

1        **SECTION 60.** 66.0617 (9) (a) of the statutes, as affected by 2005 Wisconsin Act  
2 477, is amended to read:

3            66.0617 (9) (a) Subject to par. (b), an ordinance enacted under this section shall  
4 specify that impact fees that are imposed and collected by a municipality but are not  
5 used within 7 years after they are collected to pay the capital costs for which they  
6 were imposed shall be refunded to the current owner of the property with respect to  
7 which the impact fees were imposed, along with any interest that has accumulated,  
8 ~~in~~ as described in sub. (8). The ordinance shall specify, by type of public facility,  
9 reasonable time periods within which impact fees must be spent or refunded under  
10 this subsection, subject to the 7-year limit in this paragraph and the extended time  
11 period specified in par. (b). In determining the length of the time periods under the  
12 ordinance, a municipality shall consider what are appropriate planning and  
13 financing periods for the particular types of public facilities for which the impact fees  
14 are imposed.

NOTE: Inserts correct word.

15        **SECTION 61.** 66.0617 (9) (b) of the statutes, as created by 2005 Wisconsin Act  
16 203, is amended to read:

17            66.0617 (9) (b) The 7-year time limit for using impact fees that is specified  
18 under par. (a) may be extended for 3 years if the ~~political subdivision~~ municipality  
19 adopts a resolution stating that, due to extenuating circumstances or hardship in  
20 meeting the 7-year limit, it needs an additional 3 years to use the impact fees that  
21 were collected. The resolution shall specify the extenuating circumstances or  
22 hardship that led to the need to adopt a resolution under this paragraph.

NOTE: 2005 Wis. Act 203 created this provision. 2005 Wis. Act 477 changed the  
term "political subdivision" to "municipality" throughout all of the previously existing s.  
66.0617 without taking the creation of sub. (9) (b) into account.

1       —SECTION 62. 66.1105 (4) (gm) 4. a. of the statutes is amended to read:

2           66.1105 (4) (gm) 4. a. Not less than 50%, by area, of the real property within  
3 the district is at least one of the following: a blighted area; in need of rehabilitation  
4 or conservation work, as defined in s. 66.1337 (2m) ~~(b)~~ (a); suitable for industrial sites  
5 within the meaning of s. 66.1101 and has been zoned for industrial use; or suitable  
6 for mixed-use development; and

NOTE: Corrects cross-reference. "Rehabilitation or conservation work" is defined  
in s. 66.1337 (2m) (a).

7       —SECTION 63. 66.1333 (5r) (b) 2. b. of the statutes, as affected by 2005 Wisconsin  
8 Act 453, section 4, is renumbered 66.1333 (5r) (b) 1. b.

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2005 Wis. Act  
453 renumbered s. 66.1333 (5r) (b) 2. to s. 66.1333 (5r) (b) 2. b. but renumbered the  
remainder of s. 66.1333 (5r) (b) 2. to s. 66.1333 (5r) (b) 1. (intro.) and a. It did not renumber  
or create any other provision as a part of s. 66.1333 (5r) (b) 2.

9       —SECTION 64. 70.511 (2) (bm) of the statutes, as created by 2005 Wisconsin Act  
10 405, is amended to read:

11           70.511 (2) (bm) No later than July 1 of each year, each municipality that pays  
12 a refund under par. (b) for property that is assessed under s. 70.995 shall notify the  
13 department of administration of the amount of all such refunds paid by the  
14 municipality in the previous fiscal year. Annually, no later than the 3rd Monday in  
15 November, from the appropriation account under s. 20.835 (2) ~~(bm)~~ (br), the  
16 department of administration shall pay to each municipality that pays a refund  
17 under par. (b) for property that is assessed under s. 70.995 an amount that is equal  
18 to 20 percent of the interest on such refunds paid by the municipality in the previous  
19 fiscal year and that has accrued up to the date of the determination by the tax appeals  
20 commission of the municipality's obligation.

NOTE: Section 20.835 (2) (bm), as created by 2004 Wisconsin Act 405, is  
renumbered 20.835 (2) (br) by this bill.

1        **SECTION 65.** 71.05 (6) (a) 15. of the statutes, as affected by 2005 Wisconsin Acts  
2 361, 479 and 483, is amended to read:

3            71.05 (6) (a) 15. The amount of the credits computed under s. 71.07 (2dd), (2de),  
4 (2di), (2dj), (2dL), (2dm), (2dr), (2ds), (2dx), (3g), (3n), (3s), (3t), (3w), (5b), (5d), and  
5 (5e), (5f), and (5h) and not passed through by a partnership, limited liability  
6 company, or tax-option corporation that has added that amount to the partnership's,  
7 company's, or tax-option corporation's income under s. 71.21 (4) or 71.34 (1) (g).

NOTE: Deletes extra "and".

8        **SECTION 66.** 71.07 (2dm) (a) 1. of the statutes, as affected by 2005 Wisconsin  
9 Act 487, is amended to read:

10            71.07 (2dm) (a) 1. "Certified" means entitled under s. 560.795 (3) (a) 4. to claim  
11 tax benefits or certified under s. 560.795 (5), 560.798 (3), or ~~560.799~~ 560.7995 (4).

NOTE: Section 560.799, as created by 2005 Wis. Act 487, is renumbered s. 560.7995  
by this bill.

12        **SECTION 67.** 71.07 (2dm) (a) 3. of the statutes, as affected by 2005 Wisconsin  
13 Act 487, is amended to read:

14            71.07 (2dm) (a) 3. "Development zone" means a development opportunity zone  
15 under s. 560.795 (1) (e) and (f) or 560.798, or an airport development zone under s.  
16 ~~560.799~~ 560.7995.

NOTE: Section 560.799, as created by 2005 Wis. Act 487, is renumbered s. 560.7995  
by this bill.

17        **SECTION 68.** 71.07 (2dm) (f) 1. of the statutes, as affected by 2005 Wisconsin Act  
18 487, is amended to read:

19            71.07 (2dm) (f) 1. A copy of a verification from the department of commerce that  
20 the claimant may claim tax benefits under s. 560.795 (3) (a) 4. or is certified under  
21 s. 560.795 (5), 560.798 (3), or ~~560.799~~ 560.7995 (4).

NOTE: Section 560.799, as created by 2005 Wis. Act 487, is renumbered s. 560.7995 by this bill.

1        **SECTION 69.** 71.07 (2dm) (j) of the statutes, as affected by 2005 Wisconsin Act  
2 487, is amended to read:

3            71.07 (2dm) (j) If a person who is entitled under s. 560.795 (3) (a) 4. to claim  
4 tax benefits becomes ineligible for such tax benefits, or if a person's certification  
5 under s. 560.795 (5), 560.798 (3), or ~~560.799~~ 560.7995 (4) is revoked, that person may  
6 claim no credits under this subsection for the taxable year that includes the day on  
7 which the person becomes ineligible for tax benefits, the taxable year that includes  
8 the day on which the certification is revoked, or succeeding taxable years, and that  
9 person may carry over no unused credits from previous years to offset tax under this  
10 chapter for the taxable year that includes the day on which the person becomes  
11 ineligible for tax benefits, the taxable year that includes the day on which the  
12 certification is revoked, or succeeding taxable years.

NOTE: Section 560.799, as created by 2005 Wis. Act 487, is renumbered s. 560.7995 by this bill.

13        **SECTION 70.** 71.07 (2dm) (k) of the statutes, as affected by 2005 Wisconsin Act  
14 487, is amended to read:

15            71.07 (2dm) (k) If a person who is entitled under s. 560.795 (3) (a) 4. to claim  
16 tax benefits or certified under s. 560.795 (5), 560.798 (3), or ~~560.799~~ 560.7995 (4)  
17 ceases business operations in the development zone during any of the taxable years  
18 that that zone exists, that person may not carry over to any taxable year following  
19 the year during which operations cease any unused credits from the taxable year  
20 during which operations cease or from previous taxable years.

NOTE: Section 560.799, as created by 2005 Wis. Act 487, is renumbered s. 560.7995 by this bill.

1        **SECTION 71.** 71.07 (2dx) (a) 2. of the statutes, as affected by 2005 Wisconsin Act  
2 487, is amended to read:

3            71.07 (2dx) (a) 2. "Development zone" means a development zone under s.  
4 560.70, a development opportunity zone under s. 560.795, an enterprise  
5 development zone under s. 560.797, an agricultural development zone under s.  
6 560.798, or an airport development zone under s. ~~560.799~~ 560.7995.

NOTE: Section 560.799, as created by 2005 Wis. Act 487, is renumbered s. 560.7995  
by this bill.

7        **SECTION 72.** 71.07 (2dx) (b) (intro.) of the statutes, as affected by 2005  
8 Wisconsin Act 487, is amended to read:

9            71.07 (2dx) (b) *Credit.* (intro.) Except as provided in pars. (be) and (bg) and  
10 in s. 73.03 (35), and subject to s. 560.785, for any taxable year for which the person  
11 is entitled under s. 560.795 (3) to claim tax benefits or certified under s. 560.765 (3),  
12 560.797 (4), 560.798 (3), or ~~560.799~~ 560.7995 (4), any person may claim as a credit  
13 against the taxes otherwise due under this chapter the following amounts:

NOTE: Section 560.799, as created by 2005 Wis. Act 487, is renumbered s. 560.7995  
by this bill.

14        **SECTION 73.** 71.07 (2dx) (c) of the statutes, as affected by 2005 Wisconsin Act  
15 487, is amended to read:

16            71.07 (2dx) (c) *Credit precluded.* If the certification of a person for tax benefits  
17 under s. 560.765 (3), 560.797 (4), 560.798 (3), or ~~560.799~~ 560.7995 (4) is revoked, or  
18 if the person becomes ineligible for tax benefits under s. 560.795 (3), that person may  
19 not claim credits under this subsection for the taxable year that includes the day on  
20 which the certification is revoked; the taxable year that includes the day on which  
21 the person becomes ineligible for tax benefits; or succeeding taxable years and that  
22 person may not carry over unused credits from previous years to offset tax under this

1 chapter for the taxable year that includes the day on which certification is revoked;  
2 the taxable year that includes the day on which the person becomes ineligible for tax  
3 benefits; or succeeding taxable years.

NOTE: Section 560.799, as created by 2005 Wis. Act 487, is renumbered s. 560.7995  
by this bill.

4 **SECTION 74.** 71.07 (2dx) (d) of the statutes, as affected by 2005 Wisconsin Act  
5 487, is amended to read:

6 71.07 (2dx) (d) *Carry-over precluded.* If a person who is entitled under s.  
7 560.795 (3) to claim tax benefits or certified under s. 560.765 (3), 560.797 (4), 560.798  
8 (3), or ~~560.799~~ 560.7995 (4) for tax benefits ceases business operations in the  
9 development zone during any of the taxable years that that zone exists, that person  
10 may not carry over to any taxable year following the year during which operations  
11 cease any unused credits from the taxable year during which operations cease or  
12 from previous taxable years.

NOTE: Section 560.799, as created by 2005 Wis. Act 487, is renumbered s. 560.7995  
by this bill.

13 **SECTION 75.** The treatment of 71.10 (4) (i) of the statutes by 2005 Wisconsin Act  
14 361 is not repealed by 2005 Wisconsin Act 483. All treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 71.10 (4) (i)  
reads:

(i) The total of claim of right credit under s. 71.07 (1), farmland preservation credit  
under subch. IX, homestead credit under subch. VIII, farmland tax relief credit under s.  
71.07 (3m), farmers' drought property tax credit under s. 71.07 (2fd), film production  
services credit under s. 71.07 (5f) (b) 2., veterans and surviving spouses property tax  
credit under s. 71.07 (6e), enterprise zone jobs credit under s. 71.07 (3w), earned income  
tax credit under s. 71.07 (9e), estimated tax payments under s. 71.09, and taxes withheld  
under subch. X.

15 **SECTION 76.** The treatments of 71.21 (4) of the statutes by 2005 Wisconsin Acts  
16 74, 361 and 479 are not repealed by 2005 Wisconsin Act 483. All treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 71.21 (4) reads:

(4) Credits computed by a partnership under s. 71.07 (2dd), (2de), (2di), (2dj), (2dL), (2dm), (2ds), (2dx), (3g), (3n), (3s), (3t), (3w), (5b), (5e), (5f), (5g), and (5h) and passed through to partners shall be added to the partnership's income.

1        **SECTION 77.** The treatments of 71.26 (2) (a) of the statutes by 2005 Wisconsin  
2        Acts 74, 361 and 479 are not repealed by 2005 Wisconsin Act 483. All treatments  
3        stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 71.26 (2) (a) reads:

(a) *Corporations in general.* The "net income" of a corporation means the gross income as computed under the Internal Revenue Code as modified under sub. (3) minus the amount of recapture under s. 71.28 (1di) plus the amount of credit computed under s. 71.28 (1), (3), (4), and (5) minus, as provided under s. 71.28 (3) (c) 7., the amount of the credit under s. 71.28 (3) that the taxpayer added to income under this paragraph at the time that the taxpayer first claimed the credit plus the amount of the credit computed under s. 71.28 (1dd), (1de), (1di), (1dj), (1dL), (1dm), (1ds), (1dx), (3g), (3n), (3t), (3w), (5b), (5e), (5f), (5g), and (5h) and not passed through by a partnership, limited liability company, or tax-option corporation that has added that amount to the partnership's, limited liability company's, or tax-option corporation's income under s. 71.21 (4) or 71.34 (1) (g) plus the amount of losses from the sale or other disposition of assets the gain from which would be wholly exempt income, as defined in sub. (3) (L), if the assets were sold or otherwise disposed of at a gain and minus deductions, as computed under the Internal Revenue Code as modified under sub. (3), plus or minus, as appropriate, an amount equal to the difference between the federal basis and Wisconsin basis of any asset sold, exchanged, abandoned, or otherwise disposed of in a taxable transaction during the taxable year, except as provided in par. (b) and s. 71.45 (2) and (5).

4        **SECTION 78.** 71.28 (1dm) (a) 1. of the statutes, as affected by 2005 Wisconsin  
5        Act 487, is amended to read:

6                71.28 (1dm) (a) 1. "Certified" means entitled under s. 560.795 (3) (a) 4. to claim  
7        tax benefits or certified under s. 560.795 (5), 560.798 (3), or ~~560.799~~ 560.7995 (4).

NOTE: Section 560.799, as created by 2005 Wis. Act 487, is renumbered s. 560.7995 by this bill.

8        **SECTION 79.** 71.28 (1dm) (a) 3. of the statutes, as affected by 2005 Wisconsin Act  
9        487, is amended to read:

10                71.28 (1dm) (a) 3. "Development zone" means a development opportunity zone  
11        under s. 560.795 (1) (e) and (f) or 560.798, or an airport development zone under s.  
12        ~~560.799~~ 560.7995.

NOTE: Section 560.799, as created by 2005 Wis. Act 487, is renumbered s. 560.7995 by this bill.

1       — **SECTION 80.** 71.28 (1dm) (f) 1. of the statutes, as affected by 2005 Wisconsin Act  
2 487, is amended to read:

3           71.28 (1dm) (f) 1. A copy of a verification from the department of commerce that  
4 the claimant may claim tax benefits under s. 560.795 (3) (a) 4. or is certified under  
5 s. 560.795 (5), 560.798 (3), or ~~560.799~~ 560.7995 (4).

NOTE: Section 560.799, as created by 2005 Wis. Act 487, is renumbered s. 560.7995  
by this bill.

6       — **SECTION 81.** 71.28 (1dm) (j) of the statutes, as affected by 2005 Wisconsin Act  
7 487, is amended to read:

8           71.28 (1dm) (j) If a person who is entitled under s. 560.795 (3) (a) 4. to claim  
9 tax benefits becomes ineligible for such tax benefits, or if a person's certification  
10 under s. 560.795 (5), 560.798 (3), or ~~560.799~~ 560.7995 (4) is revoked, that person may  
11 claim no credits under this subsection for the taxable year that includes the day on  
12 which the person becomes ineligible for tax benefits, the taxable year that includes  
13 the day on which the certification is revoked, or succeeding taxable years, and that  
14 person may carry over no unused credits from previous years to offset tax under this  
15 chapter for the taxable year that includes the day on which the person becomes  
16 ineligible for tax benefits, the taxable year that includes the day on which the  
17 certification is revoked, or succeeding taxable years.

NOTE: Section 560.799, as created by 2005 Wis. Act 487, is renumbered s. 560.7995  
by this bill.

18       — **SECTION 82.** 71.28 (1dm) (k) of the statutes, as affected by 2005 Wisconsin Act  
19 487 is amended to read:

20           71.28 (1dm) (k) If a person who is entitled under s. 560.795 (3) (a) 4. to claim  
21 tax benefits or certified under s. 560.795 (5), 560.798 (3), or ~~560.799~~ 560.7995 (4)  
22 ceases business operations in the development zone during any of the taxable years



1 that that zone exists, that person may not carry over to any taxable year following  
2 the year during which operations cease any unused credits from the taxable year  
3 during which operations cease or from previous taxable years.

NOTE: Section 560.799, as created by 2005 Wis. Act 487, is renumbered s. 560.7995  
by this bill.

4 ~~SECTION 83.~~ 71.28 (1dx) (a) 2. of the statutes, as affected by 2005 Wisconsin Act  
5 487, is amended to read:

6 71.28 (1dx) (a) 2. "Development zone" means a development zone under s.  
7 560.70, a development opportunity zone under s. 560.795, an enterprise  
8 development zone under s. 560.797, an agricultural development zone under s.  
9 560.798, or an airport development zone under s. ~~560.799~~ 560.7995.

NOTE: Section 560.799, as created by 2005 Wis. Act 487, is renumbered s. 560.7995  
by this bill.

10 ~~SECTION 84.~~ 71.28 (1dx) (b) (intro.) of the statutes, as affected by 2005  
11 Wisconsin Act 487, is amended to read:

12 71.28 (1dx) (b) *Credit.* (intro.) Except as provided in pars. (be) and (bg) and  
13 in s. 73.03 (35), and subject to s. 560.785, for any taxable year for which the person  
14 is entitled under s. 560.795 (3) to claim tax benefits or certified under s. 560.765 (3),  
15 560.797 (4), 560.798 (3), or ~~560.799~~ 560.7995 (4), any person may claim as a credit  
16 against the taxes otherwise due under this chapter the following amounts:

NOTE: Section 560.799, as created by 2005 Wis. Act 487, is renumbered s. 560.7995  
by this bill.

17 ~~SECTION 85.~~ 71.28 (1dx) (c) of the statutes, as affected by 2005 Wisconsin Act  
18 487, is amended to read:

19 71.28 (1dx) (c) *Credit precluded.* If the certification of a person for tax benefits  
20 under s. 560.765 (3), 560.797 (4), 560.798 (3), or ~~560.799~~ 560.7995 (4) is revoked, or  
21 if the person becomes ineligible for tax benefits under s. 560.795 (3), that person may


1 not claim credits under this subsection for the taxable year that includes the day on  
2 which the certification is revoked; the taxable year that includes the day on which  
3 the person becomes ineligible for tax benefits; or succeeding taxable years and that  
4 person may not carry over unused credits from previous years to offset tax under this  
5 chapter for the taxable year that includes the day on which certification is revoked;  
6 the taxable year that includes the day on which the person becomes ineligible for tax  
7 benefits; or succeeding taxable years.

NOTE: Section 560.799, as created by 2005 Wis. Act 487, is renumbered s. 560.7995  
by this bill.

8 ~~SECTION 86.~~ 71.28 (1dx) (d) of the statutes, as affected by 2005 Wisconsin Act  
9 487, is amended to read:

10 71.28 (1dx) (d) *Carry-over precluded.* If a person who is entitled under s.  
11 560.795 (3) to claim tax benefits or certified under s. 560.765 (3), 560.797 (4), 560.798  
12 (3), or ~~560.799~~ 560.7995 (4) for tax benefits ceases business operations in the  
13 development zone during any of the taxable years that that zone exists, that person  
14 may not carry over to any taxable year following the year during which operations  
15 cease any unused credits from the taxable year during which operations cease or  
16 from previous taxable years.

NOTE: Section 560.799, as created by 2005 Wis. Act 487, is renumbered s. 560.7995  
by this bill.

17  SECTION 87. The treatment of 71.28 (4) (ad) 1. of the statutes, as renumbered,  
18 by 2005 Wisconsin Act 25, section 1383, is not repealed by 2005 Wisconsin Act 452,  
19 section 1. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 71.28 (4) (ad)  
1., as renumbered from s. 71.28 (4) (a) by 2005 Wis. Act 452, reads:

1. Except as provided in subds. 2. and 3., any corporation may credit against taxes  
otherwise due under this chapter an amount equal to 5 percent of the amount obtained  
by subtracting from the corporation's qualified research expenses, as defined in section  
41 of the Internal Revenue Code, except that "qualified research expenses" includes only  
expenses incurred by the claimant, incurred for research conducted in this state for the

taxable year, except that a taxpayer may elect the alternative computation under section 41 (c) (4) of the Internal Revenue Code and that election applies until the department permits its revocation, except as provided in par. (af), and except that "qualified research expenses" does not include compensation used in computing the credit under subs. (1dj) and (1dx), the corporation's base amount, as defined in section 41 (c) of the Internal Revenue Code, except that gross receipts used in calculating the base amount means gross receipts from sales attributable to Wisconsin under s. 71.25 (9) (b) 1. and 2., (d), (df), and (dh). Section 41 (h) of the Internal Revenue Code does not apply to the credit under this paragraph.

\*\*\*NOTE: I added "as renumbered" in the action phrase (following the usage in e.g., 1997 Act 85, sections 162, 391, 392, and 393 and 1999 Act 32, sections 51, 110, and 111).

1 SECTION 88. The treatment of 71.28 (4) (am) 1. of the statutes by 2005

2 Wisconsin Act 25 is not repealed by 2005 Wisconsin Act 452. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 71.28 (4) (am) 1. reads:

1. In addition to the credit under par. (ad), any corporation may credit against taxes otherwise due under this chapter an amount equal to 5 percent of the amount obtained by subtracting from the corporation's qualified research expenses, as defined in section 41 of the Internal Revenue Code, except that "qualified research expenses" include only expenses incurred by the claimant in a development zone under subch. VI of ch. 560, except that a taxpayer may elect the alternative computation under section 41 (c) (4) of the Internal Revenue Code and that election applies until the department permits its revocation and except that "qualified research expenses" do not include compensation used in computing the credit under sub. (1dj) nor research expenses incurred before the claimant is certified for tax benefits under s. 560.765 (3), the corporation's base amount, as defined in section 41 (c) of the Internal Revenue Code, in a development zone, except that gross receipts used in calculating the base amount means gross receipts from sales attributable to Wisconsin under s. 71.25 (9) (b) 1. and 2., (d), (df), and (dh) and research expenses used in calculating the base amount include research expenses incurred before the claimant is certified for tax benefits under s. 560.765 (3), in a development zone, if the claimant submits with the claimant's return a copy of the claimant's certification for tax benefits under s. 560.765 (3) and a statement from the department of commerce verifying the claimant's qualified research expenses for research conducted exclusively in a development zone. The rules under s. 73.03 (35) apply to the credit under this subdivision. The rules under sub. (1di) (f) and (g) as they apply to the credit under that subsection apply to claims under this subdivision. Section 41 (h) of the Internal Revenue Code does not apply to the credit under this subdivision.

3 SECTION 89. The treatments of 71.34 (1) (g) of the statutes by 2005 Wisconsin

4 Acts 74, 361 and 479 are not repealed by 2005 Wisconsin Act 483. All treatments

5 stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 71.34 (1) (g) reads:

(g) An addition shall be made for credits computed by a tax-option corporation under s. 71.28 (1dd), (1de), (1di), (1dj), (1dL), (1dm), (1ds), (1dx), (3), (3g), (3n), (3t), (3w), (5b), (5e), (5f), (5g), and (5h) and passed through to shareholders.

1       **SECTION 90.** The treatments of 71.45 (2) (a) 10. of the statutes by 2005  
2       Wisconsin Acts 74, 361 and 479 are not repealed by 2005 Wisconsin Act 483. All  
3       treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 71.45 (2) (a)  
10. reads:

10. By adding to federal taxable income the amount of credit computed under s.  
71.47 (1dd) to (1dx), (3n), (3w), (5b), (5e), (5f), (5g), and (5h) and not passed through by  
a partnership, limited liability company, or tax-option corporation that has added that  
amount to the partnership's, limited liability company's, or tax-option corporation's  
income under s. 71.21 (4) or 71.34 (1) (g) and the amount of credit computed under s. 71.47  
(1), (3), (3t), (4), and (5).

4       **SECTION 91.** 71.47 (1dm) (a) 1. of the statutes, as affected by 2005 Wisconsin  
5       Act 487, is amended to read:

6       71.47 (1dm) (a) 1. "Certified" means entitled under s. 560.795 (3) (a) 4. to claim  
7       tax benefits or certified under s. 560.795 (5), 560.798 (3), or ~~560.799~~ 560.7995 (4).

NOTE: Section 560.799, as created by 2005 Wis. Act 487, is renumbered s. 560.7995  
by this bill.

8       **SECTION 92.** 71.47 (1dm) (a) 3. of the statutes, as affected by 2005 Wisconsin  
9       Act 487, is amended to read:

10       71.47 (1dm) (a) 3. "Development zone" means a development opportunity zone  
11       under s. 560.795 (1) (e) and (f) or 560.798, or an airport development zone under s.  
12       ~~560.799~~ 560.7995.

NOTE: Section 560.799, as created by 2005 Wis. Act 487, is renumbered s. 560.7995  
by this bill.

13       **SECTION 93.** 71.47 (1dm) (f) 1. of the statutes, as affected by 2005 Wisconsin Act  
14       487, is amended to read:

15       71.47 (1dm) (f) 1. A copy of a verification from the department of commerce that  
16       the claimant may claim tax benefits under s. 560.795 (3) (a) 4. or is certified under  
17       s. 560.795 (5), 560.798 (3), or ~~560.799~~ 560.7995 (4).

NOTE: Section 560.799, as created by 2005 Wis. Act 487, is renumbered s. 560.7995  
by this bill.

1        **SECTION 94.** 71.47 (1dm) (j) of the statutes, as affected by 2005 Wisconsin Act  
2 487, is amended to read:

3            71.47 (1dm) (j) If a person who is entitled under s. 560.795 (3) (a) 4. to claim  
4 tax benefits becomes ineligible for such tax benefits, or if a person's certification  
5 under s. 560.795 (5), 560.798 (3), or ~~560.799~~ 560.7995 (4) is revoked, that person may  
6 claim no credits under this subsection for the taxable year that includes the day on  
7 which the person becomes ineligible for tax benefits, the taxable year that includes  
8 the day on which the certification is revoked, or succeeding taxable years, and that  
9 person may carry over no unused credits from previous years to offset tax under this  
10 chapter for the taxable year that includes the day on which the person becomes  
11 ineligible for tax benefits, the taxable year that includes the day on which the  
12 certification is revoked, or succeeding taxable years.

NOTE: Section 560.799, as created by 2005 Wis. Act 487, is renumbered s. 560.7995  
by this bill.

13        **SECTION 95.** 71.47 (1dm) (k) of the statutes, as affected by 2005 Wisconsin Act  
14 487, is amended to read:

15            71.47 (1dm) (k) If a person who is entitled under s. 560.795 (3) (a) 4. to claim  
16 tax benefits or certified under s. 560.795 (5), 560.798 (3), or ~~560.799~~ 560.7995 (4)  
17 ceases business operations in the development zone during any of the taxable years  
18 that that zone exists, that person may not carry over to any taxable year following  
19 the year during which operations cease any unused credits from the taxable year  
20 during which operations cease or from previous taxable years.

NOTE: Section 560.799, as created by 2005 Wis. Act 487, is renumbered s. 560.7995  
by this bill.

21        **SECTION 96.** 71.47 (1dx) (a) 2. of the statutes, as affected by 2005 Wisconsin Act  
22 487, is amended to read:

1           71.47 (1dx) (a) 2. "Development zone" means a development zone under s.  
2           560.70, a development opportunity zone under s. 560.795 or an enterprise  
3           development zone under s. 560.797, an agricultural development zone under s.  
4           560.798, or an airport development zone under s. ~~560.799~~ 560.7995.

NOTE: Section 560.799, as created by 2005 Wis. Act 487, is renumbered s. 560.7995  
by this bill.

5           ~~SECTION 97.~~ 71.47 (1dx) (b) (intro.) of the statutes, as affected by 2005  
6           Wisconsin Act 487, is amended to read:

7           71.47 (1dx) (b) *Credit.* (intro.) Except as provided in pars. (be) and (bg) and  
8           in s. 73.03 (35), and subject to s. 560.785, for any taxable year for which the person  
9           is entitled under s. 560.795 (3) to claim tax benefits or certified under s. 560.765 (3),  
10          560.797 (4), 560.798 (3), or ~~560.799~~ 560.7995 (4), any person may claim as a credit  
11          against the taxes otherwise due under this chapter the following amounts:

NOTE: Section 560.799, as created by 2005 Wis. Act 487, is renumbered s. 560.7995  
by this bill.

12          ~~SECTION 98.~~ 71.47 (1dx) (c) of the statutes, as affected by 2005 Wisconsin Act  
13          487, is amended to read:

14          71.47 (1dx) (c) *Credit precluded.* If the certification of a person for tax benefits  
15          under s. 560.765 (3), 560.797 (4), 560.798 (3), or ~~560.799~~ 560.7995 (4) is revoked, or  
16          if the person becomes ineligible for tax benefits under s. 560.795 (3), that person may  
17          not claim credits under this subsection for the taxable year that includes the day on  
18          which the certification is revoked; the taxable year that includes the day on which  
19          the person becomes ineligible for tax benefits; or succeeding taxable years and that  
20          person may not carry over unused credits from previous years to offset tax under this  
21          chapter for the taxable year that includes the day on which certification is revoked;

1 the taxable year that includes the day on which the person becomes ineligible for tax  
2 benefits; or succeeding taxable years.

NOTE: Section 560.799, as created by 2005 Wis. Act 487, is renumbered s. 560.7995  
by this bill.

3 **SECTION 99.** 71.47 (1dx) (d) of the statutes, as affected by 2005 Wisconsin Act  
4 487, is amended to read:

5 71.47 (1dx) (d) *Carry-over precluded.* If a person who is entitled under s.  
6 560.795 (3) to claim tax benefits or certified under s. 560.765 (3), 560.797 (4), 560.798  
7 (3), or ~~560.799~~ 560.7995 (4) for tax benefits ceases business operations in the  
8 development zone during any of the taxable years that that zone exists, that person  
9 may not carry over to any taxable year following the year during which operations  
10 cease any unused credits from the taxable year during which operations cease or  
11 from previous taxable years.

NOTE: Section 560.799, as created by 2005 Wis. Act 487, is renumbered s. 560.7995  
by this bill.

12 **SECTION 100.** The treatment of 71.47 (4) (ad) 1. of the statutes, as renumbered,  
13 by 2005 Wisconsin Act 25, section 1426, is not repealed by 2005 Wisconsin Act 452,  
14 section 9. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 71.47 (4) (ad)  
1., as renumbered from 71.47 (4) (a) by 2005 Wis. Act 452, reads:

1. Except as provided in subs. 2. and 3., any corporation may credit against taxes otherwise due under this chapter an amount equal to 5 percent of the amount obtained by subtracting from the corporation's qualified research expenses, as defined in section 41 of the Internal Revenue Code, except that "qualified research expenses" includes only expenses incurred by the claimant, incurred for research conducted in this state for the taxable year, except that a taxpayer may elect the alternative computation under section 41 (c) (4) of the Internal Revenue Code and that election applies until the department permits its revocation, except as provided in par. (af), and except that "qualified research expenses" does not include compensation used in computing the credit under subs. (1dj) and (1dx), the corporation's base amount, as defined in section 41 (c) of the Internal Revenue Code, except that gross receipts used in calculating the base amount means gross receipts from sales attributable to Wisconsin under s. 71.25 (9) (b) 1. and 2., (d), (df), and (dh). Section 41 (h) of the Internal Revenue Code does not apply to the credit under this paragraph.

\*\*\*\*NOTE: I added "as renumbered" in the action phrase (following the usage in e.g., 1997 Act 35, sections 162, 391, 392, and 393 and 1999 Act 32, sections 51, 110, and 111).

- 1        **SECTION 101.** The treatment of 71.47 (4) (am) of the statutes by 2005 Wisconsin  
2        Act 25 is not repealed by 2005 Wisconsin Act 452. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 71.47 (4) (am) reads:

(am) *Development zone additional research credit.* In addition to the credit under par. (ad), any corporation may credit against taxes otherwise due under this chapter an amount equal to 5 percent of the amount obtained by subtracting from the corporation's qualified research expenses, as defined in section 41 of the Internal Revenue Code, except that "qualified research expenses" include only expenses incurred by the claimant in a development zone under subch. VI of ch. 560, except that a taxpayer may elect the alternative computation under section 41 (c) (4) of the Internal Revenue Code and that election applies until the department permits its revocation and except that "qualified research expenses" do not include compensation used in computing the credit under sub. (1dj) nor research expenses incurred before the claimant is certified for tax benefits under s. 560.765 (3), the corporation's base amount, as defined in section 41 (c) of the Internal Revenue Code, in a development zone, except that gross receipts used in calculating the base amount means gross receipts from sales attributable to Wisconsin under s. 71.25 (9) (b) 1. and 2., (d), (df), and (dh) and research expenses used in calculating the base amount include research expenses incurred before the claimant is certified for tax benefits under s. 560.765 (3), in a development zone, if the claimant submits with the claimant's return a copy of the claimant's certification for tax benefits under s. 560.765 (3) and a statement from the department of commerce verifying the claimant's qualified research expenses for research conducted exclusively in a development zone. The rules under s. 73.03 (35) apply to the credit under this paragraph. The rules under sub. (1di) (f) and (g) as they apply to the credit under that subsection apply to claims under this paragraph. Section 41 (h) of the Internal Revenue Code does not apply to the credit under this paragraph. No credit may be claimed under this paragraph for taxable years that begin on January 1, 1998, or thereafter. Credits under this paragraph for taxable years that begin before January 1, 1998, may be carried forward to taxable years that begin on January 1, 1998, or thereafter.

- 3        **SECTION 102.** The treatment of 71.935 (1) (a) of the statutes by 2005 Wisconsin  
4        Act 254 is not repealed by 2005 Wisconsin Act 454. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 71.935 (1) (a) reads:

(a) "Debt" means a parking citation of at least \$20 that is unpaid and for which there has been no court appearance by the date specified in the citation or, if no date is specified, that is unpaid for at least 28 days; an unpaid fine, fee, restitution or forfeiture of at least \$20; and any other debt that is at least \$20, including debt related to property taxes, if the debt has been reduced to a judgment or the municipality or county to which the debt is owed has provided the debtor reasonable notice and an opportunity to be heard with regard to the debt.



1       — **SECTION 103.** The treatments of 77.92 (4) of the statutes by 2005 Wisconsin  
2 Acts 74, 361 and 479 are not repealed by 2005 Wisconsin Act 483. All treatments  
3 stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 77.92 (4) reads:

(4) "Net business income," with respect to a partnership, means taxable income as calculated under section 703 of the Internal Revenue Code; plus the items of income and gain under section 702 of the Internal Revenue Code, including taxable state and municipal bond interest and excluding nontaxable interest income or dividend income from federal government obligations; minus the items of loss and deduction under section 702 of the Internal Revenue Code, except items that are not deductible under s. 71.21; plus guaranteed payments to partners under section 707 (c) of the Internal Revenue Code; plus the credits claimed under s. 71.07 (2dd), (2de), (2di), (2dj), (2dL), (2dm), (2dr), (2ds), (2dx), (3g), (3s), (3n), (3t), (3w), (5b), (5e), (5f), (5g), and (5h); and plus or minus, as appropriate, transitional adjustments, depreciation differences, and basis differences under s. 71.05 (13), (15), (16), (17), and (19); but excluding income, gain, loss, and deductions from farming. "Net business income," with respect to a natural person, estate, or trust, means profit from a trade or business for federal income tax purposes and includes net income derived as an employee as defined in section 3121 (d) (3) of the Internal Revenue Code.

4       — **SECTION 104.** 77.9961 (1) (b) of the statutes is amended to read:

5           77.9961 (1) (b) The department may require, before or after the license is  
6 issued, that any person who submits an application for a license under par. (a)  
7 provide a security deposit to the department. For purposes of this paragraph, s.  
8 77.61 (2), as it applies to a security deposit related to a seller's permit, applies to the  
9 a security deposit required under this subsection.

NOTE: Deletes unnecessary word.

10       — **SECTION 105.** 87.304 (2) (a) 1. of the statutes is amended to read:

11           87.304 (2) (a) 1. Issuing variances to floodplain zoning ordinances that will be  
12 consistent with 44 CFR ~~606~~ 60.6 but that will allow repair or rehabilitation of historic  
13 properties in floodplains to the maximum extent feasible.

NOTE: Inserts missing decimal point. There is no 44 CFR 606. Variances and exceptions to floodplain management regulations are governed by 44 CFR 60.6.

14       — **SECTION 106.** 101.985 (4) of the statutes, as created by 2005 Wisconsin Act 456,  
15 is amended to read:

1           101.985 (4) CRIMINAL BACKGROUND CHECK. Upon receipt of an application for a  
2 license under sub. (1), (2) (a), or (3), the department, with the assistance of the  
3 department of justice, shall conduct a background investigation of the applicant to  
4 determine if the information provided by the applicant under sub. (7) (a) 10. is true  
5 and if the applicant has any arrests or convictions tending to indicate that the  
6 applicant is not adequately qualified and able to provide services authorized under  
7 the license applied for.

NOTE: Inserts missing article.

8           ~~SECTION 107.~~ The treatment of 111.01 (2) of the statutes by 2005 Wisconsin Act  
9 253 is not repealed by 2005 Wisconsin Act 441. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 111.01 (2)  
reads:

(2) Industrial peace, regular and adequate income for the employee, and uninterrupted production of goods and services are promotive of all of these interests. They are largely dependent upon the maintenance of fair, friendly, and mutually satisfactory employment relations and the availability of suitable machinery for the peaceful adjustment of whatever controversies may arise. It is recognized that certain employers, including farmers, farmer cooperatives, and unincorporated farmer cooperative associations, in addition to their general employer problems, face special problems arising from perishable commodities and seasonal production which require adequate consideration. It is also recognized that whatever may be the rights of disputants with respect to each other in any controversy regarding employment relations, they should not be permitted, in the conduct of their controversy, to intrude directly into the primary rights of 3rd parties to earn a livelihood, transact business, and engage in the ordinary affairs of life by any lawful means and free from molestation, interference, restraint, or coercion.

10           ~~SECTION 108.~~ 165.25 (4) (ar) of the statutes, as affected by 2005 Wisconsin Act  
11 458, is amended to read:

12           165.25 (4) (ar) The department of justice shall furnish all legal services  
13 required by the department of agriculture, trade and consumer protection relating  
14 to the enforcement of ss. 100.171, 100.173, 100.174, 100.175, 100.177, 100.18,  
15 100.182, 100.195, 100.20, 100.205, 100.207, 100.209, 100.21, 100.28, 100.37, 100.42,

1 100.50, and 100.51, ~~and 100.195~~ and chs. 126, 136, 344, 704, 707, and 779, together  
2 with any other services as are necessarily connected to the legal services.

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

3 ~~SECTION 109.~~ 182.0715 (2r) of the statutes, as created by 2005 Wisconsin Act  
4 425, is renumbered 182.0175 (2r).

NOTE: Corrects transposed numbers. There is no s. 182.0715.

5 ~~SECTION 110.~~ 193.471 (2) (a) 5. of the statutes, as created by 2005 Wisconsin  
6 Act 441, is amended to read:

7 193.471 (2) (a) 5. In the case of acts or omissions committed in an official  
8 capacity, as defined in sub. (1) (a) 1. or 2., the potential litigant reasonably believed  
9 that the acts or omissions were in the best interests of the cooperative or predecessor  
10 cooperative, as applicable, and, in the case of acts or omissions committed in an  
11 official capacity, as defined in sub. (1) ~~(e)~~ (a) 3. or 4., the potential litigant reasonably  
12 believed that the conduct was not opposed to the best interests of the cooperative or  
13 predecessor cooperative, as applicable. If the acts or omissions relate to conduct as  
14 a director, officer, trustee, employee, or agent of an employee benefit plan, the  
15 conduct is not considered to be opposed to the best interests of the cooperative or  
16 predecessor cooperative if the potential litigant reasonably believed that the conduct  
17 was in the best interests of the participants or beneficiaries of the employee benefit  
18 plan.

NOTE: Corrects cross-reference. There is no s. 193.471 (1) (c) 3. or 4. "Official  
capacity" is defined in s. 193.471 (1) (a).

19 ~~SECTION 111.~~ 218.04 (1) (a) of the statutes, as affected by 2005 Wisconsin Acts  
20 158 and 462, is amended to read:

21 218.04 (1) (a) "Collection agency" means any person engaging in the business  
22 of collecting or receiving for payment for others of any account, bill or other

1 indebtedness. It shall not include attorneys at law authorized to practice in this state  
2 and resident herein, banks, express companies, state savings banks, state savings  
3 and loan associations, insurers and their agents, trust companies, district attorneys  
4 acting under s. 971.41, persons contracting with district attorneys under s. 971.41  
5 (5),<sup>7</sup> real estate brokers, and real estate salespersons.

NOTE: The underscored comma was removed by 2005 Wis. Act 158 but was required  
by the addition of text by 2005 Wis. Act 462. The stricken comma was inserted by 2005  
Wis. Act 462 but was rendered surplusage by 2005 Wis. Act 158.

6 **SECTION 112.** 227.21 (2) (a) of the statutes is amended to read:

7 227.21 (2) (a) Except as provided in s. 601.41 (3) (b), to avoid unnecessary  
8 expense an agency may, with the consent of ~~the revisor and~~ the attorney general,  
9 adopt standards established by technical societies and organizations of recognized  
10 national standing by incorporating the standards in its rules by reference to the  
11 specific issue or issues of the publication in which they appear, without reproducing  
12 the standards in full.

NOTE: Makes provision consistent with s. 227.21 (2) (b), as amended by 2005 Wis.  
Act 249. The joint legislative council note to that amendment explains that amendment  
as follows:

Current law also requires that the agency receive the consent of the revisor  
of statutes and the attorney general in order to incorporate the standard by  
reference. This SECTION eliminates the requirement for the agency to receive  
the consent of the revisor.

13 **SECTION 113.** 234.63 (2) (b) of the statutes, as created by 2005 Wisconsin Act  
14 487, is amended to read:

15 234.63 (2) (b) The limits in ss. 234.18 (1), 234.40, 234.50, 234.60, 234.61,  
16 234.65, and 234.66 do not apply to bonds issued under par. (a).

NOTE: Corrects cross-reference consistent with s. 234.66 (3) (b). Section 234.18 is  
not divided into subsections.

17 **SECTION 114.** 234.63 (3) (a) of the statutes, as created by 2005 Wisconsin Act  
18 487, is amended to read:

1           234.63 (3) (a) The authority may award a loan to a business, including an  
2 airport, for the purpose of financing the construction or expansion of an airport in an  
3 airport development zone established under s. ~~560.799~~ 560.7995, including  
4 financing activities to increase the number of flights to and from the airport or to  
5 encourage airlines that do not offer flights to and from the airport to offer such  
6 flights.

NOTE: Section 560.799, as created by 2005 Wis. Act 487, is renumbered s. 560.7995  
by this bill.

7           ~~SECTION 115.~~ 253.15 (8) of the statutes, as created by 2005 Wisconsin Act 165,  
8 is amended to read:

9           253.15 (8) IDENTIFICATION OF SHAKEN OR IMPACTED BABIES. The department of  
10 health and family services shall identify all infants and young children who have  
11 shaken baby syndrome or who are impacted babies and all infants and young  
12 children who have died as a result of being shaken or thrown by using the statewide  
13 automated child welfare information system established under s. 46.03 ~~(7) (g)~~ (7g)  
14 and child fatality information compiled by the department of justice. For each infant  
15 or young child so identified, the department of health and family services shall  
16 document the age, sex, and other characteristics of the infant or young child that are  
17 relevant to the prevention of shaken baby syndrome and impacted babies and, if  
18 known, the age, sex, employment status, and residence of the person who shook or  
19 threw the infant or young child, the relationship of that person to the infant or young  
20 child, and any other characteristics of that person that are relevant to the prevention  
21 of shaken baby syndrome and impacted babies.

NOTE: Inserts correct cross-reference. Section 46.03 (7) (g) was renumbered to s.  
46.03 (7g) by 2005 Wis. Act 406.

22           ~~SECTION 116.~~ 255.05 (1) (b) of the statutes is amended to read:

1           255.05 (1) (b) "Nonprofit corporation" means a nonstock corporation organized  
2 under ch. 181 that is a nonprofit corporation, as defined in s. 181.0103 (17). (b)  
3 "~~Nonprofit corporation" means a nonstock corporation organized under ch. 181 that~~  
4 ~~is a nonprofit corporation, as defined in s. 181.0103 (17).~~

NOTE: The text of the provision was printed twice in the 2003-04 published volumes. The correct text is shown in the 2005-06 published volumes.

5           **SECTION 117.** 281.35 (1) (b) 2. of the statutes is amended to read:

6           281.35 (1) (b) 2. If subd. 1. does not apply, the highest average daily water loss  
7 over any 30-day period that is reported to the department or the public service  
8 commission under sub. (3) (c) or s. 281.17 (1), 2001 stats., or s. 30.18 (6) (c), 196.98,  
9 281.34, or 281.41 ~~or s. 281.17 (1), 2001 stats.~~

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

10           **SECTION 118.** 292.15 (7) (d) of the statutes, as created by 2005 Wisconsin Act  
11 418, is amended to read:

12           292.15 (7) (d) A solid waste facility that was licensed under ~~s. 289.31~~ or s.  
13 144.44, 1993 stats., or s. 289.31.

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

14           **SECTION 119.** 292.23 (3) (f) of the statutes, as created by 2005 Wisconsin Act  
15 418, is amended to read:

16           292.23 (3) (f) Subsection (2) does not apply to a solid waste facility that was  
17 licensed under ~~s. 289.31~~ or s. 144.44, 1993 stats., or s. 289.31.

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

18           **SECTION 120.** 301.03 (3c) of the statutes is amended to read:

19           301.03 (3c) If requested by the department of health and family services,  
20 contract with that department to supervise and provide services to persons who are  
21 conditionally transferred or discharged under s. 51.37 (9), conditionally released

1 under s. 971.17 (3), or placed on supervised release under s. 980.06 (2), 1997 stats.,  
2 or s. 980.08.

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

3 ~~SECTION 121.~~ 301.03 (20) of the statutes, as created by 2005 Wisconsin Act 451,  
4 is renumbered 301.03 (20m).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2005 Wis. Act  
431 also created a provision numbered s. 301.03 (20).

5 ~~SECTION 122.~~ 301.45 (2) (a) 4. d. of the statutes is amended to read:

6 301.45 (2) (a) 4. d. The date the person was ordered to comply with s. ~~301.45~~  
7 this section.

NOTE: Corrects citation form consistent with current style.

8 ~~SECTION 123.~~ 301.45 (6) (a) 2. a. of the statutes is amended to read:

9 301.45 (6) (a) 2. a. The person was ordered under s. 51.20 (13) (ct) 1m., 938.34  
10 (15m) (am), 938.345 (3), 971.17 (1m) (b) 1m., or 973.048 (1m) to comply with the  
11 reporting requirements under s. ~~301.45~~ this section based on a finding that he or she  
12 committed or solicited, conspired, or attempted to commit a misdemeanor.

NOTE: Corrects citation form consistent with current style.

13 ~~SECTION 124.~~ 301.45 (6) (ag) 2. a. of the statutes is amended to read:

14 301.45 (6) (ag) 2. a. The person was ordered under s. 51.20 (13) (ct) 1m., 938.34  
15 (15m) (am), 938.345 (3), 971.17 (1m) (b) 1m., or 973.048 (1m) to comply with the  
16 reporting requirements under s. ~~301.45~~ this section based on a finding that he or she  
17 committed or solicited, conspired, or attempted to commit a misdemeanor.

NOTE: Corrects citation form consistent with current style.

18 ~~SECTION 125.~~ 301.45 (10) (title) of the statutes is created to read:

19 301.45 (10) (title) ANNUAL FEE.

NOTE: Section 301.45 (10) was created without a title by 2005 Wis. Act 25. The  
other subsections of s. 301.45 have titles.

1        **SECTION 126.** 301.48 (2) (b) 2. of the statutes, as created by 2005 Wisconsin Act  
2 431, is amended to read:

3            301.48 (2) (b) 2. A court discharges the person under s. 980.10, 2003 stats., or  
4 s. 980.09 or 980.10. This subdivision does not apply if the person was on supervised  
5 release immediately before being discharged.

NOTE: Section 980.10 was repealed by 2005 Wis. Act 434, which changed all existing cross-references to s. 980.10 to s. 980.10, 2003 stats.

6        **SECTION 127.** 301.48 (3) (c) of the statutes, as created by 2005 Wisconsin Act  
7 431, is amended to read:

8            301.48 (3) (c) For each person who is subject to global positioning system  
9 tracking under this section, the department shall create individualized exclusion  
10 and inclusion zones for the person, if necessary to protect public safety. In creating  
11 exclusion zones, the department shall focus on areas where children congregate,  
12 with perimeters of 100 to 250 feet, and on areas where the person has been prohibited  
13 from going as a condition of probation, extended supervision, parole, conditional  
14 release, or supervised release. In creating inclusion zones for a person on supervised  
15 release, the department shall consider s. 980.08 ~~(7)~~ (9).

NOTE: Section 980.08 (7), as created by 2005 Wis. Act 431, is renumbered s. 980.08 (9) by this bill.

16        **SECTION 128.** 343.61 (6) (c) of the statutes, as created by 2005 Wisconsin Act  
17 466, is renumbered 343.71 (5) (c).

NOTE: 2005 Wis. Act 397 renumbered the remainder of s. 343.61 (6) to 343.71 (5).

18        **SECTION 129.** 351.02 (1) (a) 3. of the statutes is amended to read:

19            351.02 (1) (a) 3. Driving or operating a motor vehicle in violation of s. ~~346.63~~  
20 ~~(1) or (2)~~ or s. 346.63 (1m), 1985 stats., or s. 346.63 (1) or (2).

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



1        **SECTION 130.** 560.799 of the statutes, as created by 2005 Wisconsin Act 487,  
2 is renumbered 560.7995.

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2005 Wis. Act 361 also created a provision numbered s. 560.799.

3        **SECTION 131.** 560.85 (3) (a) of the statutes is amended to read:

4        560.85 (3) (a) Develop procedures to evaluate applications and monitor project  
5 performance for grants awarded for early planning projects under s. 560.835 (6),  
6 2001 stats., or s. 560.82 or s. 560.835 (6), 2001 stats.

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

7        **SECTION 132.** 609.01 (4) of the statutes is amended to read:

8        609.01 (4) "Preferred provider plan" means a health care plan offered by an  
9 organization established under ch. 185, 193, 611, 613, or 614 or issued a certificate  
10 of authority under ch. 618 that makes available to its enrollees, without referral and  
11 for consideration other than predetermined periodic fixed payments, coverage of  
12 either comprehensive health care services or a limited range of health care services,  
13 regardless of whether the health care services are performed by participating or  
14 nonparticipating providers.

NOTE: 2005 Wis. Act 441, section 107, provides that "600.03 (37m) of the statutes, as affected by 2005 Wisconsin Act ... (Senate Bill 617), is amended." Senate Bill 617 was vetoed in its entirety. Senate Bill 617 renumbered s. 609.01 (4) to 600.03 (37m) and amended the provision. This bill effectuates the purpose of Act 441, section 107, by amending s. 609.01 (4) to insert the cross-reference inserted by Act 441, section 107 into s. 600.03 (37m).

15        **SECTION 133.** 616.09 (1) (c) 1. of the statutes, as affected by 2005 Wisconsin Act  
16 441, is amended to read:

17        616.09 (1) (c) 1. Plans authorized under s. 616.06 are subject to ch. 185 or 193,  
18 as applicable, except that ss. 185.03 (5) and (6), 185.05 (1) (c), 185.55, 185.61, 185.62,  
19 185.63, 185.64, 185.71 to 185.76, 185.81, ~~193.151~~, 193.215 (2) (a) 2., 193.225, 193.301

1 (9), 193.801, 193.805, 193.905 to 193.971, and those provisions applicable to  
2 cooperatives or unincorporated cooperative associations with stock do not apply.

NOTE: There is no s. 193.151.

3 **SECTION 134.** 632.899 of the statutes is amended to read:

4 **632.899 Medical savings accounts study.** If the federal government enacts  
5 legislation providing for a federal income tax exemption for amounts deposited in a  
6 medical savings account and for any interest, dividends or other gain that accrues  
7 in the account if redeposited in the account, the commissioner shall conduct a study,  
8 to be completed within 4 years after the enactment of the federal legislation, of  
9 individuals and groups that had coverage under a high cost-share health plan, as  
10 defined in s. 632.898 (1) (c), 1995 stats., and that terminated that coverage in order  
11 to enroll in a health benefit plan that was not a high cost-share health plan, as  
12 defined in s. 632.898 (1) (c), 1995 stats. The commissioner shall submit a report of  
13 all findings, conclusions and recommendations to the appropriate standing  
14 committees in the manner provided under ~~section s.~~ 13.172 (3) of the statutes.

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

15 **SECTION 135.** 706.11 (4) of the statutes is amended to read:

16 706.11 (4) Subsection (1) does not apply to a 2nd mortgage assigned to or  
17 executed to the department of veterans affairs under ~~s. 45.79 (3) (a) 1. or s. 45.80 (4)~~  
18 (a) 1., 1989 stats., or s. 45.37 (3).

NOTE: 1999 Wis. Act 63 renumbered s. 45.79 (3) (a) 1. to s. 45.79 (3) (a). 2005 Wis. Act 22 repealed and recreated ch. 45, recreating the language of s. 45.79 (3) (a) as s. 45.37 (3). The cross-references are placed in the correct order in accordance with current style.

19 **SECTION 136.** 757.05 (1) (a) of the statutes, as affected by 2005 Wisconsin Acts  
20 25, 60 and 455, is amended to read:

1           757.05 (1) (a) Whenever a court imposes a fine or forfeiture for a violation of  
2 state law or for a violation of a municipal or county ordinance except for a violation  
3 of s. 101.123 (2) (a), (am) 1., (ar), (bm), (br), or (bv) or (5), or for a first violation of s.  
4 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who  
5 committed the violation had a blood alcohol concentration of 0.08 or more but less  
6 than 0.1 at the time of the violation, or for a violation of state laws or municipal or  
7 county ordinances involving nonmoving traffic violations, violations under s. 343.51  
8 (1m) (b), or safety belt use violations under s. 347.48 (2m), there shall be imposed in  
9 addition a penalty surcharge under ch. 814 in an amount of ~~25~~ 26 percent of the fine  
10 or forfeiture imposed. If multiple offenses are involved, the penalty surcharge shall  
11 be based upon the total fine or forfeiture for all offenses. When a fine or forfeiture  
12 is suspended in whole or in part, the penalty surcharge shall be reduced in proportion  
13 to the suspension.

NOTE: 2005 Wis. Act 460 replaced "25%" with "26 percent" to make a substantive change and to change the form of how percentages are written consistent with current style. 2005 Wis. Act 445 replaced "25%" with "25 percent" only to change the form of how percentages are written consistent with current style. This amendment clarifies that the substantive change is given effect.

14       — **SECTION 137.** 757.48 (1) (a) of the statutes, as affected by 2005 Wisconsin Acts  
15 387 and 443, is amended to read:

16           757.48 (1) (a) Except as provided in s. 879.23 (4), in all matters in which a  
17 guardian ad litem is appointed by the court, the guardian ad litem shall be an  
18 attorney admitted to practice in this state. In order to be appointed as a guardian  
19 ad litem under s. 767.407, an attorney shall have completed 3 hours of approved  
20 continuing legal education that relates to the functions and duties of a guardian ad  
21 litem under ch. 767 and that includes training on the dynamics of domestic violence  
22 and the effects of domestic violence on victims of domestic violence and on children.

1 In order to be appointed as a guardian ad litem under s. 54.40 (1), an attorney shall  
2 have complied with ~~SRG~~ SCR chapter 36.

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

3 ~~SECTION 138.~~ 767.225 (1) (ap) of the statutes, as affected by 2005 Wisconsin Act  
4 174, section 2, and 2005 Wisconsin Act 443, section 87, is amended to read:

5 767.225 (1) (ap) Upon the request of a party, granting periods of electronic  
6 communication to a party in a manner consistent with s. ~~767.24~~ 767.41. The court  
7 or circuit court commissioner shall make a determination under this paragraph  
8 within 30 days after the request for a temporary order regarding periods of electronic  
9 communication is filed.

NOTE: 2005 Wis. Act 443 renumbered s. 767.24 to s. 767.41.

10 ~~SECTION 139.~~ 767.225 (1n) (b) 3. of the statutes, as affected by 2005 Wisconsin  
11 Act 342, section 1, and 2005 Wisconsin Act 443, section 90, is amended to read:

12 767.225 (1n) (b) 3. If the court or circuit court commissioner requires one party  
13 to cover the child under a health insurance policy or plan under sub. (1) (k), the court  
14 or circuit court commissioner shall order the party to provide to the other party a  
15 health insurance identification card for the child. Section ~~767.25 (4m) (bm) 2. and~~  
16 ~~3. 767.513 (2m) (b) and (c)~~ applies to a failure to comply with a temporary order under  
17 this subdivision.

NOTE: 2005 Wis. Act 443 renumbered s. 767.25 (4m) to s. 767.513.

18 ~~SECTION 140.~~ 767.24 (2) (e) of the statutes, as created by 2005 Wisconsin Act  
19 471, is renumbered 767.41 (2) (e).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2005 Wis. Act  
443 renumbered the remainder of s. 767.24 to s. 767.41.

20 ~~SECTION 141.~~ 767.24 (5) (c) of the statutes, as created by 2005 Wisconsin Act  
21 471, is renumbered 767.41 (5) (c).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2005 Wis. Act 443 renumbered the remainder of s. 767.24 to s. 767.41.

1 SECTION 142. 767.325 (3m) of the statutes, as created by 2005 Wisconsin Act  
2 471, is renumbered 767.451 (3m) and amended to read:

3 767.451 (3m) REINSTATEMENT OF FORMER PHYSICAL PLACEMENT ALLOCATION AND  
4 SCHEDULE. If a party is a service member, as defined in s. ~~767.24~~ 767.41 (2) (e) 1., and  
5 the court modifies an order of physical placement on the basis that the service  
6 member has been or will be called to active duty in the U.S. armed forces,  
7 notwithstanding sub. (1) the court shall require in the order that the allocation of  
8 periods of physical placement and, if applicable, the physical placement schedule  
9 that were in effect before the modification are reinstated immediately upon the  
10 service member's discharge or release from active duty.

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2005 Wis. Act 443 renumbered the remainder of s. 767.325 to s. 767.451. Corrects a cross-reference.

11 SECTION 143. The treatment of 767.451 (5m) (a) of the statutes, as renumbered,  
12 by 2005 Wisconsin Act 443, section 161, is not repealed by 2005 Wisconsin Act 471,  
13 section 7. Both treatments stand.

*Out of Order*

NOTE: There is no conflict of substance. As merged by the revisor, s. 767.451 (5m) (a), as renumbered from s. 767.325 (5m) (a) by 2005 Wis. Act 443, reads:

(a) Subject to pars. (b) and (c), in all actions to modify legal custody or physical placement orders, the court shall consider the factors under s. 767.41 (5) (am), subject to s. 767.41 (5) (bm), and shall make its determination in a manner consistent with s. 767.41.

*\*\*\*NOTE: I added "as renumbered" in the action phrase (following the usage in e.g., 1997 Act 35, sections 162, 391, 392, and 393 and 1999 Act 32, sections 51, 110, and 111).*

14 SECTION 144. 767.325 (5m) (c) of the statutes, as created by 2005 Wisconsin Act  
15 471, is renumbered 767.451 (5m) (c) and amended to read:

16 767.451 (5m) (c) In an action to modify a legal custody order, if a party is a  
17 service member, as defined in s. ~~767.24~~ 767.41 (2) (e) 1., the court may not consider  
18 as a factor in making a determination whether the service member has been or may

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1 be called to active duty in the U.S. armed forces and consequently is, or in the future  
2 will be or may be, absent from the service member's home.

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b) and corrects cross-reference. 2005 Wis. Act 443 renumbered the remainder of s. 767.325 to s. 767.451 and renumbered s. 767.24 to s. 767.41.

material moved from p. 56

3 **SECTION 145.** 767.451 (5m) (b) of the statutes, as affected by 2005 Wisconsin  
4 Act 101, section 3, and 2005 Wisconsin Act 443, section 161, is amended to read:  
5 767.451 (5m) (b) In determining the best interest of the child under this  
6 section, in addition to the factor under s. ~~767.24~~ 767.41 (5) (am) 12m., the court shall  
7 consider whether a stepparent of the child has a criminal record and whether there  
8 is evidence that a stepparent of the child has engaged in abuse, as defined in s.  
9 813.122 (1) (a), of the child or any other child or neglected the child or any other child.

NOTE: 2005 Wis. Act 443 renumbered s. 767.24 to s. 767.41.

10 **SECTION 146.** 767.513 (2m) (title) of the statutes is created to read:  
11 767.513 (2m) (title) HEALTH INSURANCE IDENTIFICATION CARD.

NOTE: All other subsections of s. 767.513 have titles. 2005 Act 443 renumbered 767.25 (4m) to be 767.513 and created titles for all the existing subsections, as renumbered. 2005 Wis. Act 342 created 767.25 (4m) (bm), which as a result of the Act 443 renumbering became 767.513 (2m).

12 **SECTION 147.** 767.513 (2m) (a) and (c) of the statutes, as affected by 2005  
13 Wisconsin Act 342, section 2, and 2005 Wisconsin Act 443, section 104, are amended  
14 to read:

15 767.513 (2m) (a) The court shall order a parent who is required to provide  
16 health insurance coverage for a child under this ~~subsection~~ section to provide to the  
17 other parent a health insurance identification card evidencing the child's health  
18 insurance coverage.

19 (c) If the other parent is unable to obtain a health insurance identification card  
20 for the child in the manner provided in ~~subd. 2.~~ par. (b), the intentional failure to

1 comply with the order to provide the card by the parent so ordered constitutes a  
2 contempt of court, punishable under ch. 785.

NOTE: Amends cross-references to reflect the renumbering of the provision by 2005  
Wis. Act 443.

3 **SECTION 148.** 767.57 (1e) (a) of the statutes, as affected by 2005 Wisconsin Act  
4 443, section 129, is amended to read:

5 767.57 (1e) (a) For receiving and disbursing maintenance, child support, or  
6 family support payments, including payments in arrears, and for maintaining the  
7 records required under ~~par.~~ sub. (1) (c), the department or its designee shall collect  
8 an annual fee of \$35. The court shall order each party ordered to make payments to  
9 pay the fee in each year for which payments are ordered or in which an arrearage in  
10 any of those payments is owed. In directing the manner of payment, the court shall  
11 order that the fee be withheld from income and sent to the department or its  
12 designee, as provided under s. 767.75. Fees under this paragraph shall be deposited  
13 in the appropriation account under s. 20.445 (3) (ja). At the time of ordering payment  
14 of the fee, the court shall notify each party ordered to make payments of the  
15 requirement to pay, and the amount of, the fee. If the fee under this paragraph is not  
16 paid when due, the department or its designee may not deduct the fee from any  
17 maintenance, child or family support, or arrearage payment, but may move the court  
18 for a remedial sanction under ch. 785.

NOTE: Corrects cross-reference.

19 **SECTION 149.** 767.57 (3) (a) of the statutes, as affected by 2005 Wisconsin Act  
20 387, section 194, and 2005 Wisconsin Act 443, section 132, is amended to read:

21 767.57 (3) (a) If maintenance or support, or both, are ordered to be paid for the  
22 benefit of any individual who is committed by court order to an institution, who is  
23 in confinement, or whose legal custody is vested by court order under ch. 48 or 938

1 in an agency, department, relative, or other entity, the court may order that the  
2 maintenance or support be paid to the relative, agency, institution, welfare  
3 department, or other entity having legal or actual custody of the individual, and that  
4 it be used for the person's care and maintenance, without the appointment of a  
5 guardian in this state.

NOTE: Inserts comma deleted by 2005 Wis. Act 387 but required to accommodate  
the treatment by 2005 Wis. Act 443.

6 **SECTION 150.** 779.50 (4) (g) of the statutes is amended to read:

7 779.50 (4) (g) For collecting and paying over all sums upon the sale, ~~5%~~ 5  
8 percent of the sums collected or \$10 dollars, whichever is less.

NOTE: Deletes unnecessary word and inserts "percent" consistent with current  
style.

9 **SECTION 151.** 813.123 (2) (b) of the statutes, as created by 2005 Wisconsin Act  
10 388, is amended to read:

11 813.123 (2) (b) The court may go forward with a petition filed under sub. (6) if  
12 the individual at risk has been adjudicated incompetent under ch. 880, 2003 stats.,  
13 or ch. 54, notwithstanding an objection by an individual at risk who is the subject of  
14 the petition, or an objection by the guardian of the individual at risk.

NOTE: Inserts correct cross-reference. 2005 Wis. Act 387 renumbered ch. 880 to  
ch. 54.

15 **SECTION 152.** 814.04 (intro.) of the statutes, as affected by Supreme Court  
16 Order 03-06 and 2005 Wisconsin Acts 155, 325, 443 and 458 is amended to read:

17 **814.04 Items of costs.** (intro.) Except as provided in ss. 93.20, 100.195 (5m)  
18 (b), 100.30 (5m), 106.50 (6) (i) and (6m) (a), 115.80 (9), 281.36 (2) (b) 1., 767.553 (4)  
19 (d), 769.313, ~~814.025~~, 802.05, 814.245, 895.035 (4), ~~895.506~~, 895.443 (3), 895.444 (2),  
20 895.445 (3), 895.446 (3), 895.506, 943.212 (2) (b), 943.245 (2) (d), 943.51 (2) (b), and  
21 995.10 (3), when allowed costs shall be as follows:



NOTE: 2005 Wis. Act 155 inserted "814.025" without showing it as underscored and deleted "814.245" without showing it as stricken. No change was intended. "895.506" is placed in numerical order. 2005 Wis. Act 458 inserted the cross-reference to s. 100.195 (5m) (b) but incorrectly showed all of the cross-references following s. 100.195 (5m) (b) as underscored.

1 SECTION 153. The treatment of 814.65 (1) of the statutes by 2005 Wisconsin Act  
2 54 is not repealed by 2005 Wisconsin Act 455. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 814.65 (1) reads:

(1) COURT COSTS. In a municipal court action, except for an action for a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the violation, or for a violation of an ordinance in conformity with s. 343.51 (1m) (b) or 347.48 (2m), the municipal judge shall collect a fee of not less than \$15 nor more than \$28 on each separate matter, whether it is on default of appearance, a plea of guilty or no contest, on issuance of a warrant or summons, or the action is tried as a contested matter. Of each fee received by the judge under this subsection, the municipal treasurer shall pay monthly \$5 to the secretary of administration for deposit in the general fund and shall retain the balance for the use of the municipality.

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3 SECTION 154. The treatment of 54.25 (2) (c) 1. g. of the statutes, as renumbered,  
4 by 2005 Wisconsin Act 387, section 476, is not repealed by 2005 Wisconsin Act 451,  
5 section 177. Both treatments stand.

out of order

NOTE: There is no conflict of substance. As merged by the revisor, s. 54.25 (2) (c) 1. g., as renumbered from s. 880.33 (9) by 2005 Wis. Act 387, reads:

g. The right to register to vote or to vote in an election, if the court finds that the individual is incapable of understanding the objective of the elective process. Also, in accordance with s. 6.03 (3), any elector of a municipality may petition the circuit court for a determination that an individual residing in the municipality is incapable of understanding the objective of the elective process and thereby ineligible to register to vote or to vote in an election. This determination shall be made by the court in accordance with the procedures specified in this paragraph. If a petition is filed under this subd. 1. g., the finding of the court shall be limited to a determination as to voting eligibility. The appointment of a guardian is not required for an individual whose sole limitation is ineligibility to vote. The determination of the court shall be communicated in writing by the clerk of court to the election official or agency charged under s. 6.48, 6.92, 6.925, 6.93, or 7.52 (5) with the responsibility for determining challenges to registration and voting that may be directed against that elector. The determination may be reviewed as provided in s. 54.64 (2) and any subsequent determination of the court shall be likewise communicated by the clerk of court.

\*\*\*NOTE: I added "as renumbered" in the action phrase following the usage in e.g., 1997 Act 35, sections 162, 391, 392, and 393 and 1999 Act 32, sections 51, 110, and 111).

6 SECTION 155. 880.331 (4) (am) of the statutes, as created by 2005 Wisconsin Act  
7 264, is renumbered 54.40 (4) (am).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2005 Wis. Act 387 renumbered s. 880.331 (4) to s. 54.40 (4).

1     **SECTION 156.** 880.331 (4) (ar) of the statutes, as created by 2005 Wisconsin Act  
2     264, is renumbered 54.40 (4) (ar).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2005 Wis. Act 387 renumbered s. 880.331 (4) to s. 54.40 (4).

3     **SECTION 157.** 880.331 (4) (dm) of the statutes, as created by 2005 Wisconsin Act  
4     264, is renumbered 54.40 (4) (dm).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2005 Wis. Act 387 renumbered s. 880.331 (4) to s. 54.40 (4).

5     **SECTION 158.** 880.331 (4) (dr) of the statutes, as created by 2005 Wisconsin Act  
6     264, is renumbered 54.40 (4) (h).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2005 Wis. Act 387 created an identical provision as s. 54.40 (4) (h) and renumbered s. 880.331 (4) to s. 54.40 (4).

7     **SECTION 159.** 880.331 (4) (ds) of the statutes, as created by 2005 Wisconsin Act  
8     264, is renumbered 54.40 (4) (ds).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2005 Wis. Act 387 renumbered s. 880.331 (4) to s. 54.40 (4).

9     **SECTION 160.** 893.55 (1d) (c) of the statutes, as created by 2005 Wisconsin Act  
10    183, is amended to read:

11           893.55 (1d) (c) Based on actuarial studies, documentary evidence, testimony,  
12    and the experiences of other states, the legislature concludes there is a dollar figure  
13    so low as to deprive the injured victim of reasonable noneconomic damages, and there  
14    is a dollar figure at which the cap number is so high that it fails to accomplish the  
15    goals of affordable and accessible health care. The legislature concludes that the  
16    number chosen is neither too high nor too low to accomplish the goals of affordable  
17    and accessible health care, is a reasonable and ~~rational~~ rational response to the

1 current medical liability situation, and is reasonably and rationally supported by the  
2 legislative record.

NOTE: Corrects spelling.

3 **SECTION 161.** 895.446 (4) of the statutes, as affected by 2005 Wisconsin Act 155,  
4 section 70, and 2005 Wisconsin Act 447, section 1, is amended to read:

5 895.446 (4) Any recovery under this section shall be reduced by the amount  
6 recovered as restitution under ss. 800.093 and 973.20 and ch. 938 for the same act  
7 or as recompense under s. ~~939.13~~ 969.13 (5) (a) for the same act.

NOTE: Inserts correct cross-reference consistent with the remainder of 2005 Wis.  
Act 447. There is no s. 939.13 (5) (a).

8 **SECTION 162.** 938.27 (5) of the statutes, as affected by 2005 Wisconsin Acts 293  
9 and 344, is amended to read:

10 938.27 (5) NOTICE TO BIOLOGICAL FATHERS. Subject to sub. (3) (b), the court shall  
11 make reasonable efforts to identify and notify any person who has filed a declaration  
12 of paternal interest under s. 48.025, any person who has acknowledged paternity of  
13 the child under s. ~~767.62~~ 767.805 (1), and any person who has been adjudged to be  
14 the father of the juvenile in a judicial proceeding unless the person's parental rights  
15 have been terminated.

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

16 **SECTION 163.** 938.345 (1) (e) of the statutes, as affected by 2005 Wisconsin Acts  
17 344 and 387, is amended to read:

18 938.345 (1) (e) Place any juvenile not found under ch. 880, 2003 stats., or ch.  
19 46, 49, 51, 54, or 115, or ch. 880, 2003 stats., to have a developmental disability or  
20 a mental illness or to be a child with a disability, as defined in s. 115.76 (5), in a facility  
21 that exclusively treats one or more of those categories of juveniles.

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

1        **SECTION 164.** 940.43 (5) of the statutes is amended to read:

2            940.43 (5) Where the act is committed by any person who has suffered any prior  
3 conviction for any violation under s. 943.30, 1979 stats., ss. 940.42 to 940.45, ~~s.~~  
4 ~~943.30, 1979 stats.~~, or any federal statute or statute of any other state which, if the  
5 act prosecuted was committed in this state, would be a violation under ss. 940.42 to  
6 940.45.

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

7        **SECTION 165.** 940.45 (5) of the statutes is amended to read:

8            940.45 (5) Where the act is committed by any person who has suffered any prior  
9 conviction for any violation under s. 943.30, 1979 stats., ss. 940.42 to 940.45, ~~s.~~  
10 ~~943.30, 1979 stats.~~, or any federal statute or statute of any other state which, if the  
11 act prosecuted was committed in this state, would be a violation under ss. 940.42 to  
12 940.45.

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

13        **SECTION 166.** The treatment of 943.245 (3m) of the statutes by 2005 Wisconsin  
14 Act 447 is not repealed by 2005 Wisconsin Act 462. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 943.245 (3m)  
reads:

(3m) Any recovery under this section shall be reduced by the amount recovered  
as restitution for the same act under ss. 800.093 and 973.20 or as recompense under s.  
969.13 (5) (a) for the same act and by any amount collected in connection with the act and  
paid to the plaintiff under a deferred prosecution agreement under s. 971.41.

15        **SECTION 167.** 948.01 (5) (am) of the statutes, as created by 2005 Wisconsin Act  
16 435, is renumbered 948.01 (5) (a) 2.

NOTE: Renumbers provision relating to intentional touching to correspond with s.  
948.01 (5) (a) (intro.), relating to intentional touching, consistent with the treatment of  
s. 940.225 (5) (b) 1. (intro.) and b. by 2005 Wis. Act 435.

17        **SECTION 168.** 948.075 (3) of the statutes is amended to read:

1           948.075 (3) Proof that the actor did an act, other than use a computerized  
2 communication system to communicate with the individual, to effect the actor's  
3 intent under sub. ~~(1)~~ (1r) shall be necessary to prove that intent.

NOTE: Inserts correct cross-reference. 2005 Wis. Act 433 renumbered s. 948.075  
(1) to s. 948.075 (1r).

4           ~~SECTION 169.~~ 971.41 (3) of the statutes, as created by 2005 Wisconsin Act 462,  
5 is repealed and recreated to read:

6           971.41 (3) CONDITIONS OF PROGRAM. A deferred prosecution agreement to which  
7 this section applies may require an offender to do any of the following:

8           (a) Pay money owed for the worthless check or other order issued in violation  
9 of s. 943.24 to the district attorney for remittance to the payee of the worthless check  
10 or order.

11           (b) Make other payments for restitution for the offense, including payments to  
12 reimburse any person for fees assessed by a financial institution in connection with  
13 the person attempting to present the worthless check or other order.

14           (c) Pay administrative fees assessed under sub. (7).

15           (d) Pay for and successfully complete a class or counseling regarding financial  
16 management.

NOTE: Corrects numbering errors in 2005 Wis. Act 462 that resulted in there being  
two provisions numbered s. 971.41 (3) (b). The second of the two provisions is now  
numbered s. 971.41 (3) (d). No changes to text are made.

17           ~~SECTION 170.~~ 973.017 (6) (a) of the statutes is amended to read:

18           973.017 (6) (a) In this subsection, "person responsible for the welfare of the  
19 child" includes the child's parent, stepparent, guardian, foster parent, or treatment  
20 foster parent; an employee of a public or private residential home, institution, or  
21 agency; any other person legally responsible for the child's welfare in a residential

1 setting; or a person employed by one who is legally responsible for the child's welfare  
2 to exercise temporary control or care for the child.

NOTE: Inserts missing word.

3 ~~SECTION 171.~~ 980.01 (1j) of the statutes, as created by 2005 Wisconsin Act 434,  
4 is amended to read:

5 980.01 (1j) "Incarceration" includes confinement in a secured juvenile  
6 correctional facility, as defined in s. 938.02 (15m) (10p), or a secured child-caring  
7 institution residential care center for children and youth, as defined in s. 938.02  
8 (15g), ~~or a secured group home, as defined in s. 938.02 (15p)~~, if the person was placed  
9 in the facility for being adjudicated delinquent under s. 48.34, 1993 stats., or under  
10 s. 938.183 or 938.34 on the basis of a sexually violent offense.

NOTE: Corrects cross-references and conforms text to changes in defined terms  
made by 2005 Wis. Act 344.

11 ~~SECTION 172.~~ 980.02 (1) (b) 3. of the statutes, as created by 2005 Wisconsin Act  
12 434, is amended to read:

13 980.02 (1) (b) 3. The county in which the person is in custody under a sentence,  
14 a placement to a secured juvenile correctional facility, as defined in s. 938.02 (15m),  
15 (10p), or a secured child-caring institution residential care center for children and  
16 youth, as defined in s. 938.02 (15g), ~~or a secured group home, as defined in s. 938.02~~  
17 ~~(15p)~~, or a commitment order.

NOTE: Corrects cross-references and conforms text to changes in defined terms  
made by 2005 Wis. Act 344.

18 ~~SECTION 173.~~ 980.038 (4) (a) of the statutes, as created by 2005 Wisconsin Act  
19 434, is amended to read:

20 980.038 (4) (a) A motion for postcommitment relief by a person committed  
21 under s. 980.06 shall be made in the time and manner provided in ~~ss.~~ s. 809.30 and  
22 809.40. An appeal by a person who has been committed under s. 980.06 from a final

1 order under s. 980.06, 980.08, or 980.09 or from an order denying a motion for  
2 postcommitment relief or from both shall be taken in the time and manner provided  
3 in ss. 808.04 (3), and 809.30, ~~and 809.40~~. If a person is seeking relief from an order  
4 of commitment under s. 980.06, the person shall file a motion for postcommitment  
5 relief in the trial court prior to an appeal unless the grounds for seeking relief are  
6 sufficiency of the evidence or issues previously raised.

NOTE: Removes incorrect cross-references. The LRB analysis to 2005 SB 318, which was enacted as 2005 Wis. Act 434, states as to section 92 of that bill, which creates this provision, "A motion for post-commitment relief by an SVP or an appeal from a final order or from an order denying a motion for post-commitment relief will follow criminal appellate procedure."

Act 434 amended s. 808.04 (3) to add "or 809.30" so that the provision now reads "Except as provided in subs. (4) and (7), an appeal in a criminal case or a case under ch. 48, 51, 55 or, 938, or 980 shall be initiated within the time period specified in s. 809.30."

Section 809.30 relates to appeals in criminal and ch. 48, 51, 55, and 938 cases. Section 809.40 now relates to appeals in termination of parental rights, ch. 799, traffic regulation, municipal ordinance violation, and parental consent to abortion cases, but not criminal cases. Prior to the revision of s. 809.40 by Supreme Court Order 02-01, ss. 809.30 and 809.40 both related to criminal, ch. 48, 51, 55, and 938 cases.

7 ~~SECTION 174.~~ 980.08 (7) of the statutes, as created by 2005 Wisconsin Act 431,  
8 is renumbered 980.08 (9).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2005 Wis Act 434 amended s. 980.08 (6m) which resulted in it being divided into three separate subsections, s. 980.08 (6m), (7), (8).

9 ~~SECTION 175.~~ 2005 Wisconsin Act 387, section 372 is amended by replacing  
10 "54.50 (4) (d) CESSATION OF POWERS." with "54.50 (4) CESSATION OF POWERS."

NOTE: Removes incorrect paragraph designation. 2005 Wis. Act 387, section 372, renumbered s. 880.15 (3) to s. 54.40 (4). Former s. 880.15 (3) was not divided into paragraphs.

11 ~~SECTION 176.~~ 2005 Wisconsin Act 441, section 20 is amended by replacing  
12 "telecommunication service, gas, light, heat, or power" with "telecommunications  
13 service, gas, light, heat, or power".

NOTE: A comma was inserted without underscoring. The change was intended. The stricken "telecommunication" should have been "telecommunications."

14 ~~SECTION 177.~~ 2005 Wisconsin Act 443, section 265 is amended by replacing

1	49.299 (6) (b)	767.45 (5) (c) and (6r)	767.80 (5) (c) and (6r)
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2 with

3	48.299 (6) (b)	767.45 (5) (c) and (6r)	767.80 (5) (c) and (6r)
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NOTE: Corrects statute citation in first column of the 2005 Wis. Act 443 cross-reference change table.

4 **SECTION 178.** 2005 Wisconsin Act 444, section 46 is amended by replacing “of  
5 the minor, hold a hearing, and appoint counsel” with “of the minor, hold a hearing,  
6 and appoint counsel”.

NOTE: A comma was inserted without underscoring. The change was intended.

7 **SECTION 179.** 2005 Wisconsin Act 451, section 85m is amended by replacing “s.  
8 6.86 (1) ~~or~~, (2), or (2m)” with “s. 6.86 (1) ~~or~~, (2), or (2m)”.

NOTE: A comma was inserted without underscoring. The change was intended.

9 **SECTION 180.** 2005 Wisconsin Act 458, section 5 is amended by replacing  
10 “100.195 (5m) (b), 100.30 (5m), 106.50 (6) (i) and (6m) (a), 115.80 (9), 281.36 (2) (b)  
11 1., 767.33 (4) (d), 769.313, 814.025, 814.245, 895.035 (4), 895.10 (3), 895.75 (3), 895.77  
12 (2), 895.79 (3), 895.80 (3), 943.212 (2) (b), 943.245 (2) (d),” with “100.195 (5m) (b),  
13 100.30 (5m), 106.50 (6) (i) and (6m) (a), 115.80 (9), 281.36 (2) (b) 1., 767.33 (4) (d),  
14 769.313, 814.025, 814.245, 895.035 (4), 895.10 (3), 895.75 (3), 895.77 (2), 895.79 (3),  
15 895.80 (3), 943.212 (2) (b), 943.245 (2) (d),”.

NOTE: Preexisting text was underscored.

16 **SECTION 181. Nonstatutory provisions.**

17 (1) The renumbering of section 880.24 (3) (a) and (b) of the statutes by 2005  
18 Wisconsin Act 264 is void.

NOTE: 2005 Wis. Act 387 renumbered the same provisions. The Act 387 numbering is adopted.

19 **SECTION 182. Effective dates.** This act takes effect on the day after  
20 publication, except as follows:



