



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-2088/P1
BEM:cmh:cph

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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).

Analysis by the Legislative Reference Bureau

This revisor's correction bill is explained in the NOTES provided by the revisor of statutes in the body of the bill.

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

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

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

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

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

17 **APPLICATION FOR PRESIDENTIAL**
18 **ELECTOR'S ~~ABSENT~~ ABSENTEE BALLOT.**

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

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

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

6 Signed

7 Address(Present address)

8(City)(State)

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

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

11(County)

12 My Commission expires

13 MAIL BALLOT TO:

14 NAME

15 ADDRESS

16 CITY STATE ZIP CODE

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

22(Municipal Clerk)

23(Municipality)

NOTE: Inserts correct word form.

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

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

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.

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

8 16.385 (3) (e) 7. By October 1 of each year ~~and after consulting with the~~
9 ~~department of administration,~~ allocate funds budgeted but not spent and any funds
10 remaining from previous fiscal years to heating assistance under sub. (6) or to the
11 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.

12 **SECTION 11.** 16.84 (2) of the statutes is amended to read:

13 16.84 (2) Appoint such number of police officers as is necessary to safeguard
14 all public property placed by law in the department’s charge, and provide, by
15 agreement with any other state agency, police and security services at buildings and
16 facilities owned, controlled, or occupied by the other state agency. The governor or
17 the department may, to the extent it is necessary, authorize police officers employed
18 by the department to safeguard state officers, state employees, or other persons. A
19 police officer who is employed by the department and who is performing duties that
20 are within the scope of his or her employment as a police officer has the powers of a

1 peace officer under s. ~~59.24~~ 59.28, except that the officer has the arrest powers of a
2 law enforcement officer under s. 968.07 regardless of whether the violation is
3 punishable by forfeiture or criminal penalty. The officer may exercise the powers of
4 a peace officer and the arrest powers of a law enforcement officer while located
5 anywhere within this state. Nothing in this subsection limits or impairs the duty of
6 the chief and each police officer of the police force of the municipality in which the
7 property is located to arrest and take before the proper court or magistrate persons
8 found in a state of intoxication or engaged in any disturbance of the peace or violating
9 any state law in the municipality in which the property is located, as required by s.
10 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.

11 **SECTION 12.** 20.285 (1) (c) of the statutes is amended to read:

12 20.285 (1) (c) *Energy costs.* The amounts in the schedule to pay for utilities and
13 for fuel, heat, and air conditioning, and to pay costs incurred under ss. 16.858 and
14 16.895, including all operating costs recommended by the department of
15 administration that result from the installation of pollution abatement equipment
16 in state-owned or operated heating, cooling, or power plants, by or on behalf of the
17 board of regents, and including the cost of purchasing electricity, steam, and chilled
18 water generated by the cogeneration facility constructed pursuant to an agreement
19 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.

20 **SECTION 13.** The treatment of 20.370 (1) (mu) of the statutes by 2001 Wisconsin
21 Act 56 is not repealed by 2001 Wisconsin Act 109, section 36d. Both treatments
22 stand.

NOTE: There is no conflict of substance. As merged by the revisor 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, to provide funding under 2001 Wisconsin Act 109, section 9137 (1w), and for transfers to the appropriation account under s. 20.285 (1) (kf).

1 **SECTION 14.** The treatment of 20.370 (1) (mu) of the statutes by 2001 Wisconsin
2 Act 56 is not repealed by 2001 Wisconsin Act 109, section 36db. Both treatments
3 stand.

NOTE: There is no conflict of substance. As merged by the revisor 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).

4 **SECTION 15.** 25.61 of the statutes is amended to read:

5 **25.61 VendorNet fund.** There is created a separate nonlapsible trust fund
6 designated as the VendorNet fund consisting of all revenues accruing to the state
7 from fees assessed under ~~ss. s. 16.701 and 16.702 (1)~~ and from gifts, grants, and
8 bequests made for the purposes of ~~ss. s. 16.701 and 16.702 (1)~~ and moneys transferred
9 to the fund from other funds.

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

10 **SECTION 16.** 26.145 (2m) of the statutes is amended to read:

11 **26.145 (2m) EFFECT OF OTHER FINANCIAL ASSISTANCE.** The department may
12 consider any cost ~~which~~ that has been or will be paid or reimbursed from moneys
13 received under another federal or state financial assistance program as an ineligible
14 cost for the purposes of calculating the amount of a grant under sub. (1), except that
15 the department shall consider any cost that has been or will be paid or reimbursed
16 from moneys received under s. 101.573 (3) as an eligible cost for the purposes of
17 calculating the amount of a grant under sub. (1).

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

1 **SECTION 17.** 29.182 (4m) of the statutes is amended to read:

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

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

7 **SECTION 18.** The treatment of 29.347 (2) of the statutes by 2001 Wisconsin Act
8 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.

9 **SECTION 19.** 45.43 (1) (a) of the statutes is amended to read:

10 45.43 (1) (a) Except as provided under par. (b), the county board shall elect a
11 county veterans’ service officer who shall be a Wisconsin resident who served on
12 active duty, other than active duty for training, under honorable conditions in the
13 U.S. armed forces or in forces incorporated as part of the U.S. armed forces and who
14 meets at least one of the conditions listed in s. ~~45.35 (5)~~ 45.001 (4) (a) 1. a. to d. and
15 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.

1 **SECTION 20.** 48.685 (5) (bm) 4. of the statutes, as affected by 2001 Wisconsin
2 Act 109, section 114b, is amended to read:

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

9 **SECTION 21.** 48.981 (2) (a) (intro.) of the statutes is amended to read:

10 48.981 (2) (a) (intro.) ~~, group home, as described in s. 48.625 (1m),~~ Any of the
11 following persons who has reasonable cause to suspect that a child seen by the person
12 in the course of professional duties has been abused or neglected or who has reason
13 to believe that a child seen by the person in the course of professional duties has been
14 threatened with abuse or neglect and that abuse or neglect of the child will occur
15 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. Acts 69 and 70. 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 Acts 69 and 70 was not taken into account by Act 103. See also SECTIONS 22 and 23 of this bill.

16 **SECTION 22.** 48.981 (2) (a) 18. of the statutes is amended to read:

17 48.981 (2) (a) 18. A child-care worker in a day care center, group home, as
18 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 21 of this bill.

1 **SECTION 23.** 48.981 (2) (a) 22m. of the statutes is created to read:

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

NOTE: 2001 Wis. Act 70 created the term “physical therapist assistant” and provides for the licensing of physical therapist assistants 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. See also SECTION 101 of this bill.

3 **SECTION 24.** 49.175 (1) (z) of the statutes is amended to read:

4 49.175 (1) (z) *Community youth grant.* For a competitive grant program
5 administered by the department to fund programs that improve social, academic,
6 and employment skills of youth who are eligible to receive temporary assistance for
7 needy families under 42 USC 601 et seq., \$7,829,700 in fiscal year 2001–02 and
8 \$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.

9 **SECTION 25.** 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.

10 **SECTION 26.** 49.45 (7) of the statutes is amended to read:

11 49.45 (7) **PERSONAL FUNDS.** (a) A recipient who is a patient in a public medical
12 institution or an accommodated person and has a monthly income exceeding the
13 payment rates established under 42 USC 1382 (e) may retain \$45 unearned income
14 or the amount of any pension paid under 38 USC ~~3203 (f)~~ 5503 (d), whichever is
15 greater, per month for personal needs. Except as provided in s. 49.455 (4) (a), the
16 recipient shall apply income in excess of \$45 or the amount of any pension paid under
17 38 USC ~~3203 (f)~~ 5503 (d), whichever is greater, less any amount deducted under rules
18 promulgated by the department, toward the cost of care in the facility.

NOTE: Inserts the correct cross-reference.

1 **SECTION 27.** 49.45 (49) (a) (intro.) of the statutes is amended to read:

2 49.45 (49) (a) (intro.) The secretary shall exercise his or her authority under
3 s. 15.04 (1) (c) to create a prescription drug prior authorization committee to advise
4 the department on issues related to prior authorization decisions made concerning
5 ~~prescription~~ prescription drugs on behalf of medical assistance recipients. The
6 secretary shall appoint as members at least all of the following:

NOTE: Corrects spelling.

7 **SECTION 28.** 59.40 (3) (b) of the statutes is amended to read:

8 59.40 (3) (b) Except as provided in par. (c), the clerk may invest any funds that
9 are paid into his or her office and are being held for repayment. The investments
10 shall be made in suitably protected accounts in the manner specified in s. 66.0603
11 (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.

12 **SECTION 29.** 66.0143 (2) (c) of the statutes is amended to read:

13 66.0143 (2) (c) The political subdivision shall specify in its request for a waiver
14 its reason for requesting the waiver. Upon receipt of a request for a waiver, the
15 department of revenue shall forward the request to the administrative agency ~~which~~
16 that is responsible for administrating the state mandate. The agency shall
17 determine whether to grant the waiver and shall notify the political subdivision and
18 the department of revenue of its decision in writing. If no agency is responsible for
19 administrating the state mandate, the department of revenue shall determine
20 whether to grant the waiver and shall notify the political subdivision of its decision
21 in writing.

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

1 **SECTION 30.** 66.0719 (2) of the statutes is amended to read:

2 66.0719 (2) If a special assessment is levied for any public improvement, any
3 amount collected on that special assessment or received from the county shall be
4 deposited in the general fund of the local governmental unit if the payment for the
5 improvement was made out of its general fund, deposited in the funds and accounts
6 of a public utility established under s. 66.0621 ~~(2)~~ (4) (c) if the improvement was paid
7 out of the proceeds of revenue obligations of the local governmental unit, or deposited
8 in the debt service fund required for the payment of bonds or notes issued under ch.
9 67 if the improvement was paid out of the proceeds of the bonds or notes. That special
10 assessment, when delinquent, shall be returned in trust for collection and the local
11 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).

12 **SECTION 31.** 66.0821 (4) (a) of the statutes is amended to read:

13 66.0821 (4) (a) The governing body of the municipality may establish sewerage
14 service charges in an amount to meet all or part of the requirements for the
15 construction, reconstruction, improvement, extension, operation, maintenance,
16 repair, and depreciation of the sewerage system, and for the payment of all or part
17 of the principal and interest of any indebtedness incurred for those purposes,
18 including the replacement of funds advanced by or paid from the general fund of the
19 municipality. Service charges made by a metropolitan sewerage district to any town,
20 village, or city shall be levied by the town, village, or city against the individual sewer
21 system users within the corporate limits of the municipality, and the municipality
22 shall collect the charges and promptly remit them to the metropolitan sewerage
23 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).

1 **SECTION 32.** 71.05 (6) (a) 10. of the statutes is amended to read:

2 71.05 (6) (a) 10. For the taxable year, for a person who is not “actively engaged
3 in farming”, as that term is used in 7 CFR ~~1497.201~~ 1400.201, combined net losses,
4 exclusive of net gains from the sale or exchange of capital or business assets and
5 exclusive of net profits, from businesses, from rents, from partnerships, from limited
6 liability companies, from S corporations, from estates, or from trusts, under section
7 165 of the ~~internal revenue code~~ Internal Revenue Code, except losses allowable
8 under sections 1211 and 1231 of the ~~internal revenue code~~ Internal Revenue Code,
9 otherwise includable in calculating Wisconsin income if those losses are incurred in
10 the operation of a farming business, as defined in section 464 (e) 1. of the ~~internal~~
11 ~~revenue code~~ Internal Revenue Code to the extent that those combined net losses
12 exceed \$20,000 if nonfarm Wisconsin adjusted gross income exceeds \$55,000 but does
13 not exceed \$75,000, exceed \$17,500 if nonfarm Wisconsin adjusted gross income
14 exceeds \$75,000 but does not exceed \$100,000, exceed \$15,000 if nonfarm Wisconsin
15 adjusted gross income exceeds \$100,000 but does not exceed \$150,000, exceed
16 \$12,500 if nonfarm Wisconsin adjusted gross income exceeds \$150,000 but does not
17 exceed \$200,000, exceed \$10,000 if nonfarm Wisconsin adjusted gross income
18 exceeds \$200,000 but does not exceed \$250,000, exceed \$7,500 if nonfarm Wisconsin
19 adjusted gross income exceeds \$250,000 but does not exceed \$300,000, exceed \$5,000
20 if nonfarm Wisconsin adjusted gross income exceeds \$300,000 but does not exceed
21 \$600,000, and exceed \$0 if nonfarm adjusted gross income exceeds \$600,000, except
22 that the amounts applicable to married persons filing separately are 50% of the
23 amounts specified in this subdivision.

NOTE: Inserts the correct cross-reference. The relevant federal regulation was recodified.

1 **SECTION 33.** 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.

2 **SECTION 34.** 77.52 (13) of the statutes is amended to read:

3 **77.52 (13)** For the purpose of the proper administration of this section and to
4 prevent evasion of the sales tax it shall be presumed that all receipts are subject to
5 the tax until the contrary is established. The burden of proving that a sale of tangible
6 personal property or services is not a taxable sale at retail is upon the person who
7 makes the sale unless that person takes from the purchaser a certificate to the effect
8 that the property or service is purchased for resale or is otherwise exempt; except
9 that no certificate is required for sales of cattle, sheep, goats, and pigs that are sold
10 at a livestock market, as defined in s. 95.68 (1) ~~(e)~~ (ag), and no certificate is required
11 for sales of commodities, as defined in 7 USC 2, that are consigned for sale in a
12 warehouse in or from which the commodity is deliverable on a contract for future
13 delivery subject to the rules of a commodity market regulated by the U.S. commodity
14 futures trading commission if upon the sale the commodity is not removed from the
15 warehouse.

NOTE: Section 95.68 (1) (e) was renumbered to 95.68 (1) (ag) by 2001 Wis. Act 56.

16 **SECTION 35.** 77.524 (1) (intro.) of the statutes is amended to read:

17 **77.524 (1) (intro.)** In this subsection section:

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

18 **SECTION 36.** 77.53 (10) of the statutes is amended to read:

19 **77.53 (10)** For the purpose of the proper administration of this section and to
20 prevent evasion of the use tax and the duty to collect the use tax, it is presumed that
21 tangible personal property or taxable services sold by any person for delivery in this

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

NOTE: Section 95.68 (1) (e) was renumbered to 95.68 (1) (ag) by 2001 Wis. Act 56.

12 **SECTION 37.** 95.22 (1) (a), (b) and (c) of the statutes, as affected by 2001
13 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.

14 **SECTION 38.** 95.22 (2) of the statutes, as created by 2001 Wisconsin Act 109, is
15 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.

16 **SECTION 39.** 99.02 (2) (c) of the statutes is amended to read:
17 99.02 (2) (c) A person who operates a warehouse storing only grain, as defined
18 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).

19 **SECTION 40.** 101.563 (2) (b) 1. of the statutes is amended to read:

1 101.563 (2) (b) 1. 'Payments from calendar year 2001 dues.' Notwithstanding
2 s. ~~101.575~~ 101.573 (3) (a), by the 30th day following July 30, 2002, the department
3 shall compile the fire department dues paid by all insurers under s. 601.93 and the
4 dues paid by the state fire fund under s. 101.573 (1) and funds remaining under s.
5 101.573 (3) (b), subtract the total amount due to be paid under par. (a), withhold 0.5%,
6 and certify to the state treasurer the proper amount to be paid from the appropriation
7 under s. 20.143 (3) (L) to each city, village, and town entitled to a proportionate share
8 of fire department dues as provided under sub. (1) (b) and s. 101.575. If the
9 department has previously certified an amount to the state treasurer under s. ~~101.57~~
10 101.573 (3) (a) during calendar year 2002, the department shall recertify the amount
11 in the manner provided under this subdivision. On or before August 1, 2002, the
12 state treasurer shall pay the amounts certified or recertified by the department
13 under this subdivision to each city, village, and town entitled to a proportionate share
14 of fire department dues as provided under sub. (1) and s. 101.575. The state
15 treasurer may combine any payment due under this subdivision with any amount
16 due to be paid on or before August 1, 2002, to the same city, village, or town under
17 par. (a).

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

18 **SECTION 41.** 101.563 (2) (b) 3. of the statutes is amended to read:

19 101.563 (2) (b) 3. 'Payments to correct errors.' The amounts withheld under
20 subs. 1. and 2. shall be disbursed to correct errors of the department or the
21 commissioner of insurance. The department shall certify to the state treasurer the
22 amount that must be disbursed to correct an error and the state treasurer shall pay
23 the amount to the specified city, village, or town. The balance of the amount withheld

1 in a calendar year under ~~subds.~~ subd. 1. or 2., as applicable, ~~which~~ that is not
2 disbursed under this subdivision shall be included in the total compiled by the
3 department under subd. 2. for the next calendar year, except that amounts withheld
4 under subd. 2. from fire department dues collected for calendar year 2004 that are
5 not disbursed under this subdivision shall be included in the total compiled by the
6 department under s. 101.573 (3) (a) for the next calendar year. If errors in payments
7 exceed the amount withheld, adjustments shall be made in the distribution for the
8 next year.

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

9 **SECTION 42.** 101.951 (6) (m) of the statutes is amended to read:

10 101.951 (6) (m) Having sold a retail installment contract to a sales finance
11 company, as defined in s. ~~218.01 (1) (v)~~ 218.0101 (34) (a), that is not licensed under
12 ~~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).

13 **SECTION 43.** The treatment of 115.88 (8) of the statutes by 1999 Wisconsin Act
14 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).

15 **SECTION 44.** 121.05 (1) (a) 11. of the statutes is amended to read:

16 121.05 (1) (a) 11. Pupils residing in the school district but attending a public
17 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).

1 **SECTION 45.** 126.62 (2) 1. and 2. of the statutes are renumbered 126.62 (2) (a)
2 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).

3 **SECTION 46.** 180.1708 (5) of the statutes is amended to read:

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

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

8 **SECTION 47.** 180.1805 (5) of the statutes is amended to read:

9 180.1805 (5) By merger or share exchange that becomes effective under ss.
10 180.1101 to ~~180.1107~~ 180.1106 or a share exchange of existing shares for other shares
11 of a different class or series in the corporation.

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

12 **SECTION 48.** The treatment of 185.981 (4t) of the statutes by 1999 Wisconsin
13 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.

14 **SECTION 49.** The treatment of 185.983 (1) (intro.) of the statutes by 1999
15 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:

1 **SECTION 50.** 186.35 (12) (intro.) of the statutes is amended to read:

2 186.35 (12) COMPUTATIONS. (intro.) Except as provided in sub. (12m), each
3 member credit union's fractional share of liquidating distributions under sub. (11)
4 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.

5 **SECTION 51.** 223.05 (1) (b) of the statutes is amended to read:

6 223.05 (1) (b) Every security in which trust funds or property are invested shall
7 immediately upon the receipt of the security by the bank, be transferred to the bank
8 in its fiduciary capacity for the particular trust or fund by name and be entered in
9 the proper records as belonging to the particular trust whose funds have been
10 invested in the security. Any change in the investment of trust funds or property
11 shall be fully specified in the account of the particular trust to which it belongs, so
12 that all trust funds and property shall be readily identified at any time by any person.

NOTE: Deletes unnecessary word.

13 **SECTION 52.** 287.11 (4) (a) 4. of the statutes is amended to read:

14 287.11 (4) (a) 4. Specify a procedure to be used by the department to determine
15 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).

16 **SECTION 53.** 301.03 (19) of the statutes is amended to read:

17 301.03 (19) Work to minimize, to the greatest extent possible, the residential
18 population density of sex offenders, as defined in s. 302.116 (1) (b), who are on
19 probation, parole, or extended supervision or placed on supervised release under s.
20 980.06 (2) (c), 1997 stats., or s. 980.08 (5).

NOTE: Corrects citation form.

1 **SECTION 54.** 302.01 (10) of the statutes is amended to read:

2 302.01 (10) The penitentiary at the village of Sturtevant in Racine County is
3 named “Racine Correctional Institution.”

4 **(10m)** The medium security correctional institution near Black River Falls is
5 named “Jackson Correctional Institution.”

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

6 **SECTION 55.** 303.065 (1) (b) 1. of the statutes is amended to read:

7 303.065 (1) (b) 1. A person serving a life sentence, other than a life sentence
8 specified in subd. 2., may be considered for work release only after he or she has
9 reached parole eligibility under s. 304.06 (1) (b) or 973.014 (1) (a) or (b), whichever
10 is applicable, or he or she has reached his or her extended supervision eligibility date
11 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).

12 **SECTION 56.** 340.01 (18p) of the statutes is amended to read:

13 340.01 (18p) “Flood damaged vehicle” means any motor vehicle that is not
14 precluded from subsequent registration or titling and ~~which~~ that is damaged by flood
15 to the extent that the estimated or actual cost, whichever is greater, of repairing the
16 vehicle exceeds 70% of its fair market value.

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

17 **SECTION 57.** 340.01 (20m) of the statutes is amended to read:

18 340.01 (20m) “Hail-damaged vehicle” means a vehicle less than 7 years old
19 that is not precluded from subsequent registration and titling and ~~which~~ that is
20 damaged solely by hail to the extent that the estimated or actual cost, whichever is
21 greater, of repairing the vehicle exceeds 70% of its fair market value.

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

1 **SECTION 58.** 340.01 (55g) of the statutes is amended to read:

2 340.01 (55g) “Salvage vehicle” means a vehicle less than 7 years old that is not
3 precluded from subsequent registration and titling and ~~which~~ that is damaged by
4 collision or other occurrence to the extent that the estimated or actual cost,
5 whichever is greater, of repairing the vehicle exceeds 70% of its fair market value.
6 The term does not include a hail-damaged vehicle unless the vehicle is repaired with
7 any replacement part, as defined in s. 632.38 (1) (e).

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

8 **SECTION 59.** 341.26 (3m) of the statutes is amended to read:

9 341.26 (3m) FOREST PRODUCTS VEHICLES. In recognition of the relationship of
10 the basic economy of the state to the forest products industry, there shall be paid to
11 the department for the annual registration of a road tractor, motor truck, or truck
12 tractor used exclusively in connection with the transportation of raw forest products,
13 as defined in s. 26.05 (1), or equipment that is owned or leased by the owner of the
14 road tractor, motor truck, or truck tractor and used exclusively in the production of
15 raw forest products, a fee determined in accordance with sub. (3) (g) on the basis of
16 maximum gross weight, except that a trailer used exclusively in connection with the
17 transportation of raw forest products or equipment that is owned or leased by the
18 owner of the trailer and used exclusively in the production of raw forest products may
19 be registered upon payment of a fee ~~which~~ that is 25% of the fee prescribed by s.
20 341.25 (2) for a motor truck having the same gross weight. The maximum gross
21 weight of each vehicle registered under this subsection shall be computed in the
22 manner specified in s. 341.25 for the same type of vehicle, except that a person who
23 owns and operates more truck tractors than semitrailers registered by him or her
24 within this state and used exclusively as provided in this subsection may register

1 such an excess truck tractor at a fee specified under sub. (3) (g) determined on the
2 basis of the weight of the truck tractor only.

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

3 **SECTION 60.** 341.266 (2) (a) of the statutes is amended to read:

4 341.266 (2) (a) Any person who is the owner of a special interest vehicle ~~which~~
5 that is 20 or more years old at the time of making application for registration or
6 transfer of title of the vehicle and who, unless the owner is an historical society that
7 is exempt from federal income taxes, owns, has registered in this state, and uses for
8 regular transportation at least one vehicle that has regular registration plates may
9 upon application register the vehicle as a special interest vehicle upon payment of
10 a fee under par. (b).

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

11 **SECTION 61.** 341.268 (1) (b) 2. of the statutes is amended to read:

12 341.268 (1) (b) 2. A motorcycle that is a reproduction of a vehicle originally
13 made by another manufacturer and ~~which~~ that consists of a reproduction body that
14 is combined with a new, used, or replica frame and drivetrain.

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

15 **SECTION 62.** 341.268 (1) (e) of the statutes is amended to read:

16 341.268 (1) (e) “Replica vehicle” means a motor vehicle, other than a
17 motorcycle, that is a reproduction of a vehicle originally made by another
18 manufacturer and ~~which~~ that consists of a reproduction body that is combined with
19 a new, used, or replica frame and drivetrain.

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

20 **SECTION 63.** 341.65 (1) (b) of the statutes is amended to read:

21 341.65 (1) (b) “Unregistered motor vehicle” means any motor vehicle that is not
22 currently registered and ~~which~~ that is located upon a highway for such time and

1 under such circumstances as to cause the motor vehicle to reasonably appear to have
2 been unregistered for not less than 30 days.

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

3 **SECTION 64.** 345.05 (1) (c) of the statutes is amended to read:

4 345.05 (1) (c) “Municipality” means any county, city, village, town, school
5 district, ~~sewer district~~ (as enumerated in s. 67.01 (5)), sewer district, drainage
6 district, commission formed by a contract under s. 66.0301 (2), and, without
7 restriction because of failure of enumeration, any other political subdivision of the
8 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.

9 **SECTION 65.** 346.82 (1) of the statutes is amended to read:

10 346.82 (1) Any person violating ss. 346.77, 346.79 (1) to (3), or 346.80 to 346.805
11 may be required to forfeit not more than \$20. ~~(1) Any person violating ss. 346.77,~~
12 ~~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.

13 **SECTION 66.** 350.12 (3) (cm) of the statutes is amended to read:

14 350.12 (3) (cm) Subsection (3h) does not ~~not~~ apply to commercial snowmobile
15 certificates, reflectorized plates, or registration certificates issued for antique
16 snowmobiles under par. (b).

NOTE: Deletes repeated word.

17 **SECTION 67.** 409.102 (1) (ns) of the statutes is amended to read:

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

NOTE: Inserts missing article.

4 **SECTION 68.** 409.102 (1) (os) of the statutes is amended to read:

5 409.102 (1) (os) “Original debtor”, except as used in s. 409.310 (3), means a
6 person that, as a debtor, entered into a security agreement to which a new debtor has
7 become bound under s. 409.203 (4).

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

8 **SECTION 69.** 441.001 (2m) (title) of the statutes is created to read:

9 441.001 (2m) (title) NURSING.

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

10 **SECTION 70.** 441.15 (2) (c) of the statutes is amended to read:

11 441.15 (2) (c) Except as provided in sub. (5) (a), the person has in effect the
12 malpractice liability insurance required under the rules promulgated under sub. (5)
13 ~~(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.

14 **SECTION 71.** 441.15 (3) (a) 3. of the statutes is amended to read:

15 441.15 (3) (a) 3. If applicable, submits evidence satisfactory to the board that
16 he or she has in effect the malpractice liability insurance required under the rules
17 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.

18 **SECTION 72.** 441.15 (3) (b) of the statutes is amended to read:

19 441.15 (3) (b) On or before the applicable renewal date specified under s. 440.08
20 (2) (a), a person issued a license under par. (a) and practicing nurse–midwifery shall

1 submit to the board on furnished forms a statement giving his or her name,
2 residence, and other information that the board requires by rule, with the applicable
3 renewal fee specified under s. 440.08 (2) (a). If applicable, the person shall also
4 submit evidence satisfactory to the board that he or she has in effect the malpractice
5 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.

6 **SECTION 73.** The second 441.50 (7) (e) of the statutes created by 1999 Wisconsin
7 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).

8 **SECTION 74.** The treatment of 551.02 (3) (d) of the statutes by 2001 Wisconsin
9 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.

10 **SECTION 75.** 611.72 (1) of the statutes is amended to read:

11 611.72 (1) **GENERAL.** Subject to this section, ss. 180.1101, 180.1103 to ~~180.1107~~
12 180.1106, 180.1706, 180.1707, and 180.1708 (5) apply to the merger of a domestic
13 stock insurance corporation or its parent insurance holding corporation, except that
14 papers required by those sections to be filed with the department of financial
15 institutions shall instead be filed with the commissioner.

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

16 **SECTION 76.** 813.12 (2) (a) of the statutes is amended to read:

17 813.12 (2) (a) No action under this section may be commenced by complaint and
18 summons. An action under this section may be commenced only by a petition
19 described under sub. (5) (a). The action commences with service of the petition upon
20 the respondent if a copy of the petition is filed before service or promptly after service.

1 If the judge or a circuit court commissioner extends the time for a hearing under sub.
2 (3) (c) and the petitioner files an affidavit with the court stating that personal service
3 by the sheriff or a private server under s. 801.11 (1) (a) or (b) was unsuccessful
4 because the respondent is avoiding service by concealment or otherwise, the judge
5 or family circuit court commissioner shall inform the petitioner that he or she may
6 serve the respondent by publication of a summary of the petition as a class 1 notice,
7 under ch. 985, and by mailing or sending a facsimile if the respondent's post-office
8 address or facsimile number is known or can with due diligence be ascertained. The
9 mailing or sending of a facsimile may be omitted if the post-office address or
10 facsimile number cannot be ascertained with due diligence. A summary of the
11 petition published as a class 1 notice shall include the name of the respondent and
12 of the petitioner, notice of the temporary restraining order, and notice of the date,
13 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.

14 **SECTION 77.** The treatment of 813.12 (3) (a) (intro.) of the statutes by 2001
15 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 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:

16 **SECTION 78.** The treatment of 813.12 (3) (a) 2. 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) (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.

1 **SECTION 79.** 813.12 (3) (aj) of the statutes is amended to read:

2 813.12 (3) (aj) In determining whether to issue a temporary restraining order,
3 the judge or circuit court commissioner shall consider the potential danger posed to
4 the petitioner and the pattern of abusive conduct of the respondent but may not base
5 his or her decision solely on the length of time since the last domestic abuse or the
6 length of time since the relationship ended. The judge or circuit court commissioner
7 may grant only the remedies requested or approved by the petitioner. The judge or
8 ~~family circuit~~ court commissioner may not dismiss or deny granting a temporary
9 restraining order because of the existence of a pending action or of any other court
10 order that bars contact between the parties, nor due to the necessity of verifying the
11 terms of an existing court order.

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

12 **SECTION 80.** The treatment of 813.12 (3) (c) of the statutes by 2001 Wisconsin
13 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 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.

14 **SECTION 81.** The treatment of 813.12 (4) (a) (intro.) of the statutes by 2001
15 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) 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:

1 **SECTION 82.** The treatment of 813.12 (4) (a) 3. of the statutes by 2001 Wisconsin
2 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.

3 **SECTION 83.** 813.12 (4) (aj) of the statutes is amended to read:

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

13 **SECTION 84.** 938.34 (3) (b) of the statutes is amended to read:

14 938.34 (3) (b) The home of a person who is not required to be licensed if
15 placement is for less than 30 days, except that the court may not designate the name
16 home of a person who is not required to be licensed as the juvenile's placement if the
17 person has been convicted under s. 940.01 of the first-degree intentional homicide,
18 or under s. 940.05 of the 2nd-degree intentional homicide, of a parent of the juvenile,

1 and the conviction has not been reversed, set aside, or vacated, unless the court
2 determines by clear and convincing evidence that the placement would be in the best
3 interests of the juvenile. The court shall consider the wishes of the juvenile in
4 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).

5 **SECTION 85.** 938.38 (5m) (b) of the statutes is amended to read:

6 938.38 (5m) (b) Not less than 30 days before the date of the hearing, the court
7 shall notify the juvenile; the juvenile's parent, guardian, and legal custodian; the
8 juvenile's foster parent or treatment foster parent, the operator of the facility in
9 which the juvenile is living, or the relative with whom the juvenile is living; the
10 juvenile's counsel, and the juvenile's guardian ad litem; ~~or the relative with whom~~
11 ~~the juvenile is living~~; the agency that prepared the permanency plan; and the person
12 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.

13 **SECTION 86.** The treatment of 938.78 (3) of the statutes by 2001 Wisconsin Act
14 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.

1 **SECTION 87.** The treatment of 939.32 (1) (intro.) of the statutes by 2001
2 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:

3 **SECTION 88.** 943.76 (1) (a) of the statutes is amended to read:

4 943.76 (1) (a) "Livestock" means cattle, horses, swine, sheep, goats,
5 farm-raised deer, as defined in s. 95.001 (1) ~~(a)~~ (ag), poultry, and other animals used
6 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).

7 **SECTION 89.** 943.76 (1) (c) of the statutes is amended to read:

8 943.76 (1) (c) "Reckless conduct" means conduct ~~which~~ that creates a
9 substantial risk of an animal's death or a substantial risk of bodily harm to an animal
10 if the actor is aware of that risk.

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

11 **SECTION 90.** The treatment of 946.82 (4) of the statutes by 2001 Wisconsin Act
12 105 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, 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 91.** 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 92.** 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 93.** 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 94.** 948.22 (7) (b) (intro.) of the statutes is amended to read:
13 948.22 (7) (b) (intro.) In addition to or instead of imposing a penalty authorized
14 for a Class ~~E~~ I felony or a Class A misdemeanor, whichever is appropriate, the court
15 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).

1 **SECTION 95.** 973.017 (4) (a) 4. (intro.) of the statutes, as created by Wisconsin
2 Act 109, is amended to read:

3 973.017 (4) (a) 4. (intro.) “Significantly exposed” means sustaining a contact
4 which that carries a potential for transmission of a sexually transmitted disease or
5 HIV by one or more of the following:

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

6 **SECTION 96.** The treatment of 973.034 of the statutes by 2001 Wisconsin Act
7 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.

8 **SECTION 97.** 973.20 (1r) of the statutes is amended to read:
9 973.20 (1r) When imposing sentence or ordering probation for any crime, other
10 than a crime involving conduct that constitutes domestic abuse under s. 813.12 (1)
11 (a) (am) or 968.075 (1) (a), for which the defendant was convicted, the court, in
12 addition to any other penalty authorized by law, shall order the defendant to make
13 full or partial restitution under this section to any victim of a crime considered at
14 sentencing or, if the victim is deceased, to his or her estate, unless the court finds
15 substantial reason not to do so and states the reason on the record. When imposing
16 sentence or ordering probation for a crime involving conduct that constitutes
17 domestic abuse under s. 813.12 (1) (~~a~~) (am) or 968.075 (1) (a) for which the defendant
18 was convicted or that was considered at sentencing, the court, in addition to any
19 other penalty authorized by law, shall order the defendant to make full or partial
20 restitution under this section to any victim of a crime or, if the victim is deceased, to

1 his or her estate, unless the court finds that imposing full or partial restitution will
2 create an undue hardship on the defendant or victim and describes the undue
3 hardship on the record. Restitution ordered under this section is a condition of
4 probation, extended supervision, or parole served by the defendant for a crime for
5 which the defendant was convicted. After the termination of probation, extended
6 supervision, or parole, or if the defendant is not placed on probation, extended
7 supervision, or parole, restitution ordered under this section is enforceable in the
8 same manner as a judgment in a civil action by the victim named in the order to
9 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).

10 **SECTION 98.** 973.30 (1) (d) of the statutes is amended to read:

11 973.30 (1) (d) Provide information to the legislature, state agencies, and the
12 public regarding the costs to and other needs of the department ~~which~~ that result
13 from sentencing practices.

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

14 **SECTION 99.** 2001 Wisconsin Act 16, section 2245d is amended by replacing
15 “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.

16 **SECTION 100.** 2001 Wisconsin Act 52, section 13 (1) is amended to read:

17 [2001 Wisconsin Act 52] Section 13 (1) Using the procedure under section
18 227.24 of the statutes, the board of nursing may promulgate the rules required under
19 section 441.15 (5) (b) (bm) of the statutes, as created by this act, for the period before
20 permanent rules become effective, but not to exceed the period authorized under
21 section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a)

1 and (2) (b) of the statutes, the board of nursing need not provide evidence of the
2 necessity of preservation of the public peace, health, safety, or welfare in
3 promulgating rules under this subsection.

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

4 **SECTION 101.** 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
23 of this bill. See also the note under SECTION 23 of this bill.

5 **SECTION 102.** 2001 Wisconsin Act 75, section 7 is amended by replacing “134.66
6 (5) A county, town, village” with “134.66 (5) LOCAL ORDINANCE. A county, town, 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.

7 **SECTION 103.** 2001 Wisconsin Act 102, section 29 is amended by replacing
8 “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.

9 **SECTION 104.** 2001 Wisconsin Act 103, section 115 is amended by replacing “by
10 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.

11 **SECTION 105.** 2001 Wisconsin Act 103, section 261 is amended by replacing
12 “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.

13 **SECTION 106.** 2001 Wisconsin Act 103, section 265 is amended by replacing
14 “Panama, Somalia, or a Middle East crisis” with “Panama, Somalia, or a Middle East
15 crisis”.

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

16 **SECTION 107.** 2001 Wisconsin Act 104, section 70 is amended by replacing
17 “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.

1 **SECTION 108.** 2001 Wisconsin Act 107, section 44 is amended by replacing “~~be~~
2 ~~be filled out~~” with “~~be filled out~~”.

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

3 **SECTION 109.** 2001 Wisconsin Act 107, section 58 is amended by replacing “the
4 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.

5 **SECTION 110.** 2001 Wisconsin Act 107, section 82 is amended by replacing “(a)
6 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.

7 **SECTION 111.** 2001 Wisconsin Act 109, section 1uen is amended by replacing
8 “subs. (1), (1m), (2), (2m), (9), (9m), and (10)” with “subs. (1), (1m), (2), (2m), (9), (9m), and
9 (10)”.

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

10 **SECTION 112.** 2001 Wisconsin Act 109, section 1uet is amended by replacing “or
11 s. 11.50 (2) (i)” with “or s. 11.50 (2) (i)”.

NOTE: Confirms that “or” was preexisting language in s. 11.31 (2) and was not added by 2001 Wis. Act 109, section 1uet.

12 **SECTION 113.** 2001 Wisconsin Act 109, section 102em is amended by replacing
13 “hearing relating to the child” with “hearing, relating to the child”.

NOTE: The stricken comma was deleted from s. 48.357 (2r) without being stricken. The deletion was intended.

