

PLEASE RETURN TO LRB WHEN YOU HAVE COMPLETED REVIEW



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-2825/P2

BEM:cjs

Today, if possible

Stays

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SAV

Revisors Bill
Do NOT Gen Cat
Do NOT Sort

11-22-05

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

Analysis by the Legislative Reference Bureau

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

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

6 SECTION 1. 6.47 (5) (a) 1. of the statutes is amended to read:
7 6.47 (5) (a) 1. The clerk receives notification from a sheriff or chief of police
8 under sub. (8) (10).

NOTE: There is no notification procedure under s. 6.47 (8). Section 6.47 (10) provides for notice from a sheriff or chief of police to a municipal clerk.

1 ~~SECTION 2.~~ 6.97 (2) of the statutes is amended to read:

2 6.97 (2) Whenever any individual who votes by absentee ballot is required to
3 provide identification in order to be permitted to vote and does not provide the
4 required identification, the inspectors shall write on the back of the absentee ballot
5 the serial number of the individual corresponding to the number kept at the election
6 on the poll list or other list maintained under s. 6.79 and the notation "s. 6.97". The
7 inspectors shall indicate on the list the fact that the individual is required to ~~provided~~
8 provide identification but did not do so. The inspectors shall promptly notify the
9 municipal clerk or executive director of the municipal board of election
10 commissioners of the name, address, and serial number of the individual. The
11 inspectors shall then place the ballot inside an envelope on which the name and
12 serial number of the elector is entered and shall place the envelope in a separate
13 carrier envelope.

NOTE: Corrects spelling.

14 SECTION 3. 6.97 (4) of the statutes is amended to read:

15 6.97 (4) Whenever a board of canvassers receives timely notification from the
16 municipal clerk or executive director of the board of election commissioners under
17 sub. (3) that an individual who has voted under this section is qualified to vote in the
18 ward or election district where the individual's ballot is cast, the board of ~~canvassers~~
19 canvassers shall promptly reconvene and, if the ballot cast by the individual is
20 otherwise valid, shall count the ballot and adjust the statements, certifications and
21 determinations accordingly. If the municipal clerk or executive director transmits
22 returns of the election to the county clerk or board of election commissioners, the
23 municipal clerk or executive director shall transmit to the county clerk or board of

1 election commissioners a copy of the amended returns together with all additional
2 ballots counted by each board of canvassers.

NOTE: Corrects spelling.

3 **SECTION 4.** 8.05 (3) (f) of the statutes is amended to read:

4 8.05 (3) (f) The ballot used for the referendum question shall be arranged under
5 s. 5.60 (7) and shall ask: "Shall all candidates in the town of for elective town
6 offices be nominated at a nonpartisan primary"??"

NOTE: Corrects punctuation. The change has been made in the printed volumes.

7 **SECTION 5.** Chapter 9 (title) of the statutes is amended to read:

8 **CHAPTER 9**

9 **POST-ELECTION POST-ELECTION ACTIONS; DIRECT LEGISLATION**

NOTE: Corrects spelling. The change has been made in the printed volumes.

10 **SECTION 6.** 13.48 (21) (b) of the statutes is amended to read:

11 13.48 (21) (b) If the state does not wish to exercise the option, and if the building
12 is sold to any ~~third~~ 3rd party, such agreement shall provide that the state has the
13 right to receive an amount equal to construction grant from the net proceeds of any
14 such sale after the mortgage has been satisfied and all other secured debts have been
15 paid. This right shall be paramount to the right of the college to the proceeds upon
16 such sale.

NOTE: Makes spelling consistent with current style and the majority of statutes.

17 **SECTION 7.** 15.07 (2) (L) of the statutes is amended to read:

18 15.07 (2) (L) The governor shall serve as chairperson of the information
19 technology management board and the ~~the~~ secretary of administration or his or her
20 designee shall serve as secretary of that board.

NOTE: Deletes repeated word.

21 **SECTION 8.** 15.105 (23) (b) (intro.) of the statutes is amended to read:

1 15.105 (23) (b) (intro.) No member of the incorporation review board may
2 review a petition referred to the board under s. 66.0203 (8) (b) if any of the following
3 ~~apply~~ applies:

NOTE: Corrects grammar.

4 ~~SECTION 9.~~ 15.105 (28) of the statutes is amended to read:

5 **15.105 (28) INFORMATION TECHNOLOGY MANAGEMENT BOARD.** There is created an
6 information technology management board that is attached to the department of
7 administration under s. 15.03. The board shall consist of the governor, the
8 cochairpersons of the joint committee on information policy and technology or a
9 member of the legislature from the same house as a cochairperson designated by that
10 cochairperson, one member of the minority party in each house of the legislature,
11 appointed in the same manner as members of standing committees are appointed,
12 ~~the secretary of administration,~~ 2 heads of departments or independent agencies
13 appointed to serve at the pleasure of the governor, 2 other members appointed to
14 serve for 4-year terms, and the secretary of administration or his or her designee.

NOTE: 2003 Wis. Act 33 renumbered s. 15.215 (1) to s. 15.105 (28) and amended it
by replacing “chief information officer” with “secretary of administration or his or her
designee.” The subsection already included the secretary of administration. “(O)r his or
her designee” is retained consistent with the treatment of s. 15.07 (2) (L) by 2003 Wis. Act
33, which provides: “The governor shall serve as chairperson of the information
technology management board and the secretary of administration or his or her designee
shall serve as secretary of that board.”

15 ~~SECTION 10.~~ 15.107 (9) of the statutes is repealed.

NOTE: By its terms, s. 15.107 (9) has no application after June 30, 2002.

16 ~~SECTION 11.~~ 16.007 (7) of the statutes is amended to read:

17 **16.007 (7) EXCEPTION.** This section shall not be construed as relieving any 3rd
18 ~~party~~ 3rd-party liability or releasing any joint tort-feasor.

NOTE: Corrects spelling.

19 ~~SECTION 12.~~ 16.115 (3) (c) of the statutes is repealed.

NOTE: Section 16.115 (3) (intro.) and (c) provide: “The fees established under subs. (1) and (2) shall cover all of the following costs: (c) The actual and necessary expenses of the low-level radioactive waste advisory council created under s. 15.107 (9).” Section s. 15.107 (9) is repealed by this bill as by its terms it has no application after June 30, 2002. Accordingly, there are no actual and necessary expenses of the low-level radioactive waste advisory council after June 30, 2002.

1 ~~SECTION 13.~~ 16.135 of the statutes is repealed.

NOTE: By its terms, s. 16.135 has no application after June 30, 2002.

2 ~~SECTION 14.~~ 16.63 (4) (b) 4. of the statutes is amended to read:

3 16.63 (4) (b) 4. A security interest perfected under this paragraph is
4 enforceable against the debtor, any assignee or grantee, and all ~~third~~ 3rd parties,
5 including creditors under any lien obtained by judicial proceedings, subject only to
6 the rights of any ~~third~~ 3rd parties holding security interests in the tobacco settlement
7 revenues previously perfected under this paragraph. Unless the applicable security
8 agreement provides otherwise, a perfected security interest in the tobacco
9 settlement revenues is a continuously perfected security interest in all tobacco
10 settlement revenues existing on the date of the agreement or arising after the date
11 of the agreement. A security interest perfected under this paragraph has priority
12 over any other lien created by operation of law or otherwise, which subsequently
13 attaches to the tobacco settlement revenues.

NOTE: Makes spelling consistent with current style and the majority of statutes.

14 ~~SECTION 15.~~ 16.63 (4) (c) 3. of the statutes is amended to read:

15 16.63 (4) (c) 3. The sale, assignment, or transfer is perfected automatically as
16 against ~~third~~ 3rd parties, including any ~~third~~ 3rd parties with liens created by
17 operation of law or otherwise, upon attachment under ch. 409.

NOTE: Makes spelling consistent with current style and the majority of statutes.

18 ~~SECTION 16.~~ 19.36 (8) (a) 2. of the statutes is amended to read:

1 19.36 (8) (a) 2. "Law enforcement agency" has the the meaning given in s.
2 165.83 (1) (b), and includes the department of corrections.

NOTE: Deletes repeated word.

3 **SECTION 17.** 20.143 (3) (j) of the statutes is amended to read:

4 20.143 (3) (j) *Safety and building operations.* The amounts in the schedule for
5 the purposes of chs. 101, 145, and 168 and ss. 236.12 (2) (a), 236.13 (1) (d) and (2m),
6 and 236.335. All moneys received under ch. 145, ss. 101.177 (4) (a) 4., 101.178,
7 101.19, 101.63 (9), 101.654 (3), 101.73 (12), 101.82 (4), 101.9205 (3), ~~101.9208 (1) (b),~~
8 101.9213 (8), 101.935, 101.951 (2), 101.952 (2), 101.955 (2), 101.973 (7), and 236.12
9 (7), and 2001 Wisconsin Act 16, section 9110 (3z), shall be credited to this
10 appropriation.

NOTE: Section 101.9208 (1) (b) is repealed by this bill as by its terms that provision
has no application after December 31, 2003.

****NOTE: 2005 Wis. Act 45 makes this same change, as well as other changes, eff
12-1-2005. Can this bill section be removed? CJS

11 **SECTION 18.** 20.505 (1) (ge) of the statutes is amended to read:

12 20.505 (1) (ge) *High-voltage transmission line annual impact fee distributions.*
13 All moneys received from the payment of fees under the rules promulgated under s.
14 16.969 (2) (a) for distributions to ~~to~~ towns, villages and cities under s. 16.969 (3) (a).

NOTE: Deletes repeated word.

15 **SECTION 19.** 21.78 (4) of the statutes, as created by 2005 Wisconsin Act 22, is
16 amended to read:

17 21.78 (4) If the leave of absence under sub. (1) is granted to an elected or
18 appointed official or employee and the official or employee has begun service in the
19 U.S. armed forces, a temporary vacancy exists and a successor may be appointed to
20 fill the unexpired term of the official or employee, or until the official or employee
21 returns and files an election to resume the office if the date of the filing is prior to the

1 expiration of the term. The appointment shall be made in the manner provided for
 2 the filling of vacancies caused by death, resignation, or otherwise, except that no
 3 election need be held to fill a temporary vacancy. The appointee has all the powers,
 4 duties, liabilities, and responsibilities and shall be paid and receive the
 5 compensation and other benefits of the office or position, unless otherwise provided
 6 by the governing body. Within 40 days after the termination of service in the U.S.
 7 armed forces, the elected or appointed official or employee, upon filing with the clerk
 8 of the governmental unit, a statement under oath of termination and that the official
 9 or employee elects to resume the office or position, may resume the office or position
 10 for the remainder of the term for which elected or appointed. The person temporarily
 11 filling the vacancy shall cease to hold the office on the date of the filing.

NOTE: Inserts missing article.

12 **SECTION 20.** 21.80 (3) (d) (intro.) of the statutes is amended to read:

13 21.80 (3) (d) *Exceptions.* (intro.) An employer is not required to reemploy a
 14 person under this section if the employer shows that any of the following apply
 15 applies:

NOTE: Corrects grammar.

16 **SECTION 21.** 23.09 (2q) (intro.) of the statutes is amended to read:

17 23.09 (2q) WARREN KNOWLES-GAYLORD NELSON STEWARDSHIP PROGRAM; LOWER
 18 WISCONSIN STATE RIVERWAY; ICE AGE TRAIL. (intro.) ~~Except as provided in s. 23.0915 (2),~~
 19 the The department in each fiscal year may not expend from the appropriation under
 20 s. 20.866 (2) (tz):

NOTE: Section 23.0915 (2) is repealed by this bill as by its terms that provision has
 no application after June 30, 2000.

***NOTE: Section 23.0915 (2) should not be repealed, according to Mary
 Gibson-Glass (see 4-star note following treatment of that statute), and therefore this
 cross-reference should not be treated in the bill. CJS

MCG and DOR should get together in a housekeeping bill
 to fix 23.0915 (2) in that case. Keeping a provision with no application
 because a housekeeping is bad form.

1 **SECTION 22.** 23.09 (2r) (intro.) of the statutes is amended to read:

2 **23.09 (2r)** WARREN KNOWLES-GAYLORD NELSON STEWARDSHIP PROGRAM; LAND
3 ACQUISITION. (intro.) ~~Except as provided in s. 23.0915 (2), the~~ The department in each
4 fiscal year may not expend from the appropriation under s. 20.866 (2) (tz) more than
5 a total of \$8,600,000 under this subsection. The purposes for which these moneys
6 may be expended are the following:

 NOTE: Section 23.0915 (2) is repealed by this bill as by its terms that provision has
no application after June 30, 2000.

 ***NOTE: Section 23.0915 (2) should not be repealed, according to Mary
Gibson-Glass (see 4-star note following treatment of that statute), and therefore this
cross-reference should not be treated in the bill. CJS

7 **SECTION 23.** 23.09 (19) (k) of the statutes is amended to read:

8 **23.09 (19) (k)** ~~Except as provided in s. 23.0915 (2), the~~ The department may not
9 expend from the appropriation under s. 20.866 (2) (tz) more than \$750,000 in each
10 fiscal year for urban green space under this subsection and for grants for urban green
11 space under s. 23.096.

 NOTE: Section 23.0915 (2) is repealed by this bill as by its terms that provision has
no application after June 30, 2000.

 ***NOTE: Section 23.0915 (2) should not be repealed, according to Mary
Gibson-Glass (see 4-star note following treatment of that statute), and therefore this
cross-reference should not be treated in the bill. CJS

12 **SECTION 24.** 23.09 (20) (d) of the statutes is amended to read:

13 **23.09 (20) (d)** ~~Except as provided in s. 23.0915 (2), the~~ The department may not
14 expend from the appropriation under s. 20.866 (2) (tz) more than \$2,250,000 each
15 fiscal year for local park aids under this subsection and for grants for this purpose
16 under s. 23.096.

 NOTE: Section 23.0915 (2) is repealed by this bill as by its terms that provision has
no application after June 30, 2000.

 ***NOTE: Section 23.0915 (2) should not be repealed, according to Mary
Gibson-Glass (see 4-star note following treatment of that statute), and therefore this
cross-reference should not be treated in the bill. CJS

1 **SECTION 25.** 23.0915 (2) of the statutes is repealed.

NOTE: Section 23.0915 (2) (e) provides: "Paragraphs (a) to (d) do not apply after June 30, 2000." Except for s. 23.0915 (2) (e), s. 23.0915 (2) has no other paragraphs.

****NOTE: Per Mary Gibson-Glass, s. 23.0915 (2) should not be repealed because it is "needed for understanding of both stewardship programs, which are ongoing bonding programs." Likewise, the amendments of statutes that cross-reference s. 23.0915 (2) should be removed (I have put 4-star notes on them.) CJS

2 **SECTION 26.** 23.0915 (2m) (d) of the statutes is repealed.

NOTE: Section 23.0915 (2m) (d) provides for "adjusting expenditure limits under sub. (2) (a) to (c)." Section 23.0915 (2) is repealed by this bill as by its terms that provision has no application after June 30, 2000.

****NOTE: Section 23.0915 (2) should not be repealed, according to Mary Gibson-Glass (see 4-star note following treatment of that statute), and therefore this cross-reference should not be treated in the bill. CJS

3 **SECTION 27.** 23.092 (6) of the statutes is amended to read:

4 23.092 (6) ~~Except as provided in s. 23.0915 (2), the~~ The department may not
5 expend from the appropriation under s. 20.866 (2) (tz) more than \$1,500,000 under
6 this section for fisheries, for habitat areas and for grants for this purpose under s.
7 23.096 in each fiscal year.

NOTE: Section 23.0915 (2) is repealed by this bill as by its terms that provision has no application after June 30, 2000.

****NOTE: Section 23.0915 (2) should not be repealed, according to Mary Gibson-Glass (see 4-star note following treatment of that statute), and therefore this cross-reference should not be treated in the bill. CJS

8 **SECTION 28.** 23.094 (8) of the statutes is amended to read:

9 23.094 (8) ~~APPROPRIATION. Except as provided in s. 23.0915 (2), the~~ The
10 department may not expend from the appropriation under s. 20.866 (2) (tz) more
11 than \$1,000,000 for fisheries, for the acquisition of land and easements by the
12 department under this section, for grants under sub. (3g) and for grants for this
13 purpose under s. 23.096 in each fiscal year.

NOTE: Section 23.0915 (2) is repealed by this bill as by its terms that provision has no application after June 30, 2000.

****NOTE: Section 23.0915 (2) should not be repealed, according to Mary Gibson-Glass (see 4-star note following treatment of that statute), and therefore this cross-reference should not be treated in the bill. CJS

1 **SECTION 29.** 23.175 (4) of the statutes is amended to read:

2 23.175 (4) LIMIT ON SPENDING. ~~Except as provided in s. 23.0915 (2), the~~ The
3 department may not expend from the appropriation under s. 20.866 (2) (tz) more
4 than \$1,000,000 under this section for trails and for grants for this purpose under
5 s. 23.096 in each fiscal year.

NOTE: Section 23.0915 (2) is repealed by this bill as by its terms that provision has
no application after June 30, 2000.

****NOTE: Section 23.0915 (2) should not be repealed, according to Mary
Gibson-Glass (see 4-star note following treatment of that statute), and therefore this
cross-reference should not be treated in the bill. CJS

6 **SECTION 30.** 23.196 (1) (a) of the statutes is amended to read:

7 23.196 (1) (a) "Total amount available" means the expenditure limit for the
8 purpose of acquiring land under s. 23.09 (2) (d) 11., ~~as adjusted under s. 23.0915 (2),~~
9 less the total amount the department has expended, encumbered or otherwise
10 committed for that purpose from the appropriation under s. 20.866 (2) (tz) before July
11 1, 1996.

NOTE: Section 23.0915 (2) is repealed by this bill as by its terms that provision has
no application after June 30, 2000.

****NOTE: Section 23.0915 (2) should not be repealed, according to Mary
Gibson-Glass (see 4-star note following treatment of that statute), and therefore this
cross-reference should not be treated in the bill. CJS

12 **SECTION 31.** 23.27 (4) of the statutes is amended to read:

13 23.27 (4) NATURAL AREAS LAND ACQUISITION; CONTINUING COMMITMENT. It is the
14 intent of the legislature to continue natural areas land acquisition activities from
15 moneys available from the appropriations under ss. 20.370 (7) (fa) and 20.866 (2) (ta),
16 (ts) and (tz). This commitment is separate from and in addition to the commitment
17 to acquire natural areas under the Wisconsin natural areas heritage program.
18 ~~Except as provided in s. 23.0915 (2), the~~ The department may not expend from the
19 appropriation under s. 20.866 (2) (tz) more than \$1,500,000 in each fiscal year for

1 natural areas land acquisition activities under this subsection and for grants for this
2 purpose under s. 23.096.

NOTE: Section 23.0915 (2) is repealed by this bill as by its terms that provision has no application after June 30, 2000.

***NOTE: Section 23.0915 (2) should not be repealed, according to Mary Gibson-Glass (see 4-star note following treatment of that statute), and therefore this cross-reference should not be treated in the bill. CJS

3 **SECTION 32.** 23.27 (5) of the statutes is amended to read:

4 **23.27 (5) NATURAL AREAS LAND ACQUISITION; COMMITMENT UNDER THE WISCONSIN**
5 **NATURAL AREAS HERITAGE PROGRAM.** It is the intent of the legislature to initiate
6 additional natural areas land acquisition activities with moneys available from the
7 appropriations under ss. 20.370 (1) (mg) and 20.866 (2) (ta), (tt) and (tz) under the
8 Wisconsin natural areas heritage program. This commitment is separate from and
9 in addition to the continuing commitment under sub. (4). Moneys available from the
10 appropriations under ss. 20.370 (1) (mg) and 20.866 (2) (ta), (tt) and (tz) under the
11 Wisconsin natural areas heritage program may not be used to acquire land through
12 condemnation. The department may not acquire land under this subsection unless
13 the land is suitable for dedication under the Wisconsin natural areas heritage
14 program and upon purchase or as soon after purchase as practicable the department
15 shall take all necessary action to dedicate the land under the Wisconsin natural
16 areas heritage program. ~~Except as provided in s. 23.0915 (2), the~~ The department
17 may not expend from the appropriation under s. 20.866 (2) (tz) more than \$500,000
18 in each fiscal year for natural areas land acquisition activities under this subsection
19 and for grants for this purpose under s. 23.096.

NOTE: Section 23.0915 (2) is repealed by this bill as by its terms that provision has no application after June 30, 2000.

***NOTE: Section 23.0915 (2) should not be repealed, according to Mary Gibson-Glass (see 4-star note following treatment of that statute), and therefore this cross-reference should not be treated in the bill. CJS

1 ~~SECTION 33.~~ 23.33 (6m) (a) of the statutes is renumbered 23.33 (6m).

NOTE: Section 23.33 (6m) has no other paragraphs.

2 ~~SECTION 34.~~ 23.51 (2p), (3c), (3g), (3m), (5), (5g), (6), (6m), (9) and (10) of the
3 statutes are repealed. ✓

NOTE: 2003 Wis. Act 139 changed the term "assessment" or "payment" to "surcharge" throughout the statutes, including in all of the definitions in s. 23.51 except s. 23.51 (2p) where "assessment" was inadvertently left unchanged, in relation to certain costs assessed in court cases under ch. 814. However, in the remainder of ch. 23, Act 139 removed all of the references to the specific surcharges that were defined in s. 23.51 and replaced them with a general reference to "surcharges under ch. 814." As a result those defined terms are never used in ch. 23 and the definitions are now removed.

4 ~~SECTION 35.~~ 24.60 (1v) of the statutes is amended to read:

5 24.60 (1v) "Federated public library system" means a federated public library
6 system whose territory lies within 2 or more counties.

NOTE: Inserts missing quotation marks.

7 ~~SECTION 36.~~ 25.40 (1) (fm) of the statutes is amended to read:

8 25.40 (1) (fm) All moneys received as fees under s. 101.9208 (1), ~~except fees~~
9 ~~received under s. 101.9208 (1) (b).~~

NOTE: Section 101.9208 (1) (b) is repealed by this bill as by its terms that provision has no application after December 31, 2003.

****NOTE: This statute is rp'd eff. 12-1-2005 by 2005 Wis. Act 45. Can this bill section be removed? CJS

10 ~~SECTION 37.~~ 25.46 (19) of the statutes is amended to read:

11 25.46 (19) The environmental impact fees imposed under ~~ss. 101.9208 (1) (b)~~
12 ~~and s. 342.14 (1r)~~ for environmental management.

NOTE: Section 101.9208 (1) (b) is repealed by this bill as by its terms that provision has no application after December 31, 2003.

****NOTE: 2005 Wis. Act 45 makes the same change, eff. 12-1-2005. Can this bill section be removed? CJS

13 ~~SECTION 38.~~ 29.229 (2) (intro.) of the statutes is amended to read:

14 29.229 (2) AUTHORIZATION FOR ISSUANCE. (intro.) The band may issue one or
15 more types of fishing approvals that are equivalent to one or more of the ~~the~~ following

1 types of approvals by authorizing the same types of fishing by the same persons and
2 in the same bodies of water:

NOTE: Deletes repeated word.

3 ~~SECTION 39. 29.307 (2) of the statutes is repealed.~~

NOTE: Section 29.307 (3) provides: "Subsection (2) and the rules promulgated under sub. (2) do not apply after June 30, 2004."

4 ~~SECTION 40. 29.307 (3) of the statutes is amended to read:~~

5 ~~29.307 (3) Subsection (2) and the The rules promulgated under sub. (2) s.~~
6 ~~29.307 (2), 2003 stats., do not apply after June 30, 2004.~~

NOTE: See the previous section of this bill.

****NOTE: Mary Gibson-Glass suggests that s. 29.307 (3) should be repealed rather than amended, because the rules no longer apply either. CJS

Have the rules been repealed?

Unless there is proof of rules repeal it stays.

7 ~~SECTION 41. 29.971 (11) of the statutes is amended to read:~~

8 ~~29.971 (11) For hunting deer without the required approval, during the closed~~
9 ~~season, with the aid of artificial light or with the aid of an aircraft, except as provided~~
10 ~~in s. 29.307 (2), for the snaring of or setting snares for deer, or for the possession or~~
11 ~~control of a deer carcass in violation of s. 29.055 or 29.347, by a fine of not less than~~
12 ~~\$1,000 nor more than \$2,000 or by imprisonment for not more than 6 months or both.~~
13 ~~In addition, the court shall order the revocation of all approvals issued to the person~~
14 ~~under this chapter and shall prohibit the issuance of any new approval under this~~
15 ~~chapter to the person for 3 years.~~

NOTE: Section 29.307 (2) is repealed by this bill as by its terms that provision has no application after June 30, 2004.

****NOTE: I restored a comma that had been struck through. OK? CJS

Keep this note

16 ~~SECTION 42. 30.207 (1m) of the statutes is amended to read:~~

17 ~~30.207 (1m) OPTIONAL AREA. In addition to the the Wolf River and Fox River~~
18 ~~basin area, the secretary may designate another area of the state in which general~~
19 ~~permits may be issued under this section. If the secretary designates an area under~~

1 this subsection, the secretary shall do so within 6 months after the effective date of
2 the first permit issued for the Wolf River and Fox River basin area.

NOTE: Deletes repeated word.

3 **SECTION 43.** 30.285 (1) (intro.) of the statutes is amended to read:

4 30.285 (1) (intro.) On an annual basis, the department shall keep records of all
5 of the following:

NOTE: Inserts missing colon. The change has been made in the printed volumes.

6 **SECTION 44.** 36.11 (34) of the statutes is repealed.

NOTE: By its terms, s. 36.11 (34) has no application after June 30, 2003.

7 **SECTION 45.** 38.24 (4) (intro.) of the statutes is amended to read:

8 38.24 (4) FEE EXEMPTIONS. (intro.) A graduate of an associate degree program
9 or vocational diploma program who is a resident of this state is exempt from the fees
10 under sub. (1m) (b) and (c) for up to 6 credits within the same occupational program
11 for which the degree or diploma was awarded if the graduate applies for the
12 exemption within 6 months of graduation and any of the following ~~apply~~ applies:

NOTE: Corrects grammar.

13 **SECTION 46.** 41.11 (1) (h) of the statutes is amended to read:

14 41.11 (1) (h) Annually report to the senate natural resources committee and
15 the assembly committee on tourism the activities, receipts and disbursements of the
16 ~~division of tourism~~ department for the previous fiscal year.

NOTE: 1995 Wis. Act 27 created the department of tourism in ch. 41 and renumbered provisions in ch. 560 relating to the division of tourism to ch. 41. Section 41.11 (1) (h) was renumbered from s. 560.23 (1) (h) but was not amended accordingly. "Department" is defined as the department of tourism in ch. 41.

17 **SECTION 47.** 45.01 (11) (b) (intro.) of the statutes, as affected by 2005 Wisconsin

18 Act 22, is amended to read:

1 45.01 (11) (b) *Middle East crisis*. (intro.) A person shall be considered to have
2 served in a Middle East crisis if, because of active duty in the U.S. armed forces or
3 forces incorporated as a part of U.S. armed forces, any of the following ~~apply~~ applies:

NOTE: Corrects grammar.

4 ~~SECTION 48.~~ 45.33 (2) (a) 2. (intro.) of the statutes, as affected by 2005 Wisconsin
5 Act 22, is amended to read:

6 45.33 (2) (a) 2. (intro.) The person has a previous loan outstanding under this
7 subchapter, unless any of the following ~~apply~~ applies:

NOTE: Corrects grammar.

8 ~~SECTION 49.~~ 46.279 (1) (c) of the statutes is amended to read:

9 46.279 (1) (c) "Nursing facility" has the meaning given under 42 USC ~~1369r~~
10 1396r (a).

NOTE: Corrects cross-reference.

11 ~~SECTION 50.~~ 48.357 (1) (a) of the statutes is amended to read:

12 48.357 (1) (a) The person or agency primarily responsible for implementing the
13 dispositional order, the district attorney, or the corporation counsel may request a
14 change in the placement of the child or expectant mother, whether or not the change
15 requested is authorized in the dispositional order, as provided in par. (am) or (c),
16 whichever is applicable.

NOTE: Deletes unnecessary comma. The change has been made in the printed volumes.

17 ~~SECTION 51.~~ 49.45 (6m) (ag) (intro.) of the statutes is amended to read:

18 49.45 (6m) (ag) (intro.) Payment for care provided in a facility under this
19 subsection made under s. 20.435 (4) (b), (gp), (o), (pa), (~~o~~), (w), or (wm) shall, except
20 as provided in pars. (bg), (bm), and (br), be determined according to a prospective
21 payment system updated annually by the department. The payment system shall

1 implement standards that are necessary and proper for providing patient care and
2 that meet quality and safety standards established under subch. II of ch. 50 and ch.
3 150. The payment system shall reflect all of the following:

NOTE: Places cross-references in alphabetical order consistent with current style.

4 **SECTION 52.** 49.45 (6m) (bm) (intro.) of the statutes is amended to read:

5 49.45 (6m) (bm) (intro.) Except as provided in par. (bo), the department may
6 establish payment methods for a facility for which any of the following apply applies:

NOTE: Corrects grammar.

7 **SECTION 53.** 49.45 (46) of the statutes is repealed.

NOTE: By its terms, s. 49.45 (46) has no application after June 30, 2003.

8 **SECTION 54.** 49.46 (2) (b) 18. of the statutes is repealed.

NOTE: By its terms, s. 49.46 (2) (b) 18. has no application after June 30, 2003.

9 **SECTION 55.** 49.46 (2) (d) of the statutes is amended to read:

10 49.46 (2) (d) Benefits authorized under this subsection may not include
11 payment for that part of any service payable through ~~3rd party~~ 3rd-party liability
12 or any federal, state, county, municipal or private benefit system to which the
13 beneficiary is entitled. "Benefit system" does not include any public assistance
14 program such as, but not limited to, Hill-Burton benefits under 42 USC 291c (e), in
15 effect on April 30, 1980, or relief funded by a relief block grant.

NOTE: Corrects spelling.

16 **SECTION 56.** 49.47 (6) (c) 2. of the statutes is amended to read:

17 49.47 (6) (c) 2. That part of any service otherwise authorized under this section
18 which is payable through ~~3rd party~~ 3rd-party liability or any federal, state, county,
19 municipal or private benefit systems, to which the beneficiary may otherwise be
20 entitled.

NOTE: Corrects spelling.

1 **SECTION 57.** 55.06 (11) (a) of the statutes is amended to read:

2 55.06 (11) (a) If, from personal observation of a sheriff, police officer, fire
3 fighter, guardian, if any, or authorized representative of a board designated under
4 s. 55.02 or an agency designated by it, it appears probable that an individual will
5 suffer irreparable injury or death or will present a substantial risk of serious physical
6 harm to others as a result of developmental disabilities, infirmities of aging, chronic
7 mental illness or other like incapacities if not immediately placed, the person making
8 the observation may take into custody and transport the individual to an appropriate
9 medical or protective placement facility. The person making placement shall prepare
10 a statement at the time of detention providing specific factual information
11 concerning the person's observations and the basis for emergency placement. The
12 statement shall be filed with the director of the facility and shall also be filed with
13 any petition under sub. (2). At the time of placement the individual shall be informed
14 by the director of the facility or the director's designee, both orally and in writing, of
15 his or her right to contact an attorney and a member of his or her immediate family
16 and the right to have an attorney provided at public expense, as provided under s.
17 967.06 and ch. 977, if the individual is a child or is indigent. The director or designee
18 shall also provide the individual with a copy of the statement by the person making
19 emergency placement.

NOTE: Inserts commas.

20 **SECTION 58.** 66.0713 (3) of the statutes is amended to read:

21 66.0713 (3) GENERAL OBLIGATION-LOCAL IMPROVEMENT BONDS. For the purpose
22 of anticipating the collection of special assessments payable in installments as
23 provided in s. ~~66.0621~~ 66.0715 (3) and after the installments have been determined,

1 the governing body may issue general obligation-local improvement bonds under s.
2 67.16.

NOTE: Section 66.0715 relates to the payment of special assessments in installments. Section 66.0621 relates to revenue obligations and contains no provision relating to special assessments. 1999 Wisconsin Act 150 renumbered s. 66.0713 (3) from s. 66.54 (9) (a) and amended the above amended cross-reference from "this section" to s. 66.0621 (3). Act 150 also renumbered and amended s. 66.54 (10), changing the identical cross-reference to "special assessments payable in installments" from "this section" to s. 66.0715 (3). Prior to Act 150, special assessments payable in installments were provided for under s. 66.54 (7), which was renumbered to s. 66.0715 (3) by Act 150. There is no indication that the cross-reference in the former 66.54 (9) should have been treated differently than that in s. 66.54 (10).

3 ~~SECTION 59.~~ 66.1031 (3) (a) of the statutes, as affected by 2003 Wisconsin Act
4 214, is repealed and recreated to read:

5 66.1031 (3) (a) Alter or void the established width.

NOTE: Section 80.64 was renumbered by 2003 Wis. Act 214 to s. 66.1031. Due to a transcription error s. 66.1031 (3) (a) was inadvertently omitted from the published volumes.

6 ~~SECTION 60.~~ 67.16 (2) (a) of the statutes is amended to read:

7 67.16 (2) (a) For the purpose of anticipating the collection of special
8 assessments payable in installments under s. ~~66.0621~~ 66.0715 (3), the governing
9 body of a local governmental unit, after the installments have been determined, may
10 issue general obligation-local improvement bonds under this section.

NOTE: Section 66.0715 relates to the payment of special assessments in installments. Section 66.0621 relates to revenue obligations and contains no provision relating to special assessments. 1999 Wisconsin Act 150 renumbered s. 66.0713 (3) from s. 66.54 (9) (a) and amended a cross-reference from "special assessments payable in installments under this section" to "special assessments payable in installments under s. 66.0621 (3)." 1999 Wisconsin Act 150 also created s. 67.16 (2) (a) with language paralleling s. 66.54 (9) (a) and renumbered s. 66.54 (9) (b) and (c) to 67.16 (2) (b) and (c). Act 150 also renumbered and amended s. 66.54 (10), changing the identical cross-reference to "special assessments payable in installments" from "this section" to s. 66.0715 (3). Prior to Act 150, special assessments payable in installments were provided for under s. 66.54 (7), which was renumbered to s. 66.0715 (3) by Act 150. There is no indication that the cross-reference in the former 66.54 (9) or the new s. 67.16 should have been treated differently than that in s. 66.54 (10).

11 ~~SECTION 61.~~ 70.18 (1) of the statutes is amended to read:

1 70.18 (1) Personal property shall be assessed to the owner thereof, except that
2 when it is in the charge or possession of some person other than the owner it may be
3 assessed to the person so in charge or possession of the same. Telegraph and
4 telephone poles, posts, railroad ties, lumber and all other manufactured forest
5 products shall be deemed to be in the charge or possession of the person in occupancy
6 or possession of the premises upon which the same shall be stored or piled, and the
7 same shall be assessed to such person, unless the owner or some other person
8 residing in the same assessment district, shall be actually and actively in charge and
9 possession thereof, in which case it shall be assessed to such resident owner or other
10 person so in actual charge or possession; but nothing contained in this clause
11 subsection shall affect or change the rules prescribed in s. 70.13 respecting the
12 district in which such property shall be assessed.

NOTE: Corrects cross-reference.

13 ~~SECTION 62.~~ 75.63 (1) (a) 2. of the statutes is amended to read:

14 75.63 (1) (a) 2. All legal charges for assessing and collecting the taxes described
15 in subd. 1, and interest thereon at the rate of 8% per year from the January 15 in each
16 year during which the ~~the~~ lands were assessed, commencing with the January
17 following the first assessment after the sale.

NOTE: Deletes repeated word.

18 ~~SECTION 63.~~ 77.89 (2) (a) of the statutes is amended to read:

19 77.89 (2) (a) Each municipal treasurer shall pay 20% of each payment received
20 under sub. (1) and under ss. 77.84 (2) (a), and (am), 77.85, and 77.876 to the county
21 treasurer and shall deposit the remainder in the municipal treasury. The payment
22 to the county treasurer for money received before November 1 of any year shall be
23 made on or before the November 15 after its receipt. For money received on or after

1 November 1 of any year, the payment to the county treasurer shall be made on or
2 before November 15 of the following year.

NOTE: Corrects punctuation.

3 **SECTION 64.** 77.996 (6) of the statutes is amended to read:

4 77.996 (6) “Gross receipts” has the meaning given in s. 77.51 (4) (a), (b) 1. and
5 5., (c) 1. to 4., and (d). “Gross receipts” does not include the license fee imposed under
6 s. ~~77.9661~~ 77.9961 (1m) that is passed on to customers.

NOTE: Inserts correct cross-reference. There is no s. 77.9661. Section 77.996 creates definitions applicable to ss. 77.996 to 77.9965, and s. 77.9961 (1m) imposes a license fee on dry cleaning facilities.

7 **SECTION 65.** 79.03 (3c) (f) of the statutes is amended to read:

8 79.03 (3c) (f) *Distribution amount.* If the total amounts calculated under pars.
9 (c) to (e) exceed the total amount to be distributed under this subsection, the amount
10 paid to each eligible municipality shall be paid on a prorated basis. The total amount
11 to be distributed under this subsection from s. 20.835 (1) (b) is \$10,000,000 beginning
12 in 1996 and ending in 1999; and \$11,000,000 in the year 2000 and in the year 2001.
13 The total amount to be distributed under this subsection from ~~ss. s. 20.855 (4) (rb),~~
14 2001 stats., and s. 20.835 (1) (b) and 20.855 (4) (rb), 2001 stats., in 2002 is \$11,110,000
15 and the total amount to be distributed under this subsection from s. 20.835 (1) (b) in
16 2003 is \$11,221,100 less the reductions under s. 79.02 (3) (c) 3.

NOTE: Changes order of citations in conformity with current style.

17 **SECTION 66.** 79.03 (4) of the statutes is amended to read:

18 79.03 (4) In 1991, the total amount to be distributed under ss. 79.03, 79.04, and
19 79.06 from s. 20.835 (1) (d) is \$869,000,000. In 1992, the total amount to be
20 distributed under ss. 79.03, 79.04, and 79.06 from s. 20.835 (1) (d) is \$885,961,300.
21 In 1993, the total amount to be distributed under ss. 79.03, 79.04, and 79.06 from s.
22 20.835 (1) (d) is \$903,680,500. In 1994, the total amounts to be distributed under this

1 section and ss. 79.04 and 79.06 from s. 20.835 (1) (d) are \$746,547,500 to
2 municipalities and \$168,981,800 to counties. Beginning in 1995 and ending in 2001,
3 the total amounts to be distributed under ss. 79.03, 79.04, and 79.06 from s. 20.835
4 (1) (d) are \$761,478,000 to municipalities and \$168,981,800 to counties. In 2002, the
5 total amounts to be distributed under ss. 79.03, 79.04, and 79.06 from ~~ss. s. 20.855~~
6 ~~(4) (rb), 2001 stats., and s. 20.835 (1) (d) and 20.855 (4) (rb), 2001 stats.,~~ are
7 \$769,092,800 to municipalities and \$170,671,600 to counties. In 2003, the total
8 amounts to be distributed under ss. 79.03, 79.04, and 79.06 from s. 20.835 (1) (d), (m),
9 (t), and (u) are \$776,783,700 to municipalities, less the reductions under s. 79.02 (3)
10 (c) 3., and \$172,378,300 to counties, less the reductions under s. 79.02 (3) (c) 3.

NOTE: Changes order of citations in conformity with current style.

11 **SECTION 67.** 79.04 (7) (b) 1. of the statutes is renumbered 79.04 (7) (b).

NOTE: Section 79.04 (7) (b) does not contain other subdivisions. 2003 Wis. Act 31
created s. 79.04 (7) (b) 1. and 2. The creation of s. 79.04 (7) (b) 2. was removed from 2003
Wis. Act 31 by the governor's partial veto.

12 **SECTION 68.** 82.03 (2) (a) of the statutes, as affected by 2003 Wisconsin Act 214,
13 is repealed and recreated to read:

14 **82.03 (2) (a)** A greater sum is authorized by the town meeting.

NOTE: Section 81.01 (3) was renumbered by 2003 Wis. Act 214 to s. 82.03 (2). Due
to a transcription error s. 82.03 (2) (a) was inadvertently omitted from the published
volumes.

15 **SECTION 69.** 85.205 (1) of the statutes is repealed.

NOTE: By its terms, s. 85.205 (1) has no application after June 30, 2002.

16 **SECTION 70.** 85.205 (2) of the statutes is renumbered 85.205.

NOTE: After the repeal of s. 85.205 (1) by this bill, s. 85.205 has no other subsections.

17 **SECTION 71.** 86.03 (7) (title) of the statutes is created to read:

18 **86.03 (7) (title)** CUTTING OF VETERANS MEMORIAL TREES; PENALTY.

NOTE: All other subsections of s. 86.03 have titles.

19 **SECTION 72.** 88.01 (4) of the statutes is amended to read:

1 88.01 (4) “Cost of construction” includes damages to lands both within and
2 outside the district, reasonable attorneys’ attorney fees for petitioners and the board,
3 and all other reasonable and necessary expenses incurred in the organization of and
4 in the construction and completion of the works of a drainage district.

NOTE: Makes spelling consistent with current style and the majority of statutes.

5 ~~SECTION 73.~~ 88.08 (4) of the statutes is amended to read:

6 88.08 (4) Before any order taxing costs is entered, a petitioner or the board or
7 a person contesting the proceedings shall file with the clerk of the court a duly
8 verified itemized statement of all costs, attorneys’ attorney fees, and other liabilities
9 incurred in prosecuting or contesting such proceedings, upon which an order shall
10 be issued requiring the petitioners to show cause why an order taxing costs should
11 not be entered against them for the amount of costs, attorneys’ fees and other
12 liabilities. Notice of hearing of such order to show cause shall be given to the
13 petitioners as provided in s. 88.05 (3). Such order need not contain an itemized
14 statement of such account, but shall state where such account is filed.

NOTE: Makes spelling consistent with current style and the majority of statutes.

15 ~~SECTION 74.~~ 97.02 (14) (a) of the statutes is amended to read:

16 97.02 (14) (a) Has partially or completely imbedded therein any nonnutritive
17 object: provided, that this ~~clause~~ paragraph shall not apply in the case of any
18 nonnutritive object if, in the judgment of the department as provided by regulations,
19 such object is of practical functional value to the confectionary product and would not
20 render the product injurious or hazardous to health;

NOTE: Corrects cross-reference.

21 ~~SECTION 75.~~ 97.02 (14) (c) of the statutes is amended to read:

1 97.02 (14) (c) Bears or contains any nonnutritive substance; but this ~~clause~~
2 paragraph shall not apply to a safe nonnutritive substance which is in or on
3 confectionary by reason of its use for some practical functional purpose in the
4 manufacture, packaging, or storing of the confectionary if the use of the substance
5 does not promote deception of the consumer or otherwise result in adulteration or
6 misbranding in violation of this chapter. The department may, for the purpose of
7 avoiding or resolving uncertainty as to the application of this ~~clause~~ paragraph,
8 promulgate rules allowing or prohibiting the use of particular nonnutritive
9 substances.

NOTE: Corrects cross-reference.

10 ~~SECTION 76.~~ 100.174 (1) (g) 2. of the statutes is amended to read:

11 100.174 (1) (g) 2. Delivery to a ~~3rd party~~ 3rd-party carrier for delivery to the
12 buyer or the buyer's designee; or

NOTE: Corrects spelling.

13 ~~SECTION 77.~~ 100.201 (2) (f) of the statutes is amended to read:

14 100.201 (2) (f) Maintain or make repairs of any equipment owned by a retailer
15 except those used exclusively for selected dairy products. On such repairs the
16 wholesaler shall make charges for the service and parts at the same prices as are
17 charged by ~~third~~ 3rd persons rendering such service in the community where the
18 retailer is located but in no event shall the charges be less than the cost thereof to
19 the wholesaler plus a reasonable margin of profit.

NOTE: Makes spelling consistent with current style and the majority of statutes.

20 ~~SECTION 78.~~ 101.9204 (1) (g) of the statutes is amended to read:

21 101.9204 (1) (g) If the manufactured home is a used manufactured home that
22 was last previously titled in another jurisdiction, the applicant shall furnish any

1 certificate of ownership issued by the other jurisdiction and a statement, in the form
2 prescribed by the the department, pertaining to the title history and ownership of the
3 manufactured home.

NOTE: Deletes repeated word.

4 **SECTION 79.** 101.9208 (1) (b) of the statutes is repealed.

NOTE: By its terms, s. 101.9208 (1) (b) has no application after December 31, 2003.

****NOTE: 2005 Wis. Act 45 rp's this statute, eff 12-1-2005. Can this bill section
be removed? CJS

5 **SECTION 80.** 101.9208 (2) of the statutes is amended to read:

6 101.9208 (2) All fees collected under sub. (1), ~~except fees collected under sub.~~
7 (1) (b), shall be deposited in the transportation fund.

NOTE: Section 101.9208 (1) (b) is repealed by this bill as by its terms that provision
has no application after December 31, 2003.

****NOTE: This statute is rp'd eff. 12-1-2005, by Wis. Act 45. Can this bill section
be removed? CJS

8 **SECTION 81.** 101.94 (4) (intro.) of the statutes is amended to read: *to be added*

9 101.94 (4) (intro.) The department shall inspect manufactured homes
10 manufactured in other states to be sold or intended to be sold in this state. For such
11 out-of-state inspections, the department may contract for ~~3rd party~~ 3rd-party
12 inspection by an inspection agency which has been approved by the department. The
13 department shall monitor inspections conducted by ~~3rd party~~ 3rd-party inspection
14 agencies to ensure the quality of those inspections. To obtain departmental approval,
15 the inspection agency shall submit an application to the department accompanied
16 by written materials evidencing that the agency is:

NOTE: Corrects spelling.

17 **SECTION 82.** 102.29 (1) of the statutes is amended to read:

18 102.29 (1) The making of a claim for compensation against an employer or
19 compensation insurer for the injury or death of an employee shall not affect the right

1 of the employee, the employee's personal representative, or other person entitled to
2 bring action, to make claim or maintain an action in tort against any other party for
3 such injury or death, hereinafter referred to as a 3rd party; nor shall the making of
4 a claim by any such person against a 3rd party for damages by reason of an injury
5 to which ss. 102.03 to 102.64 are applicable, or the adjustment of any such claim,
6 affect the right of the injured employee or the employee's dependents to recover
7 compensation. The employer or compensation insurer who shall have paid or is
8 obligated to pay a lawful claim under this chapter shall have the same right to make
9 claim or maintain an action in tort against any other party for such injury or death.
10 If the department pays or is obligated to pay a claim under s. 102.81 (1), the
11 department shall also have the right to maintain an action in tort against any other
12 party for the employee's injury or death. However, each shall give to the other
13 reasonable notice and opportunity to join in the making of such claim or the
14 instituting of an action and to be represented by counsel. If a party entitled to notice
15 cannot be found, the department shall become the agent of such party for the giving
16 of a notice as required in this subsection and the notice, when given to the
17 department, shall include an affidavit setting forth the facts, including the steps
18 taken to locate such party. Each shall have an equal voice in the prosecution of said
19 claim, and any disputes arising shall be passed upon by the court before whom the
20 case is pending, and if no action is pending, then by a court of record or by the
21 department. If notice is given as provided in this subsection, the liability of the
22 tort-feasor shall be determined as to all parties having a right to make claim, and
23 irrespective of whether or not all parties join in prosecuting such claim, the proceeds
24 of such claim shall be divided as follows: After deducting the reasonable cost of
25 collection, one-third of the remainder shall in any event be paid to the injured

1 employee or the employee's personal representative or other person entitled to bring
2 action. Out of the balance remaining, the employer, insurance carrier or, if
3 applicable, uninsured employers fund shall be reimbursed for all payments made by
4 it, or which it may be obligated to make in the future, under this chapter, except that
5 it shall not be reimbursed for any payments of increased compensation made or to
6 be made under s. 102.18 (1) (bp), 102.22, 102.35 (3), 102.57 or 102.60. Any balance
7 remaining shall be paid to the employee or the employee's personal representative
8 or other person entitled to bring action. If both the employee or the employee's
9 personal representative or other person entitled to bring action, and the employer,
10 compensation insurer or department, join in the pressing of said claim and are
11 represented by counsel, the ~~attorneys'~~ attorney fees allowed as a part of the costs of
12 collection shall be, unless otherwise agreed upon, divided between such attorneys as
13 directed by the court or by the department. A settlement of any ~~3rd party~~ 3rd-party
14 claim shall be void unless said settlement and the distribution of the proceeds thereof
15 is approved by the court before whom the action is pending and if no action is
16 pending, then by a court of record or by the department.

NOTE: Makes spelling consistent with current style and the majority of statutes.

17 **SECTION 83.** 102.29 (2) of the statutes is amended to read:

18 102.29 (2) In the case of liability of the employer or insurer to make payment
19 into the state treasury under s. 102.49 or 102.59, if the injury or death was due to the
20 actionable act, neglect or default of a ~~third~~ 3rd party, the employer or insurer shall
21 have a right of action against ~~such third~~ the 3rd party to recover the sum so paid into
22 the state treasury, which right may be enforced either by joining in the action
23 mentioned in sub. (1), or by independent action. Contributory negligence of the
24 employee because of whose injury or death such payment was made shall bar

1 recovery if such negligence was greater than the negligence of the person against
2 whom recovery is sought, and the recovery allowed the employer or insurer shall be
3 diminished in proportion to the amount of negligence attributable to such injured or
4 deceased employee. Any action brought under this subsection may, upon order of the
5 court, be consolidated and tried together with any action brought under sub. (1).

NOTE: Makes spelling consistent with current style and the majority of statutes.

6 **SECTION 84.** 102.29 (5) of the statutes is amended to read:

7 102.29 (5) An insurer subject to sub. (4) which fails to comply with the notice
8 provision of that subsection and which fails to commence a ~~3rd-party~~ 3rd-party
9 action, within the 3 years allowed by s. 893.54, may not plead that s. 893.54 is a bar
10 in any action commenced by the injured employee under this section against any
11 such 3rd party subsequent to 3 years from the date of injury, but prior to 6 years from
12 such date of injury. Any recovery in such an action is limited to the insured liability
13 of the 3rd party. In any such action commenced by the injured employee subsequent
14 to the 3-year period, the insurer of the employer shall forfeit all right to participate
15 in such action as a complainant and to recover any payments made under this
16 chapter.

NOTE: Corrects spelling.

17 **SECTION 85.** 102.81 (2) of the statutes is amended to read:

18 102.81 (2) The department may retain an insurance carrier or insurance
19 service organization to process, investigate and pay claims under this section and
20 may obtain excess or stop-loss reinsurance with an insurance carrier authorized to
21 do business in this state in an amount that the secretary determines is necessary for
22 the sound operation of the uninsured employers fund. In cases involving disputed
23 claims, the department may retain an attorney to represent the interests of the

1 uninsured employers fund and to make appearances on behalf of the uninsured
2 employers fund in proceedings under ss. 102.16 to 102.29. Section ~~20.918~~ 20.930 and
3 subch. IV of ch. 16 do not apply to an attorney hired under this subsection. The
4 charges for the services retained under this subsection shall be paid from the
5 appropriation under s. 20.445 (1) (hp). The cost of any reinsurance obtained under
6 this subsection shall be paid from the appropriation under s. 20.445 (1) (sm).

NOTE: Inserts the correct cross-reference. Section 20.930 relates to authorization for incurring attorney fees. Section 20.918 relates to damaged personal articles. 1989 Act 64 created s. 102.81, which included the current reference to s. 20.918. 1989 Act 119 renumbered s. 20.918 to s. 20.930 and created a new, unrelated s. 20.918 without taking Act 64 into account.

7 **SECTION 86.** 103.56 (4) of the statutes is amended to read:

8 103.56 (4) A temporary restraining order issued under sub. (3) shall be effective
9 for no longer than 5 days and, at the expiration of the 5-day period, shall become void
10 and not subject to renewal or extension, except that if the hearing for a temporary
11 injunction s begins before the expiration of the ~~the~~ 5-day period the restraining order
12 may in the court's discretion be continued until a decision is reached on the issuance
13 of the temporary injunction.

NOTE: Deletes repeated word. Also deletes unnecessary letter "s".

****NOTE: See changes to text and revisor's note. Both changes are suggested by Gordon Malaise. CJS

14 **SECTION 87.** 108.09 (4) (c) of the statutes is amended to read:

15 108.09 (4) (c) *Late appeal.* If a party files an appeal which is not timely, an
16 appeal tribunal shall review the appellant's written reasons for filing the late appeal.
17 If those reasons, when taken as true and construed most favorably to the appellant,
18 do not constitute a reason beyond the appellant's control, the appeal tribunal may
19 dismiss the appeal without a hearing and issue a decision accordingly. Otherwise,
20 the department may schedule a hearing concerning the question of whether the ~~the~~

1 appeal was filed late for a reason that was beyond the appellant's control. The
2 department may also provisionally schedule a hearing concerning any matter in the
3 determination being appealed. After hearing testimony on the late appeal question,
4 the appeal tribunal shall issue a decision which makes ultimate findings of fact and
5 conclusions of law concerning whether the the appellant's appeal was filed late for
6 a reason that was beyond the appellant's control and which, in accordance with those
7 findings and conclusions, either dismisses the appeal or determines that the appeal
8 was filed late for a reason that was beyond the appellant's control. If the appeal is
9 not dismissed, the same or another appeal tribunal established by the department
10 for this purpose, after conducting a hearing, shall then issue a decision under sub.
11 (3) (b) concerning any matter in the determination.

NOTE: Deletes repeated word.

12 ~~SECTION 88.~~ 108.16 (8) (b) 2. of the statutes is amended to read:

13 108.16 (8) (b) 2. The transfer included at least 25% of the transferor's total
14 business as measured by comparing the payroll experience assignable to the the
15 portion of the business transferred with the transferor's total payroll experience for
16 the last 4 completed quarters immediately preceding the date of the transfer.

NOTE: Deletes repeated word.

17 ~~SECTION 89.~~ 111.01 (2) of the statutes is amended to read:

18 111.01 (2) Industrial peace, regular and adequate income for the employee, and
19 uninterrupted production of goods and services are promotive of all of these
20 interests. They are largely dependent upon the maintenance of fair, friendly, and
21 mutually satisfactory employment relations and the availability of suitable
22 machinery for the peaceful adjustment of whatever controversies may arise. It is
23 recognized that certain employers, including farmers and farmer cooperatives, in

1 addition to their general employer problems, face special problems arising from
2 perishable commodities and seasonal production which require adequate
3 consideration. It is also recognized that whatever may be the rights of disputants
4 with respect to each other in any controversy regarding employment relations, they
5 should not be permitted, in the conduct of their controversy, to intrude directly into
6 the primary rights of ~~third~~ 3rd parties to earn a livelihood, transact business, and
7 engage in the ordinary affairs of life by any lawful means and free from molestation,
8 interference, restraint, or coercion.

NOTE: Makes spelling consistent with current style and the majority of statutes.

9 **SECTION 90.** 111.70 (4) (jm) 4. h. of the statutes is amended to read:

10 111.70 (4) (jm) 4. h. Establish a system for resolving all disputes under the
11 agreement, including final and binding ~~3rd party~~ 3rd-party arbitration.

NOTE: Corrects spelling.

12 **SECTION 91.** 111.825 (1) (intro.) of the statutes is amended to read:

13 111.825 (1) (intro.) It is the legislative intent that in order to foster meaningful
14 collective bargaining, units must be structured in such a way as to avoid excessive
15 fragmentation whenever possible. In accordance with this policy, collective
16 bargaining units for employees in the classified service of the state, except employees
17 in the collective bargaining units specified in ~~s. 111.825 sub.~~ sub. (1m), are structured on
18 a statewide basis with one collective bargaining unit for each of the following
19 occupational groups:

NOTE: Corrects form of cross-reference.

20 **SECTION 92.** 112.01 (6) (title) of the statutes is amended to read:

21 112.01 (6) (title) CHECK DRAWN BY FIDUCIARY PAYABLE TO ~~THIRD~~ 3RD PERSON.

NOTE: Makes spelling consistent with current style and the majority of statutes.

22 **SECTION 93.** 126.47 (4) (f) of the statutes is repealed.

NOTE: By its terms, s. 126.47 (4) (f) has no application after January 1, 2003.

1 **SECTION 94.** 138.12 (11) (a) of the statutes is amended to read:

2 138.12 (11) (a) A premium finance agreement may provide for the payment by
3 the insured of a delinquency or default charge of \$1 to a maximum of 5% of any
4 delinquent installment which is in default for a period of 5 days or more. If the
5 default results in the cancellation of any insurance contract listed in the agreement,
6 the agreement may provide for the payment by the insured of a cancellation charge
7 of \$15. A premium finance agreement may also provide for the payment of statutory
8 ~~attorneys'~~ attorney fees and statutory court costs if the agreement is referred for
9 collection to an attorney not a salaried employee of the insurance premium finance
10 company.

NOTE: Makes spelling consistent with current style and the majority of statutes.

11 **SECTION 95.** 150.01 (2) of the statutes is amended to read:

12 150.01 (2) “Affected party” means the applicant, local planning agencies,
13 governmental agencies, other persons providing similar services in the applicant’s
14 service area, the public to be served by the proposed project, ~~3rd party~~ 3rd-party
15 payers and any other person who the department determines to be affected by an
16 application for approval of a project.

NOTE: Corrects spelling.

17 **SECTION 96.** 153.01 (8) of the statutes is amended to read:

18 153.01 (8) “Payer” means a ~~3rd party~~ 3rd-party payer, including an insurer,
19 federal, state or local government or another who is responsible for payment of a
20 hospital charge.

NOTE: Corrects spelling.

21 **SECTION 97.** 165.93 (1) (c) of the statutes is repealed.

NOTE: Section 165.93 (1) (c) defines “sexual contact” for s. 165.93, but “sexual contact” is not used in s. 165.93.

1 **SECTION 98.** 165.93 (1) (d) of the statutes is repealed.

NOTE: Section 165.93 (1) (d) defines “sexual intercourse” for s. 165.93, but “sexual intercourse” is not used in s. 165.93.

2 **SECTION 99.** 166.03 (8) (e) of the statutes is amended to read:

3 166.03 (8) (e) Emergency management employees as defined in par. (d) shall
4 be indemnified by their sponsor against any tort liability to ~~third~~ 3rd persons
5 incurred in the performance of emergency management activities while acting in
6 good faith and in a reasonable manner. Emergency management activities
7 constitute a governmental function.

NOTE: Makes spelling consistent with current style and the majority of statutes.

8 **SECTION 100.** 167.31 (2) (d) of the statutes is amended to read:

9 167.31 (2) (d) Except as provided in sub. (4) (a), ~~(bg)~~, (cg), (e), and (g), no person
10 may discharge a firearm or shoot a bolt or an arrow from a bow or crossbow from or
11 across a highway or within 50 feet of the center of a roadway.

NOTE: Section 167.31 (4) (bg) is repealed by this bill as by its terms that provision has no application after June 30, 2004.

12 **SECTION 101.** 167.31 (4) (bg) of the statutes is repealed.

NOTE: By its terms, s. 167.31 (4) (bg) has no application after June 30, 2004.

13 **SECTION 102.** 169.11 (1) (a) (intro.) of the statutes is amended to read:

14 169.11 (1) (a) (intro.) The department shall designate by rule cougars and
15 members of the family ursidae as harmful wild animals. After consulting with the
16 department of agriculture, trade and consumer protection and the department of
17 health and family services, the department of natural resources may designate by
18 rule other species of wild animals as harmful wild animals if any of the following
19 apply applies:

NOTE: Corrects grammar.

20 **SECTION 103.** 170.12 (4) (intro.) of the statutes is amended to read:

1 170.12 (4) REVIEW BY OTHER AGENCIES. (intro.) Upon receipt of an application
2 under sub. (3), the board shall immediately transmit copies of the application to the
3 department of natural resources and to the historical society for review. The
4 department of natural resources and the historical society shall, as appropriate,
5 within 30 days after their receipt of the application, notify the board whether any of
6 the following ~~apply~~ applies:

NOTE: Corrects grammar.

7 ~~SECTION 104.~~ 173.23 (4) (intro.) of the statutes is amended to read:

8 173.23 (4) INJURED OR DANGEROUS ANIMALS. (intro.) A political subdivision or
9 person contracting under s. 173.15 (1) who has custody of an animal may have the
10 animal euthanized if there are reasonable grounds to believe that any of the
11 following ~~apply~~ applies:

NOTE: Corrects grammar.

12 ~~SECTION 105.~~ 177.04 (2) of the statutes is amended to read:

13 177.04 (2) Subject to sub. (4), any sum payable on a money order or similar
14 written instrument, other than a ~~3rd-party~~ 3rd-party bank check, that has been
15 outstanding for more than 7 years after its issuance is presumed abandoned unless
16 the owner, within 7 years, has communicated in writing with the issuer concerning
17 it or otherwise indicated an interest as evidenced by a memorandum or other record
18 on file prepared by an employee of the issuer.

NOTE: Corrects spelling.

19 ~~SECTION 106.~~ 177.04 (4) (intro.) of the statutes is amended to read:

20 177.04 (4) (intro.) No sum payable on a travelers check, money order or similar
21 written instrument, other than a ~~3rd-party~~ 3rd-party bank check, described in subs.