



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-4512/P2
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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Revisor's bill
Do NOT GEN CAT
Do NOT SORT

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:

****NOTE: This /P2 version contains 03 rb 14, ^{and} rb 14 ^{supps 1 to 4} ~~(supp 1, rb 14 supp 2, and rb 14)~~
supp 3, CJS

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7 is not repealed by 2003 Wisconsin Act 266.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 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.** 6.36 (2) (c) 2. of the statutes, as affected by 2003 Wisconsin Act 265,
2 section 59b, is amended to read:

3 6.36 (2) (c) 2. If the registration list is prepared for use ~~an~~ at an election for
4 national office, the list shall contain, next to the name of each elector, an indication
5 of whether identification is required for the elector to be permitted to vote.
6 Identification is required if the elector is not a military elector or an overseas elector
7 and the elector registers by mail and has not previously voted in an election for
8 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.

****NOTE: The section 59b treatment has a delayed eff. date. CJS

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

11 6.79 (2) (a) Except as provided in sub. (6) ~~(b)~~, where there is registration, each
12 person, before receiving a voting number, shall state his or her full name and
13 address. Upon the prepared registration list, after the name of each elector, the
14 officials shall enter the serial number of the vote as it is polled, beginning with
15 number one. Each elector shall receive a slip bearing the same serial number. A
16 separate list shall be maintained for electors who are voting under s. 6.15, 6.29 or
17 6.55 (2) or (3) and electors who are reassigned from another polling place under s.

INS T-1

1 5.25 (5) (b). Each such elector shall have his or her full name, address and serial
2 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.

3 SECTION 4. 30.209 (1) (title) of the statutes is created to read:

4 30.209 (1) (title) DEFINITION.

NOTE: The other subsections in this section have titles.

INS
T-3

5 SECTION 5. 77.89 (2) (b) (title) of the statutes, as affected by 2003 Wisconsin Act
6 228, 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 6. 82.16 (title) of the statutes, as affected by 2003 Wisconsin Act 214,
8 is amended to read:

9 **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.

10 SECTION 7. 83.08 (4) of the statutes, as affected by 2003 Wisconsin Act 212, is
11 amended to read:

12 83.08 (4) Subject to s. 84.09 (3) (c) and to the approval of the department, the
13 county board is authorized and empowered to sell at public sale, or to sell at private
14 sale for fair market value to an owner of adjacent property, property, owned by the
15 county in fee for highway purposes, when the county board shall determine that such
16 property is no longer necessary for the county's use for highway purposes. The funds
17 derived from such sale shall be deposited in the county highway fund and the expense
18 incurred in connection with the sale shall be paid from that fund. However, approval
19 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.

1 **SECTION 8.** The treatment of 84.09 (5) of the statutes by 2003 Wisconsin Act 33
2 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.

3 **SECTION 9.** The treatment of 84.09 (5r) of the statutes by 2003 Wisconsin Act
4 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 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 10.** 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 11.** 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.

15 **SECTION 12.** The treatments of 165.755 (1) (b) of the statutes by 2003 Wisconsin
16 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:

(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).

17 **SECTION 13.** 196.204 (5) (ar) 2. of the statutes, as created by 2003 Wisconsin Act
18 278, is amended to read:

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

****NOTE: Please review my proposed effective date provision for this section. Also, I moved a phrase in the note to improve the flow. CJS

9 **SECTION 14.** The treatment of 218.0114 (1) of the statutes by 2003 Wisconsin
10 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.

11 **SECTION 15.** 255.055 of the statutes, as created by 2003 Wisconsin Act 175, is
12 renumbered 255.056.

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

13 **SECTION 16.** The treatments of 302.46 (1) (a) of the statutes by 2003 Wisconsin
14 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.

1 **SECTION 17.** 341.05 (27) of the statutes, as created by 2003 Wisconsin Act 237,
2 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).

3 **SECTION 18.** The treatment of 343.12 (2) (intro.) of the statutes by 2003
4 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:

(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:

5 **SECTION 19.** The treatment of 343.12 (4) (b) of the statutes by 2003 Wisconsin
6 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.

7 **SECTION 20.** 346.495 (1) (b) of the statutes, as created by 2003 Wisconsin Act
8 209, is amended to read:

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

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

4 **SECTION 21.** 346.923 (1) (intro.), (a), (f) and (h) of the statutes, as created by
5 2003 Wisconsin Act 297, are renumbered 346.923 (intro.), (1), (6) and (8).

NOTE: Section 346.923 was created with only one subsection.

***NOTE: I made a small change to the note. CJS

6 **SECTION 22.** 346.95 (4) of the statutes, as affected by 2003 Wisconsin Act 297,
7 is amended to read:

8 346.95 (4) Any person violating s. 346.923 ~~(1) or (2)~~, 346.925, or 346.94 (8) or
9 (8m) may be required to forfeit not more than \$20 for the first offense and not more
10 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.

11 **SECTION 23.** The treatment of 440.05 (intro.) of the statutes, as affected by 2003
12 Wisconsin Acts 270 and 285, is amended to read:

13 **440.05 Standard fees.** (intro.) The following standard fees apply to all initial
14 credentials, except as provided in ss. 440.42, 440.43, 440.44, 440.51, 444.03, 444.11,
15 447.04 (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.

16 **SECTION 24.** The treatment of 440.05 (intro.) of the statutes by 2003 Wisconsin
17 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:

1 **SECTION 25.** The treatment of 440.08 (2) (a) (intro.) of the statutes, as affected
2 by 2003 Wisconsin Acts 270 and 285, is amended to read:

3 440.08 (2) (a) (intro.) Except as provided in par. (b) and in ss. 440.51, 442.04,
4 444.03, 444.11, 448.065, 447.04 (2) (c) 2., 449.17, and 449.18,, the renewal dates and
5 renewal fees for credentials are as follows:

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

6 **SECTION 26.** 440.23 (1) of the statutes, as affected by 2003 Wisconsin Acts 270
7 and 285, is amended to read:

8 440.23 (1) If the holder of a credential pays a fee required under s. 440.05 (1)
9 or (6), 440.08, 444.03, or 444.11, by check or debit or credit card and the check is not
10 paid by the financial institution upon which the check is drawn or if the demand for
11 payment under the debit or credit card transaction is not paid by the financial
12 institution upon which demand is made, the department may cancel the credential
13 on or after the 60th day after the department receives the notice from the financial
14 institution, subject to sub. (2).

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

15 **SECTION 27.** The treatments of 757.05 (1) (a) of the statutes by 2003 Wisconsin
16 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.

1 **SECTION 28.** The treatment of 814.61 (7) (b) of the statutes by 2003 Wisconsin
2 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.

3 **SECTION 29.** The treatment of 814.63 (1) (c) of the statutes by 2003 Wisconsin
4 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).

****NOTE: See change to cite in note. CJS

5 **SECTION 30.** 940.32 (3m) of the statutes, as created by 2003 Wisconsin Act 222,
6 is amended to read:

7 940.32 (3m) A prosecutor need not need show that a victim received or will
8 receive treatment from a mental health professional in order to prove that the victim
9 suffered serious emotional distress under sub. (2) (c) or (2e) (c).

NOTE: Deletes unnecessary word.

10 **SECTION 31.** 943.21 (3) (am) (intro.) of the statutes, as affected by 2003
11 Wisconsin Act 80, is amended to read:

12 943.21 (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).

13 **SECTION 32.** 943.21 (3) (bm) of the statutes, as created by 2003 Wisconsin Act
14 80, is amended to read:

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

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

3 **SECTION 33.** 943.21 (3m) (a) 2. of the statutes, as created by 2003 Wisconsin Act
4 80, is amended to read:

5 943.21 (3m) (a) 2. "Repeat offense" means a violation of sub. ~~(1)~~ (1m) (d) that
6 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).

7 **SECTION 34.** 943.21 (3m) (c) of the statutes, as created by 2003 Wisconsin Act
8 80, is amended to read:

9 943.21 (3m) (c) *Driver's license suspension; 3rd offense.* Subject to par. (d), if
10 a person violates sub. ~~(1)~~ (1m) (d) after having been found by a court to have
11 committed an offense that constitutes a repeat offense, the court, in addition to
12 imposing any penalty under sub. (3) (bm), shall suspend the person's operating
13 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).

14 **SECTION 35.** 943.21 (3m) (d) of the statutes, as created by 2003 Wisconsin Act
15 80, is amended to read:

16 943.21 (3m) (d) *Driver's license suspension; 4th offense.* If a person violates sub.
17 ~~(1)~~ (1m) (d) after having his or her operating privilege suspended under par. (c), the
18 court, in addition to imposing any penalty under sub. (3) (bm), shall suspend the
19 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).

1 **SECTION 36.** 943.212 (4) (b) of the statutes, as created by 2003 Wisconsin Act
2 80, is amended to read:

3 943.212 (4) (b) This subsection does not apply to an action based on acts that
4 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).

5 **SECTION 37.** The treatment of 973.055 (1) (intro.) of the statutes by 2003
6 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:

7 **SECTION 38.** 2003 Wisconsin Act 176, section 1 is amended by replacing “20.250
8 (2) (g) of the statutes is created to read:” with “20.250 (2) of the statutes is created
9 to read:”.

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

10 **SECTION 39.** 2003 Wisconsin Act 239, section 1j is amended by replacing
11 “169.09 (2) of the statutes is created to read:” with “169.09 (2) (b) of the statutes is
12 created to read:”.

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

13 **SECTION 40. Effective dates.** This act takes effect on the day after publication,
14 except as follows:

15 (1) The treatment of sections 255.055 of the statutes takes effect on July 1,
16 2005.

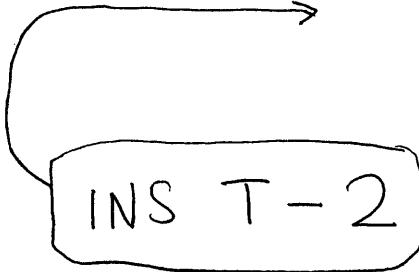
17 (2) The treatment of section 196.204 (5) (ar) 2. of the statutes takes effect on
18 July 1, 2004, or on the day after publication, whichever is later.

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

 ***NOTE: I am placing a note here to remind us to supply the correct date once it
is known. Also, is there any possibility that this bill could take effect later than 2003 Wis.
Act 297? If so, the eff. date provision will have to be adjusted slightly. CJS

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(END)



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2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

*** NOTE: The section 59b treatment has a delayed eff. date. CJS

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1 SECTION 1. 6.36 (2) (c) 2. of the statutes, as affected by 2003 Wisconsin Act 265,
2 section 59b, is amended to read:

3 6.36 (2) (c) 2. If the registration list is prepared for use ~~an~~ at an election for
4 national office, the list shall contain, next to the name of each elector, an indication
5 of whether identification is required for the elector to be permitted to vote.
6 Identification is required if the elector is not a military elector or an overseas elector
7 and the elector registers by mail and has not previously voted in an election for
8 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.

INS
X2

9 SECTION 2. 77.89 (2) (b) (title) of the statutes, as affected by 2003 Wisconsin Act
10 228, 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) having a title and s. 77.89 (2) (b) ~~not~~ having a title.

NOTE: CHRIS: This title is dropped per a phone call from MGG.

INS
X3

11 SECTION 3. 85.21 (3m) (bm) of the statutes, as created by 2003 Wisconsin Act
12 297, is amended to read:

13 85.21 (3m) (bm) Notwithstanding par. (b) 4. and ~~5.~~ 7., a specialized
14 transportation service that is operated by a county or that contracts with a county
15 for services under this section may employ as an operator of a human service vehicle
16 any person holding a valid school bus endorsement under s. 343.12 that was issued
17 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.

***** NOTE: I made a small change to the note. CJS

INS
X-4

1 SECTION 4. 346.923 (1) (intro.), (a), (f) and (h) of the statutes, as created by 2003
2 Wisconsin Act 297, are renumbered 346.923 (intro.), (1), (6) and (8). ←

NOTE: Section 346.923
~~This provision~~ was created with only one subsection.

3 SECTION 5. 346.95 (4) of the statutes, as affected by 2003 Wisconsin Act 297,
4 is amended to read:

5 346.95 (4) Any person violating s. 346.923 (1) or (2), 346.925, or 346.94 (8) or
6 (8m) may be required to forfeit not more than \$20 for the first offense and not more
7 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.

8 SECTION 6. Effective date. This act takes effect on the day after publication,
9 except as follows:

INS
X-5

10 ~~(a)~~ The treatments of sections 85.21 (3m) (bm), 346.923 (1) (intro.), (a), (f), and
11 (h) and 346.95 (4) of the statutes take effect on ___ 1, 2004.

***** NOTE: I am placing a note here to remind us to supply the correct date once it is known. ~~Also~~ Also, is there any possibility that this bill could take effect later than 2003 Wis. Act 297? If so, the eff. date provision will have to be adjusted slightly.
CJS

LPS: please make sure that the correct component has been used here.

P2

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Revisor's Bill
Do NOT Gen Cat
Do NOT Sort

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:

~~***NOTE: This /P1 version contains 03 rb 14 and rb 14 supp 1. CJS~~

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:

and rb 14 supp 30

****NOTE: This /P2 version contains 03 rb 14 ↗ rb 14 supp 1 ↗
and rb 14 supp 2 ↗ CJS

(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 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.

INS X1

INS A

1 SECTION 2. 30.209 (1) (title) of the statutes is created to read:

2 30.209 (1) (title) DEFINITION.

NOTE: The other subsections in this section have titles.

INS X2

3 SECTION 3. 82.16 (title) of the statutes, as affected by 2003 Wisconsin Act 214,

4 is amended to read:

5 **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.

***NOTE: ~~I removed the section reference from the action phrase, following the standard style for this situation, and added it to the note instead.~~ CJS

OK I guess but I thought we always used section numbers for renumbered material

6 SECTION 4. 83.08 (4) of the statutes, as affected by 2003 Wisconsin Act 212, is

7 amended to read:

8 83.08 (4) Subject to s. 84.09 (3) (c) and to the approval of the department, the
 9 county board is authorized and empowered to sell at public sale, or to sell at private
 10 sale for fair market value to an owner of adjacent property, property, owned by the
 11 county in fee for highway purposes, when the county board shall determine that such
 12 property is no longer necessary for the county's use for highway purposes. The funds
 13 derived from such sale shall be deposited in the county highway fund and the expense
 14 incurred in connection with the sale shall be paid from that fund. However, approval
 15 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.

1 **SECTION 5.** The treatment of 84.09 (5) of the statutes by 2003 Wisconsin Act 33
2 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.

3 **SECTION 6.** The treatment of 84.09 (5r) of the statutes by 2003 Wisconsin Act
4 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 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 7. 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.

~~NOTE: See my technical changes. GJS~~ *OK*

8 SECTION 8. The treatment of 218.0114 (1) of the statutes by 2003 Wisconsin Act
9 215 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.

10 SECTION 9. 255.055 of the statutes, as created by 2003 Wisconsin Act 175, is
11 renumbered 255.056.

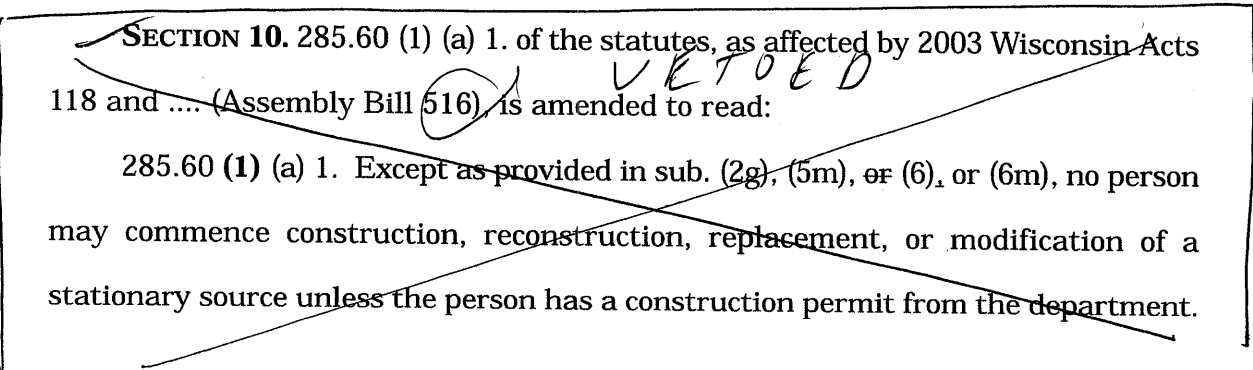
NOTE: 2003 Wis. Act 176 also created a provision numbered s. 255.055.

12 SECTION 10. 285.60 (1) (a) 1. of the statutes, as affected by 2003 Wisconsin Acts
13 118 and (Assembly Bill 516), is amended to read:

14 285.60 (1) (a) 1. Except as provided in sub. (2g), (5m), or (6), or (6m), no person
15 may commence construction, reconstruction, replacement, or modification of a
16 stationary source unless the person has a construction permit from the department.

INS
x3

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B



INS
C

NOTE: Deletes "or" rendered unnecessary by the treatment by 2003 Wis. Act
(Assembly Bill 516) and inserts serial comma.

~~NOTE: I added a comma from the AB-516 treatment. Also, see my proposed effective date provision for this material. CIS~~

OK

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

INS
D

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).

3 SECTION 12. 346.495 (1) (b) of the statutes, as created by 2003 Wisconsin Act
4 209, is amended to read:

INS
X-4

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.

INS
E

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

8 SECTION 13. The treatment of 814.61 (7) (b) of the statutes by 2003 Wisconsin
9 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.

INS
F

10 SECTION 14. 940.32 (3m) of the statutes, as created by 2003 Wisconsin Act 222,
11 is amended to read:

12 940.32 (3m) A prosecutor need not need show that a victim received or will
13 receive treatment from a mental health professional in order to prove that the victim
14 suffered serious emotional distress under sub. (2) (c) or (2e) (c).

NOTE: Deletes unnecessary word.

1 **SECTION 15.** 943.21 (3) (am) (intro.) of the statutes, as affected by 2003
2 Wisconsin Act 80, is amended to read:

3 943.21 **(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).

~~NOTE: Please review my changes to action phrase, text, and note. CJS~~ OK

4 ~~**SECTION 16.**~~ 943.21 (3) (bm) of the statutes, as created by 2003 Wisconsin Act
5 80, is amended to read:

6 943.21 **(3)** (bm) Whoever violates sub. ~~(1)~~ (1m) (d) is subject to a Class D
7 forfeiture.

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

~~NOTE: See my change to action phrase. CJS~~ OK

8 ~~**SECTION 17.**~~ 943.21 (3m) (a) 2. of the statutes, as created by 2003 Wisconsin Act
9 80, is amended to read:

10 943.21 **(3m)** (a) 2. "Repeat offense" means a violation of sub. ~~(1)~~ (1m) (d) that
11 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).

12 ~~**SECTION 18.**~~ 943.21 (3m) (c) of the statutes, as created by 2003 Wisconsin Act
13 80, is amended to read:

14 943.21 **(3m)** (c) *Driver's license suspension; 3rd offense.* Subject to par. (d), if
15 a person violates sub. ~~(1)~~ (1m) (d) after having been found by a court to have
16 committed an offense that constitutes a repeat offense, the court, in addition to
17 imposing any penalty under sub. (3) (bm), shall suspend the person's operating
18 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).

1 ~~SECTION 19.~~ 943.21 (3m) (d) of the statutes, as created by 2003 Wisconsin Act
2 80, is amended to read:

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

~~***NOTE: See my change in action phrase. CJS~~

Good catch

7 ~~SECTION 20.~~ 943.212 (4) (b) of the statutes, as created by 2003 Wisconsin Act
8 80, is amended to read:

9 943.212 **(4)** (b) This subsection does not apply to an action based on acts that
10 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).

11 ~~SECTION 21.~~ The treatment of 973.055 (1) (intro.) of the statutes by 2003
12 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:

~~***NOTE: I removed the delayed effective date in the note; the Act 139 and Act 225
treatments will both have taken effect before this bill is introduced. CJS~~

Oops

13 ~~SECTION 22.~~ 2003 Wisconsin Act 176, section 1 is amended by replacing "20.250
14 (2) (g) of the statutes is created to read:" with "20.250 (2) of the statutes is created
15 to read:".

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

1 ~~SECTION 23. 2003 Wisconsin Act 228, section 30 is amended by replacing~~
 2 ~~"March 31 and before the expiration date" with "March 31 before the expiration date~~
 3 ~~and".~~

****NOTE: This correction is made by SB 564, section 140 (LRB-4493) — is it
 necessary to make it again here? CJS **no**

NOTE: The stricken "and" was shown in the wrong location.

4 ~~SECTION 24. 2003 Wisconsin Act 239, section 1j is amended by replacing~~
 5 ~~"169.09 (2) of the statutes is created to read:" with "169.09 (2) (b) of the statutes is~~
 6 ~~created to read:".~~

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

7 ~~SECTION 25. Effective dates.~~ This act takes effect on the day after publication,
 8 except as follows:

9 (1) The treatment of sections 255.055 of the statutes takes effect on July 1,
 10 2005.

11 (2) ~~The treatment of section 285.60 (1) (a) 1. of the statutes takes effect on the~~
 12 ~~day after publication or on the day after publication of 2003 Wisconsin Act ...~~
 13 ~~(Assembly Bill 516), whichever is later.~~

(END)

14 ~~section~~
 ① (#) The treatment of ~~196.204 (5) (ar) 2.~~ of the
 statutes takes effect on ~~the day after publication~~
~~beginning July 1, 2004,~~ whichever is later.

or on the
 day after
 publication,

INS
 X5

FROM THE

LEGISLATIVE REFERENCE BUREAU

***** NOTE: The drafter recommends removing this section - see following note. CJS

***** NOTE: ~~The drafter (Jeff A. Vesel) recommends deleting this section. This is his~~ The renumbering of s. 6.79 (6) (b), stats., has a delayed initial applicability which is the same as the repeal and recreation of s. 6.79 (2), stats. These changes need to apply in harmony. It does not work to remove the reference to s. 6.79 (6) (b), stats. in s. 6.79 (2) (a), stats., while some municipalities still have no registration. JTK

1 SECTION 1. 6.79 (2) (a) of the statutes, as affected by 2003 Wisconsin Act 265,
 2 section 95g, is amended to read:

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

INS
A

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

12 SECTION 2. The treatments of 165.755 (1) (b) of the statutes by 2003 Wisconsin
 13 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:

(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).

14 SECTION 3. 196.204 (5) (ar) 2. of the statutes, as created by 2003 Wisconsin
 15 Act 278, is amended to read:

16 196.204 (5) (ar) 2. For purposes of subd. 1., the total service long-run
 17 incremental cost of a local government telecommunications utility shall take into

INS
B

**** NOTE: Please review my proposed effective date provision for this section. ~~INS~~
 Also, I moved a phrase in the note to improve the flow. CJS
 1 account, by imputation or allocation, equivalent charges for all taxes, pole rentals,
 2 rights-of-way, licenses, and similar costs that are incurred by nongovernmental
 3 telecommunications utilities. This subdivision does not apply to a local government
 4 telecommunications utility that is subject to the exemption under s. 66.0422 (3m) ✓
 5 (3n). This subdivision also does not apply to a telecommunications service, relevant
 6 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 adopted 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) in s. 196.204 (5) (ar) 2. (inserted by Assembly Amendment 7) was not changed accordingly.

end INS B

7 SECTION 4. The treatments of 302.46 (1) (a) 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. 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.

INS C

9 SECTION 5. The treatment of 343.12 (2) (intro.) of the statutes by 2003
 10 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, eff 9-30-05, s. 343.12 (2) (intro.), reads: (intro.)

(2) 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:

INS D

11 SECTION 6. The treatment of 343.12 (4) (b) of the statutes by 2003 Wisconsin Act
 12 33 is not repealed by 2003 Wisconsin Act 280. Both treatments stand.

effective

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

LPS: Please check text props & fix if necessary
end INS

1 SECTION 7. The treatment of 440.05 (intro.) of the statutes, as affected by 2003

2 Wisconsin Acts 270 and 285, is amended to read:

3 440.05 Standard fees. (intro.) The following standard fees apply to all initial
4 credentials, except as provided in ss. 440.42, 440.43, 440.44, 440.51, 444.03, 444.11,
5 447.04 (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.

6 SECTION 8. The treatment of 440.05 (intro.) of the statutes by 2003 Wisconsin
7 Act 150 is not repealed by (this act). Both treatments stand.

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

8 440.05 Standard fees. (intro.) The following standard fees apply to all initial credentials,
9 except as provided in ss. 440.42, 440.43, 440.44, 440.51, 440.9935, 444.03, 444.11, 447.04
10 (2) (c) 2., 449.17, and 449.18:

11 SECTION 9. The treatment of 440.08 (2) (a) (intro.) of the statutes, as affected
12 by 2003 Wisconsin Acts 270 and 285, is amended to read:

13 440.08 (2) (a) (intro.) Except as provided in par. (b) and in ss. 440.51, 442.04,
14 444.03, 444.11, 448.065, 447.04 (2) (c) 2., 449.17, and 449.18, the renewal dates and
15 renewal fees for credentials are as follows:

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

16 SECTION 10. 440.23 (1) of the statutes, as affected by 2003 Wisconsin Acts 270
and 285, is amended to read:

440.23 (1) If the holder of a credential pays a fee required under s. 440.05 (1)
or (6), 440.08, 444.03, or 444.11, by check or debit or credit card and the check is not

INS
E



1 paid by the financial institution upon which the check is drawn or if the demand for
2 payment under the debit or credit card transaction is not paid by the financial
3 institution upon which demand is made, the department may cancel the credential
4 on or after the 60th day after the department receives the notice from the financial
5 institution, subject to sub. (2).

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

6 SECTION 11. The treatments of 757.05 (1) (a) of the statutes by 2003 Wisconsin
7 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.

8 SECTION 12. The treatments of 814.63 (1) (c) of the statutes by 2003 Wisconsin
9 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).

***** NOTE: See change to cite in note. CJS

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SA ✓

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB

.....

INS T-1

△....△

Senate Bill

1. SECTION 1. 20.370 (6) (eg) of the statutes, as created by 2003 Wisconsin Act

2. (sb 471), is renumbered 20.370 (6) (eh).

*** NOTE: See my proposed effective date provisions

Assembly Bill

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2003 Wis. Act (sb 926) also creates a provision numbered s. 20.370 (6) (eg).

△....△

3. SECTION 2. The treatment of 25.60 of the statutes by 2003 Wisconsin Act 33 is

4. not repealed by 2003 Wisconsin Act (sb 17). Both treatments stand.

△....△ Senate Bill

NOTE: There is no conflict of substance. As merged by the revisor, s. 26.50 reads:

25.60 Budget stabilization fund. There is created a separate nonlapsible trust fund designated as the budget stabilization fund, consisting of moneys transferred to the fund from the general fund under ss. 13.48 (14) (c), 16.518 (3), and 16.72 (4) (b) and any other moneys that are required by law to be deposited in the fund.

SB 471 is signed into law

I'm not sure that is necessary, however, if there any way the publication date of SB 471 could end up being later than that of

~~When we get date of publicat~~

INS T-2

(#) The treatment of section 20.370(6)(eg) of the statutes takes effect on the day after publication of 2003 Wisconsin Act (Senate Bill 471), or on the day after publication, whichever is later.

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

INS T-3

1 SECTION 1. 33.30 (2m) (a) of the statutes, as created by 2003 Wisconsin Act 275,
2 is amended to read:
3 33.30 (2m) (a) The proposed annual budget required under sub. s. 33.29 (1) (g).

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, relates to requirements for proposed annual budgets.

*** NOTE: Would it be more ~~to~~ to the point, in the note, to say, ~~to~~ ~~requires~~ "requires the proposed annual budgets"? CJS

Please return to LRB when you have finished reviewing

1/p3



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-4512/P2

BEM:cjs:jf

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Revisor's bill
Do NOT Gen Cot
Do NOT SORT

Inserts

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:

~~NOTE: This P2 version contains 03 rb 14 and rb 14 supps 1 to CJS~~

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:

*** NOTE: See my 4-star note after the
~~with section 8. CJS~~ treatment of s. 82.16 (title)
CJS

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

3 6.36 (2) (c) 2. If the registration list is prepared for use an at an election for
4 national office, the list shall contain, next to the name of each elector, an indication
5 of whether identification is required for the elector to be permitted to vote.
6 Identification is required if the elector is not a military elector or an overseas elector
7 and the elector registers by mail and has not previously voted in an election for
8 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.

~~NOTE: The section 59b treatment has a delayed eff. date. CJS~~

yes-added

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

11 6.79 (2) (a) Except as provided in sub. (6) (b), where there is registration, each
12 person, before receiving a voting number, shall state his or her full name and
13 address. Upon the prepared registration list, after the name of each elector, the
14 officials shall enter the serial number of the vote as it is polled, beginning with
15 number one. Each elector shall receive a slip bearing the same serial number. A
16 separate list shall be maintained for electors who are voting under s. 6.15, 6.29 or
17 6.55 (2) or (3) and electors who are reassigned from another polling place under s.

1 5.25 (5) (b). Each such elector shall have his or her full name, address and serial
2 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.

314₅

3 SECTION 4. 20.370 (6) (eg) of the statutes, as created by 2003 Wisconsin Act
4 (~~Senate Bill 471~~), is renumbered 20.370 (6) (eh).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2003 Wis. Act
(~~Assembly Bill 926~~) also creates a provision numbered s. 20.370 (6) (eg).

310

BR40

NOTE: See my proposed effective date provision.

NO NEED FOR IT -
OK TO NEW EFF DATE
BEFORE
TH. S. Act

5 SECTION 5. 30.209 (1) (title) of the statutes is created to read:
6 30.209 (1) (title) DEFINITION.

NOTE: The other subsections in this section have titles.

7 SECTION 6. 33.30 (2m) (a) of the statutes, as created by 2003 Wisconsin Act 275,
8 is amended to read:

requires the

9 33.30 (2m) (a) The proposed annual budget required under sub. s. 33.29 (1) (g).

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, ~~relates to requirements for proposed annual budgets.~~

***Note: Would it be more to the point, in the note, to say, "requires the proposed
annual budgets"? CJS

INS
A

10 SECTION 7. 77.89 (2) (b) (title) of the statutes, as affected by 2003 Wisconsin Act
11 228, 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.

12 SECTION 8. 82.16 (title) of the statutes, as affected by 2003 Wisconsin Act 214,
13 is amended to read:

14 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.

15 SECTION 9. 83.08 (4) of the statutes, as affected by 2003 Wisconsin Act 212, is
16 amended to read:

*** NOTE: I added a delayed eff. date prov. for
this bill section. Please review. CJS

1 83.08 (4) Subject to s. 84.09 (3) (c) and to the approval of the department, the
2 county board is authorized and empowered to sell at public sale, or to sell at private
3 sale for fair market value to an owner of adjacent property, property, owned by the
4 county in fee for highway purposes, when the county board shall determine that such
5 property is no longer necessary for the county's use for highway purposes. The funds
6 derived from such sale shall be deposited in the county highway fund and the expense
7 incurred in connection with the sale shall be paid from that fund. However, approval
8 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.

9 SECTION 10. The treatment of 84.09 (5) 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 (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.

11 SECTION 11. The treatment of 84.09 (5r) of the statutes by 2003 Wisconsin Act
12 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 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 12.** 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 13.** 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.

1 SECTION 14. The treatments of 165.755 (1) (b) 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. 165.755 (1) (b) reads:

(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).

3 SECTION 15. 196.204 (5) (ar) 2. of the statutes, as created by 2003 Wisconsin Act
4 278, is amended to read:

5 196.204 (5) (ar) 2. For purposes of subd. 1., the total service long-run
6 incremental cost of a local government telecommunications utility shall take into
7 account, by imputation or allocation, equivalent charges for all taxes, pole rentals,
8 rights-of-way, licenses, and similar costs that are incurred by nongovernmental
9 telecommunications utilities. This subdivision does not apply to a local government
10 telecommunications utility that is subject to the exemption under s. 66.0422 (3m)
11 (3n). This subdivision also does not apply to a telecommunications service, relevant
12 group of services, or basic network function if all of the following conditions apply:

enacted

NOTE: Inserts the correct cross-reference. Separate adopted amendments to 2003 Senate Bill 272, which was ~~adopted~~ 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.

~~NOTE: Please review my proposed effective date provision for this section. Also, I moved a phrase in the note to improve the flow. CJS~~

*with
need
to
relate
part*

13 SECTION 16. The treatment of 218.0114 (1) of the statutes by 2003 Wisconsin
14 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.

1 — SECTION 17. 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 18. The treatments of 302.46 (1) (a) of the statutes by 2003 Wisconsin
4 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.

5 — SECTION 19. 341.05 (27) of the statutes, as created by 2003 Wisconsin Act 237,
6 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).

7 — SECTION 20. The treatment of 343.12 (2) (intro.) of the statutes by 2003
8 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:

(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:

9 — SECTION 21. The treatment of 343.12 (4) (b) of the statutes by 2003 Wisconsin
10 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.


1 ~~SECTION 22.~~ 346.495 (1) (b) of the statutes, as created by 2003 Wisconsin Act
2 209, is amended to read:

3 346.495 (1) (b) If a court imposes a forfeiture under s. 346.49 (2r) with respect
4 to a violation of s. 346.44 or 346.45, the court shall also impose a railroad crossing
5 improvement assessment surcharge equal to 50% of the amount of the forfeiture.

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

6 ~~SECTION 23.~~ 346.923 (1) (intro.), (a), (f) and (h) of the statutes, as created by
7 2003 Wisconsin Act 297, are renumbered 346.923 (intro.), (1), (6) and (8).

NOTE: Section 346.923 was created with only one subsection.

~~***NOTE: I made a small change to the note. CJS~~ 

8 ~~SECTION 24.~~ 346.95 (4) of the statutes, as affected by 2003 Wisconsin Act 297,
9 is amended to read:

10 346.95 (4) Any person violating s. 346.923 (1) ~~or (2)~~, 346.925, or 346.94 (8) or
11 (8m) may be required to forfeit not more than \$20 for the first offense and not more
12 than \$50 for each subsequent offense.

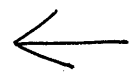
NOTE: 2003 Wis. Act 297 created s. 346.923 with only one subsection, sub. (1), which is renumbered to s. 346.923 by the previous section of this bill.

13 ~~SECTION 25.~~ The treatment of 440.05 (intro.) of the statutes, as affected by 2003
14 Wisconsin Acts 270 and 285, is amended to read:

15 **440.05 Standard fees.** (intro.) The following standard fees apply to all initial
16 credentials, except as provided in ss. 440.42, 440.43, 440.44, 440.51, 444.03, 444.11,
17 447.04 (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.

1 —SECTION 26. The treatment of 440.05 (intro.) of the statutes by 2003 Wisconsin
2 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:

3 —SECTION 27. The treatment of 440.08 (2) (a) (intro.) of the statutes, as affected
4 by 2003 Wisconsin Acts 270 and 285, is amended to read:

5 440.08 (2) (a) (intro.) Except as provided in par. (b) and in ss. 440.51, 442.04,
6 444.03, 444.11, 448.065, 447.04 (2) (c) 2., 449.17, and 449.18, the renewal dates and
7 renewal fees for credentials are as follows:

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

8 —SECTION 28. 440.23 (1) of the statutes, as affected by 2003 Wisconsin Acts 270
9 and 285, is amended to read:

10 440.23 (1) If the holder of a credential pays a fee required under s. 440.05 (1)
11 or (6), 440.08, 444.03, or 444.11, by check or debit or credit card and the check is not
12 paid by the financial institution upon which the check is drawn or if the demand for
13 payment under the debit or credit card transaction is not paid by the financial
14 institution upon which demand is made, the department may cancel the credential
15 on or after the 60th day after the department receives the notice from the financial
16 institution, subject to sub. (2).

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

17 —SECTION 29. The treatments of 757.05 (1) (a) of the statutes by 2003 Wisconsin
18 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.

1 SECTION 30. The treatment of 814.61 (7) (b) of the statutes by 2003 Wisconsin
2 Act 33 is not repealed by 2003 Wisconsin Act 165. Both treatments stand.

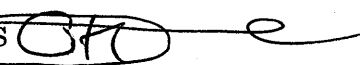
NOTE: There is no conflict of substance. As merged by the revisor, effective 7-1-04, s. 814.61 (7) (b) reads:

(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.

3 SECTION 31. The treatment of 814.63 (1) (c) of the statutes by 2003 Wisconsin
4 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).

~~****NOTE: See change to cite in note. CJS~~ 

5 SECTION 32. 940.32 (3m) of the statutes, as created by 2003 Wisconsin Act 222,
6 is amended to read:

7 940.32 (3m) A prosecutor need not need show that a victim received or will
8 receive treatment from a mental health professional in order to prove that the victim
9 suffered serious emotional distress under sub. (2) (c) or (2e) (c).

NOTE: Deletes unnecessary word.

1 ~~SECTION 33.~~ 943.21 (3) (am) (intro.) of the statutes, as affected by 2003
2 Wisconsin Act 80, is amended to read: ✓

3 943.21 (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).

4 ~~SECTION 34.~~ 943.21 (3) (bm) of the statutes, as created by 2003 Wisconsin Act
5 80, is amended to read:

6 943.21 (3) (bm) Whoever violates sub. ~~(1)~~ (1m) (d) is subject to a Class D
7 forfeiture.

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

8 ~~SECTION 35.~~ 943.21 (3m) (a) 2. of the statutes, as created by 2003 Wisconsin Act
9 80, is amended to read:

10 943.21 (3m) (a) 2. "Repeat offense" means a violation of sub. ~~(1)~~ (1m) (d) that
11 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).

12 ~~SECTION 36.~~ 943.21 (3m) (c) of the statutes, as created by 2003 Wisconsin Act
13 80, is amended to read:

14 943.21 (3m) (c) *Driver's license suspension; 3rd offense.* Subject to par. (d), if
15 a person violates sub. ~~(1)~~ (1m) (d) after having been found by a court to have
16 committed an offense that constitutes a repeat offense, the court, in addition to
17 imposing any penalty under sub. (3) (bm), shall suspend the person's operating
18 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).

1 ~~SECTION 37.~~ 943.21 (3m) (d) of the statutes, as created by 2003 Wisconsin Act
2 80, is amended to read:

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

7 ~~SECTION 38.~~ 943.212 (4) (b) of the statutes, as created by 2003 Wisconsin Act
8 80, is amended to read:

9 943.212 (4) (b) This subsection does not apply to an action based on acts that
10 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).

11 ~~SECTION 39.~~ The treatment of 973.055 (1) (intro.) of the statutes by 2003
12 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:

13 ~~SECTION 40.~~ 2003 Wisconsin Act 176, section 1 is amended by replacing "20.250
14 (2) (g) of the statutes is created to read:" with "20.250 (2) of the statutes is created
15 to read:".

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

16 ~~SECTION 41.~~ 2003 Wisconsin Act 239, section 1j is amended by replacing
17 "169.09 (2) of the statutes is created to read:" with "169.09 (2) (b) of the statutes is
18 created to read:".

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

1 SECTION 42. Effective dates. This act takes effect on the day after publication,
2 except as follows:

3 (1) The treatment of sections 255.055 of the statutes takes effect on July 1,
4 2005.

5 (2) The treatment of section 196.204 (5) (ar) 2. of the statutes takes effect on
6 July 1, 2004, ~~or on the day after publication, whichever is later.~~

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

NOTE: I am placing a note here to remind us to supply the correct date once it is known. Also, is there any possibility that this bill could take effect later than 2003 Wis. Act 297? If so, the eff. date provision will have to be adjusted slightly. CJS

9 (4) ~~The treatment of section 20.370 (6) (eg) of the statutes takes effect on the~~
10 ~~day after publication of 2003 Wisconsin Act (Senate Bill 471), or on the day after~~
11 ~~publication, whichever is later.~~ *act 474 is not a delay date.*

(END)

(#) ~~6.36~~ The treatment of section 6.36 (2)(c)2. of the statutes takes effect on January 1, 2006.

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

~~(#) The treatment of section 95.21 (3m) takes effect on~~

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

INS A

1 SECTION 1. 66.0217 (14) of the statutes, as created by 2003 Wisconsin Act 171,
2 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) ⊙

3 SECTION 2. The treatment of 66.0223 of the statutes by 2003 Wisconsin Act 171
4 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:

(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.

5 SECTION 3. 66.1001 (5) of the statutes, as created by 2003 Wisconsin Act 307,
6 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) ⊙

end INS A

SA ✓
eff dates ✓