

## 2003 SENATE BILL 558

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

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*Analysis by the Legislative Reference Bureau*

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

6           **SECTION 1.** 1.10 (1m) of the statutes is amended to read:  
7           1.10 **(1m)** The Wisconsin state ballad is “Oh Wisconsin, Land of My Dreams,”  
8           music written by Shari A. Sarazin and lyrics written by Emma Erma Barrett, the  
9           words to which are as follows: “Oh Wisconsin, land of beauty, with your hillsides and  
10          your plains, with your jackpine and your birch tree, and your oak of mighty frame.

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1 Land of rivers, lakes and valleys, land of warmth and winter snows, land of birds and  
2 beasts and humanity, oh Wisconsin, I love you so. Oh Wisconsin, land of my dreams.  
3 Oh Wisconsin, you're all I'll ever need. A little heaven here on earth could you be?  
4 Oh Wisconsin, land of my dreams. In the summer, golden grain fields; in the winter,  
5 drift of white snow; in the springtime, robins singing; in the autumn, flaming colors  
6 show. Oh I wonder who could wander, or who could want to drift for long, away from  
7 all your beauty, all your sunshine, all your sweet song? Oh Wisconsin, land of my  
8 dreams. Oh Wisconsin, you're all I'll ever need. A little heaven here on earth could  
9 you be? Oh Wisconsin, land of my dreams. And when it's time, let my spirit run free  
10 in Wisconsin, land of my dreams."

NOTE: Corrects error in transcribing 2001 Wis. Act 16.

11 **SECTION 2.** 6.18 (form) of the statutes is amended to read:

12 **6.18** (form) This form shall be returned to the municipal clerk's office.  
13 Application must be received in sufficient time for ballots to be mailed and returned  
14 prior to any presidential election at which applicant wishes to vote. Complete all  
15 statements in full.

16 APPLICATION FOR PRESIDENTIAL  
17 ELECTOR'S ABSENT ABSENTEE BALLOT.

18 (To be voted at the Presidential Election  
19 on November ....., .... (year)

20 I, .... hereby swear or affirm that I am a citizen of the United States, formerly  
21 residing at .... in the .... ward .... aldermanic district (city, town, village) of ....., County  
22 of .... for 10 days prior to leaving the State of Wisconsin. I, .... do solemnly swear or  
23 affirm that I do not qualify to register or vote under the laws of the State of ....(State  
24 you now reside in) where I am presently residing. A citizen must be a resident of:

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1 State ....(Insert time) County ....(Insert time) City, Town or Village ....(Insert time),  
2 in order to be eligible to register or vote therein. I further swear or affirm that my  
3 legal residence was established in the State of ....(the State where you now reside)  
4 on .... Month .... Day .... Year.

5 Signed ....

6 Address ....(Present address)

7 ....(City) ....(State)

8 Subscribed and sworn to before me this .... day of .... .... (year)

9 ....(Notary Public, or other officer authorized to administer oaths.)

10 ....(County)

11 My Commission expires

12 MAIL BALLOT TO:

13 NAME ....

14 ADDRESS ....

15 CITY .... STATE .... ZIP CODE ....

16 *Penalties for Violations.* Whoever swears falsely to any absent elector affidavit  
17 under this section may be fined not more than \$1,000 or imprisoned for not more than  
18 6 months, or both. Whoever intentionally votes more than once in an election may  
19 be fined not more than \$10,000 or imprisoned for not more than 3 years and 6 months  
20 or both.

21 ....(Municipal Clerk)

22 ....(Municipality)

NOTE: Inserts correct word form.

23 **SECTION 3.** 9.01 (1) (b) 12. of the statutes is amended to read:

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1           9.01 (1) (b) 12. Except as authorized in s. 6.47 (8), the board of canvassers shall  
2 not permit access to the name of any elector who has obtained a confidential listing  
3 under s. 6.47 (2) during the reconveys reconvass.

NOTE: Corrects transcription error that appeared in the 1999–2000 statutes. The correct word is published in the 2001–02 statutes.

4           **SECTION 4.** 11.05 (1) (b) of the statutes, as created by 2001 Wisconsin Act 109,  
5 is amended to read:

6           11.05 (1) (b) Every political group subject to registration under s. 11.23 which  
7 that makes or accepts contributions, incurs obligations, or makes disbursements in  
8 a calendar year in an aggregate amount in excess of \$100 shall file a statement with  
9 the appropriate filing officer giving the information required by sub. (3).

NOTE: Replaces “which” with “that” to correct grammar.

10          **SECTION 5.** 11.20 (2s) of the statutes, as created by 2001 Wisconsin Act 109, is  
11 amended to read:

12          11.20 (2s) A registrant which that is required to file reports under s. 11.12 (6)  
13 (am) shall file the reports by the date required under s. 11.12 (6) (am).

NOTE: Replaces “which” with “that” to correct grammar.

14          **SECTION 6.** 11.20 (2t) of the statutes, as created by 2001 Wisconsin Act 109, is  
15 amended to read:

16          11.20 (2t) A registrant which that is required to file reports under s. 11.12 (6)  
17 (c) shall file the reports by the date required under s. 11.12 (6) (c).

NOTE: Replaces “which” with “that” to correct grammar.

18          **SECTION 7.** 11.50 (2s) (b) of the statutes, as created by 2001 Wisconsin Act 109,  
19 is amended to read:

20          11.50 (2s) (b) Within each political party account, 45% of the moneys  
21 designated for crediting to the account under s. 71.10 (3) ~~(a)~~ (am) shall be retained

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1 by the board for use in making grants to eligible candidates of that party under sub.  
2 (4), and 55% of the moneys received shall be disbursed by the board to the eligible  
3 political party for use by the party in making contributions to eligible candidates of  
4 that party authorized under par. (f).

NOTE: Inserts correct cross-reference. 2001 Wis. Act 109 renumbered s. 71.10 (3)  
(a) to s. 71.10 (3) (am).

5 **SECTION 8.** 11.60 (4) of the statutes, as affected by 2001 Wisconsin Act 109, is  
6 amended to read:

7 11.60 (4) Actions under this section arising out of an election for state office or  
8 a statewide referendum may be brought by the board or by the district attorney of  
9 the county where the violation is alleged to have occurred, except as specified in s.  
10 11.38. Actions under this section arising out of an election for local office or a local  
11 referendum may be brought by the district attorney of the county where the violation  
12 is alleged to have occurred. Actions under this section arising out of an election for  
13 county office or a county referendum may be brought by the county board of election  
14 commissioners of the county wherein the violation is alleged to have occurred. In  
15 addition, whenever a candidate or personal campaign committee or agent of a  
16 candidate is alleged to have violated this chapter, action may be brought by the  
17 district attorney of any county any part of which is contained within the jurisdiction  
18 or district in which the candidate seeks election. If a violation concerns a district  
19 attorney or circuit judge or candidate for such offices, the action shall be brought by  
20 the attorney general. If a violation concerns the attorney general or a candidate for  
21 such office, the governor may appoint special counsel under s. 14.11 (2) to bring suit  
22 in behalf of the state. The counsel shall be independent of the attorney general and  
23 need not be a state employee at the time of appointment.

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NOTE: The underscored “a” was deleted by 2001 Wis. Act 109 without being stricken. The deletion was not intended.

1           **SECTION 9.** 13.525 (6) of the statutes is amended to read:

2           13.525 **(6)** COMMITTEE POWERS AND PROCEDURES. The committee may hold  
3 hearings as needed to elicit information for making a report under sub. (5) (b) ~~or (5m)~~  
4 ~~(a) or for developing proposed legislation under sub. (5m) (a).~~ The committee shall  
5 meet at the call of its cochairpersons. All actions of the committee require the  
6 approval of a majority of all of its members.

NOTE: There is no s. 13.525 (5m).

7           **SECTION 10.** 15.31 (3) of the statutes, as created by 2003 Wisconsin Act 25, is  
8 amended to read:

9           15.31 **(3)** Be fully qualified to receive federal recognition at the minimum rank  
10 of brigadier general and ~~has~~ have successfully completed a war college course or the  
11 military equivalent acceptable to the appropriate service.

NOTE: Corrects grammar.

12           **SECTION 11.** 16.385 (3) (e) 7. of the statutes is amended to read:

13           16.385 **(3)** (e) 7. By October 1 of each year ~~and after consulting with the~~  
14 ~~department of administration,~~ allocate funds budgeted but not spent and any funds  
15 remaining from previous fiscal years to heating assistance under sub. (6) or to the  
16 weatherization assistance program under s. 16.39.

NOTE: 1995 Wis. Act 27 renumbered s. 49.80 to s. 16.385, transferring the administration of the low-income energy assistance program from the Department of Health and Family Services to the Department of Administration, rendering the requirement to consult with the Department of Administration, deleted above, without effect.

17           **SECTION 12.** 16.84 (2) of the statutes is amended to read:

18           16.84 **(2)** Appoint such number of police officers as is necessary to safeguard  
19 all public property placed by law in the department’s charge, and provide, by

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1 agreement with any other state agency, police and security services at buildings and  
2 facilities owned, controlled, or occupied by the other state agency. The governor or  
3 the department may, to the extent it is necessary, authorize police officers employed  
4 by the department to safeguard state officers, state employees, or other persons. A  
5 police officer who is employed by the department and who is performing duties that  
6 are within the scope of his or her employment as a police officer has the powers of a  
7 peace officer under s. ~~59.24~~ 59.28, except that the officer has the arrest powers of a  
8 law enforcement officer under s. 968.07 regardless of whether the violation is  
9 punishable by forfeiture or criminal penalty. The officer may exercise the powers of  
10 a peace officer and the arrest powers of a law enforcement officer while located  
11 anywhere within this state. Nothing in this subsection limits or impairs the duty of  
12 the chief and each police officer of the police force of the municipality in which the  
13 property is located to arrest and take before the proper court or magistrate persons  
14 found in a state of intoxication or engaged in any disturbance of the peace or violating  
15 any state law in the municipality in which the property is located, as required by s.  
16 62.09 (13).

NOTE: Section 16.84 (2) was amended by 1995 Wis. Act 174 to add the cross-reference to s. 59.24. 1995 Wis. Act 201 renumbered s. 59.24 to s. 59.28 without taking Act 174 into account.

17 **SECTION 13.** 20.285 (1) (c) of the statutes is amended to read:

18 20.285 (1) (c) *Energy costs.* The amounts in the schedule to pay for utilities and  
19 for fuel, heat, and air conditioning, and to pay costs incurred under ss. 16.858 and  
20 16.895, including all operating costs recommended by the department of  
21 administration that result from the installation of pollution abatement equipment  
22 in state-owned or operated heating, cooling, or power plants, by or on behalf of the  
23 board of regents, and including the cost of purchasing electricity, steam, and chilled

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1 water generated by the cogeneration facility constructed pursuant to an agreement  
2 under 2001 Wisconsin Act 109, section 9156 (2z) (b) (g).

NOTE: Corrects cross-reference. 2001 Wisconsin Act 109, section 9156 (2z) (g) was  
numbered 9156 (2z) (b) in the original draft.

3 **SECTION 14.** 20.370 (1) (mu) of the statutes, as affected by 2001 Wisconsin Act  
4 56 and 2001 Wisconsin Act 109, section 36d, is amended to read:

5 20.370 (1) (mu) *General program operations — state funds.* The amounts in  
6 the schedule for general program operations that do not relate to the management  
7 and protection of the state's fishery resources under ss. 23.09 to 23.11, 27.01, 30.203,  
8 30.277, and 90.21, subch. VI of ch. 77 and chs. 26, 28, 29, and 169, to provide funding  
9 under 2001 Wisconsin Act 16 109, section 9137 (1w), and for transfers to the  
10 appropriation account under s. 20.285 (1) (kf).

NOTE: Corrects an error in transcribing 2001 Wis. Act 109.

11 **SECTION 15.** The treatment of 20.370 (1) (mu) of the statutes by 2001 Wisconsin  
12 Act 56 is not repealed by 2001 Wisconsin Act 109, section 36db. Both treatments  
13 stand.

NOTE: There is no conflict of substance. As merged by the revisor effective July 1,  
2003, s. 20.370 (1) (mu) reads:

(mu) *General program operations — state funds.* The amounts in the schedule for  
general program operations that do not relate to the management and protection of the  
state's fishery resources under ss. 23.09 to 23.11, 27.01, 30.203, 30.277, and 90.21, subch.  
VI of ch. 77 and chs. 26, 28, 29, and 169 and for transfers to the appropriation account  
under s. 20.285 (1) (kf).

14 **SECTION 16.** 25.61 of the statutes is amended to read:

15 **25.61 VendorNet fund.** There is created a separate nonlapsible trust fund  
16 designated as the VendorNet fund consisting of all revenues accruing to the state  
17 from fees assessed under ss. s. 16.701 and ~~16.702 (1)~~ and from gifts, grants, and  
18 bequests made for the purposes of ss. s. 16.701 and ~~16.702 (1)~~ and moneys transferred  
19 to the fund from other funds.



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NOTE: There is no s. 16.702 (1).

1           **SECTION 17.** 26.145 (2m) of the statutes is amended to read:

2           26.145 **(2m)** EFFECT OF OTHER FINANCIAL ASSISTANCE. The department may  
3 consider any cost which that has been or will be paid or reimbursed from moneys  
4 received under another federal or state financial assistance program as an ineligible  
5 cost for the purposes of calculating the amount of a grant under sub. (1), except that  
6 the department shall consider any cost that has been or will be paid or reimbursed  
7 from moneys received under s. 101.573 (3) as an eligible cost for the purposes of  
8 calculating the amount of a grant under sub. (1).

NOTE: Replaces “which” with “that” to correct grammar.

9           **SECTION 18.** 29.182 (4m) of the statutes is amended to read:

10           29.182 **(4m)** LIMITATION OF ONE LICENSE. A person may be issued, or transferred  
11 under ~~par. sub. (4) (g)~~, only one resident elk hunting license in his or her lifetime, and  
12 the resident elk hunting license shall be valid for only one elk hunting season. The  
13 issuance, or transfer under ~~par. sub. (4) (g)~~, of the license to the person is subject to  
14 s. 29.024 (2g).

NOTE: Inserts correct cross-reference. There is no s. 29.182 (4m) (g).

15           **SECTION 19.** The treatment of 29.347 (2) of the statutes by 2001 Wisconsin Act  
16 56 is not repealed by 2001 Wisconsin Act 109. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor s. 29.347 (2) reads:

**(2) DEER OR ELK CARCASS TAGS.** Except as provided under sub. (5) and s. 29.324 (3), any person who kills a deer shall immediately attach to the ear or antler of the deer a current validated deer carcass tag which is authorized for use on the type of deer killed. Any person who kills an elk shall immediately attach to the ear or antler of the elk a current validated elk carcass tag. Except as provided under sub. (2m) or s. 29.89 (6), no person may possess, control, store, or transport a deer carcass unless it is tagged as required under this subsection. Except as provided under sub. (2m), no person may possess, control, store, or transport an elk carcass unless it is tagged as required under this subsection. A person who kills a deer or elk shall register the deer or elk in the manner required by the department. The carcass tag may not be removed before registration. The removal of a carcass tag from a deer or elk before registration renders the deer or elk untagged.

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1           **SECTION 20.** 30.12 (3) (a) 6. of the statutes is amended to read:

2           30.12 **(3)** (a) 6. Place a permanent boat shelter adjacent to the owner's property  
3 for the purpose of storing or protecting watercraft and associated materials, except  
4 that no permit may be granted for a permanent boat shelter ~~which~~ that is constructed  
5 after May 3, 1988, if the property on which the permanent boat shelter is to be located  
6 also contains a boathouse within 75 feet of the ordinary high-water mark ~~of~~ or if  
7 there is a boathouse over navigable waters adjacent to the owner's property.

NOTE: Corrects an error in transcribing 1987 Wis. Act 374. Replaces "which" with  
"that" to correct grammar.

8           **SECTION 21.** 45.43 (1) (a) of the statutes is amended to read:

9           45.43 **(1)** (a) Except as provided under par. (b), the county board shall elect a  
10 county veterans' service officer who shall be a Wisconsin resident who served on  
11 active duty, other than active duty for training, under honorable conditions in the  
12 U.S. armed forces or in forces incorporated as part of the U.S. armed forces and who  
13 meets at least one of the conditions listed in s. ~~45.35 (5)~~ 45.001 (4) (a) 1. a. to d. and  
14 at least one of the conditions listed in s. ~~45.35 (5)~~ 45.001 (4) (a) 2. a. to c.

NOTE: Section 45.35 (5) was renumbered to 45.001 (4) by 2001 Wis. Act 103.

15           **SECTION 22.** 48.356 (1) of the statutes is amended to read:

16           48.356 **(1)** Whenever the court orders a child to be placed outside his or her  
17 home, orders an expectant mother of an unborn child to be placed outside of her home  
18 or denies a parent visitation because the child or unborn child has been adjudged to  
19 be in need of protection or services under s. 48.345, 48.347, 48.357, 48.363 or 48.365,  
20 the court shall orally inform the parent or parents who appear in court or the  
21 expectant mother who appears in court of any grounds for termination of parental  
22 rights under s. 48.415 which may be applicable and of the conditions necessary for

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1 the child or expectant mother to be returned to the home or for the parent to be  
2 granted visitation.

NOTE: Inserts missing comma.

3 **SECTION 23.** 48.685 (5) (bm) 4. of the statutes, as affected by 2001 Wisconsin  
4 Act 109, section 114b, is amended to read:

5 48.685 (5) (bm) 4. A violation of s. 940.19 (3), 1999 stats., or of s. 125.075 (1),  
6 125.085 (3) (a) 2., 125.105 (2) (b), 125.66 (3), 125.68 (12), 940.09, 940.19 (2), (4), (5),  
7 or (6), 940.20, 940.203, 940.205, 940.207, or ~~940.025~~ 940.25, a violation of s. 346.63  
8 (1), (2), (5), or (6) that is a felony under s. 346.65 (2) (e) or (f), (2j) (d), or (3m), or an  
9 offense under ch. 961 that is a felony, if committed not more than 5 years before the  
10 date of the investigation under sub. (2) (am).

NOTE: Inserts correct cross-reference. 2001 Wis. Act 109, section 113x, created the cross-reference as section 940.25. 2001 Wis. Act 109, section 114b, changed it to section 940.025 without strikes and underscores. No change was intended. There is no s. 940.025. Inserts comma that 2001 Wis. Act 109, section 113x, inserted. 2001 Wis. Act 109, section 114b, deleted it without strikes and underscores. No change was intended.

11 **SECTION 24.** 48.981 (2) (a) (intro.) of the statutes is amended to read:

12 48.981 (2) (a) (intro.) , ~~group home, as described in s. 48.625 (1m)~~, Any of the  
13 following persons who has reasonable cause to suspect that a child seen by the person  
14 in the course of professional duties has been abused or neglected or who has reason  
15 to believe that a child seen by the person in the course of professional duties has been  
16 threatened with abuse or neglect and that abuse or neglect of the child will occur  
17 shall, except as provided under sub. (2m), report as provided in sub. (3):

NOTE: The stricken language was inserted into s. 48.981 (2) by 2001 Wis. Act 69. 2001 Wis. Act 103, a revisor's revision bill, renumbered s. 48.981 (2) to be s. 48.981 (2) (a) (intro.), deleted previously existing text from s. 48.981 (2) (a) (intro.), as renumbered, and recreated it as s. 48.981 (2) (a) 1. to 29., but the treatment of s. 48.981 (2) (a) by Act 69 was not taken into account by Act 103. See also SECTIONS 25 and 26 of this bill.

18 **SECTION 25.** 48.981 (2) (a) 18. of the statutes is amended to read:

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1           48.981 (2) (a) 18. A child-care worker in a day care center, group home, as  
2 described in s. 48.625 (1m), or residential care center for children and youth.

NOTE: The underscored language was inserted into s. 48.981 (2) by 2001 Wis. Act 69. 2001 Wis. Act 103, a revisor's revision bill, renumbered s. 48.981 (2) to be s. 48.981 (2) (a) (intro.), deleted the plain text shown above from s. 48.981 (2) (a) (intro.), as renumbered, and recreated it as s. 48.981 (2) (a) 18., but the treatment of s. 48.981 (2) (a) by Act 69 was not taken into account by Act 103. See also SECTION 24 of this bill.

3           **SECTION 26.** 48.981 (2) (a) 22m. of the statutes is created to read:

4           48.981 (2) (a) 22m. A physical therapist assistant.

NOTE: 2001 Wis. Act 70, section 2, created the term "physical therapist assistant" effective 4-1-04. 2001 Wis. Act 103, a revisor's revision bill, renumbered s. 48.981 (2) to be s. 48.981 (2) (a) (intro.), deleted affected professions from s. 48.981 (2) (a) (intro.), as renumbered, and recreated them in a list as s. 48.981 (2) (a) 1. to 29., but the treatment of s. 48.981 (2) by Act 70 was not taken into account by Act 103 and was not included. See also SECTION 107 of this bill, which repeals the Act 70 treatment. This section inserts the term within the framework created by Act 103.

5           **SECTION 27.** 49.175 (1) (z) of the statutes is amended to read:

6           49.175 (1) (z) *Community youth grant.* For a competitive grant program  
7 administered by the department to fund programs that improve social, academic,  
8 and employment skills of youth who are eligible to receive temporary assistance for  
9 needy families under 42 USC 601 et seq., \$7,829,700 in fiscal year 2001-02 and  
10 \$300,000 in fiscal year 2002-03.

NOTE: 2001 Wis. Act 109 deleted the underscored comma without showing it as stricken. The deletion was unintended. Inserts missing word.

11          **SECTION 28.** 49.175 (1) (zh) 2. of the statutes is renumbered 49.175 (1) (zh).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). Eliminates unnecessary subdivision designation. This provision is not subdivided.

12          **SECTION 29.** 49.45 (7) (a) of the statutes is amended to read:

13          49.45 (7) (a) A recipient who is a patient in a public medical institution or an  
14 accommodated person and has a monthly income exceeding the payment rates  
15 established under 42 USC 1382 (e) may retain \$45 unearned income or the amount  
16 of any pension paid under 38 USC ~~3203~~ (5503 (d)), whichever is greater, per month

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1 for personal needs. Except as provided in s. 49.455 (4) (a), the recipient shall apply  
2 income in excess of \$45 or the amount of any pension paid under 38 USC ~~3203 (f)~~ 5503  
3 (d), whichever is greater, less any amount deducted under rules promulgated by the  
4 department, toward the cost of care in the facility.

NOTE: Inserts the correct cross-reference.

5 **SECTION 30.** 49.45 (49) (a) (intro.) of the statutes is amended to read:

6 49.45 **(49)** (a) (intro.) The secretary shall exercise his or her authority under  
7 s. 15.04 (1) (c) to create a prescription drug prior authorization committee to advise  
8 the department on issues related to prior authorization decisions made concerning  
9 ~~prescription~~ prescription drugs on behalf of medical assistance recipients. The  
10 secretary shall appoint as members at least all of the following:

NOTE: Corrects spelling.

11 **SECTION 31.** 59.20 (3) (c) of the statutes is amended to read:

12 59.20 **(3)** (c) Any board may by ordinance provide that the ~~cut-off~~ cutoff  
13 reception time for the filing and recording of documents shall be advanced by  
14 one-half hour in any official business day during which time the register of deeds  
15 office is open to the public, in order to complete the processing, recording, and  
16 indexing to conform to the day of reception. Any register of deeds may provide in his  
17 or her notice under s. 19.34 (1) that requests for inspection or copying of the records  
18 of his or her office may be made only during a specified period of not less than 35  
19 hours per week. For all other purposes, the register of deeds office shall remain open  
20 to the public during usual business hours.

NOTE: Corrects spelling.

21 **SECTION 32.** 59.40 (3) (b) of the statutes is amended to read:

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1           59.40 (3) (b) Except as provided in par. (c), the clerk may invest any funds that  
2 are paid into his or her office and are being held for repayment. The investments  
3 shall be made in suitably protected accounts in the manner specified in s. 66.0603  
4 (1) (1m) and all income that may accrue shall be paid into the county general fund.

NOTE: Inserts the correct cross-reference. Section 66.0603 (1) was renumbered s.  
66.0603 (1m) by 1999 Wis. Act 186.

5           **SECTION 33.** 66.0143 (2) (c) of the statutes is amended to read:

6           66.0143 (2) (c) The political subdivision shall specify in its request for a waiver  
7 its reason for requesting the waiver. Upon receipt of a request for a waiver, the  
8 department of revenue shall forward the request to the administrative agency ~~which~~  
9 that is responsible for administrating the state mandate. The agency shall  
10 determine whether to grant the waiver and shall notify the political subdivision and  
11 the department of revenue of its decision in writing. If no agency is responsible for  
12 administrating the state mandate, the department of revenue shall determine  
13 whether to grant the waiver and shall notify the political subdivision of its decision  
14 in writing.

NOTE: Replaces “which” with “that” to correct grammar.

15           **SECTION 34.** 66.0719 (2) of the statutes is amended to read:

16           66.0719 (2) If a special assessment is levied for any public improvement, any  
17 amount collected on that special assessment or received from the county shall be  
18 deposited in the general fund of the local governmental unit if the payment for the  
19 improvement was made out of its general fund, deposited in the funds and accounts  
20 of a public utility established under s. 66.0621 ~~(2)~~ (4) (c) if the improvement was paid  
21 out of the proceeds of revenue obligations of the local governmental unit, or deposited  
22 in the debt service fund required for the payment of bonds or notes issued under ch.  
23 67 if the improvement was paid out of the proceeds of the bonds or notes. That special

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1 assessment, when delinquent, shall be returned in trust for collection and the local  
2 governmental unit has the same rights as provided in s. ~~66.0713 (3)~~ 67.16 (2) (c).

NOTE: Corrects cross-references. 1999 Wis. Act 150 renumbered s. 66.066 (2) (c) to s. 66.0621 (4) (c), but the cross-reference in this provision was not amended correctly. 1999 Wis. Act 150 renumbered s. 66.54 (9) (c) to s. 67.16 (2) (c) but changed the cross-reference to s. 66.54 (9) (c) in this provision to s. 66.0713 (3) (c).

3 **SECTION 35.** 66.0821 (4) (a) of the statutes is amended to read:

4 **66.0821 (4) (a)** The governing body of the municipality may establish sewerage  
5 service charges in an amount to meet all or part of the requirements for the  
6 construction, reconstruction, improvement, extension, operation, maintenance,  
7 repair, and depreciation of the sewerage system, and for the payment of all or part  
8 of the principal and interest of any indebtedness incurred for those purposes,  
9 including the replacement of funds advanced by or paid from the general fund of the  
10 municipality. Service charges made by a metropolitan sewerage district to any town,  
11 village, or city shall be levied by the town, village, or city against the individual sewer  
12 system users within the corporate limits of the municipality, and the municipality  
13 shall collect the charges and promptly remit them to the metropolitan sewerage  
14 district. Delinquent charges shall be collected in accordance with sub. (4) (e) (d).

NOTE: Inserts correct cross-reference. 1999 Wis. Act 150 renumbered both s. 66.076 (5) (b) and (7) to be s. 66.0821 (4) (c). 2001 Wis. Act 30 renumbered s. 66.0821 (4) (c), as renumbered from s. 66.076 (7), to be s. 66.0821 (4) (d). Prior to 1999 Wis. Act 150, the cross-reference amended here was to s. 66.076 (7).

15 **SECTION 36.** 71.05 (6) (a) 10. of the statutes is amended to read:

16 **71.05 (6) (a) 10.** For the taxable year, for a person who is not “actively engaged  
17 in farming”<sup>2</sup>, as that term is used in 7 CFR ~~1497.201~~ 1400.201, combined net losses,  
18 exclusive of net gains from the sale or exchange of capital or business assets and  
19 exclusive of net profits, from businesses, from rents, from partnerships, from limited  
20 liability companies, from S corporations, from estates, or from trusts, under section

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1 165 of the ~~internal revenue code~~ Internal Revenue Code, except losses allowable  
2 under sections 1211 and 1231 of the ~~internal revenue code~~ Internal Revenue Code,  
3 otherwise includable in calculating Wisconsin income if those losses are incurred in  
4 the operation of a farming business, as defined in section 464 (e) 1. of the ~~internal~~  
5 ~~revenue code~~ Internal Revenue Code to the extent that those combined net losses  
6 exceed \$20,000 if nonfarm Wisconsin adjusted gross income exceeds \$55,000 but does  
7 not exceed \$75,000, exceed \$17,500 if nonfarm Wisconsin adjusted gross income  
8 exceeds \$75,000 but does not exceed \$100,000, exceed \$15,000 if nonfarm Wisconsin  
9 adjusted gross income exceeds \$100,000 but does not exceed \$150,000, exceed  
10 \$12,500 if nonfarm Wisconsin adjusted gross income exceeds \$150,000 but does not  
11 exceed \$200,000, exceed \$10,000 if nonfarm Wisconsin adjusted gross income  
12 exceeds \$200,000 but does not exceed \$250,000, exceed \$7,500 if nonfarm Wisconsin  
13 adjusted gross income exceeds \$250,000 but does not exceed \$300,000, exceed \$5,000  
14 if nonfarm Wisconsin adjusted gross income exceeds \$300,000 but does not exceed  
15 \$600,000, and exceed \$0 if nonfarm adjusted gross income exceeds \$600,000, except  
16 that the amounts applicable to married persons filing separately are 50% of the  
17 amounts specified in this subdivision.

NOTE: Inserts the correct cross-reference. The relevant federal regulation was recodified. Changes capitalization and punctuation consistent with current style.

18 **SECTION 37.** 71.10 (7) (c) 1. of the statutes is renumbered 71.10 (7) (c).

NOTE: Removes unnecessary subdivision number. Section 71.10 (7) (c) is not subdivided.

19 **SECTION 38.** 77.52 (13) of the statutes is amended to read:

20 77.52 (13) For the purpose of the proper administration of this section and to  
21 prevent evasion of the sales tax it shall be presumed that all receipts are subject to  
22 the tax until the contrary is established. The burden of proving that a sale of tangible



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1 personal property or services is not a taxable sale at retail is upon the person who  
2 makes the sale unless that person takes from the purchaser a certificate to the effect  
3 that the property or service is purchased for resale or is otherwise exempt; except  
4 that no certificate is required for sales of cattle, sheep, goats, and pigs that are sold  
5 at ~~a livestock~~ an animal market, as defined in s. 95.68 (1) ~~(e)~~ (ag), and no certificate  
6 is required for sales of commodities, as defined in 7 USC 2, that are consigned for sale  
7 in a warehouse in or from which the commodity is deliverable on a contract for future  
8 delivery subject to the rules of a commodity market regulated by the U.S. commodity  
9 futures trading commission if upon the sale the commodity is not removed from the  
10 warehouse.

NOTE: Section 95.68 (1) (e) was renumbered to 95.68 (1) (ag) and “livestock market”  
was changed to “animal market” by 2001 Wis. Act 56.

11 **SECTION 39.** 77.524 (1) (intro.) of the statutes is amended to read:

12 77.524 **(1)** (intro.) In this ~~subsection~~ section:

NOTE: The definitions in this subsection apply to the whole section.

13 **SECTION 40.** 77.53 (10) of the statutes is amended to read:

14 77.53 **(10)** For the purpose of the proper administration of this section and to  
15 prevent evasion of the use tax and the duty to collect the use tax, it is presumed that  
16 tangible personal property or taxable services sold by any person for delivery in this  
17 state is sold for storage, use, or other consumption in this state until the contrary is  
18 established. The burden of proving the contrary is upon the person who makes the  
19 sale unless that person takes from the purchaser a certificate to the effect that the  
20 property or taxable service is purchased for resale, or otherwise exempt from the tax;  
21 except that no certificate is required for sales of cattle, sheep, goats, and pigs that are  
22 sold at ~~a livestock~~ an animal market, as defined in s. 95.68 (1) ~~(e)~~ (ag), and no  
23 certificate is required for sales of commodities, as defined in 7 USC 2, that are

**SENATE BILL 558****SECTION 40**

1       consigned for sale in a warehouse in or from which the commodity is deliverable on  
2       a contract for future delivery subject to the rules of a commodity market regulated  
3       by the U.S. commodity futures trading commission if upon the sale the commodity  
4       is not removed from the warehouse.

NOTE: Section 95.68 (1) (e) was renumbered to 95.68 (1) (ag) and “livestock market” was changed to “animal market” by 2001 Wis. Act 56.

5       **SECTION 41.** 95.22 (1) (a), (b) and (c) of the statutes, as affected by 2001  
6       Wisconsin Act 109, are renumbered 95.22 (1), (2) and (3).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2001 Wis. Act 109 renumbered s. 95.22 without taking into account the treatment of that section by 2001 Wis. Act 56. This section restores the numbering by Act 56.

7       **SECTION 42.** 95.22 (2) of the statutes, as created by 2001 Wisconsin Act 109, is  
8       renumbered 95.22 (4).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2001 Wis. Act 109 renumbered s. 95.22 without taking into account the treatment of that section by 2001 Wis. Act 56. This section makes the numbering of the subsection created by Act 109 consistent with the numbering by Act 56.

9       **SECTION 43.** 99.02 (2) (c) of the statutes is amended to read:

10       99.02 (2) (c) A person who operates a warehouse storing only grain, as defined  
11       under s. ~~127.01 (18)~~ 126.01 (13).

NOTE: Section 127.01 was repealed by 2001 Wis. Act 16. The definition of “grain” now appears at s. 126.01 (13).

12       **SECTION 44.** 101.563 (2) (b) 1. of the statutes is amended to read:

13       101.563 (2) (b) 1. ‘Payments from calendar year 2001 dues.’ Notwithstanding  
14       s. ~~101.575~~ 101.573 (3) (a), by the 30th day following July 30, 2002, the department  
15       shall compile the fire department dues paid by all insurers under s. 601.93 and the  
16       dues paid by the state fire fund under s. 101.573 (1) and funds remaining under s.  
17       101.573 (3) (b), subtract the total amount due to be paid under par. (a), withhold 0.5%,  
18       and certify to the state treasurer the proper amount to be paid from the appropriation  
19       under s. 20.143 (3) (L) to each city, village, and town entitled to a proportionate share

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1 of fire department dues as provided under sub. (1) (b) and s. 101.575. If the  
2 department has previously certified an amount to the state treasurer under s. ~~101.57~~  
3 101.573 (3) (a) during calendar year 2002, the department shall recertify the amount  
4 in the manner provided under this subdivision. On or before August 1, 2002, the  
5 state treasurer shall pay the amounts certified or recertified by the department  
6 under this subdivision to each city, village, and town entitled to a proportionate share  
7 of fire department dues as provided under sub. (1) and s. 101.575. The state  
8 treasurer may combine any payment due under this subdivision with any amount  
9 due to be paid on or before August 1, 2002, to the same city, village, or town under  
10 par. (a).

NOTE: Inserts correct cross-reference, consistent with the remainder of s. 101.563,  
as created by 2001 Wis. Act 109.

11 **SECTION 45.** 101.563 (2) (b) 3. of the statutes is amended to read:  
12 101.563 (2) (b) 3. 'Payments to correct errors.' The amounts withheld under  
13 subds. 1. and 2. shall be disbursed to correct errors of the department or the  
14 commissioner of insurance. The department shall certify to the state treasurer the  
15 amount that must be disbursed to correct an error and the state treasurer shall pay  
16 the amount to the specified city, village, or town. The balance of the amount withheld  
17 in a calendar year under ~~subds.~~ subd. 1. or 2., as applicable, ~~which~~ that is not  
18 disbursed under this subdivision shall be included in the total compiled by the  
19 department under subd. 2. for the next calendar year, except that amounts withheld  
20 under subd. 2. from fire department dues collected for calendar year 2004 that are  
21 not disbursed under this subdivision shall be included in the total compiled by the  
22 department under s. 101.573 (3) (a) for the next calendar year. If errors in payments

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1 exceed the amount withheld, adjustments shall be made in the distribution for the  
2 next year.

NOTE: The other subdivisions in s. 101.563 (2) (b) have titles. Corrects cross-reference. Replaces “which” with “that” to correct grammar.

3 **SECTION 46.** 101.951 (6) (m) of the statutes is amended to read:

4 101.951 **(6)** (m) Having sold a retail installment contract to a sales finance  
5 company, as defined in s. ~~218.01 (1) (v)~~ 218.0101 (34) (a), that is not licensed under  
6 s. ~~218.01~~ ss. 218.0101 to 218.0163.

NOTE: Corrects cross-references. 1999 Wis. Act 31 renumbered s. 218.01 to ss. 218.0101 to 218.0163, specifically renumbering s. 218.01 (1) (v) to s. 218.0101 (34) (a).

7 **SECTION 47.** The treatment of 115.88 (8) of the statutes by 1999 Wisconsin Act  
8 9 is not repealed by 1999 Wisconsin Act 117. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor s. 115.88 (8) reads:

**(8) ENROLLMENT OUT OF STATE.** If a child with a disability is enrolled in a public special education program located in another state and the state superintendent is satisfied that the program in which the child is enrolled complies with this subchapter, the state superintendent shall certify to the department of administration in favor of the school district in which the child resides or the school district attended by the child under s. 118.51 or 121.84 (1) (a) or (4) a sum equal to the amount expended by the school district during the preceding year for the additional costs associated with the child’s special education program as costs eligible for reimbursement from the appropriation under s. 20.255 (2) (b).

9 **SECTION 48.** 121.05 (1) (a) 11. of the statutes is amended to read:

10 121.05 **(1)** (a) 11. Pupils residing in the school district but attending a public  
11 school in another school district under s. 118.51 or, 121.84 (4), or 121.85 (3) (a).

NOTE: Corrects punctuation required by a merger of two 1999 acts by the revisor under s. 13.93 (2) (c).

12 **SECTION 49.** 126.62 (2) 1. and 2. of the statutes are renumbered 126.62 (2) (a)  
13 and (b).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b) to conform numbering to current style. 2001 Wis. Act 16 created s. 126.62 (2) 1. and 2. instead of s. 126.62 (2) (a) and (b).

14 **SECTION 50.** 180.1708 (5) of the statutes is amended to read:

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1           180.1708 **(5)** MERGERS. Sections 180.1101 and 180.1103 to ~~180.1107~~ 180.1106  
2 apply to a merger, and ss. 180.1301 to 180.1331 apply to dissenters' rights arising  
3 from a merger, for which a plan of merger is approved by the board of directors on  
4 or after January 1, 1991.

NOTE: 2001 Wis. Act 44 repealed s. 180.1107.

5           **SECTION 51.** 180.1805 (5) of the statutes is amended to read:

6           180.1805 **(5)** By merger or share exchange that becomes effective under ss.  
7 180.1101 to ~~180.1107~~ 180.1106 or a share exchange of existing shares for other shares  
8 of a different class or series in the corporation.

NOTE: 2001 Wis. Act 44 repealed s. 180.1107.

9           **SECTION 52.** The treatment of 185.981 (4t) of the statutes by 1999 Wisconsin  
10 Act 95 is not repealed by 1999 Wisconsin Act 115. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor s. 185.983 (4t) reads:

**(4t)** A sickness care plan operated by a cooperative association is subject to ss. 252.14, 631.17, 631.89, 631.95, 632.72 (2), 632.745 to 632.749, 632.85, 632.853, 632.855, 632.87 (2m), (3), (4) and (5), 632.895 (10) to (14) and 632.897 (10) and chs. 149 and 155.

11           **SECTION 53.** The treatment of 185.983 (1) (intro.) of the statutes by 1999  
12 Wisconsin Act 95 is not repealed by 1999 Wisconsin Act 115. Both treatments stand.

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

**(1)** Every such voluntary nonprofit sickness care plan shall be exempt from chs. 600 to 646, with the exception of ss. 601.04, 601.13, 601.31, 601.41, 601.42, 601.43, 601.44, 601.45, 611.67, 619.04, 628.34 (10), 631.17, 631.89, 631.93, 631.95, 632.72 (2), 632.745 to 632.749, 632.775, 632.79, 632.795, 632.85, 632.853, 632.855, 632.87 (2m), (3), (4) and (5), 632.895 (5) and (9) to (14), 632.896 and 632.897 (10) and chs. 609, 630, 635, 645 and 646, but the sponsoring association shall:

13           **SECTION 54.** 186.35 (12) (intro.) of the statutes is amended to read:

14           186.35 **(12)** COMPUTATIONS. (intro.) Except as provided in sub. (12m), each  
15 member credit union's fractional share of liquidating distributions under sub. (11)  
16 and special assessments under sub. (5) (d) 2. shall be calculated as follows:

NOTE: Section 186.35 (11) was repealed by 1995 Wis. Act 151.

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1           **SECTION 55.** 287.11 (4) (a) 4. of the statutes is amended to read:

2           287.11 **(4)** (a) 4. Specify a procedure to be used by the department to determine  
3 whether a responsible unit has achieved the goals under ~~par. (a)~~ subd. 1.

NOTE: Inserts correct cross-reference. Subdivision 4. refers to goals, which are set under subd. 1. Paragraph (a) cannot be a proper cross-reference as subd. 4. is part of par. (a).

4           **SECTION 56.** 301.03 (19) of the statutes is amended to read:

5           301.03 **(19)** Work to minimize, to the greatest extent possible, the residential  
6 population density of sex offenders, as defined in s. 302.116 (1) (b), who are on  
7 probation, parole, or extended supervision or placed on supervised release under s.  
8 980.06 (2) (c), 1997 stats., or s. 980.08 (5).

NOTE: Corrects citation form.

9           **SECTION 57.** 302.01 (10) of the statutes, as affected by 2001 Wisconsin Acts 16  
10 and 103, is amended to read:

11           302.01 **(10)** The penitentiary at the village of Sturtevant in Racine County is  
12 named “Racine Correctional Institution.”

13           **(10m)** The medium security correctional institution near Black River Falls is  
14 named “Jackson Correctional Institution.”

NOTE: Confirms the numbering of sub. (10m) by the revisor under s. 13.93 (1) (b).

15           **SECTION 58.** 303.065 (1) (b) 1. of the statutes is amended to read:

16           303.065 **(1)** (b) 1. A person serving a life sentence, other than a life sentence  
17 specified in subd. 2., may be considered for work release only after he or she has  
18 reached parole eligibility under s. 304.06 (1) (b) or 973.014 (1) (a) or (b), whichever  
19 is applicable, or he or she has reached his or her extended supervision eligibility date  
20 under s. 302.114 (9) ~~(a)~~ (am) or 973.014 (1g) (a) 1. or 2., whichever is applicable.

NOTE: Inserts the correct cross-reference. 2001 Wis. Act 109 renumbered s. 302.114 (9) (a) to s. 302.114 (9) (am).

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1           **SECTION 59.** 340.01 (18p) of the statutes is amended to read:

2           340.01 **(18p)** “Flood damaged vehicle” means any motor vehicle that is not  
3           precluded from subsequent registration or titling and ~~which~~ that is damaged by flood  
4           to the extent that the estimated or actual cost, whichever is greater, of repairing the  
5           vehicle exceeds 70% of its fair market value.

NOTE: Replaces “which” with “that” to correct grammar.

6           **SECTION 60.** 340.01 (20m) of the statutes is amended to read:

7           340.01 **(20m)** “Hail-damaged vehicle” means a vehicle less than 7 years old  
8           that is not precluded from subsequent registration and titling and ~~which~~ that is  
9           damaged solely by hail to the extent that the estimated or actual cost, whichever is  
10          greater, of repairing the vehicle exceeds 70% of its fair market value.

NOTE: Replaces “which” with “that” to correct grammar.

11          **SECTION 61.** 340.01 (55g) of the statutes is amended to read:

12          340.01 **(55g)** “Salvage vehicle” means a vehicle less than 7 years old that is not  
13          precluded from subsequent registration and titling and ~~which~~ that is damaged by  
14          collision or other occurrence to the extent that the estimated or actual cost,  
15          whichever is greater, of repairing the vehicle exceeds 70% of its fair market value.  
16          The term does not include a hail-damaged vehicle unless the vehicle is repaired with  
17          any replacement part, as defined in s. 632.38 (1) (e).

NOTE: Replaces “which” with “that” to correct grammar.

18          **SECTION 62.** 341.26 (3m) of the statutes is amended to read:

19          341.26 **(3m)** FOREST PRODUCTS VEHICLES. In recognition of the relationship of  
20          the basic economy of the state to the forest products industry, there shall be paid to  
21          the department for the annual registration of a road tractor, motor truck, or truck  
22          tractor used exclusively in connection with the transportation of raw forest products,

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1 as defined in s. 26.05 (1), or equipment that is owned or leased by the owner of the  
2 road tractor, motor truck, or truck tractor and used exclusively in the production of  
3 raw forest products, a fee determined in accordance with sub. (3) (g) on the basis of  
4 maximum gross weight, except that a trailer used exclusively in connection with the  
5 transportation of raw forest products or equipment that is owned or leased by the  
6 owner of the trailer and used exclusively in the production of raw forest products may  
7 be registered upon payment of a fee ~~which~~ that is 25% of the fee prescribed by s.  
8 341.25 (2) for a motor truck having the same gross weight. The maximum gross  
9 weight of each vehicle registered under this subsection shall be computed in the  
10 manner specified in s. 341.25 for the same type of vehicle, except that a person who  
11 owns and operates more truck tractors than semitrailers registered by him or her  
12 within this state and used exclusively as provided in this subsection may register  
13 such an excess truck tractor at a fee specified under sub. (3) (g) determined on the  
14 basis of the weight of the truck tractor only.

NOTE: Replaces “which” with “that” to correct grammar.

15 **SECTION 63.** 341.266 (2) (a) of the statutes is amended to read:

16 341.266 (2) (a) Any person who is the owner of a special interest vehicle ~~which~~  
17 that is 20 or more years old at the time of making application for registration or  
18 transfer of title of the vehicle and who, unless the owner is an historical society that  
19 is exempt from federal income taxes, owns, has registered in this state, and uses for  
20 regular transportation at least one vehicle that has regular registration plates may  
21 upon application register the vehicle as a special interest vehicle upon payment of  
22 a fee under par. (b).

NOTE: Replaces “which” with “that” to correct grammar.

23 **SECTION 64.** 341.268 (1) (b) 2. of the statutes is amended to read:



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1           341.268 (1) (b) 2. A motorcycle that is a reproduction of a vehicle originally  
2           made by another manufacturer and ~~which~~ that consists of a reproduction body that  
3           is combined with a new, used, or replica frame and drivetrain.

NOTE: Replaces “which” with “that” to correct grammar.

4           **SECTION 65.** 341.268 (1) (e) of the statutes is amended to read:

5           341.268 (1) (e) “Replica vehicle” means a motor vehicle, other than a  
6           motorcycle, that is a reproduction of a vehicle originally made by another  
7           manufacturer and ~~which~~ that consists of a reproduction body that is combined with  
8           a new, used, or replica frame and drivetrain.

NOTE: Replaces “which” with “that” to correct grammar.

9           **SECTION 66.** 341.65 (1) (b) of the statutes is amended to read:

10          341.65 (1) (b) “Unregistered motor vehicle” means any motor vehicle that is not  
11          currently registered and ~~which~~ that is located upon a highway for such time and  
12          under such circumstances as to cause the motor vehicle to reasonably appear to have  
13          been unregistered for not less than 30 days.

NOTE: Replaces “which” with “that” to correct grammar.

14          **SECTION 67.** 345.05 (1) (c) of the statutes is amended to read:

15          345.05 (1) (c) “Municipality” means any county, city, village, town, school  
16          district, ~~sewer district~~ (as enumerated in s. 67.01 (5)), sewer district, drainage  
17          district, commission formed by a contract under s. 66.0301 (2), and, without  
18          restriction because of failure of enumeration, any other political subdivision of the  
19          state.

NOTE: The phrase “(as enumerated in s. 67.01 (5))” was erroneously deleted by 1999  
Wis. Act 85, a nonsubstantive revisor’s revision bill, then reinserted by 2001 Wis. Act 30  
in the wrong location, also a revisor’s bill. Parentheses are deleted in conformity with  
current style.

20          **SECTION 68.** 346.82 (1) of the statutes is amended to read:

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1           346.82 (1) Any person violating ss. 346.77, 346.79 (1) to (3), or 346.80 to 346.805  
2 may be required to forfeit not more than \$20. ~~(1) Any person violating ss. 346.77,~~  
3 ~~346.79 (1) to (3) or 346.80 to 346.804 may be required to forfeit not more than \$20.~~

NOTE: 2001 Wis. Act 90 amended s. 346.82 (1). As the result of an error in transcribing Act 90, the previously existing version of s. 346.82 (1) was retained in the printed text along with the current text.

4           **SECTION 69.** 350.12 (3) (cm) of the statutes is amended to read:

5           350.12 (3) (cm) Subsection (3h) does not not apply to commercial snowmobile  
6 certificates, reflectorized plates, or registration certificates issued for antique  
7 snowmobiles under par. (b).

NOTE: Deletes repeated word.

8           **SECTION 70.** 409.102 (1) (ns) of the statutes is amended to read:

9           409.102 (1) (ns) “New debtor” means a person that becomes bound as a debtor  
10 under s. 409.203 (4) by a security agreement previously entered into by another  
11 person.

NOTE: Inserts missing article.

12           **SECTION 71.** 409.102 (1) (os) of the statutes is amended to read:

13           409.102 (1) (os) “Original debtor”<sup>-,.</sup> except as used in s. 409.310 (3), means a  
14 person that, as a debtor, entered into a security agreement to which a new debtor has  
15 become bound under s. 409.203 (4).

NOTE: Inserts missing article and corrects punctuation to conform with current style.

16           **SECTION 72.** 410.106 (1) of the statutes is amended to read:

17           410.106 (1) The time of receipt of a payment order or communication canceling  
18 or amending a payment order is determined by the rules applicable to receipt of a  
19 notice stated in s. 401.201 (26) (b). A receiving bank may fix a cut-off cutoff time or  
20 times on a funds-transfer business day for the receipt and processing of payment

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1 orders and communications canceling or amending payment orders. Different  
2 ~~cut-off~~ cutoff times may apply to payment orders, cancellations, or amendments, or  
3 to different categories of payment orders, cancellations, or amendments. A ~~cut-off~~  
4 cutoff time may apply to senders generally or different ~~cut-off~~ cutoff times may apply  
5 to different senders or categories of payment orders. If a payment order or  
6 communication canceling or amending a payment order is received after the close of  
7 a funds-transfer business day or after the appropriate ~~cut-off~~ cutoff time on a  
8 funds-transfer business day, the receiving bank may treat the payment order or  
9 communication as received at the opening of the next funds-transfer business day.

NOTE: Corrects spelling.

10 **SECTION 73.** 441.001 (2m) (title) of the statutes is created to read:

11 441.001 **(2m)** (title) NURSING.

NOTE: The other subsections in s. 441.001 have titles.

12 **SECTION 74.** 441.15 (2) (c) of the statutes is amended to read:

13 441.15 **(2)** (c) Except as provided in sub. (5) (a), the person has in effect the  
14 malpractice liability insurance required under the rules promulgated under sub. (5)  
15 ~~(b)~~ (bm).

NOTE: Inserts correct cross-reference. There is no s. 441.15 (5) (b). Section 441.15  
(5) (bm) authorizes the promulgation of rules.

16 **SECTION 75.** 441.15 (3) (a) 3. of the statutes is amended to read:

17 441.15 **(3)** (a) 3. If applicable, submits evidence satisfactory to the board that  
18 he or she has in effect the malpractice liability insurance required under the rules  
19 promulgated under sub. (5) ~~(b)~~ (bm).

NOTE: Inserts correct cross-reference. There is no s. 441.15 (5) (b). Section 441.15  
(5) (bm) authorizes the promulgation of rules.

20 **SECTION 76.** 441.15 (3) (b) of the statutes is amended to read:

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1           441.15 (3) (b) On or before the applicable renewal date specified under s. 440.08  
2           (2) (a), a person issued a license under par. (a) and practicing nurse–midwifery shall  
3           submit to the board on furnished forms a statement giving his or her name,  
4           residence, and other information that the board requires by rule, with the applicable  
5           renewal fee specified under s. 440.08 (2) (a). If applicable, the person shall also  
6           submit evidence satisfactory to the board that he or she has in effect the malpractice  
7           liability insurance required under the rules promulgated under sub. (5) ~~(b)~~ (bm).

NOTE: Inserts correct cross–reference. There is no s. 441.15 (5) (b). Section 441.15  
(5) (bm) authorizes the promulgation of rules.

8           **SECTION 77.** The second 441.50 (7) (e) of the statutes created by 1999 Wisconsin  
9           Act 22 is renumbered 441.50 (7) (g).

NOTE: Confirms the renumbering by the revisor under s. 13.93 (1) (b). 1999 Wis.  
Act 22 created two provisions numbered s. 441.50 (7) (e).

10           **SECTION 78.** The treatment of 551.02 (3) (d) of the statutes by 2001 Wisconsin  
11           Act 102 is not repealed by 2001 Wisconsin Act 103. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor s. 551.02 (3) (d)  
reads:

(d) A personal representative, guardian, conservator, or pledgee.

12           **SECTION 79.** 611.72 (1) of the statutes is amended to read:

13           611.72 (1) **GENERAL.** Subject to this section, ss. 180.1101, 180.1103 to ~~180.1107~~  
14           180.1106, 180.1706, 180.1707, and 180.1708 (5) apply to the merger of a domestic  
15           stock insurance corporation or its parent insurance holding corporation, except that  
16           papers required by those sections to be filed with the department of financial  
17           institutions shall instead be filed with the commissioner.

NOTE: 2001 Wis. Act 44 repealed s. 180.1107.

18           **SECTION 80.** 813.12 (2) (a) of the statutes, as affected by 2001 Wisconsin Acts  
19           16 and 109, is amended to read:

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1           813.12 (2) (a) No action under this section may be commenced by complaint and  
2 summons. An action under this section may be commenced only by a petition  
3 described under sub. (5) (a). The action commences with service of the petition upon  
4 the respondent if a copy of the petition is filed before service or promptly after service.  
5 If the judge or a circuit court commissioner extends the time for a hearing under sub.  
6 (3) (c) and the petitioner files an affidavit with the court stating that personal service  
7 by the sheriff or a private server under s. 801.11 (1) (a) or (b) was unsuccessful  
8 because the respondent is avoiding service by concealment or otherwise, the judge  
9 or family circuit court commissioner shall inform the petitioner that he or she may  
10 serve the respondent by publication of a summary of the petition as a class 1 notice,  
11 under ch. 985, and by mailing or sending a facsimile if the respondent's post-office  
12 address or facsimile number is known or can with due diligence be ascertained. The  
13 mailing or sending of a facsimile may be omitted if the post-office address or  
14 facsimile number cannot be ascertained with due diligence. A summary of the  
15 petition published as a class 1 notice shall include the name of the respondent and  
16 of the petitioner, notice of the temporary restraining order, and notice of the date,  
17 time, and place of the hearing regarding the injunction.

NOTE: 2001 Wis. Act 61 replaced "family court commissioner" with "circuit court commissioner" throughout the statutes.

18           **SECTION 81.** The treatment of 813.12 (3) (a) (intro.) of the statutes by 2001  
19 Wisconsin Act 61 is not repealed by 2001 Wisconsin Act 109. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor s. 813.12 (3) (a) (intro.) reads:

(a) (intro.) A judge or circuit court commissioner shall issue a temporary restraining order ordering the respondent to refrain from committing acts of domestic abuse against the petitioner, to avoid the petitioner's residence, except as provided in par. (am), or any other location temporarily occupied by the petitioner or both, or to avoid contacting or causing any person other than a party's attorney or a law enforcement officer to contact the petitioner unless the petitioner consents in writing, or any

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combination of these remedies requested in the petition, or any other appropriate remedy not inconsistent with the remedies requested in the petition, if all of the following occur:

1           **SECTION 82.** The treatment of 813.12 (3) (a) 2. of the statutes by 2001 Wisconsin  
2 Act 61, section 263, and 2001 Wisconsin Act 109, section 519mo, is not repealed by  
3 2001 Wisconsin Act 109. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor s. 813.12 (3) (a)  
2. reads:

2. The judge or circuit court commissioner finds reasonable grounds to believe that the respondent has engaged in, or based on prior conduct of the petitioner and the respondent may engage in, domestic abuse of the petitioner.

4           **SECTION 83.** 813.12 (3) (aj) of the statutes, as affected by 2001 Wisconsin Act  
5 61, section 263, and 2001 Wisconsin Act 109, section 519mo is amended to read:

6           813.12 (3) (aj) In determining whether to issue a temporary restraining order,  
7 the judge or circuit court commissioner shall consider the potential danger posed to  
8 the petitioner and the pattern of abusive conduct of the respondent but may not base  
9 his or her decision solely on the length of time since the last domestic abuse or the  
10 length of time since the relationship ended. The judge or circuit court commissioner  
11 may grant only the remedies requested or approved by the petitioner. The judge or  
12 family circuit court commissioner may not dismiss or deny granting a temporary  
13 restraining order because of the existence of a pending action or of any other court  
14 order that bars contact between the parties, nor due to the necessity of verifying the  
15 terms of an existing court order.

NOTE: 2001 Wis. Act 61 replaced “family court commissioner” with “circuit court  
commissioner” throughout the statutes.

16           **SECTION 84.** The treatment of 813.12 (3) (c) of the statutes by 2001 Wisconsin  
17 Act 61 is not repealed by 2001 Wisconsin Act 109. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor s. 813.12 (3) (c)  
reads:

(c) The temporary restraining order is in effect until a hearing is held on issuance of an injunction under sub. (4). The temporary restraining order is not voided if the respondent is admitted into a dwelling that the order directs him or her to avoid. A judge

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or circuit court commissioner shall hold a hearing on issuance of an injunction within 14 days after the temporary restraining order is issued, unless the time is extended upon the written consent of the parties or extended once for 14 days upon a finding that the respondent has not been served with a copy of the temporary restraining order although the petitioner has exercised due diligence.

1           **SECTION 85.** The treatment of 813.12 (4) (a) (intro.) of the statutes by 2001  
2           Wisconsin Act 61 is not repealed by 2001 Wisconsin Act 109. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor s. 813.12 (4) (a) (intro.) reads:

(a) (intro.) A judge or circuit court commissioner may grant an injunction ordering the respondent to refrain from committing acts of domestic abuse against the petitioner, to avoid the petitioner's residence, except as provided in par. (am), or any other location temporarily occupied by the petitioner or both, or to avoid contacting or causing any person other than a party's attorney or a law enforcement officer to contact the petitioner unless the petitioner consents to that contact in writing, or any combination of these remedies requested in the petition, or any other appropriate remedy not inconsistent with the remedies requested in the petition, if all of the following occur:

3           **SECTION 86.** The treatment of 813.12 (4) (a) 3. of the statutes by 2001 Wisconsin  
4           Act 61 is not repealed by 2001 Wisconsin Act 109. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor s. 813.12 (4) (a) 3. reads:

3. After hearing, the judge or circuit court commissioner finds reasonable grounds to believe that the respondent has engaged in, or based upon prior conduct of the petitioner and the respondent may engage in, domestic abuse of the petitioner.

5           **SECTION 87.** 813.12 (4) (aj) of the statutes, as affected by 2001 Wisconsin Act  
6           61, section 268, and 2001 Wisconsin Act 109, section 519ms, is amended to read:

7           813.12 (4) (aj) In determining whether to issue an injunction, the judge or  
8           circuit court commissioner shall consider the potential danger posed to the petitioner  
9           and the pattern of abusive conduct of the respondent but may not base his or her  
10          decision solely on the length of time since the last domestic abuse or the length of time  
11          since the relationship ended. The judge or circuit court commissioner may grant only  
12          the remedies requested by the petitioner. The judge or family circuit court  
13          commissioner may not dismiss or deny granting an injunction because of the

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1 existence of a pending action or of any other court order that bars contact between  
2 the parties, nor due to the necessity of verifying the terms of an existing court order.

NOTE: 2001 Wis. Act 61 replaced “family court commissioner” with “circuit court commissioner” throughout the statutes.

3 **SECTION 88.** 813.125 (4) (a) (intro.) of the statutes is amended to read:

4 813.125 (4) (a) (intro.) A judge or circuit court commissioner may ~~issue a~~  
5 ~~temporary restraining order~~ grant an injunction ordering the respondent to cease or  
6 avoid the harassment of another person, to avoid the petitioner’s residence, except  
7 as provided in par. (am), or any premises temporarily occupied by the petitioner or  
8 both, or any combination of these remedies requested in the petition, if all of the  
9 following occur:

NOTE: Corrects an error in transcribing 2001 Wis. Act 16.

10 **SECTION 89.** 938.34 (3) (b) of the statutes is amended to read:

11 938.34 (3) (b) The home of a person who is not required to be licensed if  
12 placement is for less than 30 days, except that the court may not designate the ~~name~~  
13 home of a person who is not required to be licensed as the juvenile’s placement if the  
14 person has been convicted under s. 940.01 of the first-degree intentional homicide,  
15 or under s. 940.05 of the 2nd-degree intentional homicide, of a parent of the juvenile,  
16 and the conviction has not been reversed, set aside, or vacated, unless the court  
17 determines by clear and convincing evidence that the placement would be in the best  
18 interests of the juvenile. The court shall consider the wishes of the juvenile in  
19 making that determination.

NOTE: Replaces incorrect word inserted by 1999 Wis. Act 9, consistent with s.  
938.34 (3) (a) and the parallel provisions in s. 48.345 (3) (a) and (b).

20 **SECTION 90.** 938.38 (5m) (b) of the statutes is amended to read:



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1           938.38 (5m) (b) Not less than 30 days before the date of the hearing, the court  
2 shall notify the juvenile; the juvenile's parent, guardian, and legal custodian; the  
3 juvenile's foster parent or treatment foster parent, the operator of the facility in  
4 which the juvenile is living, or the relative with whom the juvenile is living; the  
5 juvenile's counsel, and the juvenile's guardian ad litem; ~~or the relative with whom~~  
6 ~~the juvenile is living~~; the agency that prepared the permanency plan; and the person  
7 representing the interests of the public of the date, time, and place of the hearing.

NOTE: Moves text incorrectly placed in 2001 Wis. Act 109, consistent with the parallel provision in s. 48.38 (5m) (b), as created by section 102rm of Act 109.

8           **SECTION 91.** The treatment of 938.78 (3) of the statutes by 2001 Wisconsin Act  
9 59 is not repealed by 2001 Wisconsin Act 109. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor s. 938.78 (3) reads:

(3) If a juvenile adjudged delinquent under s. 48.12, 1993 stats., or s. 938.12 or found to be in need of protection or services under s. 48.13 (12), 1993 stats., or s. 48.13 (14), 1993 stats., or s. 938.13 (12) or (14) on the basis of a violation of s. 943.23 (1m) or (1r), 1999 stats., or s. 941.10, 941.11, 941.20, 941.21, 941.23, 941.235, 941.237, 941.24, 941.26, 941.28, 941.295, 941.298, 941.30, 941.31, 941.32, 941.325, 943.02, 943.03, 943.04, 943.10 (2) (a), 943.23 (1g), 943.32 (2), 948.02, 948.025, 948.03, 948.05, 948.055, 948.60, 948.605, or 948.61 or any crime specified in ch. 940 has escaped from a secured correctional facility, residential care center for children and youth, secured group home, inpatient facility, as defined in s. 51.01 (10), secure detention facility, or juvenile portion of a county jail, or from the custody of a peace officer or a guard of such a facility, center, or jail, or has been allowed to leave a secured correctional facility, residential care center for children and youth, secured group home, inpatient facility, secure detention facility, or juvenile portion of a county jail for a specified time period and is absent from the facility, center, home, or jail for more than 12 hours after the expiration of the specified period, the department or county department having supervision over the juvenile may release the juvenile's name and any information about the juvenile that is necessary for the protection of the public or to secure the juvenile's return to the facility, center, home, or jail. The department of corrections shall promulgate rules establishing guidelines for the release of the juvenile's name or information about the juvenile to the public.

10           **SECTION 92.** The treatment of 939.32 (1) (intro.) of the statutes by 2001  
11 Wisconsin Act 91 is not repealed by 2001 Wisconsin Act 109. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor s. 939.32 (1) (intro.) reads:

(1) GENERALLY. (intro.) Whoever attempts to commit a felony or a crime specified in s. 940.19, 940.195, 943.20, or 943.74 may be fined or imprisoned or both as provided under sub. (1g), except:

**SENATE BILL 558****SECTION 93**

1           **SECTION 93.** 941.291 (1) (b) of the statutes is amended to read:

2           941.291 (1) (b) “Violent felony” means any felony, or the solicitation, conspiracy,  
3 or attempt to commit any felony, under s. 943.23 (1m) or (1r), 1999 stats., or s. 940.01,  
4 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.10, 940.19, 940.195, 940.20,  
5 940.201, 940.203, 940.21, 940.225, 940.23, 940.285 (2), 940.29, 940.295 (3), 940.30,  
6 940.305, 940.31, 940.43 (1) to (3), 940.45 (1) to (3), 941.20, 941.26, 941.28, 941.29,  
7 941.30, 941.327, 943.01 (2) (c), 943.011, 943.013, 943.02, 943.04, 943.06, 943.10 (2),  
8 943.23 (1g), ~~(1m), or (1r)~~, 943.32, 946.43, 947.015, 948.02 (1) or (2), 948.025, 948.03,  
9 948.04, 948.05, 948.06, 948.07, 948.08, or 948.30.

NOTE: 2001 Wis. Act 109 repealed s. 943.23 (1m) and (1r).

10           **SECTION 94.** 943.76 (1) (a) of the statutes is amended to read:

11           943.76 (1) (a) “Livestock” means cattle, horses, swine, sheep, goats,  
12 farm-raised deer, as defined in s. 95.001 (1) ~~(a)~~ (ag), poultry, and other animals used  
13 or to be used in the production of food, fiber, or other commercial products.

NOTE: Inserts the correct cross-reference. 2001 Wis. Act 56 renumbered s. 95.001 (1) (a) to s. 95.001 (1) (ag).

14           **SECTION 95.** 943.76 (1) (c) of the statutes is amended to read:

15           943.76 (1) (c) “Reckless conduct” means conduct ~~which~~ that creates a  
16 substantial risk of an animal’s death or a substantial risk of bodily harm to an animal  
17 if the actor is aware of that risk.

NOTE: Replaces “which” with “that” to correct grammar.

18           **SECTION 96.** The treatment of 946.82 (4) of the statutes by 2001 Wisconsin Act  
19 105 is not repealed by 2001 Wisconsin Act 109. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor s. 946.82 (4) reads:

(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,

**SENATE BILL 558****SECTION 96**

551.42, 551.43, 551.44, 553.41 (3) and (4), 553.52 (2), 940.01, 940.19 (4) 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) (bf) to (e), 943.201, 943.23 (1g), (2) and (3), 943.24 (2), 943.25, 943.27, 943.28, 943.30, 943.32, 943.34 (1) (bf), (bm), and (c), 943.38, 943.39, 943.40, 943.41 (8) (b) and (c), 943.50 (4) (bf), (bm), and (c), 943.60, 943.70, 943.76, 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.

1           **SECTION 97.** 948.075 (1) of the statutes, as affected by 2001 Wisconsin Act 109,  
2 section 904n, is amended to read:

3           948.075 (1) Whoever uses a computerized communication system to  
4 communicate with an individual who the actor believes or has reason to believe has  
5 not attained the age of 16 years with intent to have sexual contact or sexual  
6 intercourse with the individual in violation of s. 948.02 (1) or (2) is guilty of a Class  
7 D felony.

NOTE: Inserts missing word.

8           **SECTION 98.** The treatment of 948.13 (1) (a) of the statutes by 2001 Wisconsin  
9 Act 97 is not repealed by 2001 Wisconsin Act 109. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor s. 948.13 (1) (a) reads:

(a) A crime under s. 940.22 (2) or 940.225 (2) (c) or (cm), if the victim is under 18 years of age at the time of the offense, or a crime under s. 948.02 (1) or (2), 948.025 (1), 948.05 (1) or (1m), 948.06, 948.07 (1), (2), (3), or (4), or 948.075.

10           **SECTION 99.** The treatment of 948.13 (2) (a) of the statutes by 2001 Wisconsin  
11 Act 97 is not repealed by 2001 Wisconsin Act 109. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor s. 948.13 (2) (a) reads:

(a) Except as provided in pars. (b) and (c), whoever has been convicted of a serious child sex offense and subsequently engages in an occupation or participates in a volunteer position that requires him or her to work or interact primarily and directly with children under 16 years of age is guilty of a Class F felony.

12           **SECTION 100.** 948.22 (7) (b) (intro.) of the statutes is amended to read:

**SENATE BILL 558****SECTION 100**

1           948.22 (7) (b) (intro.) In addition to or instead of imposing a penalty authorized  
2 for a Class E I felony or a Class A misdemeanor, whichever is appropriate, the court  
3 shall:

NOTE: 2001 Wis. Act 109 changed the classification of violation of s. 948.22 (2) from  
a Class E felony to a Class I felony without changing the corresponding reference in s.  
948.22 (7).

4           **SECTION 101.** 973.017 (4) (a) 4. (intro.) of the statutes, as created by 2001  
5 Wisconsin Act 109, is amended to read:

6           973.017 (4) (a) 4. (intro.) “Significantly exposed” means sustaining a contact  
7 ~~which~~ that carries a potential for transmission of a sexually transmitted disease or  
8 HIV by one or more of the following:

NOTE: Replaces “which” with “that” to correct grammar.

9           **SECTION 102.** The treatment of 973.034 of the statutes by 2001 Wisconsin Act  
10 97 is not repealed by 2001 Wisconsin Act 109. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor s. 973.034 reads:

**973.034 Sentencing; restriction on child sex offender working with children.** Whenever a court imposes a sentence or places a defendant on probation regarding a conviction under s. 940.22 (2) or 940.225 (2) (c) or (cm), if the victim is under 18 years of age at the time of the offense, or a conviction under s. 948.02 (1) or (2), 948.025 (1), 948.05 (1) or (1m), 948.06, 948.07 (1), (2), (3), or (4), or 948.075, the court shall inform the defendant of the requirements and penalties under s. 948.13.

11           **SECTION 103.** 973.20 (1r) of the statutes is amended to read:

12           973.20 (1r) When imposing sentence or ordering probation for any crime, other  
13 than a crime involving conduct that constitutes domestic abuse under s. 813.12 (1)  
14 ~~(a)~~ (am) or 968.075 (1) (a), for which the defendant was convicted, the court, in  
15 addition to any other penalty authorized by law, shall order the defendant to make  
16 full or partial restitution under this section to any victim of a crime considered at  
17 sentencing or, if the victim is deceased, to his or her estate, unless the court finds  
18 substantial reason not to do so and states the reason on the record. When imposing  
19 sentence or ordering probation for a crime involving conduct that constitutes

**SENATE BILL 558****SECTION 103**

1 domestic abuse under s. 813.12 (1) ~~(a)~~ (am) or 968.075 (1) (a) for which the defendant  
2 was convicted or that was considered at sentencing, the court, in addition to any  
3 other penalty authorized by law, shall order the defendant to make full or partial  
4 restitution under this section to any victim of a crime or, if the victim is deceased, to  
5 his or her estate, unless the court finds that imposing full or partial restitution will  
6 create an undue hardship on the defendant or victim and describes the undue  
7 hardship on the record. Restitution ordered under this section is a condition of  
8 probation, extended supervision, or parole served by the defendant for a crime for  
9 which the defendant was convicted. After the termination of probation, extended  
10 supervision, or parole, or if the defendant is not placed on probation, extended  
11 supervision, or parole, restitution ordered under this section is enforceable in the  
12 same manner as a judgment in a civil action by the victim named in the order to  
13 receive restitution or enforced under ch. 785.

NOTE: Inserts correct cross-reference. 2001 Wis. Act 109 renumbered s. 813.12 (1)  
(a) to s. 813.12 (1) (am).

14 **SECTION 104.** 973.30 (1) (d) of the statutes is amended to read:

15 973.30 (1) (d) Provide information to the legislature, state agencies, and the  
16 public regarding the costs to and other needs of the department ~~which~~ that result  
17 from sentencing practices.

NOTE: Replaces “which” with “that” to correct grammar.

18 **SECTION 105.** 2001 Wisconsin Act 16, section 2245d is amended by replacing  
19 “facilities, schools and hospitals” with “facilities, schools, and hospitals”.

NOTE: The comma following “schools” was inserted into s. 77.52 (2) (a) 10. by 2001  
Wisconsin Act 16, section 2245, but was not included in the treatment of the same  
provision by section 2245d.

20 **SECTION 106.** 2001 Wisconsin Act 52, section 13 (1) is amended to read:

**SENATE BILL 558****SECTION 106**

1 [2001 Wisconsin Act 52] Section 13 (1) Using the procedure under section  
2 227.24 of the statutes, the board of nursing may promulgate the rules required under  
3 section 441.15 (5) ~~(b)~~ (bm) of the statutes, as created by this act, for the period before  
4 permanent rules become effective, but not to exceed the period authorized under  
5 section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a)  
6 and (2) (b) of the statutes, the board of nursing need not provide evidence of the  
7 necessity of preservation of the public peace, health, safety, or welfare in  
8 promulgating rules under this subsection.

NOTE: Inserts correct cross-reference. There is no s. 441.15 (5) (b).

9 **SECTION 107.** 2001 Wisconsin Act 70, section 2 is repealed.

NOTE: This section is replaced by the creation of s. 48.981 (2) (a) 22m. in SECTION 26 of this bill. See also the note under SECTION 26 of this bill.

10 **SECTION 108.** 2001 Wisconsin Act 75, section 7 is amended by replacing “134.66  
11 **(5)** A county, town, village” with “134.66 **(5)** LOCAL ORDINANCE. A county, town,  
12 village”

NOTE: The title to 134.66 (5) was not shown in the treatment by 2001 Wis. Act 75, section 7. The deletion was not intended.

13 **SECTION 109.** 2001 Wisconsin Act 102, section 29 is amended by replacing  
14 “~~property in this state shall be~~” with “~~property in this state shall be a~~”.

NOTE: The word “a” was deleted from s. 71.80 (12) (a) 1. without striking. The deletion was intended.

15 **SECTION 110.** 2001 Wisconsin Act 103, section 115 is amended by replacing “by  
16 gift, purchase, or condemnation” with “by gift, purchase, or condemnation”.

NOTE: The underscored comma was inserted into s. 48.358 (2) without being underscored. The insertion was intended.

17 **SECTION 111.** 2001 Wisconsin Act 103, section 261 is amended by replacing  
18 “committed within the county” with “committed within ~~that~~ the county”.

NOTE: In s. 302.02 (1m) (h), the underscored “the” was inserted without being underscored and the stricken “that” was deleted without being shown as stricken. The insertion and deletion were intended.

**SENATE BILL 558****SECTION 112**

1           **SECTION 112.** 2001 Wisconsin Act 103, section 265 is amended by replacing  
2           “Panama, Somalia, or a Middle East crisis” with “Panama, Somalia, or a Middle East  
3           crisis”.

NOTE: The underscored comma was inserted into s. 341.14 (6) (a) without being underscored. The insertion was intended.

4           **SECTION 113.** 2001 Wisconsin Act 104, section 70 is amended by replacing  
5           “facilities, schools and hospitals” with “facilities, schools, and hospitals”.

NOTE: The comma following “schools” was inserted into s. 77.52 (2) (a) 10. by 2001 Wisconsin Act 16, section 2245, but was not included in the treatment of the same provision by section 2245d of that act. 2001 Wis. Act 104, section 70, amended s. 77.52 (2) (a) 10. by 2001 Wisconsin Act 16, section 2245d. This bill corrects the treatment by Act 16 section 2245d to include the comma. This section confirms that the comma is retained.

6           **SECTION 114.** 2001 Wisconsin Act 107, section 44 is amended by replacing “~~be~~  
7           ~~be filled out~~” with “~~be filled out~~”.

NOTE: The word “be” was incorrectly repeated in stricken text in s. 93.07 (21).

8           **SECTION 115.** 2001 Wisconsin Act 107, section 58 is amended by replacing “the  
9           organization’s current and future” with “the organization’s current and future”.

NOTE: The word “the” was incorrectly underscored in s. 132.16 (2). It was preexisting.

10          **SECTION 116.** 2001 Wisconsin Act 107, section 82 is amended by replacing “(a)  
11          Proof of compliance” with “(a) Proof of compliance”.

NOTE: “Proof” was inserted into s. 445.08 (4) (a) by 2001 Wis. Act 107 without being underscored. The insertion was intended.

12          **SECTION 117.** 2001 Wisconsin Act 109, section 1uen is amended by replacing  
13          “subs. (1), (1m), (2), (2m), (9), (9m), and (10)” with “subs. (1), (1m), (2), (2m), (9), (9m),  
14          and (10)”.

NOTE: The comma following “(2m)” was inserted into s. 11.26 (17) (a) without being underscored. The insertion was intended.

15          **SECTION 118.** 2001 Wisconsin Act 109, section 1uet is amended by replacing “or  
16          s. 11.50 (2) (i)” with “or s. 11.50 (2) (i)”.

