall, except as provided in sub. (2m), report as provided in sub. (3). Any other person, including an attorney, having reason to suspect that a child has been abused or neglected or reason to believe that a child has been threatened with abuse or neglect and that abuse or neglect of the child will occur may make such a report. Any person, including an attorney, having reason to suspect that an unborn child has been abused or reason

to believe that an unborn child is at substantial risk of abuse may report as provided in sub. (3). No person making a report under this subsection may be discharged from employment for so doing.

**SECTION 24.** 49.141 (2g) of the statutes is repealed.

NOTE: The audits required by this provision have been completed by the legislative audit bureau and a series of reports released.

**SECTION 25.** The treatment of 49.855 (3) of the statutes by 2001 Wisconsin Act 16 is not repealed by 2001 Wisconsin Act 61. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 49.855 (3) reads:

49.855 (3) Receipt of a certification by the department of revenue shall constitute a lien, equal to the amount certified, on any state tax refunds or credits owed to the obligor. The lien shall be foreclosed by the department of revenue as a set-off under s. 71.93 (3), (6), and (7). When the department of revenue determines that the obligor is otherwise entitled to a state tax refund or credit, it shall notify the obligor that the state intends to reduce any state tax refund or credit due the obligor by the amount the obligor is delinquent under the support, maintenance, or receiving and disbursing fee order or obligation, by the outstanding amount for past support, medical expenses, or birth expenses under the court order, or by the amount due under s. 46.10 (4) or 301.12 (4). The notice shall provide that within 20 days the obligor may request a hearing before the circuit court rendering the order under which the obligation arose. Within 10 days after receiving a request for hearing under this subsection, the court shall set the matter for hearing. Pending further order by the court or a circuit court commissioner, the department of workforce development or its designee, whichever is appropriate, is prohibited from disbursing the obligor's state tax refund or credit. A circuit court commissioner may conduct the hearing. The sole issues at that hearing shall be whether the obligor owes the amount certified and, if not and it is a support or maintenance order, whether the money withheld from a tax refund or credit shall be paid to the obligor or held for future support or maintenance.

**SECTION 26.** The treatment of 49.855 (4m) (b) of the statutes by 2001 Wisconsin Act 16 is not repealed by 2001 Wisconsin Act 61. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 49.855 (4m) (b) reads:

49.855 (4m) (b) The department of revenue may provide a certification that it receives under sub. (1), (2m), or (2p) to the department of administration. Upon receipt of the certification, the department of administration shall determine whether the obligor is a vendor or is receiving any other payments from this state, except for wages, retirement benefits, or assistance under s. 45.352, 1971 stats., s. 45.351 (1), this chapter, or ch. 46, 108, or 301. If the department of administration determines that the obligor is a vendor or is receiving payments from this state, except for wages, retirement benefits, or assistance under s. 45.352, 1971 stats., s. 45.351 (1), this chapter, or ch. 46, 108, or 301, it shall begin to withhold the amount certified from those payments and shall notify the obligor that the state intends to reduce any payments due the obligor by the amount the obligor is delinquent under the support, maintenance, or receiving and disbursing fee order or obligation, by the outstanding amount for past support, medical expenses, or birth expenses under the court order, or by the amount due under s. 46.10 (4) or 301.12 (4). The notice shall provide that within 20 days after receipt of the notice the obligor may request a hearing before the circuit court rendering the order under which the obligation arose. An obligor may, within 20 days after receiving notice, request a hearing under

this paragraph. Within 10 days after receiving a request for hearing under this paragraph, the court shall set the matter for hearing. A circuit court commissioner may conduct the hearing. Pending further order by the court or circuit court commissioner, the department of workforce development or its designee, whichever is appropriate, may not disburse the payments withheld from the obligor. The sole issues at the hearing are whether the obligor owes the amount certified and, if not and it is a support or maintenance order, whether the money withheld shall be paid to the obligor or held for future support or maintenance.

**SECTION 27.** The treatment of 59.25 (3) (f) 2. of the statutes by 2001 Wisconsin Act 16 is not repealed by 2001 Wisconsin Act 56. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, effective 1-1-03, s. 59.25 (3) (f) 2. reads:

2. For all court imposed fines and forfeitures required by law to be deposited in the state treasury, the amounts required by s. 757.05 for the penalty assessment surcharge, the amounts required by s. 165.755 for the crime laboratories and drug law enforcement assessment, the amounts required by s. 167.31 (5) for the weapons assessment, the amounts required by s. 973.045 for the crime victim and witness assistance surcharge, the amounts required by s. 938.34 (8d) for the delinquency victim and witness assistance surcharge, the amounts required by s. 973.046 for the deoxyribonucleic acid analysis surcharge, the amounts required by s. 961.41 (5) for the drug abuse program improvement surcharge, the amounts required by s. 100.261 for the consumer protection assessment, the amounts authorized by s. 971.37 (1m) (c) 1. or required by s. 973.055 (1) for the domestic abuse assessment, the amounts required by s. 253.06 (4) (c) for the enforcement assessment under the supplemental food program for women, infants and children, the amounts required by s. 349.04 for the truck driver education assessment, the amounts required by ss. 346.177, 346.495 and 346.65 (4r) for the railroad crossing improvement assessment, the amounts required by s. 346.655 (2) (a) and (b) for the driver improvement surcharge, the amounts required by s. 102.85 (4) for the uninsured employer assessment, the amounts required by s. 299.93 for the environmental assessment, the amounts required by s. 29.983 for the wild animal protection assessment, the amounts required by ss. 29.987 and 169.46 (1) for the natural resources assessment surcharge, the amounts required by s. 29.985 for the fishing shelter removal assessment, the amounts required by s. 350.115 for the snowmobile registration restitution payment, and the amounts required by ss. 29.989 and 169.46 (2) for natural resources restitution payments, transmit to the state treasurer a statement of all moneys required by law to be paid on the actions entered during the preceding month on or before the first day of the next succeeding month, certified by the county treasurer's personal signature affixed or attached thereto, and at the same time pay to the state treasurer the amount thereof.

**SECTION 28.** The treatment of 59.40 (2) (m) of the statutes by 2001 Wisconsin Act 16 is not repealed by 2001 Wisconsin Act 56. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, effective 1-1-03, s. 59.40 (2) (m) 2. reads:

(m) Pay monthly to the treasurer for the use of the state the state's percentage of the fees required to be paid on each civil action, criminal action and special proceeding filed during the preceding month and pay monthly to the treasurer for the use of the state the percentage of court imposed fines and forfeitures required by law to be deposited in the state treasury, the amounts required by s. 757.05 for the penalty assessment surcharge, the amounts required by s. 165.755 for the crime laboratories and drug law enforcement assessment, the



amounts required by s. 167.31 (5) for the weapons assessment, the amounts required by s. 973.045 for the crime victim and witness assistance surcharge, the amounts required by s. 938.34 (8d) for the delinquency victim and witness assistance surcharge, the amounts required by s. 973.046 for the deoxyribonucleic acid analysis surcharge, the amounts required by s. 961.41 (5) for the drug abuse program improvement surcharge, the amounts required by s. 100.261 for the consumer protection assessment, the amounts authorized by s. 971.37 (1m) (c) 1. or required by s. 973.055 for the domestic abuse assessment surcharge, the amounts required by s. 253.06 (4) (c) for the enforcement assessment under the supplemental food program for women, infants and children, the amounts required by s. 349.04 for the truck driver education assessment, the amounts required by ss. 346.177, 346.495 and 346.65 (4r) for the railroad crossing improvement assessment, the amounts required by s. 346.655 for the driver improvement surcharge, the amounts required by s. 102.85 (4) for the uninsured employer assessment, the amounts required by s. 299.93 for the environmental assessment, the amounts required under s. 29.983 for the wild animal protection assessment, the amounts required under s. 29.987 (1) (d) and 169.46 (1) (d) for the natural resources assessment surcharge, the amounts required by s. 29.985 for the fishing shelter removal assessment, the amounts required by s. 350.115 for the snowmobile registration restitution payment, and the amounts required under ss. 29.989 (1) (d) and 169.46 (2) (d) for the natural resources restitution payments. The payments shall be made by the 15th day of the month following receipt thereof.

**SECTION 29.** 59.69 (4e) (b) of the statutes, as created by 2001 Wisconsin Act 16, is amended to read:

59.69 (4e) (b) The construction of new migrant labor camps, as defined in s. 103.90 (3), that are built on or after September 1, 2001, on property that is adjacent to a food processing plant, as defined in s. ~~100.03 (1) (q)~~ 97.29 (1) (h), or on property owned by a producer of vegetables, as defined in s. ~~100.03 (1) (zs)~~ 100.235 (1) (g), if the camp is located on or contiguous to property on which vegetables are produced or adjacent to land on which the producer resides.

NOTE: 2001 Wis. Act 16 repealed s. 100.03. The definition of "food processing plant" in s. 100.03 (1) (q) stated that the term has the meaning given in s. 97.29 (1) (h), and the actual definition is substituted. The definition of "vegetable" at s. 100.235 (1) (g) is substantively identical to the definition in s. 100.03 (1) (zs).

**SECTION 30.** 66.0621 (5) (b) of the statutes, as affected by 2001 Wisconsin Act 30, section 36, is renumbered 66.0621 (6) (b).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b).

**SECTION 31.** The treatment of 70.111 (25) of the statutes by 2001 Wisconsin Act 16 is not repealed by 2001 Wisconsin Act 30. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 70.111 (25) reads:

(25) **DIGITAL BROADCASTING EQUIPMENT.** Digital broadcasting equipment owned and used by a radio station, television station, or cable television system, as defined in s. 66.0419 (2) (d).

**SECTION 32.** 71.05 (1) (d) of the statutes is repealed.

NOTE: Section 71.05 (1) (d) states: "Onetime sales tax rebate. Any amount received as a taxpayer rebate from a claim approved under s. 77.64." 2001 Wis. Act 38 repealed s. 77.64, leaving this provision without effect.

**SECTION 33.** 77.995 (1) (a) of the statutes is amended to read:

77.995 (1) (a) Except as provided in par. (b), "limousine" means a passenger automobile that has a capacity of 10 or ~~and~~ fewer persons, excluding the driver; that has a minimum of 5 seats behind the driver; and that is operated for hire on an hourly basis under a prearranged contract for the transportation of passengers on public roads and highways along a route under the control of the person who hires the vehicle and not over a defined regular route.

NOTE: Deletes unnecessary word.

**SECTION 34.** 90.21 (2) (a) of the statutes, as created by 2001 Wisconsin Act 56, is amended to read:

90.21 (2) (a) No person may keep farm-raised deer if any of the farm-raised deer are white-tailed deer unless all of the farm-raised deer are contained in ~~an~~ a fenced area for which the person holds a valid fence inspection certificate issued by the department under this section.

NOTE: Inserts correct article.

**SECTION 35.** 95.71 (1) (f) of the statutes, as affected by 2001 Wisconsin Act 56, is amended to read:

95.71 (1) (f) "Animal trucker employee" means the employee of a person who holds an animal trucker license if the employee, in the name of the licensed animal trucker, operates an animal transport vehicle which is registered by the animal trucker and on which the name and the business address of the licensed animal ~~livestock~~ trucker are prominently displayed.

NOTE: Throughout 2001 Wis. Act 56 "licensed livestock trucker" was replaced with "licensed animal trucker." "Licensed" was erroneously replaced with "animal" and livestock was retained, resulting in the redundant "animal livestock trucker." "Licensed" is restored and "livestock" removed to conform the language with the remainder of the treatment by Act 56.

**SECTION 36.** 108.02 (15) (k) 20. b. of the statutes, as created by 2001 Wisconsin Act 35, is amended to read:

108.02 (15) (k) 20. b. Respiratory care service for ventilator-dependent individuals authorized under s. 49.46 (2) (b) ~~em. 6. m.~~, for which medical assistance reimbursement is available as a covered service, provided by an individual who is certified by the department of health and family services under s. 49.45 (2) (a) 11. as a provider of respiratory care services in independent practice.

NOTE: Corrects cross-reference punctuation.

**SECTION 37.** 108.05 (1) (m) (intro.) of the statutes, as created by 2001 Wisconsin Act 35, is amended to read:

108.05 (1) (m) (intro.) Each eligible employee shall be paid benefits for each week of total unemployment ~~which that~~ commences on or after December 30, 2001, and before December 29, 2002, at the weekly benefit rate specified in this paragraph. Unless sub. (1m) applies, the weekly benefit rate shall equal 4% of the employee's base period wages ~~which that~~ were paid during that quarter of

the employee's base period in which the employee was paid the highest total wages, rounded down to the nearest whole dollar, except that, if that amount is less than the minimum amount shown in the following schedule, no benefits are payable to the employee and, if that amount is more than the maximum amount shown in the following schedule, the employee's weekly benefit rate shall be the maximum amount shown in the following schedule and except that, if the employee's benefits are exhausted during any week under s. 108.06 (1), the employee shall be paid the remaining amount of benefits payable to the employee in lieu of the amount shown in the following schedule: [See Figure 108.05 (1) (m) following]

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

**SECTION 38.** 108.05 (1) (n) (intro.) of the statutes, as created by 2001 Wisconsin Act 35, is amended to read:

108.05 (1) (n) (intro.) Each eligible employee shall be paid benefits for each week of total unemployment which that commences on or after December 29, 2002, at the weekly benefit rate specified in this paragraph. Unless sub. (1m) applies, the weekly benefit rate shall equal 4% of the employee's base period wages which that were paid during that quarter of the employee's base period in which the employee was paid the highest total wages, rounded down to the nearest whole dollar, except that, if that amount is less than the minimum amount shown in the following schedule, no benefits are payable to the employee and, if that amount is more than the maximum amount shown in the following schedule, the employee's weekly benefit rate shall be the maximum amount shown in the following schedule and except that, if the employee's benefits are exhausted during any week under s. 108.06 (1), the employee shall be paid the remaining amount of benefits payable to the employee in lieu of the amount shown in the following schedule: [See Figure 108.05 (1) (n) following]

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

**SECTION 39.** 108.14 (2e) of the statutes, as created by 2001 Wisconsin Act 35, is amended to read:

108.14 (2e) The department may provide a secure means of electronic interchange between itself and employing units, claimants, and other persons which that, upon request to and with prior approval by the department, may be used for departmental transmission or receipt of any document specified by the department that is related to the administration of this chapter in lieu of any other means of submission or receipt specified in this chapter. If a due date is established by statute for the receipt of any document that is submitted electronically to the department under this subsection, then that submission is timely only if the document is submitted by midnight of the statutory due date.

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

**SECTION 40.** 108.152 (1) (intro.) of the statutes, as created by 2001 Wisconsin Act 35, is amended to read:

108.152 (1) (intro.) Each Indian tribe which that is an employer may, in lieu of paying contributions under ss. 108.17 and 108.18, elect reimbursement financing for itself as a whole or for any tribal units or combinations of tribal units which that are wholly owned subdivisions, subsidiaries, or business enterprises, as of the beginning of any calendar year, subject to the following conditions:

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

**SECTION 41.** 118.02 (17) of the statutes, as created by 2001 Wisconsin Act 100, is renumbered 118.02 (17r).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2001 Wis. Acts 16 and 20 also created provisions numbered 118.02 (17).

**SECTION 42.** 118.40 (8) of the statutes is repealed.

NOTE: The audits required by this provision have been completed by the legislative audit bureau and a report released.

**SECTION 43.** 119.23 (9) of the statutes is repealed.

NOTE: The audits required by this provision have been completed by the legislative audit bureau and a report released.

**SECTION 44.** The treatment of 120.13 (37) of the statutes by 2001 Wisconsin Act 98 is not repealed by 2001 Wisconsin Act .... (LRB-3698/1). Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 120.13 (37) reads:

120.13 (37) (a) Notwithstanding s. 118.33 (1), award a high school diploma to a person who meets all of the following requirements:

1. Is at least 65 years old.
2. Attended high school in the school district or attended high school in this state and resides in the school district.
3. Left high school before receiving a high school diploma to join the U.S. armed forces during a war period under s. 45.001 (5).
4. Served on active duty under honorable conditions in the U.S. armed forces or in forces incorporated as part of the U.S. armed forces.

(b) Award a high school diploma to a person who received a high school equivalency diploma under s. 115.29 (4) after serving on active duty under honorable conditions if the person meets the conditions of par. (a) 1. to 3.

(c) Award, upon request, a high school diploma to a person who has died, but who, before dying, satisfied the conditions of par. (a) 2. to 4.

**SECTION 45.** 121.85 (6) (ar) 3. b. of the statutes is amended to read:

121.85 (6) (ar) 3. b. If no bonds are issued under s. ~~66.431 (5r)~~ 66.1333 (5r) by the date specified in that section, subd. 2. does not apply beginning in the first fiscal year following that date.

NOTE: Inserts the correct cross-reference. Section 66.431 was renumbered to s. 66.1333 by 1999 Wis. Act 150.

**SECTION 46.** The treatment of 125.33 (2s) of the statutes by 2001 Wisconsin Act 16 is not repealed by 2001 Wisconsin Act 38. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the Revisor, s. 125.33 (2s) reads:

(2s) EXCEPTION FOR RETAIL TRADE ASSOCIATION CONTRIBUTIONS. Notwithstanding the prohibitions in sub. (1), a brewer or wholesaler may contribute money or other things of value to a bona fide national, statewide, or local trade associa-

tion that derives its principal income from membership dues of Class "B" licensees.

**SECTION 47.** The treatment of 146.82 (2) (a) 18m. of the statutes by 2001 Wisconsin Act 59 is not repealed by 2001 Wisconsin Act 69. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 146.82 (2) (a) 18m. reads:

146.82 (2) (a) 18m. If the subject of the patient health care records is a child or juvenile who has been placed in a foster home, treatment foster home, group home, residential care center for children and youth, or a secured correctional facility, including a placement under s. 48.205, 48.21, 938.205, or 938.21 or for whom placement in a foster home, treatment foster home, group home, residential care center for children and youth, or secured correctional facility is recommended under s. 48.33 (4), 48.425 (1) (g), 48.837 (4) (c), or 938.33 (3) or (4), to an agency directed by a court to prepare a court report under s. 48.33 (1), 48.424 (4) (b), 48.425 (3), 48.831 (2), 48.837 (4) (c), or 938.33 (1), to an agency responsible for preparing a court report under s. 48.365 (2g), 48.425 (1), 48.831 (2), 48.837 (4) (c), or 938.365 (2g), to an agency responsible for preparing a permanency plan under s. 48.355 (2e), 48.38, 48.43 (1) (c) or (5) (c), 48.63 (4) or (5) (c), 48.831 (4) (e), 938.355 (2e), or 938.38 regarding the child or juvenile, or to an agency that placed the child or juvenile or arranged for the placement of the child or juvenile in any of those placements and, by any of those agencies, to any other of those agencies and, by the agency that placed the child or juvenile or arranged for the placement of the child or juvenile in any of those placements, to the foster parent or treatment foster parent of the child or juvenile or the operator of the group home, residential care center for children and youth, or secured correctional facility in which the child or juvenile is placed, as provided in s. 48.371 or 938.371.

**SECTION 48.** The treatment of 146.997 (1) (d) 4. of the statutes by 2001 Wisconsin Act 70 is not repealed by 2001 Wisconsin Act 89. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, effective 4-1-04, s. 146.997 (1) (d) 4. reads:

4. A physician, podiatrist, perfusionist, physical therapist, or physical therapist assistant licensed under ch. 448.

**SECTION 49.** The treatment of 155.01 (7) of the statutes by 2001 Wisconsin Act 70 is not repealed by 2001 Wisconsin Act 89. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, effective 4-1-04, s. 155.01 (7) reads:

(7) "Health care provider" means a nurse licensed or permitted under ch. 441, a chiropractor licensed under ch. 446, a dentist licensed under ch. 447, a physician, physician assistant, perfusionist, podiatrist, physical therapist, physical therapist assistant, occupational therapist, or occupational therapy assistant licensed under ch. 448, a person practicing Christian Science treatment, an optometrist licensed under ch. 449, a psychologist licensed under ch. 455, a partnership thereof, a corporation or limited liability company thereof that provides health care services, an operational cooperative sickness care plan organized under ss. 185.981 to 185.985 that directly provides services through salaried employees in its own facility, or a home health agency, as defined in s. 50.49 (1) (a).

**SECTION 50.** 169.45 (2) (e) of the statutes, as created by 2001 Wisconsin Act 56, is amended to read:

169.45 (2) (e) *Harmful wild animals.* For a violation of s. 169.11 (2) (1) (b) or (c), a person shall be fined not less than \$500 nor more than \$5,000 or imprisoned for not more than 6 months or both.

NOTE: Inserts correct cross-reference. There is no s. 169.11 (2).

**SECTION 51.** 169.45 (8) (b) of the statutes, as created by 2001 Wisconsin Act 56, is amended to read:

169.45 (8) (b) The 5-year period under par. (a) 2. shall be measured from the dates of the violations which that resulted in the convictions.

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

**SECTION 52.** 178.43 (3m) of the statutes, as created by 2001 Wisconsin Act 44, is amended to read:

178.43 (3m) After the filing of a statement under sub. (2) (2m), the department shall mail a copy of the statement to the registered limited liability partnership or foreign registered limited liability partnership at the address provided under sub. (2) (2m) (c) or (d).

NOTE: Inserts correct cross-references.

**SECTION 53.** 179.77 (2) (b) of the statutes, as created by 2001 Wisconsin Act 44, is amended to read:

179.77 (2) (b) The manner and basis of converting the interests in each business entity that is a party to the merger into shares, interests, obligations, or other securities of the surviving business entity or any other business entity or into cash or other property in whole or in part.

NOTE: Inserts comma.

**SECTION 54.** 180.1106 (1) (b) of the statutes, as affected by 2001 Wisconsin Act 44, is amended to read:

180.1106 (1) (b) The title to all property owned by each business entity that is party to the merger is vested in the surviving business entity without reversion or impairment, provided that, if a merging business entity has an interest in real estate in Wisconsin on the date of the merger, the merging business entity shall transfer that interest to the business entity surviving the merger and shall execute any real estate transfer return required under s. 77.22. The business entity surviving the merger shall promptly record the instrument of conveyance under s. 59.43 in the office of the register of deeds for each county in which the real estate is located.

**SECTION 55.** 181.1106 (2) of the statutes, as affected by 2001 Wisconsin Act 44, is amended to read:

181.1106 (2) TITLE TO PROPERTY. The title to all real estate and other property owned by each business entity that is a party to the merger is vested in the surviving business entity without reversion or impairment subject to any conditions to which the property was subject before the merger, provided that, if a merging business entity has an interest in real estate in Wisconsin on the date of the merger, the merging business entity shall transfer that interest to the business entity surviving the merger and shall execute any real estate transfer return required under s. 77.22. The business entity surviving the merger shall promptly record the instrument of conveyance under s. 59.43 in the office of the register of deeds for each county in which the real estate is located.

**SECTION 56.** 196.44 (2) (a) of the statutes is renumbered 196.44 (2).



NOTE: SECTION 57 of this act repeals s. 196.44 (2) (b); s. 196.44 (2) (a) would be the only remaining paragraph.

**SECTION 57.** 196.44 (2) (b) of the statutes is repealed.

NOTE: By its terms, this provision is without effect after 6-30-01.

**SECTION 58.** 196.499 (1) (f) of the statutes is amended to read:

196.499 (1) (f) For purposes of enforcing s. 196.209, 196.218 (3) or (8), 196.219, 196.85<sub>2</sub> or 196.858, or for purposes of approving or enforcing an interconnection agreement to which a telecommunications carrier is a party, a telecommunications carrier shall be subject to ss. 196.02 (3), 196.32, 196.33, 196.39, 196.395, 196.40, 196.41, 196.43, 196.44 (3)<sub>2</sub> and 196.48 and be treated as a party to the agreement under ss. 196.199 and 196.26, as a public utility under ss. 196.02 (5) and (6), 196.14, 196.24, 196.44 (2) (a)<sub>2</sub>, 196.66<sub>2</sub> and 196.85 (1)<sub>2</sub> and as a telecommunications provider under ss. 196.25 (3) and 196.65 (3).

NOTE: SECTION 56 of this act renumbers s. 196.44 (2) (a) to s. 196.44 (2).

**SECTION 59.** 231.03 (14) of the statutes is amended to read:

231.03 (14) Make loans to a health facility, educational facility or, before May 1, 2000, child care center for which bonds may be issued under sub. (6) (b); or (d) or under s. 231.03 (6) (f), 1999 stats., to refinance the health facility's, educational facility's, or child care center's outstanding debt. The authority may secure the loan or bond by a mortgage or other security arrangement on the health facility, educational facility, or child care center granted by the participating health institution, participating educational institution, or participating child care provider to the authority.

NOTE: Inserts the correct cross-reference. 2001 Wis. Act 38 repealed s. 231.03 (6) (f).

**SECTION 60.** 231.16 (3) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

231.16 (3) All bonds issued under this section shall be subject to this chapter in the same manner and to the same extent as other bonds issued pursuant to this chapter, except that the limitations with respect to dates under s. 231.03 (6) (e) and (f), 1999 stats., and under s. 231.03 (14) do not apply to bonds issued under this section, and the requirement under s. 231.08 (3) that the bonds mature in 30 years or less from their date of issue does not apply to bonds issued under this section to refund bonds issued under s. 231.03 (6) (g).

NOTE: 2001 Wis. Act 38 repealed s. 231.03 (6) (e) and (f).

**SECTION 61.** 233.04 (7s) of the statutes is repealed.

NOTE: The performance evaluation required under this provision has completed by the legislative audit bureau, and the required report has been released.

**SECTION 62.** The treatment of 252.15 (5) (a) 19. of the statutes by 2001 Wisconsin Act 59 is not repealed by 2001 Wisconsin Act 69. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 252.15 (5) (a) 19. reads:

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

**SECTION 63.** 285.55 of the statutes is repealed.

NOTE: By its terms, this provision is without effect after 7-1-98.

**SECTION 64.** 340.01 (15pm) of the statutes, as created by 2001 Wisconsin Act 90, is amended to read:

340.01 (15pm) "Electric personal assistive mobility device" means a self-balancing, 2-nontandem-wheeled device that is designed to transport only one person and ~~which that~~ has an electric propulsion system that limits the maximum speed of the device to 15 miles per hour or less.

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

**SECTION 65.** 343.16 (3) (a) of the statutes is amended to read:

343.16 (3) (a) ~~Except as provided in s. 343.20 (1) (f), the~~ The department shall examine every applicant for the renewal of an operator's license once every 8 years. The department may institute a method of selecting the date of renewal so that such examination shall be required for each applicant for renewal of a license to gain a uniform rate of examinations. The examination shall consist of a test of eyesight. The department shall make provisions for giving such examinations at examining stations in each county to all applicants for an operator's license. The person to be examined shall appear at the examining station nearest the person's place of residence or at such time and place as the department designates in answer to an applicant's request. In lieu of examination, the applicant may present or mail to the department a report of examination of the applicant's eyesight by an ophthalmologist, optometrist or physician licensed to practice medicine. The report shall be based on an examination made not more than 3 months prior to the date it is submitted. The report shall be on a form furnished and in the form required by the department. The department



shall decide whether, in each case, the eyesight reported is sufficient to meet the current eyesight standards.

NOTE: SECTION 66 of this act repeals s. 343.20 (1) (f).

**SECTION 66.** 343.20 (1) (f) of the statutes is repealed.

NOTE: By its terms, this provision is without effect after 12-31-01.

**SECTION 67.** 441.15 (5) (a) (intro.) of the statutes, as created by 2001 Wisconsin Act 52, is amended to read:

441.15 (5) (a) (intro.) Except for any of the following, no person may practice nurse-midwifery unless he or she has in effect malpractice liability insurance in an amount that is at least the minimum amount specified in rules promulgated under par. (b) (bm):

NOTE: Inserts correct cross-reference. There is no s.

441.15 (5) (b).

**SECTION 68.** 448.015 (1m) of the statutes, as created by 2001 Wisconsin Act 89, is amended to read:

448.015 (1m) "Perfusion" means that branch or system of treating the sick ~~which that~~ is limited to the operation and management of extracorporeal circulation to support, temporarily replace, measure, treat, or supplement the cardiopulmonary and circulatory system of a patient, including, when necessary to and part of the management and operation of extracorporeal circulation, the use of blood testing and advanced life support techniques and technologies, autotransfusion, and the administration of blood, blood products, and anesthetic and pharmacological agents.

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

**SECTION 69.** 448.51 (1e) of the statutes, as created by 2001 Wisconsin Act 70, is amended to read:

448.51 (1e) No person may designate himself or herself as a physical therapist or use or assume the title "physical therapist," "physiotherapist," "physical therapy technician," "licensed physical therapist," "registered physical therapist," "master of physical therapy," "master of science in physical therapy," or "doctorate in physical therapy," or append to the person's name the letters "P.T.," "P.T.T.," "L.P.T.," "R.P.T.," "M.P.T.," "M.S.P.T.," or "D.P.T.," or any other title, letters, or designation ~~which that~~ represents or may tend to represent the person as a physical therapist, unless the person is licensed as a physical therapist under this subchapter.

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

**SECTION 70.** 448.52 (1m) (intro.) of the statutes, as affected by 2001 Wisconsin Act 70, section 19m, is amended to read:

448.52 (1m) (intro.) ~~This subchapter does not require a~~ A license is not required under this subchapter for any of the following, if the person does not claim to render physical therapy or physiotherapy services:

NOTE: 2001 Wis. Act 70 inserted the underscored language without showing it as underscored and deleted the stricken language without showing it as stricken. The change was intended.

**SECTION 71.** 457.02 (6) (b) 1. of the statutes, as created by 2001 Wisconsin Act 80, is amended to read:

457.02 (6) (b) 1. The person is registered as a music, art, or dance therapist under s. 440.03 (14) (a) and the person holds a valid license granted by the department under s. 440.03 (14) (am).

NOTE: Inserts missing article.

**SECTION 72.** 470.025 (12) (b) of the statutes, as created by 2001 Wisconsin Act 53, is amended to read:

470.025 (12) (b) The person does not designate himself or herself as a professional geologist, hydrologist, or soil scientist or use any other title, letters, or designation ~~which that~~ represents or may tend to represent that the person is a professional geologist, hydrologist, or soil scientist.

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

**SECTION 73.** 757.69 (8) of the statutes, as created by 2001 Wisconsin Act 16, is renumbered 757.68 (8) and amended to read:

757.68 (8) Each circuit court commissioner ~~appointed under s. 48.065, 757.68, 757.72, 767.13, or 938.065~~ shall participate in programs of continuing circuit court commissioner education required by the supreme court. The supreme court shall charge a fee for the costs of the continuing education programs required under this subsection. All moneys collected under this subsection shall be credited to the appropriation account under s. 20.680 (2) (ga).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2001 Wis. Act 61 also created a provision numbered s. 757.69 (8). This provision is renumbered for more logical placement after the treatment of s. 757.69 by Act 61 and the language is conformed to the changes made to ch. 757 by Act 61.

**SECTION 74.** 767.455 (5g) (form) 2. of the statutes is amended to read:

767.455 (5g) (form) 2. You have the right to be represented by an attorney. If you are unable to afford an attorney, the court will appoint one for you only if the results of one or more genetic tests show that you are not excluded as the father and that the statistical probability of your being the father is less than 99.0%. In order to determine whether you are entitled to have an attorney appointed for you, you may call the following telephone number .....

NOTE: The underscored word was deleted by 1997 Wis. Act 191 without being stricken. No change was intended.

**SECTION 75.** The treatment of 767.265 (1) of the statutes by 2001 Wisconsin Act 16 is not repealed by 2001 Wisconsin Act 61. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 767.265 (1) reads:

(1) Each order for child support under this chapter, for maintenance payments under s. 767.23 or 767.26, for family support under this chapter, for costs ordered under s. 767.51 (3) or 767.62 (4), for support by a spouse under s. 767.02 (1) (f), or for maintenance payments under s. 767.02 (1) (g), each order for or obligation to pay the annual receiving and disbursing fee under s. 767.29 (1) (d), each order for a revision in a judgment or order with respect to child support, maintenance,

or family support payments under s. 767.32, each stipulation approved by the court or a circuit court commissioner for child support under this chapter, and each order for child or spousal support entered under s. 948.22 (7) constitutes an assignment of all commissions, earnings, salaries, wages, pension benefits, benefits under ch. 102 or 108, lottery prizes that are payable in installments, and other money due or to be due in the future to the department or its designee. The assignment shall be for an amount sufficient to ensure payment under the order, obligation, or stipulation and to pay any arrearages due at a periodic rate not to exceed 50% of the amount of support due under the order, obligation, or stipulation so long as the addition of the amount toward arrearages does not leave the party at an income below the poverty line established under 42 USC 9902 (2).

**SECTION 76.** The treatment of 767.267 (1) of the statutes by 2001 Wisconsin Act 38 is not repealed by 2001 Wisconsin Act 61. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 767.267 (1) reads:

767.267 (1) If the court or circuit court commissioner determines that income withholding under s. 767.265 is inapplicable, ineffective, or insufficient to ensure payment under an order or stipulation specified in s. 767.265 (1), or that income withholding under s. 767.25 (4m) (c) is inapplicable, ineffective, or insufficient to ensure payment of a child's health care expenses, including payment of health insurance premiums, ordered under s. 767.25 (4m), the court or circuit court commissioner may require the payer to identify or establish a deposit account, owned in whole or in part by the payer, that allows for periodic transfers of funds and to file with the financial institution at which the account is located an authorization for transfer from the account to the department or its designee, whichever is appropriate. The authorization shall be provided on a standard form approved by the court and shall specify the frequency and the amount of transfer, sufficient to meet the payer's obligation under the order or stipulation, as required by the court or circuit court commissioner. The authorization shall include the payer's consent for the financial institution or an officer, employee, or agent of the financial institution to disclose information to the court, circuit court commissioner, county child support agency under s. 59.53 (5), department, or department's designee regarding the account for which the payer has executed the authorization for transfer.

**SECTION 77.** The treatment of 767.27 (2) of the statutes by 2001 Wisconsin Act 16 is not repealed by 2001 Wisconsin Act 61. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 767.27 (2) reads:

(2) Disclosure forms required under this section shall be filed within 90 days after the service of summons or the filing of a joint petition or at such other time as ordered by the court or circuit court commissioner. Information contained on such forms shall be updated on the record to the date of hearing.

**SECTION 78.** The treatment of 767.29 (1) (d) of the statutes by 2001 Wisconsin Act 16 is not repealed by 2001 Wisconsin Act 61. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 767.29 (1) (d) reads:

(d) For receiving and disbursing maintenance, child support, or family support payments, including arrears in any of those payments, and for maintaining the records required under par. (c), the department or its designee shall collect an annual fee of \$35. The court or circuit court commissioner shall order each party ordered to make payments to pay the annual fee under this paragraph in each year for which pay-

ments are ordered or in which an arrearage in any of those payments is owed. In directing the manner of payment of the annual fee, the court or circuit court commissioner shall order that the annual fee be withheld from income and sent to the department or its designee, as provided under s. 767.265. All fees collected under this paragraph shall be deposited in the appropriation account under s. 20.445 (3) (ja). At the time of ordering the payment of an annual fee under this paragraph, the court or circuit court commissioner shall notify each party ordered to make payments of the requirement to pay the annual fee and of the amount of the annual fee. If the annual fee under this paragraph is not paid when due, the department or its designee may not deduct the annual fee from any maintenance, child or family support, or arrearage payment, but may move the court for a remedial sanction under ch. 785.

**SECTION 79.** The treatment of 767.29 (3) (b) of the statutes by 2001 Wisconsin Act 59 is not repealed by 2001 Wisconsin Act 61. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 767.29 (3) (b) reads:

(b) If a child who is the beneficiary of support under a judgment or order is placed by court order in a residential care center for children and youth, juvenile correctional institution, or state mental institution, the right of the child to support during the period of the child's confinement, including any right to unpaid support accruing during that period, is assigned to the state. If the judgment or order providing for the support of a child who is placed in a residential care center for children and youth, juvenile correctional institution, or state mental institution includes support for one or more other children, the support that is assigned to the state shall be the proportionate share of the child placed in the center or institution, except as otherwise ordered by the court or circuit court commissioner on the motion of a party.

**SECTION 80.** The treatment of 767.32 (1) (a) of the statutes by 2001 Wisconsin Act 16 is not repealed by 2001 Wisconsin Act 61. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 767.32 (1) (a) reads:

(a) After a judgment or order providing for child support under this chapter or s. 48.355 (2) (b) 4., 48.357 (5m) (a), 48.363 (2), 938.183 (4), 938.355 (2) (b) 4., 938.357 (5m) (a), 938.363 (2), or 948.22 (7), maintenance payments under s. 767.26, or family support payments under this chapter, or for the appointment of trustees under s. 767.31, the court may, from time to time, on the petition, motion, or order to show cause of either of the parties, or upon the petition, motion, or order to show cause of the department, a county department under s. 46.215, 46.22, or 46.23, or a county child support agency under s. 59.53 (5) if an assignment has been made under s. 46.261, 48.57 (3m) (b) 2. or (3n) (b) 2., 49.19 (4) (h), or 49.45 (19) or if either party or their minor children receive aid under s. 48.57 (3m) or (3n) or ch. 49, and upon notice to the office of family court commissioner, revise and alter such judgment or order respecting the amount of such maintenance or child support and the payment thereof, and also respecting the appropriation and payment of the principal and income of the property so held in trust, and may make any judgment or order respecting any of the matters that such court might have made in the original action, except that a judgment or order that waives maintenance payments for either party shall not thereafter be revised or altered in that respect nor shall the provisions of a judgment or order with respect to final division of property be subject to revision or modification. Except as provided in par. (d), a revision under this section of a judgment or order with respect to an amount of child or family support may be made only upon a finding of a substantial change in

circumstances. In any action under this section to revise a judgment or order with respect to maintenance payments, a substantial change in the cost of living by either party or as measured by the federal bureau of labor statistics may be sufficient to justify a revision of judgment or order with respect to the amount of maintenance, except that a change in an obligor's cost of living is not in itself sufficient if payments are expressed as a percentage of income.

**SECTION 81.** 767.33 (1) (c), (2), (3) (a) and (b) and (4) (b), (c) (intro.) and (d) of the statutes, as affected by 2001 Wisconsin Acts 16 and 61, are amended to read:

767.33 (1) (c) In the order the court or family circuit court commissioner shall specify what information the parties must exchange to determine whether the payer's income has changed, and shall specify the manner and timing of the information exchange.

(2) If the court or family circuit court commissioner provides for an annual adjustment, the court or family circuit court commissioner shall make available to the parties, including the state if the state is a real party in interest under s. 767.075 (1), a form approved by the court or family circuit court commissioner for the parties to use in stipulating to an adjustment of the amount of child or family support and to modification of any applicable income-withholding order. The form shall include an order, to be signed by a judge or family circuit court commissioner, for approval of the stipulation of the parties.

(3) (a) If the payer's income changes from the amount found by the court or family circuit court commissioner or stipulated to by the parties for the current child or family support order, the parties may implement an adjustment under this section by stipulating, on the form under sub. (2), to the changed income amount and the adjusted child or family support amount, subject to sub. (1) (b).

(b) The stipulation form must be signed by all parties, including the state if the state is a real party in interest under s. 767.075 (1), and filed with the court. If the stipulation is approved, the order shall be signed by a judge or family circuit court commissioner and implemented in the same manner as an order for a revision under s. 767.32. An adjustment under this subsection shall be effective as of the date on which the order is signed by the judge or family circuit court commissioner.

(4) (b) If the court or family circuit court commissioner determines after a hearing that an adjustment should be made, the court or family circuit court commissioner shall enter an order adjusting the child or family support payments by the amount determined by the court or family circuit court commissioner, subject to sub. (1) (b). An adjustment under this subsection may not take effect before the date on which the party responding to the motion, petition, or order to show cause received notice of the action under this subsection.

(c) (intro.) Notwithstanding par. (b), the court or family circuit court commissioner may direct that all or part of the adjustment not take effect until such time as the

court or family circuit court commissioner directs, if any of the following applies:

(d) If in an action under this subsection the court or family circuit court commissioner determines that a party has unreasonably failed to provide the information required under sub. (1) (c) or to provide the information on a timely basis, or unreasonably failed or refused to sign a stipulation for an annual adjustment, the court or family circuit court commissioner may award to the aggrieved party actual costs, including service costs, any costs attributable to time missed from employment, the cost of travel to and from court, and reasonable attorney fees.

NOTE: 2001 Wis. Act 16 repealed and recreated s. 767.33. 2001 Wis. Act 61 included an amendment of the repealed s. 767.33 (2) for the purpose of changing "family court commissioner" to "circuit court commissioner." The amendment of a repealed statute cannot be given effect. This provision implements the intent of the legislature in Act 61 by changing "family court commissioner" to "circuit court commissioner" wherever it appears in s. 767.33, as repealed and recreated.

**SECTION 82.** The treatment of 813.125 (3) (a) (intro.) of the statutes by 2001 Wisconsin Act 16 is not repealed by 2001 Wisconsin Act 61. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 813.125 (3) (a) (intro.) reads:

(a) A judge or circuit court commissioner may issue a temporary restraining order ordering the respondent to cease or avoid the harassment of another person, to avoid the petitioner's residence, except as provided in par. (am), or any premises temporarily occupied by the petitioner or both, or any combination of these remedies requested in the petition, if all of the following occur:

**SECTION 83.** 813.125 (3) (am) of the statutes, as created by 2001 Wisconsin Act 16, is amended to read:

813.125 (3) (am) If the petitioner and the respondent are not married, and the respondent owns the premises where the petitioner resides, and the petitioner has no legal interest in the premises, in lieu of ordering the respondent to avoid the petitioner's residence under par. (a) the judge or circuit court commissioner may order the respondent to avoid the premises for a reasonable time until the petitioner relocates and shall order the respondent to avoid the new residence for the duration of the order.

NOTE: 2001 Wis. Act 61 changed "court commissioner" to "circuit court commissioner" throughout the statutes.

**SECTION 84.** The treatment of 813.125 (4) (a) (intro.) of the statutes by 2001 Wisconsin Act 16 is not repealed by 2001 Wisconsin Act 61. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 813.125 (4) (a) (intro.) reads:

(a) A judge or circuit court commissioner may grant an injunction ordering the respondent to cease or avoid the harassment of another person, to avoid the petitioner's residence, except as provided in par. (am), or any premises temporarily occupied by the petitioner or both, or any combination of these remedies requested in the petition, if all of the following occur:

**SECTION 85.** 813.125 (4) (am) of the statutes, as created by 2001 Wisconsin Act 16, is amended to read:



813.125 (4) (am) If the petitioner and the respondent are not married, and the respondent owns the premises where the petitioner resides, and the petitioner has no legal interest in the premises, in lieu of ordering the respondent to avoid the petitioner's residence under par. (a) the judge or circuit court commissioner may order the respondent to avoid the premises for a reasonable time until the petitioner relocates and shall order the respondent to avoid the new residence for the duration of the order.

NOTE: 2001 Wis. Act 61 changed "court commissioner" to "circuit court commissioner" throughout the statutes.

**SECTION 86.** The treatment of 938.32 (1) (a) of the statutes by 2001 Wisconsin Act 16 is not repealed by 2001 Wisconsin Act 61. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 938.32 (1) (a) reads:

(a) At any time after the filing of a petition for a proceeding relating to s. 938.12 or 938.13 and before the entry of judgment, the judge or circuit court commissioner may suspend the proceedings and place the juvenile under supervision in the juvenile's own home or present placement. The court may establish terms and conditions applicable to the parent, guardian, or legal custodian, and to the juvenile, including any of the conditions specified in subs. (1d), (1g), (1m), (1p), (1t), (1v), and (1x). The order under this section shall be known as a consent decree and must be agreed to by the juvenile; the parent, guardian, or legal custodian; and the person filing the petition under s. 938.25. If the consent decree includes any conditions specified in sub. (1g), the consent decree shall include provisions for payment of the services as specified in s. 938.361. The consent decree shall be reduced to writing and given to the parties.

**SECTION 87.** 943.74 (1) (intro.) of the statutes, as created by 2001 Wisconsin Act 91, is amended to read:

943.74 (1) (intro.) In this section, ~~"farm-raised;~~

(a) "Farm-raised fish" means a fish that is kept on a fish farm for propagation purposes or reared on a fish farm and that has not been introduced, stocked, or planted into waters outside a fish farm and that has not escaped from a fish farm.

NOTE: Revises form and numbering consistent with current style.

**SECTION 88.** 946.82 (4) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

946.82 (4) "Racketeering activity" means any activity specified in 18 USC 1961 (1) in effect as of April 27, 1982 or the attempt, conspiracy to commit, or commission of any of the felonies specified in: chs. 945 and 961 and ss. 49.49, 134.05, 139.44 (1), 180.0129, 181.0129, 185.825, 201.09 (2), 215.12, 221.0625, 221.0636, 221.0637, 221.1004, 551.41, 551.42, 551.43, 551.44, 553.41 (3) and (4), 553.52 (2), 940.01, 940.19 (3) to (6), 940.20, 940.201, 940.203, 940.21, 940.30, 940.305, 940.31, 941.20 (2) and (3), 941.26, 941.28, 941.298, 941.31, 941.32, 942.09, 943.01 (2), (2d), or (2g), 943.011, 943.012, 943.013, 943.02, 943.03, 943.04, 943.05, 943.06, 943.10, 943.20 (3) (c) and (d), 943.201, 943.23 (1g), (1m), (1r), (2) and (3), 943.24 (2), 943.25,

943.27, 943.28, 943.30, 943.32, 943.34 (1) (c), 943.38, 943.39, 943.40, 943.41 (8) (b) and (c), 943.50 (4) (c), 943.60, 943.70, 943.76, ~~944.205~~, 944.21 (5) (c) and (e), 944.32, 944.33 (2), 944.34, 945.03 (1m), 945.04 (1m), 945.05 (1), 945.08, 946.10, 946.11, 946.12, 946.13, 946.31, 946.32 (1), 946.48, 946.49, 946.61, 946.64, 946.65, 946.72, 946.76, 947.015, 948.05, 948.08, 948.12, and 948.30.

NOTE: Corrects cross-reference. 2001 Wis. Act 33 renumbered s. 944.205 to 942.09.

**SECTION 89.** 973.05 (1) of the statutes, as affected by 2001 Wisconsin Acts 16 and 56, is amended to read:

973.05 (1) When a defendant is sentenced to pay a fine, the court may grant permission for the payment of the fine, ~~of the penalty assessment imposed by s. 757.07~~ 757.05, the jail assessment imposed by s. 302.46 (1), the crime victim and witness assistance surcharge under s. 973.045, the crime laboratories and drug law enforcement assessment imposed by s. 165.755, any applicable deoxyribonucleic acid analysis surcharge under s. 973.046, any applicable drug abuse program improvement surcharge imposed by s. 961.41 (5), any applicable consumer protection assessment imposed by s. 100.261, any applicable domestic abuse assessment imposed by s. 971.37 (1m) (c) 1. or 973.055, any applicable driver improvement surcharge imposed by s. 346.655, any applicable truck driver education assessment imposed by s. 349.04, any applicable enforcement assessment imposed by s. 253.06 (4) (c), any applicable weapons assessment imposed by s. 167.31, any applicable uninsured employer assessment imposed by s. 102.85 (4), any applicable environmental assessment imposed by s. 299.93, any applicable wild animal protection assessment imposed by s. 29.983, any applicable natural resources assessment imposed by ~~ss. s.~~ s. 29.987 or 169.46 (1), and any applicable natural resources restitution payment imposed by ~~ss. s.~~ s. 29.989 or 169.46 (2) to be made within a period not to exceed 60 days. If no such permission is embodied in the sentence, the fine, the penalty assessment, the jail assessment, the crime victim and witness assistance surcharge, the crime laboratories and drug law enforcement assessment, any applicable deoxyribonucleic acid analysis surcharge, any applicable drug abuse program improvement surcharge, any applicable consumer protection assessment, any applicable domestic abuse assessment, any applicable driver improvement surcharge, any applicable truck driver education assessment, any applicable enforcement assessment, any applicable weapons assessment, any applicable uninsured employer assessment, any applicable environmental assessment, any applicable wild animal protection assessment, any applicable natural resources assessment, and any applicable natural resources restitution payment shall be payable immediately.

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## 2001 Wisconsin Act 105

NOTE: 2001 Wis. Act 56 replaced “757.05” with “757.07” without strikes and underscores. No change was intended. There is no s. 757.07. Strikes “of” for parallel structure.

**SECTION 90.** 2001 Wisconsin Act 38, section 39 is amended by replacing “expectant mother,” with “expectant mother,”.

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

**SECTION 91.** 2001 Wisconsin Act 56, section 43 is amended by replacing “domestic–fur–bearing” with “domestic fur–bearing”.

NOTE: What appears to be a hyphen between “domestic” and “fur” is a misplaced strike through marking.

**SECTION 92.** 2001 Wisconsin Act 56, section 91 is amended by replacing “farm–raised deer fish” with “farm–raised deer or farm–raised fish”.

NOTE: 2001 Wis. Act 56 deleted “or–farm–raised,” but should have shown it as stricken.

**SECTION 93.** 2001 Wisconsin Act 56, section 241 (1) is amended to read:

[2001 Wisconsin Act 56] section 241 (1) The treatment of sections ~~169.015~~, 169.29, 169.34, and 169.35 of the statutes takes effect on the day after publication.

NOTE: 2001 Wis. Act 56 did not treat s. 169.015.

**SECTION 94.** 2001 Wisconsin Act 61, section 123 is amended by replacing “employes” with “employees”.

NOTE: The spelling of “employees” in all statutes was changed from “employes” in all statutes by 1999 Wis. Act 185.

**SECTION 95. Effective dates.** This act takes effect on the day after publication, except as follows:

(1) The treatment of sections 29.024 (1), 29.337 (1) (intro.), 90.21 (2) (a), 95.71 (1) (f), 169.45 (8) (b), 448.015 (1m), and 973.05 (1) of the statutes takes effect on January 1, 2003.

(2) The treatment of sections 441.15 (5) (a) (intro.) and 457.02 (6) (b) 1. of the statutes takes effect on November 1, 2002.

(3) The treatment of sections 448.51 (1e) and 448.52 (1m) (intro.) of the statutes takes effect on April 1, 2004.

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