

SENATE BILL 566 (LRB -4512)

An Act relating to: repealing, consolidating, renumbering, amending, and revising various provisions of the statutes for the purpose of correcting errors, supplying omissions, correcting and clarifying references, eliminating defects, anachronisms, conflicts, ambiguities, and obsolete provisions, reconciling conflicts, and repelling unintended repeals (Revisor's Correction Bill).
2004

- 05-20. S. Introduced by **LAW REVISION COMMITTEE.**
- 05-13. S. Read first time and referred to committee on Homeland Security, Veterans and Military Affairs and Government Reform 786
- 05-19. S. Rules suspended to withdraw from committee on Homeland Security, Veterans and Military Affairs and Government Reform and take up.
- 05-19. S. Read a second time.
- 05-19. S. Ordered to a third reading.
- 05-19. S. Rules suspended.
- 05-19. S. Read a third time and **passed.**
- 05-19. S. Ordered immediately messaged.
- 05-19. A. Received from Senate.
- 05-19. A. Read first time.
- 05-19. A. Rules suspended and taken up.
- 05-19. A. Read a second time.
- 05-19. A. Ordered to a third reading.
- 05-19. A. Rules suspended.
- 05-19. A. Read a third time and **concurred in.**
- 05-19. A. Ordered immediately messaged.
- 05-20. S. Received from Assembly concurred in.

2003
ENROLLED BILL

03en SB-566

ADOPTED DOCUMENTS:

Orig Engr SubAmdt

03-45121

Amendments to above (if none, write "NONE"): None

Corrections - show date (if none, write "NONE"): None

Topic Relay (as just Revisor's Contact Bill)

5/20/04
Date

[Signature]
Enrolling Drafter

ELECTRONIC PROCEDURE:

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2003 SENATE BILL 566

May 13, 2004 - Introduced by LAW REVISION COMMITTEE. Referred to Committee on Homeland Security, Veterans and Military Affairs and Government Reform.

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 revision bill is explained in the NOTES provided by the revisor of statutes in the body of the bill. In accordance with a change in drafting style, commas before the last item in a series are added throughout this bill. "Which" is replaced by "that" where grammatically correct.

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

6 **SECTION 1.** The treatment of 5.05 (11) of the statutes by 2003 Wisconsin Act 265
7 is not repealed by 2003 Wisconsin Act 266. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 5.05 (11) reads:

(11) AIDS TO COUNTIES AND MUNICIPALITIES. From the appropriations under s. 20.510 (1) (t) and (x), the board may provide financial assistance to eligible counties and

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municipalities for election administration costs in accordance with the plan adopted under sub. (10). As a condition precedent to receipt of assistance under this subsection, the board shall enter into an agreement with the county or municipality receiving the assistance specifying the intended use of the assistance and shall ensure compliance with the terms of the agreement. Each agreement shall provide that if the federal government objects to the use of any assistance moneys provided to the county or municipality under the agreement, the county or municipality shall repay the amount of the assistance provided to the board.

1 **SECTION 2.** 6.18 (form) of the statutes, as affected by 2001 Wisconsin Act 109
2 and 2003 Wisconsin Act (Senate Bill 558), is amended to read:

3 **6.18** (form) This form shall be returned to the municipal clerk's office.
4 Application must be received in sufficient time for ballots to be mailed and returned
5 prior to any presidential election at which applicant wishes to vote. Complete all
6 statements in full.

7 **APPLICATION FOR PRESIDENTIAL**

8 **ELECTOR'S ABSENTEE BALLOT.**

9 (To be voted at the Presidential Election

10 on November, (year)

11 I, hereby swear or affirm that I am a citizen of the United States, formerly
12 residing at in the ward aldermanic district (city, town, village) of, County
13 of for 10 days prior to leaving the State of Wisconsin. I, do solemnly swear or
14 affirm that I do not qualify to register or vote under the laws of the State of(State
15 you now reside in) where I am presently residing. A citizen must be a resident of:
16 State(Insert time) County(Insert time) City, Town or Village(Insert time),
17 in order to be eligible to register or vote therein. I further swear or affirm that my
18 legal residence was established in the State of(the State where you now reside)
19 on Month Day Year.

20 Signed

21 Address(Present address)

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1 (City)(State)

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

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

4 (County)

5 My Commission expires

6 MAIL BALLOT TO:

7 NAME

8 ADDRESS

9 CITY STATE ZIP CODE

10 *Penalties for Violations.* Whoever swears falsely to any absent elector affidavit
11 under this section may be fined not more than \$1,000 or imprisoned for not more than
12 6 months, or both. Whoever intentionally votes more than once in an election may
13 be fined not more than \$10,000 or imprisoned for not more than 3 years and 6 months
14 or both.

15 (Municipal Clerk)

16 (Municipality)

NOTE: The stricken comma was inserted by 2003 Wis. Act (SB 558) without
underscoring. No change was intended.

17 **SECTION 3.** 6.36 (2) (c) 2. of the statutes, as affected by 2003 Wisconsin Act 265,
18 section 59b, is amended to read:

19 6.36 (2) (c) 2. If the registration list is prepared for use ~~an~~ at an election for
20 national office, the list shall contain, next to the name of each elector, an indication
21 of whether identification is required for the elector to be permitted to vote.
22 Identification is required if the elector is not a military elector or an overseas elector

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1 and the elector registers by mail and has not previously voted in an election for
2 national office in this state.

NOTE: The order of "at" and "an" was reversed by 2003 Wis. Act 265, section 59b,
without strikes and underscores. No change was intended.

3 **SECTION 4.** 6.79 (2) (a) of the statutes, as affected by 2003 Wisconsin Act 265,
4 section 95g, is amended to read:

5 6.79 (2) (a) Except as provided in sub. (6) (b), where there is registration, each
6 person, before receiving a voting number, shall state his or her full name and
7 address. Upon the prepared registration list, after the name of each elector, the
8 officials shall enter the serial number of the vote as it is polled, beginning with
9 number one. Each elector shall receive a slip bearing the same serial number. A
10 separate list shall be maintained for electors who are voting under s. 6.15, 6.29 or
11 6.55 (2) or (3) and electors who are reassigned from another polling place under s.
12 5.25 (5) (b). Each such elector shall have his or her full name, address and serial
13 number likewise entered and shall be given a slip bearing such number.

NOTE: Section 6.79 (6) (b) is renumbered s. 6.79 (6) by 2003 Wis. Act 265.

14 **SECTION 5.** The treatment of 16.385 (3) (e) 7. of the statutes by 2003 Wisconsin
15 Act 33 is not repealed by 2003 Wisconsin Act ... (Senate Bill 558). Both treatments
16 stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 16.27 (3) (e)
7., as renumbered from s. 16.385 (3) (e) 7. by 2003 Wis Act 33, reads:

7. By October 1 of each year, allocate funds budgeted but not spent and any funds
remaining from previous fiscal years to heating assistance under sub. (6) or to the
weatherization assistance program under s. 16.26.

17 **SECTION 6.** 20.115 (2) (j) (title) of the statutes, as affected by 2003 Wisconsin
18 Act ... (Senate Bill 564), is amended to read:

19 20.115 (2) (j) (title) *Dog licenses, rabies control, and related services.*

NOTE: The underscored comma was deleted by 2003 Wis. Act ... (SB 564) without
being shown as stricken. No change was intended.

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1 **SECTION 7.** 20.370 (6) (eg) of the statutes, as created by 2003 Wisconsin Act 314,
2 is renumbered 20.370 (6) (eh).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2003 Wis. Act 310 also creates a provision numbered s. 20.370 (6) (eg).

3 **SECTION 8.** The treatment of 20.435 (1) (gm) of the statutes by 2003 Wisconsin
4 Act (Senate Bill 557) is not repealed by 2003 Wisconsin Act (Senate Bill 564).
5 Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 20.435 (1) (gm) reads:

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

6 **SECTION 9.** The treatment of 30.12 (3) (a) 6. of the statutes by 2003 Wisconsin
7 Act 118 is not repealed by 2003 Wisconsin Act (Senate Bill 558). Both treatments
8 stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 30.12 (3) (a) 6. reads:

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

9 **SECTION 10.** 30.209 (1) (title) of the statutes is created to read:

10 30.209 (1) (title) DEFINITION.

NOTE: The other subsections in this section have titles.

11 **SECTION 11.** 33.30 (2m) (a) of the statutes, as created by 2003 Wisconsin Act
12 275, is amended to read:

13 33.30 (2m) (a) The proposed annual budget required under sub. s. 33.29 (1) (g).

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NOTE: Inserts correct cross-reference. There is no s. 33.30 (1) (g). Section 33.29 (1) (g), as created by 2003 Wis. Act 275, requires the proposed annual budgets.

1 **SECTION 12.** The treatment of 49.175 (1) (z) of the statutes by 2003 Wisconsin
2 Act 33 is not repealed by 2003 Wisconsin Act (Senate Bill 558). Both treatments
3 stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 49.175 (1) (z) reads:

(z) *Grants to the Boys and Girls Clubs of America.* For grants to the Wisconsin Chapter of the Boys and Girls Clubs of America to fund programs that improve social, academic, and employment skills of youth who are eligible to receive temporary assistance for needy families under 42 USC 601 et seq., \$300,000 in each fiscal year.

4 **SECTION 13.** 60.85 (7) (a) of the statutes, as affected by 2003 Wisconsin Act
5 (Senate Bill 564), is amended to read:

6 60.85 (7) (a) Any person who operates for profit and is paid project costs under
7 sub. (1) (h) 1. a., d., i., and j. in connection with the project plan for a tax incremental
8 district shall notify the department of workforce development and the local
9 workforce development board established under 29 USC 2832 of any positions to be
10 filled in the county in which the town ~~which~~ that created the tax incremental district
11 is located during the period commencing with the date the person first performs work
12 on the project and ending one year after receipt of its final payment of project costs.
13 The person shall provide this notice at least 2 weeks prior to advertising the position.

NOTE: Inserts serial comma and replaces "which" with "that" in conformity with current style.

14 **SECTION 14.** 66.0217 (14) of the statutes, as created by 2003 Wisconsin Act 171,
15 is renumbered 66.0217 (15).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2003 Wis. Act 317 also created a provision numbered s. 66.0217 (14).

16 **SECTION 15.** The treatment of 66.0223 of the statutes by 2003 Wisconsin Act 171
17 is not repealed by 2003 Wisconsin Act 317. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 66.0223 (1), as renumbered from s. 66.0223 by 2003 Wis. Act 317, reads:

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(1) In addition to other methods provided by law and subject to sub. (2) and ss. 59.692 (7) and 66.0307 (7), territory owned by and lying near but not necessarily contiguous to a village or city may be annexed to a village or city by ordinance enacted by the board of trustees of the village or the common council of the city, provided that in the case of noncontiguous territory the use of the territory by the city or village is not contrary to any town or county zoning regulation. The ordinance shall contain the exact description of the territory annexed and the names of the towns from which detached, and attaches the territory to the village or city upon the filing of 7 certified copies of the ordinance in the office of the secretary of state, together with 7 copies of a plat showing the boundaries of the territory attached. Two copies of the ordinance and plat shall be forwarded by the secretary of state to the department of transportation, one copy to the department of administration, one copy to the department of natural resources, one copy to the department of revenue and one copy to the department of public instruction. Within 10 days of filing the certified copies, a copy of the ordinance and plat shall be mailed or delivered to the clerk of the county in which the annexed territory is located. Sections 66.0203 (8) (c) and 66.0217 (11) apply to annexations under this section.

1 **SECTION 16.** 66.0419 (3m) (a) 3. of the statutes, as created by 2003 Wisconsin
2 Act 278, is amended to read:

3 66.0419 (3m) (a) 3. The provision of broadband service by the cable television
4 system, if the requirements of s. 66.0422 (3d) (a) ~~1., 2., (b), or 3. (c)~~ are satisfied.

NOTE: Section 66.0422 (3d) (a) is renumbered s. 66.0422 (3d) by this bill.

5 **SECTION 17.** 66.0422 (3d) (a) of the statutes, as created by 2003 Wisconsin Act
6 278, is renumbered 66.0422 (3d), and 66.0422 (3d) (b) and (c), as renumbered, are
7 amended to read:

8 66.0422 (3d) (b) The local government determines that a person who responded
9 to a written request under ~~subd. 1. par. (a)~~ that the person currently provides
10 broadband service to the area did not actually provide broadband service to the area
11 and no other person makes the response to the local government described in ~~subd.~~
12 ~~1. par. (a)~~.

13 (c) The local government determines that a person who responded to a written
14 request under ~~subd. 1. par. (a)~~ that the person intended to provide broadband service
15 to the area within 9 months did not actually provide broadband service to the area

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1 within 9 months and no other person makes the response to the local government
2 described in ~~subd. 1.~~ par. (a).

NOTE: Section 66.0422 (3d) has no other paragraphs.

3 **SECTION 18.** 66.1001 (5) of the statutes, as created by 2003 Wisconsin Act 307,
4 is renumbered 66.1001 (6).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2003 Wis. Act
233 also created a provision numbered s. 66.1001 (5).

5 **SECTION 19.** 77.89 (2) (b) (title) of the statutes, as affected by 2003 Wisconsin
6 Act 228, section 65, is repealed.

NOTE: Allows for consistency between s. 77.89 (2) (a) and (b). The renumbering by
2003 Wis. Act 228 of s. 77.89 (2) to s. 77.89 (2) (a) and s. 77.89 (3) to s. 77.89 (2) (b) resulted
in s. 77.89 (2) (a) not having a title and s. 77.89 (2) (b) having a title.

7 **SECTION 20.** The treatment of 79.035 (2) (a) 1. of the statutes by 2003 Wisconsin
8 Act 164 is not repealed by 2003 Wisconsin Act (Senate Bill 557). Both treatments
9 stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 79.035 (2) (a)
1. reads:

1. Except as provided under ss. 79.02 (3) (e) and 79.043 (2) and (3), for the
distribution in 2004, each county and municipality will receive a payment that is equal
to the amount of the payments the county or municipality would have received in 2003
under ss. 79.03, 79.058, and 79.06, if not for the reductions under s. 79.02 (3) (c) 3., less
the amount of the reduction under subd. 2.

10 **SECTION 21.** 82.16 (title) of the statutes, as affected by 2003 Wisconsin Act 214,
11 is amended to read:

12 **82.16 (title) Highway orders; presumptions; ~~limitation of actions.~~**

NOTE: After the treatment by 2003 Wis. Act 214, section 94, s. 82.16 contains no
reference to limitations of actions.

13 **SECTION 22.** 83.08 (4) of the statutes, as affected by 2003 Wisconsin Act 212,
14 is amended to read:

15 83.08 (4) Subject to s. 84.09 (3) (c) and to the approval of the department, the
16 county board is authorized and empowered to sell at public sale, or to sell at private

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1 sale for fair market value to an owner of adjacent property, property, owned by the
2 county in fee for highway purposes, when the county board shall determine that such
3 property is no longer necessary for the county's use for highway purposes. The funds
4 derived from such sale shall be deposited in the county highway fund and the expense
5 incurred in connection with the sale shall be paid from that fund. However, approval
6 of the department is not required where county funds only have been used.

NOTE: 2003 Wis. Act 212 deleted the underscored comma without showing it as
stricken. No change was intended.

7 **SECTION 23.** The treatment of 84.09 (5) of the statutes by 2003 Wisconsin Act
8 33 is not repealed by 2003 Wisconsin Act 211. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor s. 84.09 (5) reads:

(5) Subject to the approval of the governor, the department may sell at public or private sale property of whatever nature owned by the state and under the jurisdiction of the department when the department determines that the property is no longer necessary for the state's use for transportation purposes and, if real property, the real property is not the subject of a petition under s. 560.9810 (2). The department shall present to the governor a full and complete report of the property to be sold, the reason for the sale, and the minimum price for which the same should be sold, together with an application for the governor's approval of the sale. The governor shall thereupon make such investigation as he or she may deem necessary and approve or disapprove the application. Upon such approval and receipt of the full purchase price, the department shall by appropriate deed or other instrument transfer the property to the purchaser. The approval of the governor is not required for public or private sale of property having a fair market value at the time of sale of not more than \$15,000, for the transfer of surplus state real property to the department of administration under s. 560.9810, or for the transfer of surplus state personal property to the department of tourism under sub. (5s). The funds derived from sales under this subsection shall be deposited in the transportation fund, and the expense incurred by the department in connection with the sale shall be paid from such fund.

9 **SECTION 24.** The treatment of 84.09 (5r) of the statutes by 2003 Wisconsin Act
10 33 is not repealed by 2003 Wisconsin Act 211. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor s. 84.09 (5r) reads:

(5r) In lieu of the sale or conveyance of property under sub. (5) or (5m), the department may, subject to the approval of the governor, donate real property that is adjacent to the veterans memorial site located at The Highground in Clark County and owned by the state and under the jurisdiction of the department to the Wisconsin Vietnam Veterans Memorial Project, Inc., for the purpose of the veterans memorial site located at The Highground in Clark County for the purpose of a memorial hall specified in s. 70.11 (9). The department may donate property under this subsection only when the department determines that the property is no longer necessary for the state's use for

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transportation purposes and is not the subject of a petition under s. 560.9810 (2) and is transferred with a restriction that the donee may not subsequently transfer the real property to any person except to this state, which shall not be charged for any improvements thereon. Such restriction shall be recorded in the office of the register of deeds in the county in which the property is located. The department shall present to the governor a full and complete report of the property to be donated, the reason for the donation, and the minimum price for which the property could likely be sold under sub. (5), together with an application for the governor's approval of the donation. The governor shall thereupon make such investigation as he or she considers necessary and approve or disapprove the application. Upon such approval, the department shall by appropriate deed or other instrument transfer the property to the donee. The approval of the governor is not required for donation of property having a fair market value at the time of donation of not more than \$15,000. Any expense incurred by the department in connection with the donation shall be paid from the transportation fund.

1 **SECTION 25.** 84.1026 (1) of the statutes, as created by 2003 Wisconsin Act 218,
2 is amended to read:

3 84.1026 (1) The department shall designate and, subject to sub. (2), mark the
4 route of USH 151, commencing at the ~~Wisconsin-Illinois~~ Wisconsin-Iowa border and
5 proceeding easterly to Manitowoc, as the "Wisconsin Law Enforcement Officers
6 Highway" to commemorate and honor all law enforcement officers of this state for
7 their dedicated public service in defending and protecting life, health, and property.

NOTE: The Wisconsin part of U.S. Highway 151 starts at the Iowa-Wisconsin border, crossing the Mississippi River at Dubuque, Iowa.

8 **SECTION 26.** 85.21 (3m) (bm) of the statutes, as created by 2003 Wisconsin Act
9 297, is amended to read:

10 85.21 (3m) (bm) Notwithstanding par. (b) 4. and 5. 7., a specialized
11 transportation service that is operated by a county or that contracts with a county
12 for services under this section may employ as an operator of a human service vehicle
13 any person holding a valid school bus endorsement under s. 343.12 that was issued
14 or renewed within 4 years prior to employment.

NOTE: Corrects cross-reference, consistent with s. 85.21 (3m) (dm), as created by 2003 Wis. Act 297.

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1 **SECTION 27.** The treatment of 101.563 (2) (b) 1. of the statutes by 2003
2 Wisconsin Act 33 is not repealed by 2003 Wisconsin Act (Senate Bill 558). Both
3 treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, effective 7-1-04,
s. 101.563 (2) (b) 1. reads:

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

4 **SECTION 28.** The treatment of 101.563 (2) (b) 3. of the statutes by 2003
5 Wisconsin Act 33 is not repealed by 2003 Wisconsin Act (Senate Bill 558). Both
6 treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, effective 7-1-04,
s. 101.563 (2) (b) 3. reads:

3. 'Payments to correct errors.' The amounts withheld under subs. 1. and 2. shall
be disbursed to correct errors of the department or the commissioner of insurance. The
department shall certify to the secretary of administration the amount that must be
disbursed to correct an error and the secretary of administration shall pay the amount
to the specified city, village, or town. The balance of the amount withheld in a calendar
year under subd. 1. or 2., as applicable, that is not disbursed under this subdivision shall
be included in the total compiled by the department under subd. 2. for the next calendar
year, except that amounts withheld under subd. 2. from fire department dues collected
for calendar year 2004 that are not disbursed under this subdivision shall be included in
the total compiled by the department under s. 101.573 (3) (a) for the next calendar year.
If errors in payments exceed the amount withheld, adjustments shall be made in the
distribution for the next year.

7 **SECTION 29.** The treatments of 165.755 (1) (b) of the statutes by 2003 Wisconsin
8 Acts 30 and 139 are not repealed by 2003 Wisconsin Act 268. All treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 165.755 (1) (b)
reads:

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(b) A court may not impose the crime laboratories and drug law enforcement surcharge under par. (a) for a violation of s. 101.123 (2) (a), (am) 1., (ar), (bm), (br), or (bv) or (5) (b), for a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the violation, or for a violation of a state law or municipal or county ordinance involving a nonmoving traffic violation or a safety belt use violation under s. 347.48 (2m).

1 **SECTION 30.** 196.204 (5) (ar) 2. of the statutes, as created by 2003 Wisconsin Act
2 278, is amended to read:

3 196.204 (5) (ar) 2. For purposes of subd. 1., the total service long-run
4 incremental cost of a local government telecommunications utility shall take into
5 account, by imputation or allocation, equivalent charges for all taxes, pole rentals,
6 rights-of-way, licenses, and similar costs that are incurred by nongovernmental
7 telecommunications utilities. This subdivision does not apply to a local government
8 telecommunications utility that is subject to the exemption under s. 66.0422 (3m)
9 (3n). This subdivision also does not apply to a telecommunications service, relevant
10 group of services, or basic network function if all of the following conditions apply:

NOTE: Inserts the correct cross-reference. Separate adopted amendments to 2003 Senate Bill 272, which was enacted as 2003 Wis. Act 278, created different provisions numbered s. 66.0422 (3m). In enrolling the amendments, s. 66.0422 (3m), created in Assembly Amendment 7, was renumbered s. 66.0422 (3n), but the cross-reference to s. 66.0422 (3m) inserted by Assembly Amendment 7 in s. 196.204 (5) (ar) 2. was not changed accordingly.

11 **SECTION 31.** The treatment of 218.0114 (1) of the statutes by 2003 Wisconsin
12 Act 215 is not repealed by 2003 Wisconsin Act 216. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, effective 11-1-04, s. 218.0114 (1) reads:

(1) No motor vehicle dealer, motor vehicle wholesaler, motor vehicle salesperson, motor vehicle buyer, or sales finance company may engage in business as a motor vehicle dealer, motor vehicle wholesaler, motor vehicle salesperson, motor vehicle buyer, or sales finance company in this state without a license therefor as provided in ss. 218.0101 to 218.0163. If any motor vehicle dealer acts as a motor vehicle salesperson, he or she shall secure a motor vehicle salesperson's license in addition to a motor vehicle dealer license. Every motor vehicle dealer shall be responsible for the licensing of every motor vehicle salesperson or motor vehicle buyer in his or her employ. Any person violating this subsection may be required to forfeit not less than \$500 nor more than \$5,000.

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1 **SECTION 32.** 255.055 of the statutes, as created by 2003 Wisconsin Act 175, is
2 renumbered 255.056.

NOTE: 2003 Wis. Act 176 also created a provision numbered s. 255.055.

3 **SECTION 33.** 299.83 (6) (a) 1. of the statutes, as created by 2003 Wisconsin Act
4 276, is amended to read:

5 299.83 (6) (a) 1. Describe the involvement of interested persons in developing
6 the proposal for maintaining and improving the applicant's superior environmental
7 performance, identify the interested persons, and describe the interests that those
8 ~~person~~ persons have in the applicant's participation in the program.

NOTE: Corrects spelling.

9 **SECTION 34.** The treatments of 302.46 (1) (a) of the statutes by 2003 Wisconsin
10 Acts 30 and 139 are not repealed by 2003 Wisconsin Act 268. All treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 302.46 (1) (a)
reads:

(a) On or after October 1, 1987, if a court imposes a fine or forfeiture for a violation
of state law or for a violation of a municipal or county ordinance except for a violation of
s. 101.123 (2) (a), (am) 1., (ar), (bm), (br), or (bv) or (5), or for a first violation of s. 23.33
(4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed
the violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time
of the violation, or for a violation of state laws or municipal or county ordinances involving
nonmoving traffic violations or safety belt use violations under s. 347.48 (2m), the court,
in addition, shall impose a jail surcharge under ch. 814 in an amount of 1% of the fine or
forfeiture imposed or \$10, whichever is greater. If multiple offenses are involved, the
court shall determine the jail surcharge on the basis of each fine or forfeiture. If a fine
or forfeiture is suspended in whole or in part, the court shall reduce the jail surcharge in
proportion to the suspension.

11 **SECTION 35.** 341.05 (27) of the statutes, as created by 2003 Wisconsin Act 237,
12 is renumbered 341.05 (28).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2003 Wis. Act
192 also created a provision numbered s. 341.05 (27).

13 **SECTION 36.** The treatment of 343.12 (2) (intro.) of the statutes by 2003
14 Wisconsin Act 33 is not repealed by 2003 Wisconsin Act 280. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, effective 9-30-05,
s. 343.12 (2) (intro.), reads:

SENATE BILL 566**SECTION 36**

(2) (intro.) Except as provided in sub. (2m), the department shall issue or, except as provided in par. (h), renew a school bus endorsement to a person only if such person meets all of the following requirements:

1 **SECTION 37.** The treatment of 343.12 (4) (b) of the statutes by 2003 Wisconsin
2 Act 33 is not repealed by 2003 Wisconsin Act 280. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, effective 9-30-05, s. 343.12 (4) (b) reads:

(b) The department shall, by rule, establish standards for the employment by an employer of a person under par. (a) as an operator of a school bus in this state. The rules may require the person to meet the qualifications contained in sub. (2), (2m), or (3) and any rules of the department applicable to residents, except that the rules shall require the person to meet the qualifications contained in sub. (2) (dm) and (em). The rules shall also require the employer to perform the actions specified in s. 121.555 (3) (a) 1. and 3.

3 **SECTION 38.** 346.495 (1) (b) of the statutes, as created by 2003 Wisconsin Act
4 209, is amended to read:

5 346.495 (1) (b) If a court imposes a forfeiture under s. 346.49 (2r) with respect
6 to a violation of s. 346.44 or 346.45, the court shall also impose a railroad crossing
7 improvement assessment surcharge equal to 50% of the amount of the forfeiture.

NOTE: Inserts the correct term consistent with 2003 Wis. Act 139.

8 **SECTION 39.** 346.923 (1) (intro.), (a), (f) and (h) of the statutes, as created by
9 2003 Wisconsin Act 297, are renumbered 346.923 (intro.), (1), (6) and (8).

NOTE: Section 346.923 was created with only one subsection.

10 **SECTION 40.** 346.95 (4) of the statutes, as affected by 2003 Wisconsin Act 297,
11 is amended to read:

12 346.95 (4) Any person violating s. 346.923 (1) ~~or (2)~~, 346.925, or 346.94 (8) or
13 (8m) may be required to forfeit not more than \$20 for the first offense and not more
14 than \$50 for each subsequent offense.

NOTE: 2003 Wis. Act 297 created s. 346.923 with only one subsection, sub. (1), which is renumbered to s. 346.923 by the previous section of this bill.

15 **SECTION 41.** The treatment of 440.05 (intro.) of the statutes, as affected by 2003
16 Wisconsin Acts 270 and 285, is amended to read:

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1 **440.05 Standard fees.** (intro.) The following standard fees apply to all initial
2 credentials, except as provided in ss. 440.42, 440.43, 440.44, 440.51, 444.03, 444.11,
3 447.04 (2) (c) 2., 449.17, and 449.18,:

NOTE: Deletes comma inserted by 2003 Wis. Act 285 but rendered unnecessary by
2003 Wis. Act 270.

4 **SECTION 42.** The treatment of 440.05 (intro.) of the statutes by 2003 Wisconsin
5 Act 150 is not repealed by 2003 Wisconsin Act (this act). Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, effective 10-1-04,
s. 440.05 (intro.) reads:

440.05 Standard fees. (intro.) The following standard fees apply to all initial
credentials, except as provided in ss. 440.42, 440.43, 440.44, 440.51, 440.9935, 444.03,
444.11, 447.04 (2) (c) 2., 449.17, and 449.18:

6 **SECTION 43.** The treatment of 440.08 (2) (a) (intro.) of the statutes, as affected
7 by 2003 Wisconsin Acts 270 and 285, is amended to read:

8 440.08 (2) (a) (intro.) Except as provided in par. (b) and in ss. 440.51, 442.04,
9 444.03, 444.11, 448.065, 447.04 (2) (c) 2., 449.17, and 449.18, the renewal dates and
10 renewal fees for credentials are as follows:

NOTE: Deletes comma inserted by 2003 Wis. Act 285 but rendered unnecessary by
2003 Wis. Act 270.

11 **SECTION 44.** 440.23 (1) of the statutes, as affected by 2003 Wisconsin Acts 270
12 and 285, is amended to read:

13 440.23 (1) If the holder of a credential pays a fee required under s. 440.05 (1)
14 or (6), 440.08, 444.03, or 444.11, by check or debit or credit card and the check is not
15 paid by the financial institution upon which the check is drawn or if the demand for
16 payment under the debit or credit card transaction is not paid by the financial
17 institution upon which demand is made, the department may cancel the credential
18 on or after the 60th day after the department receives the notice from the financial
19 institution, subject to sub. (2).

SENATE BILL 566**SECTION 44**

NOTE: Deletes comma inserted by 2003 Wis. Act 285 but rendered unnecessary by 2003 Wis. Act 270.

1 **SECTION 45.** The treatments of 757.05 (1) (a) of the statutes by 2003 Wisconsin
2 Acts 30 and 139 are not repealed by 2003 Wisconsin Act 268. All treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 757.05 (1) (a) reads:

(a) Whenever a court imposes a fine or forfeiture for a violation of state law or for a violation of a municipal or county ordinance except for a violation of s. 101.123 (2) (a), (am) 1., (ar), (bm), (br), or (bv) or (5), or for a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the violation, or for a violation of state laws or municipal or county ordinances involving nonmoving traffic violations or safety belt use violations under s. 347.48 (2m), there shall be imposed in addition a penalty surcharge under ch. 814 in an amount of 24% of the fine or forfeiture imposed. If multiple offenses are involved, the penalty surcharge shall be based upon the total fine or forfeiture for all offenses. When a fine or forfeiture is suspended in whole or in part, the penalty surcharge shall be reduced in proportion to the suspension.

3 **SECTION 46.** The treatment of 814.61 (7) (b) of the statutes by 2003 Wisconsin
4 Act 33 is not repealed by 2003 Wisconsin Act 165. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, effective 7-1-04, s. 814.61 (7) (b) reads:

(b) Upon the filing of any petition, motion, or order to show cause by either party under s. 767.325 or 767.327, \$50. No fee may be collected under this paragraph for filing a petition, motion, or order to show cause for the revision of a judgment or order for legal custody or physical placement if both parties have stipulated to the revision of the judgment or order. Of the fees received by the clerk under this paragraph, the county treasurer shall pay 25% to the secretary of administration for deposit in the general fund, retain 25% for the use of the county, and deposit 50% in a separate account to be used by the county exclusively for the purposes specified in s. 767.11.

5 **SECTION 47.** The treatment of 814.63 (1) (c) of the statutes by 2003 Wisconsin
6 Act 30 is not repealed by 2003 Wisconsin Act 268. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 814.63 (1) (c) reads:

(c) This subsection does not apply to an action for a violation of s. 101.123 (2) (a), (am) 1., (ar), (bm), (br), or (bv) or (5), for a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the violation, or for a violation of a safety belt use violation under s. 347.48 (2m).

7 **SECTION 48.** 940.32 (3m) of the statutes, as created by 2003 Wisconsin Act 222,
8 is amended to read:

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1 940.32 **(3m)** A prosecutor need not need show that a victim received or will
2 receive treatment from a mental health professional in order to prove that the victim
3 suffered serious emotional distress under sub. (2) (c) or (2e) (c).

NOTE: Deletes unnecessary word.

4 **SECTION 49.** 943.21 (3) (am) (intro.) of the statutes, as affected by 2003
5 Wisconsin Act 80, is amended to read:

6 943.21 **(3)** (am) (intro.) Whoever violates sub. ~~(1)~~ (1m) (a), (b), or (c):

NOTE: Inserts correct cross-reference. 2003 Wis. Act 252 renumbered s. 943.21 (1)
to s. 943.21 (1m).

7 **SECTION 50.** 943.21 (3) (bm) of the statutes, as created by 2003 Wisconsin Act
8 80, is amended to read:

9 943.21 **(3)** (bm) Whoever violates sub. ~~(1)~~ (1m) (d) is subject to a Class D
10 forfeiture.

NOTE: Inserts correct cross-reference. 2003 Wis. Act 252 renumbered s. 943.21 (1)
to s. 943.21 (1m).

11 **SECTION 51.** 943.21 (3m) (a) 2. of the statutes, as created by 2003 Wisconsin Act
12 80, is amended to read:

13 943.21 **(3m)** (a) 2. “Repeat offense” means a violation of sub. ~~(1)~~ (1m) (d) that
14 occurs after a person has been found by a court to have violated sub. ~~(1)~~ (1m) (d).

NOTE: Inserts correct cross-reference. 2003 Wis. Act 252 renumbered s. 943.21 (1)
to s. 943.21 (1m).

15 **SECTION 52.** 943.21 (3m) (c) of the statutes, as created by 2003 Wisconsin Act
16 80, is amended to read:

17 943.21 **(3m)** (c) *Driver’s license suspension; 3rd offense.* Subject to par. (d), if
18 a person violates sub. ~~(1)~~ (1m) (d) after having been found by a court to have
19 committed an offense that constitutes a repeat offense, the court, in addition to

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1 imposing any penalty under sub. (3) (bm), shall suspend the person's operating
2 privilege for not more than 6 months.

NOTE: Inserts correct cross-reference. 2003 Wis. Act 252 renumbered s. 943.21 (1)
to s. 943.21 (1m).

3 **SECTION 53.** 943.21 (3m) (d) of the statutes, as created by 2003 Wisconsin Act
4 80, is amended to read:

5 943.21 (3m) (d) *Driver's license suspension; 4th offense.* If a person violates sub.
6 (1) (1m) (d) after having his or her operating privilege suspended under par. (c), the
7 court, in addition to imposing any penalty under sub. (3) (bm), shall suspend the
8 person's operating privilege for one year.

NOTE: Inserts correct cross-reference. 2003 Wis. Act 252 renumbered s. 943.21 (1)
to s. 943.21 (1m).

9 **SECTION 54.** 943.212 (4) (b) of the statutes, as created by 2003 Wisconsin Act
10 80, is amended to read:

11 943.212 (4) (b) This subsection does not apply to an action based on acts that
12 constitute a violation of s. 943.21 (1) (1m) (d).

NOTE: Inserts correct cross-reference. 2003 Wis. Act 252 renumbered s. 943.21 (1)
to s. 943.21 (1m).

13 **SECTION 55.** 961.41 (1m) (hm) (intro.) of the statutes, as affected by 2001
14 Wisconsin Act 109, is amended to read:

15 961.41 (1m) (hm) *Certain other schedule I controlled substances and ketamine.*
16 (intro.) If the person violates this subsection with respect to gamma-hydroxybutyric
17 acid, gamma-butyrolactone, 3,4-methylenedioxymethamphetamine,
18 4-bromo-2,5-dimethoxy-beta-phenylethylamine, 4-methylthioamphetamine,
19 ketamine, or a controlled substance analog of gamma-hydroxybutyric acid,
20 gamma-butyrolactone, 3,4-methylenedioxymethamphetamine,
21 4-bromo-2,5-dimethoxy-beta-phenylethylamine, or 4-methylthioamphetamine is

SENATE BILL 566

1 subject to the following penalties if the amount possessed, with intent to
2 manufacture, distribute, or deliver is:

NOTE: Inserts commas between 2 separate substances as indicated by s. 961.14 (4) (am), which states "3,4-methylenedioxymethamphetamine, commonly known as "MDMA"" and s. 961.14 (4) (wg), which states "4-bromo-2,5-dimethoxy-beta-phenylethylamine, commonly known as "2C-B" or "Nexus"."

3 **SECTION 56.** 961.41 (2) (bm) of the statutes, as affected by 2003 Wisconsin Act
4 (Senate Bill 562), is amended to read:

5 961.41 (2) (bm) *Counterfeit of phencyclidine and certain other drugs.* If a person
6 violates this subsection with respect to a counterfeit substance that is a counterfeit
7 of phencyclidine, methamphetamine, lysergic acid diethylamide,
8 gamma-hydroxybutyric acid, gamma-butyrolactone,
9 3,4-methylenedioxymethamphetamine
10 ~~4-bromo-2,5-dimethoxy-beta-phenylethyl-amine~~
11 4-bromo-2,5-dimethoxy-beta-phenylethylamine, 4-methylthioamphetamine, or
12 ketamine, the person is subject to the applicable fine and imprisonment for
13 manufacture, distribution, delivery, or possession with intent to manufacture,
14 distribute, or deliver, of the genuine controlled substance under sub. (1) or (1m).

NOTE: Inserts a comma between 2 separate substances as indicated by s. 961.14 (4) (am), which states "3,4-methylenedioxymethamphetamine, commonly known as "MDMA"" and s. 961.14 (4) (wg), which states "4-bromo-2,5-dimethoxy-beta-phenylethylamine, commonly known as "2C-B" or "Nexus", and deletes hyphen to correct error in transcribing 2001 Wis. Act 16.

15 **SECTION 57.** The treatment of 973.055 (1) (intro.) of the statutes by 2003
16 Wisconsin Act 139 is not repealed by 2003 Wisconsin Act 225. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 973.055 (1) (intro.) reads:

(1) (intro.) If a court imposes a sentence on an adult person or places an adult person on probation, regardless of whether any fine is imposed, the court shall impose a domestic abuse surcharge under ch. 814 of \$75 for each offense if:

SENATE BILL 566**SECTION 58**

1 **SECTION 58.** 2003 Wisconsin Act 176, section 1 is amended by replacing “20.250
2 (2) (g) of the statutes is created to read.” with “20.250 (2) of the statutes is created
3 to read.”.

 NOTE: 2003 Wis. Act 176, section 1, creates all of s. 20.250 (2), not just s. 20.250 (2)
(g).

4 **SECTION 59.** 2003 Wisconsin Act 214, section 37 is amended by replacing “82.10
5 (4) (a) (intro.) The town” with “82.10 (4) (a) (intro.) At The town”.

 NOTE: “At” was deleted from the renumbering and amendment of s. 80.05 (2) (a) by
2003 Wis. Act 214, section 37, without being shown as stricken. The change was intended.

6 **SECTION 60.** 2003 Wisconsin Act 239, section 1j is amended by replacing
7 “169.09 (2) of the statutes is created to read.” with “169.09 (2) (b) of the statutes is
8 created to read.”.

 NOTE: This provision only created s. 169.09 (2) (b). Section 169.09 (2) was
previously existing.

9 **SECTION 61. Effective dates.** This act takes effect on the day after publication,
10 except as follows:

11 (1) The treatment of section 255.055 of the statutes takes effect on July 1, 2005.

12 (2) The treatment of sections 66.0419 (3m) (a) 3., 66.0422 (3d) (a), and 196.204
13 (5) (ar) 2. of the statutes takes effect on July 1, 2004.

14 (3) The treatment of sections 85.21 (3m) (bm), 346.923 (1) (intro.), (a), (f), and
15 (h), and 346.95 (4) of the statutes takes effect on September 1, 2004.

16 (4) The treatment of section 6.36 (2) (c) 2. of the statutes takes effect on January
17 1, 2006.

18 (5) The treatment of section 82.16 (title) of the statutes takes effect on January
19 1, 2005.

20

(END)