

2007 DRAFTING REQUEST

Bill

Received: **10/09/2006**

Received By: **chanaman**

Wanted: **As time permits**

Identical to LRB:

For: **Revisor of Statutes**

By/Representing: **Bruce**

This file may be shown to any legislator: **NO**

Drafter: **chanaman**

May Contact:

Addl. Drafters:

Subject: **Legislature - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email: **don.dyke@legis.wisconsin.gov**

Carbon copy (CC:) to: **laura.rose@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Revisor's correction bill

Instructions:

See Attached

Drafting History:

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Typed</u> | <u>Proofed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
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| /? | chanaman 10/09/2006 | csicilia 12/13/2006 | | _____ | | | |
| /P1 | | csicilia 03/11/2007 | nmatzke 01/02/2007 | _____ | sbasford 01/02/2007 | | |
| /P2 | csicilia 03/22/2007 | csicilia 03/22/2007 | pgreensl 03/14/2007 | _____ | sbasford 03/14/2007 | | |
| /P3 | | csicilia | rschluet | _____ | lparisi | | |

for senate
per
Don Dyke
LC

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| /1 | | | pgreensl 05/16/2007 | _____ _____ _____ | sbasford 05/16/2007 sbasford 05/16/2007 | sbasford 10/26/2007 | |

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PA's

This is a Revisor's Bill on the /1 version

Please follow the special instructions regarding distribution of /1 Revisor Bills.

Thanks, Chris

Handwritten notes: 1 gs 5/16/07, 5/16/07, P8/NN

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

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| /P2 | | | pgreensl 03/14/2007 | | sbasford 03/14/2007 | | |

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Handwritten notes and signatures:

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| | p2 | ajs | 3/11/07 | 3/13/07 | 3/19/07 | | |

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Subject: **Legislature - miscellaneous**

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Pre Topic:

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Revisor's correction bill

OF rb 1

Instructions:

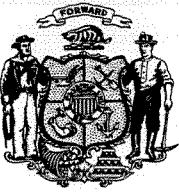
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State of Wisconsin
2007 - 2008 LEGISLATURE

Handwritten notes: a large scribble, "5-18 Stays", and a signature.

LRB-0495/P4

BEM:cjs:pg

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 correction bill is explained in the NOTES provided by the revisor of statutes in the body of the bill. In accordance with current drafting style, commas before the last item in a series are added throughout this bill. "Which" is replaced by "that" where grammatically correct. This bill is not intended to make any substantive changes.

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

6 SECTION 1. 5.90 (1) of the statutes, as affected by 2005 Wisconsin Act 451, is
7 amended to read:

1 5.90 (1) Except as otherwise provided in this subchapter, recounts of votes cast
2 on an electronic voting system shall be conducted in the manner prescribed in s. 9.01.
3 Except as provided in sub. (2) and s. 9.01 (1) (b) 8s., if the ballots are distributed to
4 the electors, the board of canvassers shall recount the ballots with automatic
5 tabulating equipment. The board of canvassers shall test the automatic tabulating
6 equipment to be used prior to the recount as provided in s. 5.84, and then the official
7 ballots or the record of the votes cast shall be recounted on the automatic tabulating
8 equipment. In addition, the board of canvassers shall check the ballots for the
9 presence or absence of the initials and other distinguishing marks, shall examine the
10 ballots marked "Rejected", "Defective" and "Objected to" to determine the propriety
11 of such labels, and shall compare the "Duplicate Overvoted Ballots" and "Duplicate
12 Damaged Ballots" with their respective originals to determine the correctness of the
13 duplicates. If electronic voting machines are used, the board of canvassers shall
14 perform the recount using the permanent paper record of the votes cast by each
15 elector, as generated by the machines.

NOTE: Inserts missing "s."

16 ~~SECTION 2.~~ 6.29 (2) (am) of the statutes, as created by 2005 Wisconsin Act 451,
17 is amended to read:

18 6.29 (2) (am) The board shall provide to each municipal clerk a list prepared
19 for use at each municipal clerk's office showing the name and address of each person
20 whose name appears on the list provided by the department of corrections under s.
21 301.03 ~~(20)~~ (20m) as ineligible to vote on the date of the election, whose address is
22 located in the municipality, and whose name does not appear on the registration list
23 for that municipality. Prior to permitting an elector to register to vote under this
24 subsection, the municipal clerk shall review the list. If the name of an elector who

1 wishes to register to vote appears on the list, the municipal clerk shall inform the
2 elector that the elector is ineligible to register to vote. If the elector maintains that
3 he or she is eligible to vote in the election, the municipal clerk shall permit the elector
4 to register to vote but shall mark the elector's registration form as "ineligible to vote
5 per Department of Corrections." If the elector wishes to vote, the municipal clerk
6 shall challenge the elector's ballot in the same manner as provided for inspectors who
7 challenge ballots under s. 6.79 (2) (dm).

NOTE: Section 301.03 (20), as created by 2005 Wis. Act 451, is renumbered s. 301.03
(20m) by this bill.

8 **SECTION 3.** 6.33 (1) of the statutes, as affected by 2005 Wisconsin Act 451, is
9 amended to read:

10 6.33 (1) The board shall prescribe the format, size, and shape of registration
11 forms. All forms shall be printed on cards and each item of information shall be of
12 uniform font size, as prescribed by the board. The municipal clerk shall supply
13 sufficient ~~form~~ forms to meet voter registration needs. The forms shall be designed
14 to obtain from each applicant information as to name; date; residence location;
15 citizenship; date of birth; age; the number of a valid operator's license issued to the
16 elector under ch. 343 or the last 4 digits of the elector's social security account
17 number; whether the applicant has resided within the ward or election district for
18 at least 10 days; whether the applicant has been convicted of a felony for which he
19 or she has not been pardoned, and if so, whether the applicant is incarcerated, or on
20 parole, probation, or extended supervision; whether the applicant is disqualified on
21 any other ground from voting; and whether the applicant is currently registered to
22 vote at any other location. The form shall include a space for the applicant's
23 signature and the signature of any corroborating elector. The form shall include a

1 space to enter the name of any special registration deputy under s. 6.26 or 6.55 (6)
2 or inspector, municipal clerk, or deputy clerk under s. 6.55 (2) who obtains the form
3 and a space for the deputy, inspector, clerk, or deputy clerk to sign his or her name,
4 affirming that the deputy, inspector, clerk, or deputy clerk has accepted the form.
5 The form shall include a space for entry of the ward and aldermanic district, if any,
6 where the elector resides and any other information required to determine the offices
7 and referenda for which the elector is certified to vote. The form shall also include
8 a space where the clerk may record an indication of whether the form is received by
9 mail, a space where the clerk may record an indication of the type of identifying
10 document submitted by the elector as proof of residence under s. 6.34, whenever
11 required, and a space where the clerk, for any applicant who possesses a valid voting
12 identification card issued to the person under s. 6.47 (3), may record the
13 identification serial number appearing on the voting identification card. Each
14 county clerk shall obtain sufficient registration forms for completion by an elector
15 who desires to register to vote at the office of the county clerk under s. 6.28 (4).

NOTE: Replaces the singular with the plural to correct grammar.

16 ~~SECTION 4.~~ 6.36 (1) (a) of the statutes, as affected by 2005 Wisconsin Act 451,
17 is amended to read:

18 6.36 (1) (a) The board shall compile and maintain electronically an official
19 registration list. The list shall contain the name and address of each registered
20 elector in the state, the date of birth of the elector, the ward and aldermanic district
21 of the elector, if any, and, for each elector, a unique registration identification number
22 assigned by the board, the number of a valid operator's license issued to the elector
23 under ch. 343, if any, or the last 4 digits of the elector's social security account
24 number, if any, any identification serial number issued to the elector under s. 6.47

1 (3), the date of any election in which the elector votes, an indication of whether the
2 elector is a military elector, as defined in sub. (2) (c), who has so certified under s.
3 6.865 (3m), an indication of whether the elector is an overseas elector, as defined in
4 s. 6.24 (1), any information relating to the elector that appears on the current list
5 transmitted to the board by the department of corrections under s. 301.03 ~~(20)~~ (20m),
6 an indication of any accommodation required under s. 5.25 (4) (a) to permit voting
7 by the elector, an indication of the method by which the elector's registration form
8 was received, and such other information as may be determined by the board to
9 facilitate administration of elector registration requirements.

NOTE: Section 301.03 (20), as created by 2005 Wis. Act 451, is renumbered s. 301.03
(20m) by this bill.

10 **SECTION 5.** 6.55 (2) (cs) of the statutes, as created by 2005 Wisconsin Act 451,
11 is amended to read:

12 6.55 (2) (cs) The board shall provide to each municipal clerk a list prepared for
13 use at each polling place showing the name and address of each person whose name
14 appears on the list provided by the department of corrections under s. 301.03 ~~(20)~~
15 (20m) as ineligible to vote on the date of the election, whose address is located in the
16 area served by that polling place, and whose name does not appear on the poll list
17 for that polling place. Prior to permitting an elector to register to vote under this
18 subsection or s. 6.86 (3) (a) 2., the inspectors or special registration deputies shall
19 review the list. If the name of an elector who wishes to register to vote appears on
20 the list, the inspectors or special registration deputies shall inform the elector or the
21 elector's agent that the elector is ineligible to register to vote. If the elector or the
22 elector's agent maintains that the elector is eligible to vote in the election, the
23 inspectors or special registration deputies shall permit the elector to register but

1 shall mark the elector's registration form as "ineligible to vote per Department of
2 Corrections." If the elector wishes to vote, the inspectors shall require the elector to
3 vote by ballot and shall challenge the ballot as provided in s. 6.79 (2) (dm).

NOTE: Section 301.03 (20), as created by 2005 Wis. Act 451, is renumbered s. 301.03
(20m) by this bill.

4 **SECTION 6.** 6.79 (2) (d) of the statutes, as affected by 2005 Wisconsin Act 451,
5 is amended to read:

6 6.79 (2) (d) ~~The~~ If the poll list indicates that proof of residence under s. 6.34 is
7 required, the officials shall require the elector to provide proof of residence. If proof
8 of residence is provided, the officials shall verify that the name and address on the
9 identification document submitted as proof of residence provided is the same as the
10 name and address shown on the registration list. If proof of residence is required and
11 not provided, the officials shall offer the opportunity for the elector to vote under s.
12 6.97.

NOTE: "If" was deleted by 2005 Wis. Act 451 without being shown as stricken. No
change was intended.

13 **SECTION 7.** 6.79 (2) (dm) of the statutes, as created by 2005 Wisconsin Act 451,
14 is amended to read:

15 6.79 (2) (dm) If the poll list indicates that the elector is ineligible to vote because
16 the elector's name appears on the current list provided by the department of
17 corrections under s. 301.03 ~~(20)~~ (20m), the inspectors shall inform the elector of this
18 fact. If the elector maintains that he or she is eligible to vote in the election, the
19 inspectors shall provide the elector with a ballot and, after the elector casts his or her
20 vote, shall challenge the ballot as provided in s. 6.92 and treat the ballot in the
21 manner provided in s. 6.95.

NOTE: Section 301.03 (20), as created by 2005 Wis. Act 451, is renumbered s. 301.03
(20m) by this bill.

1 **SECTION 8.** The treatment of 6.875 (4) of the statutes by 2005 Wisconsin Act 149
2 is not repealed by 2005 Wisconsin Act 451. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 6.875 (4) reads:

(4) (a) For the purpose of absentee voting in nursing homes and qualified retirement homes and qualified community-based residential facilities, the municipal clerk or board of election commissioners of each municipality in which one or more nursing homes or qualified retirement homes or qualified community-based residential facilities are located shall appoint at least 2 special voting deputies for the municipality. Upon application under s. 6.86 (1), (2), or (2m) by one or more qualified electors who are occupants of a nursing home or qualified retirement home or qualified community-based residential facility, the municipal clerk or board of election commissioners of the municipality in which the home or facility is located shall dispatch 2 special voting deputies to visit the home or qualified community-based residential facility for the purpose of supervising absentee voting procedure by occupants of the home or qualified community-based residential facility. The clerk shall maintain a list, available to the public upon request, of each nursing home or qualified retirement home or qualified community-based residential facility where an elector has requested an absentee ballot. The list shall include the date and time the deputies intend to visit each home or facility. The 2 deputies designated to visit each nursing home or qualified retirement home and qualified community-based residential facility shall be affiliated with different political parties whenever deputies representing different parties are available.

(b) Nominations for the special voting deputy positions described in par. (a) may be submitted by the 2 recognized political parties whose candidates for governor or president received the greatest numbers of votes in the municipality at the most recent general election. The deputies shall be specially appointed to carry out the duties under par. (a) for the period specified in s. 7.30 (6) (a). The clerk or board of election commissioners may revoke an appointment at any time. No individual who is employed or retained, or within the 2 years preceding appointment has been employed or retained, at a nursing home or qualified retirement home or qualified community-based residential facility in the municipality, or any member of the individual's immediate family, as defined in s. 19.42 (7), may be appointed to serve as a deputy.

3 **SECTION 9.** The treatment of 6.875 (6) (a) of the statutes by 2005 Wisconsin Act
4 149, section 24, is not repealed by 2005 Wisconsin Act 451, section 86. Both
5 treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 6.875 (6) (a) reads:

(a) Special voting deputies in each municipality shall, not later than 5 p.m. on the Friday preceding an election, arrange one or more convenient times with the administrator of each nursing home, qualified retirement home, and qualified community-based residential facility in the municipality from which one or more occupants have filed an application under s. 6.86 to conduct absentee voting for the election. The time may be no earlier than the 4th Monday preceding the election and no later than 5 p.m. on the Monday preceding the election. The municipal clerk shall post a notice at the home or facility indicating the date and time that absentee voting will take place at that home or facility. The notice shall be posted as soon as practicable after arranging the visit but in no case less than 24 hours before the visit. At the designated time, 2 deputies appointed under sub. (4) shall visit the home or facility.

1 ~~SECTION 10.~~ 6.875 (6) (b) of the statutes, as affected by 2005 Wisconsin Act 149,
2 section 24, and 2005 Wisconsin Act 451, section 86, is amended to read:

3 6.875 (6) (b) The municipal clerk or executive director of the board of election
4 commissioners shall issue a supply of absentee ballots to the deputies sufficient to
5 provide for the number of valid applications for an absentee ballot received by the
6 clerk, and a reasonable additional number of ballots. The deputies may exercise the
7 authority granted to the chief inspector under s. 7.41 to regulate the conduct of
8 observers ~~for~~. For purposes of the application of s. 7.41, the home or facility shall be
9 treated as a polling place. The municipal clerk or executive director shall keep a
10 careful record of all ballots issued to the deputies and shall require the deputies to
11 return every ballot issued to them.

NOTE: Corrects punctuation error that results in an incomplete sentence. Drafting records for 2005 Wis. Act 451 show that 2 sentences were intended.

12 ~~SECTION 11.~~ The treatment of 7.08 (1) (c) of the statutes by 2005 Wisconsin Act
13 278 is not repealed by 2005 Wisconsin Act 451. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 7.08 (1) (c) reads:

(c) Prescribe forms required by ss. 6.24 (3) and (4), 6.30 (4), 6.33 (1), 6.40 (1) (a), 6.47 (1) (am) 2. and (3), 6.55 (2), and 6.86 (2) to (3). All such forms shall contain a statement of the penalty applicable to false or fraudulent registration or voting through use of the form. Forms are not required to be furnished by the board.

14 ~~SECTION 12.~~ The treatment of 7.30 (4) (b) (intro.) of the statutes by 2005
15 Wisconsin Act 149 is not repealed by 2005 Wisconsin Act 451. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 7.30 (4) (b) (intro.) reads:

(b) The 2 dominant parties, under sub. (2), are each responsible for submitting a list of names from which all appointees to inspector positions, other than appointees to inspector positions authorized under sub. (1) (b), shall be chosen as follows:

16 ~~SECTION 13.~~ The treatment of 7.30 (4) (b) 2. of the statutes by 2005 Wisconsin
17 Act 149 is not repealed by 2005 Wisconsin Act 451. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor s. 7.30 (4) (b) 2. reads:

2. a. In municipalities other than cities and villages located in counties having a population of more than 500,000, the committees organized under s. 8.17 from each of the 2 dominant parties under sub. (2) shall submit a list containing at least as many names as there are needed appointees from that party. The list shall be submitted by the chairperson of each of the 2 committees to the mayor, president, or chairperson of the municipality. If committees are organized in subdivisions of a city, the list shall be submitted through the chairperson of the city committee. If there is no municipal committee, the list shall be submitted by the chairperson of the county or legislative district committee. Except as provided in par. (c), only those persons submitted by the chairperson of each committee under s. 8.17 may act as election officials. The chairperson may designate any individual whose name is submitted as a first choice nominee. The list shall contain the signature of the chairperson and secretary of the submitting committee.

b. In cities or villages located in counties having a population of more than 500,000, other than cities where there is a board of election commissioners, the aldermanic district or village committeeman or committeewoman for the ward or wards where each polling place is located, if there is one, or for inspectors serving under s. 7.52 (1) (b), the committeemen and committeewomen for the municipality acting jointly, shall submit a list containing at least as many names as there are needed appointees for inspector positions from the party represented by the committeeman or committeewoman or by the committeemen and committeewomen acting jointly. For appointments of inspectors in cities and villages where there is no aldermanic district or village committeeman or committeewoman, nominations shall proceed in the same manner as in municipalities located in counties having a population of 500,000 or less. The list shall be submitted to the mayor or president. Except as provided in par. (c), only those persons whose names are submitted as provided in this paragraph may act as election officials. The committeeman or committeewoman may designate any individual whose name is submitted as a first choice nominee. The list shall contain the signature of the aldermanic district or village committeeman or committeewoman or the chairperson of the appropriate committee.

c. Upon submission of each nominee's name, the governing body shall appoint each first choice nominee for so long as positions are available, unless nonappointment is authorized under par. (e), and shall appoint other nominees in its discretion. If any nominee is not appointed, the mayor, president, or chairperson of the municipality shall immediately nominate another person from the appropriate lists submitted and continue until the necessary number of election officials from each party is achieved at that meeting.

1 **SECTION 14.** 7.51 (1) of the statutes, as affected by 2005 Wisconsin Act 451, is
2 amended to read:

3 **7.51 (1) CANVASS PROCEDURE.** Immediately after the polls close the inspectors
4 except any inspector appointed under s. 7.30 (1) (b) shall proceed to canvass publicly
5 all votes received at the polling place. In any municipality where an electronic voting
6 system is used, the municipal governing body or board of election commissioners may
7 provide or authorize the municipal clerk or executive director of the board of election

1 commissioners to provide for the adjournment of the canvass to one or more central
2 counting locations for specified polling places in the manner prescribed in subch. III
3 of ch. 5. No central counting location may be used to count votes at a polling place
4 where an electronic voting system is not employed. The canvass, whether conducted
5 at the polling place or at a central counting location, shall continue without
6 adjournment until the canvass is completed and the return statement is made or, in
7 municipalities where absentee ballots are canvassed under s. 7.52, until the canvass
8 of all ballots cast is completed and the return statement for those ballots ~~are~~ is made.
9 The inspectors shall not permit access to the name of any elector who has obtained
10 a confidential listing under s. 6.47 (2) during the canvass, except as authorized in s.
11 6.47 (8).

NOTE: Replaces "are" with "is" for correct sentence agreement.

12 **SECTION 15.** 7.53 (2) (a) 3. of the statutes, as created by 2005 Wisconsin Act 451,
13 is amended to read:

14 7.53 (2) (a) 3. If the clerk is a candidate at an election being canvassed, the clerk
15 may perform his or her duties on the board of canvassers only if the clerk does not
16 have an opponent whose name appears on the ballot, or in the case of a recount, if
17 the office the clerk is seeking is not a subject of the recount. If the clerk is a candidate
18 at the election being canvassed and has an opponent whose name appears on the
19 ballot or if the office the clerk is seeking is a subject of a recount, the mayor, president
20 of or board chairperson of the municipality shall designate another qualified elector
21 of the municipality to serve in lieu of the elector for that election.

NOTE: Inserts correct word.

22 **SECTION 16.** The treatment of 9.01 (1) (a) of the statutes by 2005 Wisconsin Act
23 149 is not repealed by 2005 Wisconsin Act 451. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 9.01 (1) (a) reads:

(a) 1. Any candidate voted for at any election or any elector who voted upon any referendum question at any election may petition for a recount. The petitioner shall file a verified petition or petitions with the proper clerk or body under par. (ar) not earlier than the time of completion of the canvass and not later than 5 p.m. on the 3rd business day following the last meeting day of the municipal or county board of canvassers determining the election for that office or on that referendum question prior to issuance of any amended return under s. 6.221 (6) (b) or, if more than one board of canvassers makes the determination, not later than 5 p.m. on the 3rd business day following the last meeting day of the last board of canvassers which makes a determination prior to issuance of any amended return under s. 6.221 (6) (b). If the chairperson of the board or chairperson's designee makes the determination for the office or the referendum question, the petitioner shall file the petition not earlier than the last meeting day of the last county board of canvassers to make a statement in the election or referendum and not later than 5 p.m. on the 3rd business day following the day on which the elections board receives the last statement from a county board of canvassers for the election or referendum.

2. Each verified petition under subd. 1. shall state all of the following:

a. That at the election the petitioner was a candidate for the office in question or that the petitioner voted on the referendum question in issue.

b. That the petitioner is informed and believes that a mistake or fraud has been committed in a specified ward or municipality in the counting and return of the votes cast for the office or upon the question or that another specified defect, irregularity, or illegality occurred in the conduct of the election.

3. The petition under subd. 1. shall specify each ward, or each municipality where no wards exist, in which a recount is desired. If a recount is requested for all wards within a jurisdiction, each ward need not be specified.

4. The petition under subd. 1. may be amended to include information discovered as a result of the investigation of the board of canvassers or the chairperson of the board, or chairperson's designee, after the filing of the petition if the petitioner moves to amend the petition as soon as possible after the petitioner discovers, or reasonably should have discovered, the information that is the subject of the amendment and if the petitioner was unable to include the information in the original petition.

1 SECTION 17. The treatment of 13.94 (4) (a) 1. of the statutes by 2005 Wisconsin
2 Act 335 is not repealed by 2005 Wisconsin Act 441. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 13.94 (4) (a) 1. reads:

1. Every state department, board, examining board, affiliated credentialing board, commission, independent agency, council or office in the executive branch of state government; all bodies created by the legislature in the legislative or judicial branch of state government; any public body corporate and politic created by the legislature including specifically the Fox River Navigational System Authority and the Wisconsin Aerospace Authority, a professional baseball park district, a local professional football stadium district, a local cultural arts district and a family care district under s. 46.2895; every Wisconsin works agency under subch. III of ch. 49; every provider of medical assistance under subch. IV of ch. 49; technical college district boards; development zones designated under s. 560.71; every county department under s. 51.42 or 51.437; every nonprofit corporation or cooperative or unincorporated cooperative association to which moneys are specifically appropriated by state law; and every corporation, institution, association or other organization which receives more than 50% of its annual budget from

appropriations made by state law, including subgrantee or subcontractor recipients of such funds.

1 **SECTION 18.** 16.964 (12) (k) of the statutes, as created by 2005 Wisconsin Act
2 25, is amended to read:

3 16.964 (12) (k) By December 31, 2011, the office, in collaboration with the
4 departments of corrections and health and family services, shall submit a report to
5 the chief clerk of each house of the legislature, for distribution to the appropriate
6 standing committees under ~~section s.~~ 13.172 (3), regarding savings that have been
7 generated through the implementation of the grant program. The report shall also
8 include recommendations regarding how the grant program should be structured in
9 the future.

NOTE: Corrects citation form. The change is shown in the printed volumes.

10 **SECTION 19.** 19.01 (4) (g) of the statutes is amended to read:

11 19.01 (4) (g) Official oaths and bonds of all elected or appointed village officers
12 shall be filed in the office of the village clerk for the village in which the ~~officers~~ officer
13 serves, except that oaths and bonds of village clerks shall be filed in the office of the
14 village treasurer.

NOTE: Inserts missing word and correct word form.

15 **SECTION 20.** 19.82 (2) of the statutes is amended to read:

16 19.82 (2) "Meeting" means the convening of members of a governmental body
17 for the purpose of exercising the responsibilities, authority, power or duties
18 delegated to or vested in the body. If one-half or more of the members of a
19 governmental body are present, the meeting is rebuttably presumed to be for the
20 purpose of exercising the responsibilities, authority, power or duties delegated to or
21 vested in the body. The term does not include any social or chance gathering or
22 conference which is not intended to avoid this subchapter, any gathering of the

1 members of a town board for the purpose specified in s. 60.50 (6), any gathering of
2 the commissioners of a town sanitary district for the purpose specified in s. 60.77 (5)
3 (k), or any gathering of the members of a drainage board created under s. 88.16, 1991
4 stats., or under s. 88.17, for a purpose specified in s. 88.065 (5) (a).

NOTE: Inserts serial comma. The change is shown in the printed volumes.

5 **SECTION 21.** The treatment of 20.566 (1) (hp) of the statutes by 2005 Wisconsin
6 Act 323 is not repealed by 2005 Wisconsin Act 460. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 20.566 (1) (hp)
reads:

(hp) *Administration of endangered resources; professional football district; breast cancer research; fire fighters memorial; veterans trust fund; multiple sclerosis programs; prostate cancer research voluntary payments.* The amounts in the schedule for the payment of all administrative costs, including data processing costs, incurred in administering ss. 71.10 (5), (5e), (5f), (5fm), (5g), (5h), and (5m), and 71.30 (10). All moneys specified for deposit in this appropriation under ss. 71.10 (5) (h) 5., (5e) (h) 4., (5f) (i), (5fm) (i), (5g) (i), (5h) (i), and (5m) (i), and 71.30 (10) (i) and (11) (i) shall be credited to this appropriation.

7 **SECTION 22.** 20.835 (2) (bm) of the statutes, as created by 2005 Wisconsin Act
8 405, is renumbered 20.835 (2) (br).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2005 Wis. Act
483 also created a provision numbered s. 20.835 (2) (bm).

9 **SECTION 23.** 30.206 (1) (a) of the statutes is amended to read:

10 30.206 (1) (a) The department shall issue the statewide general permits as
11 rules promulgated under ch. 227 required under ss. 30.12 (3) (a), 30.123 (7) (a), and
12 30.20 (1t) (a). The statewide general permits required under ss. 30.12 (3) (a), 30.123
13 (7) (a), and 30.20 (1t) (a) shall be promulgated within 540 days after February 6,
14 2004. The department shall submit in proposed form the rule containing the
15 statewide general permit under s. 30.19 (3r) (a) and the rule under s. 30.19 (1d) to
16 the legislative council staff under ~~section s.~~ 227.15 (1) no later than August 1, 2004.
17 General permits issued under s. 30.206, 2001 stats., shall remain valid until the date

1 upon which the rules issuing these statewide general permits are promulgated
2 under this paragraph.

NOTE: Corrects citation form. The correction has been made in the printed volumes.

3 **SECTION 24.** 31.02 (4r) of the statutes is amended to read:

4 31.02 (4r) The department shall promulgate rules specifying the rights held
5 by the public in navigable waters that are dammed. The rules shall include
6 provisions on the rights held by the public that affect the placement of fishways or
7 fish ladders in navigable waters that are dammed.

NOTE: Inserts missing article.

8 **SECTION 25.** 40.23 (3) of the statutes, as affected by 2005 Wisconsin Act 154,
9 is amended to read:

10 40.23 (3) The initial monthly amount of any retirement annuity in the normal
11 form shall not be less than the money purchase annuity which can be provided by
12 applying the sum of the participant's accumulated additional and required
13 contributions, including interest credited to the accumulations, plus an amount from
14 the employer accumulation reserve equal to the participant's accumulated required
15 contributions, less any accumulated contributions to purchase other governmental
16 service under s. 40.25 (7), 2001 stats., or s. 40.285 (2) (b) or 40.25 (7), 2001 stats., to
17 fund the annuity in accordance with the actuarial tables in effect on the annuity
18 effective date.

NOTE: Places cross-references in correct order according to current style.

19 **SECTION 26.** 40.73 (1) (am) 2. of the statutes, as created by 2005 Wisconsin Act
20 22, is amended to read:

21 40.73 (1) (am) 2. Accumulated contributions to purchase other governmental
22 service under s. 40.25 (7), 2001 stats., or s. 40.285 (2) (b) or 40.25 (7), 2001 stats.

NOTE: Places cross-references in correct order according to current style.

1 — **SECTION 27.** 43.30 (1b) of the statutes is amended to read:

2 43.30 (1b) In this section, “custodial parent” includes any parent other than
3 a parent who has been denied periods of physical placement with a child under s.
4 ~~767.24 (4)~~ 767.41 (4).

NOTE: Corrects cross-reference. Section 767.24 was renumbered to s. 767.41 by
2005 Wis. Act 443.

5 — **SECTION 28.** 45.31 (7) of the statutes, as affected by 2005 Wisconsin Act 22, is
6 amended to read:

7 45.31 (7) “Funds” include cash on hand and liquid investments owned by the
8 veteran and his or her spouse, individually or jointly, unless the veteran and spouse
9 are legally separated under s. ~~767.07~~ 767.35 (1).

NOTE: Corrects cross-reference. Section 767.07 was renumbered to s. 767.35 (1)
by 2005 Wis. Act 443.

10 — **SECTION 29.** 45.37 (2) (a) of the statutes, as affected by 2005 Wisconsin Act 22,
11 is amended to read:

12 45.37 (2) (a) Applications for loans under this section for a purpose specified
13 in s. 45.34 (1) (a), (b), or (d) shall be made to an authorized lender and applications
14 for loans under this section for a purpose specified under s. 45.34 (1) (c) may be made
15 to the department or to a county veterans service officer on forms approved by the
16 department and signed by the applicant. If the applicant is married and not legally
17 separated under s. ~~767.02~~ 767.001 (1) (d) or in the process of obtaining a divorce, the
18 applicant’s spouse also shall sign the application.

NOTE: Corrects cross-reference. Section 767.02 was renumbered s. 767.001 by
2005 Wis. Act 443.

19 — **SECTION 30.** 46.03 (7g) of the statutes, as affected by 2005 Wisconsin Act 406,
20 section 2, is amended to read:

1 46.03 (7g) STATEWIDE AUTOMATED CHILD WELFARE INFORMATION SYSTEM. Establish
2 a statewide automated child welfare information system. Notwithstanding ss.
3 46.2895 (9), 48.396 (1) and (2) (a), 48.78 (2) (a), 48.981 (7), 49.45 (4), 49.83, 51.30,
4 51.45 (14) (a), ~~55.06 (17) (e)~~ 55.22 (3), 146.82, 252.11 (7), 252.15, 253.07 (3) (c), 938.396
5 (1) (a) and (2) (a), and 938.78 (2) (a), the department may enter the content of any
6 record kept or information received by the department into the statewide automated
7 child welfare information system, and a county department under s. 46.215, 46.22
8 or 46.23, the department, or any other organization that has entered into an
9 information sharing and access agreement with the department or any of those
10 county departments and that has been approved for access to the statewide
11 automated child welfare information system by the department may have access to
12 information that is maintained in that system, if necessary to enable the county
13 department, department, or organization to perform its duties under this chapter,
14 ch. 48, 51, 55, or 938, or 42 USC 670 to 679b to or to coordinate the delivery of services
15 under this chapter, ch. 48, 51, 55, or 938, or 42 USC 670 to 679b.

NOTE: Corrects cross-references. 2005 Wis. Act 264 renumbered s. 55.06 (17) to s. 55.22. 2005 Wis. Act 344 renumbered s. 938.396 (1) to s. 938.396 (1) (a) and s. 938.396 (2) (a) to s. 938.396 (2) and changed existing cross-references to s. 938.396 (1) (a) and (2), but did not take account of the cross-references inserted by 2005 Wis. Act 406.

16 —SECTION 31. 46.215 (1p) of the statutes, as created by 2005 Wisconsin Act 406,
17 is amended to read:

18 46.215 (1p) EXCHANGE OF INFORMATION; STATEWIDE AUTOMATED CHILD WELFARE
19 INFORMATION SYSTEM. Notwithstanding ss. 46.2895 (9), 48.396 (1) and (2) (a), 48.78
20 (2) (a), 48.981 (7), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), ~~55.06 (17) (e)~~ 55.22 (3), 146.82,
21 252.11 (7), 252.15, 253.07 (3) (c), 938.396 (1) (a) and (2) (a), and 938.78 (2) (a), a county
22 department under this section may enter the content of any record kept or

1 information received by that county department into the statewide automated child
2 welfare information system established under s. 46.03 (7g).

NOTE: Corrects cross-reference. 2005 Wis. Act 264 renumbered s. 55.06 (17) to s. 55.22. 2005 Wis. Act 344 renumbered s. 938.396 (1) to s. 938.396 (1) (a) and s. 938.396 (2) (a) to s. 938.396 (2) and changed existing cross-references to s. 938.396 (1) (a) and (2), but did not take account of the cross-references inserted by 2005 Wis. Act 406.

3 **SECTION 32.** 46.22 (1) (b) 2. e. of the statutes is amended to read:

4 46.22 (1) (b) 2. e. To make payments in such manner as the department of
5 workforce development may determine for training of recipients, former recipients
6 and potential recipients of aid in programs established under ~~ss.~~ s. 49.193, 1997
7 stats., and s. 49.26 (1).

NOTE: Corrects citation form.

8 **SECTION 33.** 46.22 (1) (dp) of the statutes, as created by 2005 Wisconsin Act 406,
9 is amended to read:

10 46.22 (1) (dp) *Exchange of information; statewide automated child welfare*
11 *information system.* Notwithstanding ss. 46.2895 (9), 48.396 (1) and (2) (a), 48.78 (2)
12 (a), 48.981 (7), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), ~~55.06 (17) (e)~~ 55.22 (3), 146.82,
13 252.11 (7), 252.15, 253.07 (3) (c), 938.396 (1) (a) and (2) ~~(a)~~, and 938.78 (2) (a), a county
14 department under this section may enter the content of any record kept or
15 information received by that county department into the statewide automated child
16 welfare information system established under s. 46.03 (7g).

NOTE: Corrects cross-reference. 2005 Wis. Act 264 renumbered s. 55.06 (17) to s. 55.22. 2005 Wis. Act 344 renumbered s. 938.396 (1) to s. 938.396 (1) (a) and s. 938.396 (2) (a) to s. 938.396 (2) and changed existing cross-references to s. 938.396 (1) (a) and (2), but did not take account of the cross-references inserted by 2005 Wis. Act 406.

17 **SECTION 34.** 46.23 (3) (ed) of the statutes, as created by 2005 Wisconsin Act 406,
18 is amended to read:

19 46.23 (3) (ed) *Exchange of information; statewide automated child welfare*
20 *information system.* Notwithstanding ss. 46.2895 (9), 48.396 (1) and (2) (a), 48.78 (2)

1 (a), 48.981 (7), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), ~~55.06 (17) (e)~~ 55.22 (3), 146.82,
2 252.11 (7), 252.15, 253.07 (3) (c), 938.396 (1) (a) and (2) (~~a~~), and 938.78 (2) (a), a county
3 department under this section may enter the content of any record kept or
4 information received by that county department into the statewide automated child
5 welfare information system established under s. 46.03 (7g).

NOTE: Corrects cross-reference. 2005 Wis. Act 264 renumbered s. 55.06 (17) to s. 55.22. 2005 Wis. Act 344 renumbered s. 938.396 (1) to s. 938.396 (1) (a) and s. 938.396 (2) (a) to s. 938.396 (2) and changed existing cross-references to s. 938.396 (1) (a) and (2), but did not take account of the cross-references inserted by 2005 Wis. Act 406.

6 ~~SECTION 35.~~ 46.29 (3) (j) of the statutes is repealed.

NOTE: 46.29 (3) (intro.) provides that, "All of the following shall maintain liaison with and periodically report to the council on physical disabilities ...", and 46.29 (3) (j) states "The chairperson of the health policy council." The health policy council was abolished in 1987 Wisconsin Act 399 by the repeal of s. 14.017 (3).

7 ~~SECTION 36.~~ 48.27 (5) of the statutes, as affected by 2005 Wisconsin Act 293,
8 is amended to read:

9 48.27 (5) Subject to sub. (3) (b), the court shall make every reasonable effort
10 to identify and notify any person who has filed a declaration of paternal interest
11 under s. 48.025, any person who has acknowledged paternity of the child under s.
12 ~~767.62~~ 767.805 (1) , and any person who has been adjudged to be the father of the
13 child in a judicial proceeding unless the person's parental rights have been
14 terminated.

NOTE: Corrects cross-reference. Section 767.62 was renumbered s. 767.805 by 2005 Wis. Act 443.

15 ~~SECTION 37.~~ 48.40 (1r) of the statutes, as created by 2005 Wisconsin Act 293,
16 is amended to read:

17 48.40 (1r) "Parent" has the meaning given in s. 48.02 (13), except that for
18 purposes of filing a petition seeking the involuntary termination of parental rights
19 under s. 48.415 to a nonmarital child who is not adopted or whose parents do not

1 subsequently intermarry under s. ~~767.60~~ 767.803 and whose paternity has not been
2 established, of finding grounds under s. 48.415 for the involuntary termination of
3 parental rights to such a child, and of terminating the parental rights to such a child
4 on a ground specified in s. 48.415, "parent" includes a person who may be the parent
5 of such a child.

NOTE: Inserts correct cross-reference. 2005 Wis. Act 443 renumbered s. 767.60 to
767.803.

6 **SECTION 38.** 48.42 (1g) (a) (intro.) of the statutes, as created by 2005 Wisconsin
7 Act 293, is amended to read:

8 48.42 (1g) (a) (intro.) Except as provided in par. (c), if the petition is filed by a
9 person or agency other than the district attorney, corporation counsel, or other
10 appropriate official under s. 48.09; if the petition seeks to terminate the parental
11 rights of a person who may be the father of a nonmarital child who is under one year
12 of age at the time the petition is filed, who is not adopted or whose parents do not
13 subsequently intermarry under s. ~~767.60~~ 767.803, and whose paternity has not been
14 established; and if the mother of the child has voluntarily consented to or seeks to
15 voluntarily consent to the termination of her parental rights to the child, the
16 petitioner may file with the petition an affidavit signed by the mother that includes
17 all of the following:

NOTE: Inserts correct cross-reference. 2005 Wis. Act 443 renumbered s. 767.60 to
767.803.

18 **SECTION 39.** 48.42 (2) (bm) (intro.) of the statutes, as created by 2005 Wisconsin
19 Act 293, is amended to read:

20 48.42 (2) (bm) (intro.) If the child is a nonmarital child who is under one year
21 of age at the time the petition is filed and who is not adopted or whose parents do not

1 subsequently intermarry under s. ~~767.60~~ 767.803 and whose paternity has not been
2 established and if an affidavit under sub. (1g) (a) is filed with the petition:

NOTE: Inserts correct cross-reference. 2005 Wis. Act 443 renumbered s. 767.60 to
767.803.

3 ~~SECTION 40.~~ 48.42 (2m) (b) of the statutes, as created by 2005 Wisconsin Act
4 293, is amended to read:

5 48.42 (2m) (b) *Parent of nonmarital child.* A person who may be the father of
6 a nonmarital child who is not adopted or whose parents do not subsequently
7 intermarry under s. ~~767.60~~ 767.803 and whose paternity has not been established,
8 by virtue of the fact that he has engaged in sexual intercourse with the mother of the
9 child, is considered to be on notice that a pregnancy and a termination of parental
10 rights proceeding concerning the child may occur, and has the duty to protect his own
11 rights and interests. He is therefore entitled to actual notice of such a proceeding
12 only as provided in sub. (2) (b) or (bm). A person who is not entitled to notice under
13 sub. (2) (b) or (bm) does not have standing to appear and contest a petition for the
14 termination of his parental rights, present evidence relevant to the issue of
15 disposition, or make alternative dispositional recommendations.

NOTE: Inserts correct cross-reference. 2005 Wis. Act 443 renumbered s. 767.60 to
767.803.

16 ~~SECTION 41.~~ 48.423 (2) (intro.) of the statutes, as created by 2005 Wisconsin Act
17 293, is amended to read:

18 48.423 (2) **RIGHTS OF OUT-OF-STATE FATHERS.** (intro.) A person who may be the
19 father of a nonmarital child who is not adopted or whose parents do not subsequently
20 intermarry under s. ~~767.60~~ 767.803 and whose paternity has not been established
21 may contest the petition, present evidence relevant to the issue of disposition, and
22 make alternative dispositional recommendations if the person appears at the

1 hearing, establishes paternity under sub. (1), and proves all of the following by a
2 preponderance of the evidence:

NOTE: Inserts correct cross-reference. 2005 Wis. Act 443 renumbered s. 767.60 to
767.803.

3 ~~SECTION 42.~~ 48.833 of the statutes, as affected by 2005 Wisconsin Acts 293 and
4 448, is amended to read:

5 **48.833 Placement of children for adoption by the department, county**
6 **departments, and child welfare agencies.** The department, a county
7 department under s. 48.57 (1) (e) or (hm), or a child welfare agency licensed under
8 s. 48.60 may place a child for adoption in a licensed foster home or a licensed
9 treatment foster home without a court order if the department, county department,
10 or child welfare agency is the guardian of the child or makes the placement at the
11 request of another agency that is the guardian of the child and if the proposed
12 adoptive parents have completed the preadoption preparation required under s.
13 48.84 (1) or the department, county department, or child welfare agency determines
14 that the proposed adoptive parents are not required to complete that preparation. ~~;~~
15 When a child is placed under this section in a licensed foster home or a licensed
16 treatment foster home for adoption, the department, county department, or child
17 welfare agency making the placement shall enter into a written agreement with the
18 proposed adoptive parent, which shall state the date on which the child is placed in
19 the licensed foster home or licensed treatment foster home for adoption by the
20 proposed adoptive parent.

NOTE: The stricken commas were inserted by 2005 Wis. Act 293 but rendered
surplusage by 2005 Wis. Act 448.

21 ~~SECTION 43.~~ 48.837 (4) (e) of the statutes, as affected by 2005 Wisconsin Act 293
22 and 2005 Wisconsin Act 443, section 265, is amended to read:

1 48.837 (4) (e) Shall, before hearing the petitions under subs. (2) and (3),
2 ascertain whether the paternity of a nonmarital child who is not adopted or whose
3 parents do not subsequently intermarry under s. ~~767.60~~ 767.803 has been
4 acknowledged under s. 767.805 or a substantially similar law of another state or
5 adjudicated in this state or another jurisdiction. If the child's paternity has not been
6 acknowledged or adjudicated, the court shall attempt to ascertain the paternity of
7 the child and shall determine the rights of any person who may be the father of the
8 child as provided under s. 48.423. The court may not proceed with the hearing on
9 the petitions under this section unless the parental rights of the nonpetitioning
10 parent, whether known or unknown, have been terminated.

NOTE: Inserts correct cross-reference. 2005 Wis. Act 443 renumbered s. 767.60 to
767.803.

11 ~~SECTION 44.~~ 48.978 (7) (b) of the statutes, as affected by 2005 Wisconsin Act
12 387, is amended to read:

13 48.978 (7) (b) This section does not abridge the duties or authority of a guardian
14 appointed under ch. 880, 2003 stats., or ch. 54 or ch. 880, 2003 stats.

NOTE: Places cross-references in correct order in accordance with current style.

15 ~~SECTION 45.~~ 49.855 (3) of the statutes, as affected by 2005 Wisconsin Act 304,
16 is amended to read:

17 49.855 (3) Receipt of a certification by the department of revenue shall
18 constitute a lien, equal to the amount certified, on any state tax refunds or credits
19 owed to the obligor. The lien shall be foreclosed by the department of revenue as a
20 setoff under s. 71.93 (3), (6), and (7). When the department of revenue determines
21 that the obligor is otherwise entitled to a state tax refund or credit, it shall notify the
22 obligor that the state intends to reduce any state tax refund or credit due the obligor
23 by the amount the obligor is delinquent under the support, maintenance, or receiving

1 and disbursing fee order or obligation, by the outstanding amount for past support,
2 medical expenses, or birth expenses under the court order, or by the amount due
3 under s. 46.10 (4) or 301.12 (4). The notice shall provide that within 20 days the
4 obligor may request a hearing before the circuit court rendering the order under
5 which the obligation arose. Within 10 days after receiving a request for hearing
6 under this subsection, the court shall set the matter for hearing. Pending further
7 order by the court or a circuit court commissioner, the department of workforce
8 development or its designee, whichever is appropriate, is prohibited from disbursing
9 the obligor's state tax refund or credit. A circuit court commissioner may conduct the
10 hearing. The sole issues at that hearing shall be whether the obligor owes the
11 amount certified and, if not and it is a support or maintenance order, whether the
12 money withheld from a tax refund or credit shall be paid to the obligor or held for
13 future support or maintenance, except that the obligor's ability to pay shall also be
14 an issue at the hearing if the obligation relates to an order under s. ~~767.51 (3) (e) 1.~~
15 ~~or 767.62~~ 767.805 (4) (d) 1. or 767.89 (3) (e) 1. and the order specifies that the court
16 found that the obligor's income was at or below the poverty line established under
17 42 USC 9902 (2).

NOTE: Inserts correct cross-references. 2005 Wis. Act 443 renumbered s. 767.51
to s. 767.89 and s. 767.62 to 767.805.

18 **SECTION 46.** 49.855 (4m) (b) of the statutes, as affected by 2005 Wisconsin Acts
19 22 and 304, is amended to read:

20 49.855 (4m) (b) The department of revenue may provide a certification that it
21 receives under sub. (1), (2m), or (2p) to the department of administration. Upon
22 receipt of the certification, the department of administration shall determine
23 whether the obligor is a vendor or is receiving any other payments from this state,

1 except for wages, retirement benefits, or assistance under s. 45.352, 1971 stats., s.
2 45.40 (1), this chapter, or ch. 46, 108, or 301. If the department of administration
3 determines that the obligor is a vendor or is receiving payments from this state,
4 except for wages, retirement benefits, or assistance under s. 45.352, 1971 stats., s.
5 45.40 (1), this chapter, or ch. 46, 108, or 301, it shall begin to withhold the amount
6 certified from those payments and shall notify the obligor that the state intends to
7 reduce any payments due the obligor by the amount the obligor is delinquent under
8 the support, maintenance, or receiving and disbursing fee order or obligation, by the
9 outstanding amount for past support, medical expenses, or birth expenses under the
10 court order, or by the amount due under s. 46.10 (4) or 301.12 (4). The notice shall
11 provide that within 20 days after receipt of the notice the obligor may request a
12 hearing before the circuit court rendering the order under which the obligation arose.
13 An obligor may, within 20 days after receiving notice, request a hearing under this
14 paragraph. Within 10 days after receiving a request for hearing under this
15 paragraph, the court shall set the matter for hearing. A circuit court commissioner
16 may conduct the hearing. Pending further order by the court or circuit court
17 commissioner, the department of workforce development or its designee, whichever
18 is appropriate, may not disburse the payments withheld from the obligor. The sole
19 issues at the hearing are whether the obligor owes the amount certified and, if not
20 and it is a support or maintenance order, whether the money withheld shall be paid
21 to the obligor or held for future support or maintenance, except that the obligor's
22 ability to pay is also an issue at the hearing if the obligation relates to an order under
23 s. ~~767.51(3)(e) 1. or 767.62 767.805 (4) (d) 1. or 767.89 (3) (e) 1.~~ and the order specifies
24 that the court found that the obligor's income was at or below the poverty line
25 established under 42 USC 9902 (2).

NOTE: Inserts correct cross-references. 2005 Wis. Act 443 renumbered s. 767.51 to s. 767.89 and s. 767.62 to 767.805.

1 ~~SECTION 47.~~ 49.89 (7) (c) of the statutes is amended to read:

2 49.89 (7) (c) The incentive payment shall be an amount equal to 15% of the
3 amount recovered because of benefits paid under s. 49.20, 1997 stats., or s. 49.19, s.
4 49.20, 1997 stats., and 49.30 49.785, or 253.05. The incentive payment shall be taken
5 from the state share of the sum recovered, except that the incentive payment for an
6 amount recovered because of benefits paid under s. 49.19 shall be considered an
7 administrative cost under s. 49.19 for the purpose of claiming federal funding.

NOTE: Places cross-references in correct order according to current style. Corrections have been made in the printed volumes. Section 49.30 was renumbered s. 49.785 by 2003 Wis. Act 33.

8 ~~SECTION 48.~~ The treatment of 50.06 (2) (c) of the statutes by 2005 Wisconsin
9 Act 264 is not repealed by 2005 Wisconsin Act 387. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 50.06 (2) (c) reads:

(c) A petition for guardianship for the individual under s. 54.34 and a petition under s. 55.075 for protective placement of the individual are filed prior to the proposed admission.

10 ~~SECTION 49.~~ The treatment of 51.35 (3) (a) of the statutes by 2005 Wisconsin
11 Act 344 is not repealed by 2005 Wisconsin Act 444. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 51.35 (3) (a) reads:

(a) A licensed psychologist of a juvenile correctional facility or a secured residential care center for children and youth, or a licensed physician of the department of corrections, who has reason to believe that any individual confined in the juvenile correctional facility or secured residential care center for children and youth is, in his or her opinion, in need of services for developmental disability, alcoholism, or drug dependency or in need of psychiatric services, and who has obtained consent to make a transfer for treatment, shall make a report, in writing, to the superintendent of the juvenile correctional facility or secured residential care center for children and youth, stating the nature and basis of the belief and verifying the consent. In the case of a minor age 14 or older who is in need of services for developmental disability or who is in need of psychiatric services, the minor and the minor's parent or guardian shall consent unless the minor is admitted under s. 51.13 (1) (c) 1. or unless the minor refuses to consent, in which case the minor's parent or guardian may consent on behalf of the minor. In the case of a minor age 14 or older who is in need of services for alcoholism or drug dependency or a minor under the age of 14 who is in need of services for developmental disability, alcoholism, or drug dependency or in need of psychiatric services, only the minor's parent

or guardian needs to consent unless the minor is admitted under s. 51.13 (1) (c). The superintendent shall inform, orally and in writing, the minor and the minor's parent or guardian, that transfer is being considered and shall inform them of the basis for the request and their rights as provided in s. 51.13 (3) (am). If the department of corrections, upon review of a request for transfer, determines that transfer is appropriate, that department shall immediately notify the department of health and family services and, if the department of health and family services consents, the department of corrections may immediately transfer the individual. The department of health and family services shall file a petition under s. 51.13 (4) (a) in the court assigned to exercise jurisdiction under chs. 48 and 938 of the county where the treatment facility is located.

1 **SECTION 50.** The treatment of 51.35 (3) (g) of the statutes by 2005 Wisconsin
2 Act 344 is not repealed by 2005 Wisconsin Act 444. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 51.35 (3) (g) reads:

(g) A minor 14 years of age or older who is transferred to a treatment facility under par. (a) for the purpose of receiving services for developmental disability or psychiatric services and the minor's parent or guardian may request in writing a return to the juvenile correctional facility or secured residential care center for children and youth, except that, if the minor refuses to make the request, the parent or guardian may make the request on behalf of the minor. In the case of a minor 14 years of age or older who is transferred to a treatment facility under par. (a) for the purpose of receiving services for alcoholism or drug dependency or a minor under 14 years of age who is transferred to a treatment facility under par. (a) for the purpose of receiving services for developmental disability, alcoholism, or drug dependency, or psychiatric services, the parent or guardian may make the request. Upon receipt of a request for return from a minor 14 years of age or older, the director shall immediately notify the minor's parent or guardian, if available. A minor 14 years of age or older who requests and whose parent or guardian requests and a minor who was admitted under s. 51.13 (1) (c) who requests discharge in writing shall be returned to the juvenile correctional facility or secured residential care center for children and youth within 48 hours after submission of the request unless a statement is filed for emergency detention or a petition is filed for emergency commitment, involuntary commitment, or protective placement.

3 **SECTION 51.** 51.437 (4m) (i) of the statutes is amended to read:

4 51.437 (4m) (i) Annually report to the department of health and family services
5 regarding the use of any contract entered into under s. 51.87.

NOTE: Inserts missing period. The change is shown in the printed volumes.

6 **SECTION 52.** 54.12 (1) (intro.) of the statutes, as affected by 2005 Wisconsin Act
7 387, section 310, is amended to read:

8 54.12 (1) **SMALL ESTATES.** (intro.) If a minor or an individual found incompetent,
9 except for his or her incapacity, is entitled to possess assets valued at the amount
10 specified in s. 867.03 (1g) or less, any court in which an action or proceeding involving

insert
material
moved from p. 60

1 the assets is pending may, without requiring the appointment of a guardian, order
2 that the register ~~is~~ in probate do one of the following:

NOTE: Corrects spelling. The change is shown in the printed volumes.

3 **SECTION 53.** 55.01 (4g) of the statutes, as created by 2005 Wisconsin Act 388,
4 is renumbered 55.01 (4i).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). A provision numbered s. 55.01 (4g) previously existed.

5 **SECTION 54.** 55.01 (6) of the statutes, as created by 2005 Wisconsin Act 388, is
6 renumbered 55.01 (6u).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2005 Wis. Act 264 also created a provision numbered s. 55.01 (6).

7 **SECTION 55.** 55.01 (6d) of the statutes, as created by 2005 Wisconsin Act 388,
8 is renumbered 55.01 (6vm).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). Maintains alphabetical order for definitions.

9 **SECTION 56.** 55.01 (6g) of the statutes, as created by 2005 Wisconsin Act 388,
10 is renumbered 55.01 (6w).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). Renumbers provision to maintain alphabetical order of definitions.

11 **SECTION 57.** 55.01 (6t) of the statutes, as created by 2005 Wisconsin Act 387,
12 is renumbered 55.01 (6s).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2005 Wis. Act 264 also created a provision numbered s. 55.01 (6t).

13 **SECTION 58.** 55.06 (3) (d) of the statutes, as created by 2005 Wisconsin Act 387,
14 is renumbered 55.075 (5) (bm).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2005 Wis. Act 264 renumbered s. 55.06 (3) (c) to s. 55.075 (5) (a).

15 **SECTION 59.** 66.0216 (1) (a) (intro.) of the statutes, as created by 2005 Wisconsin
16 Act 25, is renumbered 66.0216 (1) (intro.).

NOTE: Confirms renumbering by the Revisor under s. 13.93 (1) (b). This provision is introductory to paragraphs (b) to (h) and should have been created as a subsection (intro.) provision.