

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

46.03 (7g) STATEWIDE AUTOMATED CHILD WELFARE INFORMATION SYSTEM. Establish a statewide automated child welfare information system. Notwithstanding ss. 46.2895 (9), 48.396 (1) and (2) (a), 48.78 (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, 252.11 (7), 252.15, 253.07 (3) (c), 938.396 (1) and (2) (a), and 938.78 (2) (a), the department may enter the content of any record kept or information received by the department into the statewide automated child welfare information system, and a county department under s. 46.215, 46.22 or 46.23, the department, or any other organization that has entered into an information sharing and access agreement with the department or any of those county departments and that has been approved for access to the statewide automated child welfare information system by the department may have access to information that is maintained in that system, if necessary to enable the county department, department, or organization to perform its duties under this chapter, ch. 48, 51, 55, or 938, or 42 USC 670 to 679b to or to coordinate the delivery of services 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 and 2005 Wis. Act 344 renumbered s. 938.396 (2) (a) to s. 938.396 (2).

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

46.215 (1p) EXCHANGE OF INFORMATION; STATEWIDE AUTOMATED CHILD WELFARE INFORMATION SYSTEM. Notwithstanding ss. 46.2895 (9), 48.396 (1) and (2) (a), 48.78 (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, 252.11 (7), 252.15, 253.07 (3) (c), 938.396 (1) and (2) (a), and 938.78 (2) (a), a county

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s. 938.396 (1) to
s. 938.396 (1)(a)
and

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department under this section may enter the content of any record kept or information received by that county department into the statewide automated child 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 and 2005 Wis. Act 344 renumbered s. 938.396 (2) (a) to s. 938.396 (2).

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

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

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

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

46.22 (1) (dp) *Exchange of information; statewide automated child welfare information system.* Notwithstanding ss. 46.2895 (9), 48.396 (1) and (2) (a), 48.78 (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, 252.11 (7), 252.15, 253.07 (3) (c), 938.396 (1) and (2) (a), and 938.78 (2) (a), a county department under this section may enter the content of any record kept or information received by that county department into the statewide automated child 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 and 2005 Wis. Act 344 renumbered s. 938.396 (2) (a) to s. 938.396 (2).

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

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

Ⓢ ****NOTE: No striking or scoring was shown. I took a crack at it. Please review carefully. Note that ~~not all~~ the corrections I have marked have ~~only partly~~ been made in the printed volumes. CJS

(a), 48.981 (7), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), ~~55.06 (17) (e)~~ 55.22 (3), 146.82, 252.11 (7), 252.15, 253.07 (3) (c), 938.396 (1) and (2) (a), and 938.78 (2) (a), a county department under this section may enter the content of any record kept or information received by that county department into the statewide automated child 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~~ 55.22 and 2005 Wis. Act ~~344~~ renumbered s. 938.396 (2) (a) to s. 938.396 (2).

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).

SECTION 36. 46.90 (1) (eg) 1. of the statutes, as created by 2005 Wisconsin Act 388, is amended to read:

46.90 (1) (eg) 1. A guardian of the estate appointed under s. 880.03 54.10.

NOTE: Corrects cross-reference. Section 880.03 was renumbered to s. 54.10 by 2005 Wis. Act 387.

SECTION 37. 46.90 (1) (eg) 2. of the statutes, as created by 2005 Wisconsin Act 388, is amended to read:

46.90 (1) (eg) 1. A conservator appointed under s. 880.03 54.10.

NOTE: Corrects cross-reference. Section 880.03 was renumbered to s. 54.10 by 2005 Wis. Act 387.

SECTION 38. 46.90 (5m) (a) of the statutes, as affected by 2005 Wisconsin Act 388, is amended to read:

46.90 (5m) OFFER OF SERVICES AND REFERRAL OF CASES. (a) Upon responding to a report, the elder-adult-at-risk agency or the investigative agency shall determine whether the elder adult at risk or any other individual involved in the alleged abuse, financial exploitation, neglect, or self-neglect is in need of services under this chapter or ch. 47, 49, 51, 54, or 55 or 880. From the appropriation under s. 20.435

(7) (dh), the department shall allocate to selected counties not less than \$25,000 in each fiscal year, and within the limits of these funds and of available state and federal funds and of county funds appropriated to match the state and federal funds, the elder-adult-at-risk agency shall provide the necessary direct services to the elder adult at risk or other individual or arrange for the provision of the direct services with other agencies or individuals. Those direct services provided shall be rendered under the least restrictive conditions necessary to achieve their objective.

NOTE: Corrects cross-reference. Chapter 880 was renumbered to ch. 880 by 2005 Wis. Act 387.

SECTION 39. 46.90 (5m) (br) 2. of the statutes, as affected by 2005 Wisconsin Act 388, is amended to read:

46.90 (5m) (br) 2. Take appropriate emergency action, including emergency protective placement under s. ~~55.06~~ 55.135, if the elder-adult-at-risk agency determines that the emergency action is in the best interests of the elder adult at risk and the emergency action is the least restrictive appropriate intervention.

NOTE: Corrects cross-reference. Section 55.06 (11), relating to emergency and temporary placements, was renumbered to s. 55.135 by 2005 Wis. Act 387.

SECTION 40. 46.90 (6) (bt) 8. of the statutes, as created by 2005 Wisconsin Act 388, is amended to read:

46.90 (6) (bt) 8. To the attorney or guardian ad litem for the elder adult at risk who is the alleged victim named in the record, to assist in preparing for any proceeding under ch. 48, 51, 54, 55, 813, 880, 971, or 975 pertaining to the alleged victim.

NOTE: Corrects cross-reference. Chapter 880 was renumbered to ch. 880 by 2005 Wis. Act 387.

SECTION 41. 48.27 (5) of the statutes, as affected by 2005 Wisconsin Act 293, is amended to read:

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

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

SECTION 42. 48.368 (1) of the statutes is amended to read:

48.368 (1) If a petition for termination of parental rights is filed under s. 48.41 or 48.415 or an appeal from a judgment terminating or denying termination of parental rights is filed during the year in which a dispositional order under s. 48.355, an extension order under s. 48.365, a voluntary agreement for placement of the child under s. 48.63, or a guardianship order under ch. 880, 2003 stats., or s. 48.977 or ch. 880 54 is in effect, the dispositional or extension order, voluntary agreement, or guardianship order shall remain in effect until all proceedings related to the filing of the petition or an appeal are concluded.

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

SECTION 43. 48.40 (1r) of the statutes is amended to read:

48.40 (1r) "Parent" has the meaning given in s. 48.02 (13), except that for purposes of filing a petition seeking the involuntary termination of parental rights under s. 48.415 to a nonmarital child who is not adopted or whose parents do not subsequently intermarry under s. 767.60 767.803 and whose paternity has not been established, of finding grounds under s. 48.415 for the involuntary termination of parental rights to such a child, and of terminating the parental rights to such a child

9. *****NOTE: Should the action phrase include "as created by 2005 Wisconsin Act 293"? CJS

on a ground specified in s. 48.415, "parent" includes a person who may be the parent of such a child.

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

SECTION 44. 48.42 (1g) (a) (intro.) of the statutes is amended to read:

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

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

SECTION 45. 48.42 (2) (bm) (intro.) of the statutes is amended to read:

48.42 (2) (bm) (intro.) If the child is a nonmarital child who is under one year of age at the time the petition is filed and who is not adopted or whose parents do not subsequently intermarry under s. ~~767.60~~ 767.803 and whose paternity has not been 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.

SECTION 46. 48.42 (2m) (b) of the statutes is amended to read:

48.42 (2m) (b) *Parent of nonmarital child.* A person who may be the father of a nonmarital child who is not adopted or whose parents do not subsequently

⑨ ***** NOTE: Should the action phrase include "as created by 2005 Wisconsin Act 293" ? CJS

intermarry under s. ~~767.60~~ 767.803 and whose paternity has not been established, by virtue of the fact that he has engaged in sexual intercourse with the mother of the child, is considered to be on notice that a pregnancy and a termination of parental rights proceeding concerning the child may occur, and has the duty to protect his own rights and interests. He is therefore entitled to actual notice of such a proceeding only as provided in sub. (2) (b) or (bm). A person who is not entitled to notice under sub. (2) (b) or (bm) does not have standing to appear and contest a petition for the termination of his parental rights, present evidence relevant to the issue of disposition, or make alternative dispositional recommendations.

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

SECTION 47. 48.423 (2) (intro.) of the statutes, as created by 2005 Wisconsin Act 293, is amended to read:

48.423 (2) RIGHTS OF OUT-OF-STATE FATHERS. (intro.) A person who may be the father of a nonmarital child who is not adopted or whose parents do not subsequently intermarry under s. ~~767.60~~ 767.803 and whose paternity has not been established may contest the petition, present evidence relevant to the issue of disposition, and make alternative dispositional recommendations if the person appears at the hearing, establishes paternity under sub. (1), and proves all of the following by a preponderance of the evidence:

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

SECTION 48. 48.62 (2) of the statutes, as affected by 2005 Wisconsin Acts 232 and 387, is amended to read:

48.62 (2) A relative, or a guardian of a child who provides care and maintenance for the child is not required to obtain the license specified in this

section. The department, county department, or licensed child welfare agency as provided in s. 48.75 may issue a license to operate a foster home or a treatment foster home to a relative who has no duty of support under s. 49.90 (1) (a) and who requests a license to operate a foster home or treatment foster home for a specific child who is either placed by court order or who is the subject of a voluntary placement agreement under s. 48.63. The department, a county department, or a licensed child welfare agency may, at the request of a guardian appointed under ch. 880, 2003 stats., s. 48.977 or 48.978, or ch. 54, or ch. 880, 2003 stats., license the guardian's home as a foster home or treatment foster home for the guardian's minor ward who is living in the home and who is placed in the home by court order. Relatives with no duty of support and guardians appointed under ch. 880, 2003 stats., s. 48.977 or 48.978, or ch. 54, or ch. 880, 2003 stats., who are licensed to operate foster homes or treatment foster homes are subject to the department's licensing rules.

NOTE: Deletes commas inserted by 2005 Wis. Act 387 but rendered surplusage by 2005 Wis. Act 232. Places cross-references in correct order according to current style.

SECTION 49. 48.831 (1m) (e) of the statutes is amended to read:

48.831(1m) (e) A guardian appointed under ch. 880, 2003 stats., or ch. 54 or ch. 880, 2003 stats., whose resignation as guardian has been accepted by a court under s. 880.17 (1), 2003 stats. or s. 54.54 (1) or s. 880.17 (1), 2003 stats.

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

SECTION 50. 48.833 of the statutes, as affected by 2005 Wisconsin Acts 293 and 448, is amended to read:

48.833 Placement of children for adoption by the department, county departments, and child welfare agencies. The department, a county department under s. 48.57 (1) (e) or (hm), or a child welfare agency licensed under s. 48.60 may place a child for adoption in a licensed foster home or a licensed

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④ **** NOTE: The Act 293 treatment has a delayed effective date. The treatment in this bill should have that same delayed effective date. CJS

treatment foster home without a court order if the department, county department, or child welfare agency is the guardian of the child or makes the placement at the request of another agency that is the guardian of the child and if the proposed adoptive parents have completed the preadoption preparation required under s. 48.84 (1) or the department, county department, or child welfare agency determines that the proposed adoptive parents are not required to complete that preparation. When a child is placed under this section in a licensed foster home or a licensed treatment foster home for adoption, the department, county department, or child welfare agency making the placement shall enter into a written agreement with the proposed adoptive parent, which shall state the date on which the child is placed in the licensed foster home or licensed treatment foster home for adoption by the proposed adoptive parent.

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

SECTION 51. 48.837 (4) (e) of the statutes, as affected by 2005 Wisconsin Act 293 and 2005 Wisconsin Act 443, section 265, is amended to read:

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

the petitions under this section unless the parental rights of the nonpetitioning parent, whether known or unknown, have been terminated.

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

SECTION 52. 48.977 (8) (title) and (a) of the statutes, as affected by 2005 Wisconsin Act 387, are amended to read:

48.977 (8) (title) **Relationship to ch. 880, 2003 stats., and ch. 54 and ch. 880, 2003 stats.** (a) This section does not abridge the duties or authority of a guardian 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.

SECTION 53. 48.978 (7) (b) of the statutes, as affected by 2005 Wisconsin Act 387, is amended to read:

48.978 (7) (b) This section does not abridge the duties or authority of a guardian 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.

SECTION 54. 49.855 (3) of the statutes is amended to read:

49.855 (3) Receipt of a certification by the department of revenue shall constitute a lien, equal to the amount certified, on any state tax refunds or credits owed to the obligor. The lien shall be foreclosed by the department of revenue as a setoff under s. 71.93 (3), (6), and (7). When the department of revenue determines that the obligor is otherwise entitled to a state tax refund or credit, it shall notify the obligor that the state intends to reduce any state tax refund or credit due the obligor by the amount the obligor is delinquent under the support, maintenance, or receiving and disbursing fee order or obligation, by the outstanding amount for past support, medical expenses, or birth expenses under the court order, or by the amount due under s. 46.10 (4) or 301.12 (4). The notice shall provide that within 20 days the

⑨ ***** NOTE: Should action phrase include "as affected by 2005 Wis. Act 304"? CJS

obligor may request a hearing before the circuit court rendering the order under which the obligation arose. Within 10 days after receiving a request for hearing under this subsection, the court shall set the matter for hearing. Pending further order by the court or a circuit court commissioner, the department of workforce development or its designee, whichever is appropriate, is prohibited from disbursing the obligor's state tax refund or credit. A circuit court commissioner may conduct the hearing. The sole issues at that hearing shall be whether the obligor owes the amount certified and, if not and it is a support or maintenance order, whether the money withheld from a tax refund or credit shall be paid to the obligor or held for future support or maintenance, except that the obligor's ability to pay shall also be an issue at the hearing if the obligation relates to an order under s. ~~767.51~~ 767.89 (3) (e) 1. or ~~767.62~~ 767.805 (4) (d) 1. and the order specifies that the court found that the obligor's income was at or below the poverty line 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.

SECTION 55. 49.855 (4m) (b) of the statutes is amended to read:

49.855 (4m) (b) The department of revenue may provide a certification that it receives under sub. (1), (2m), or (2p) to the department of administration. Upon receipt of the certification, the department of administration shall determine whether the obligor is a vendor or is receiving any other payments from this state, except for wages, retirement benefits, or assistance under s. 45.352, 1971 stats., s. 45.40 (1), this chapter, or ch. 46, 108, or 301. If the department of administration determines that the obligor is a vendor or is receiving payments from this state, except for wages, retirement benefits, or assistance under s. 45.352, 1971 stats., s.

⑨ ***** NOTE: The new x-refs are in the wrong order. CJS

⑦ **** Note: Should action phrase include "as affected by 2005 Wisconsin Acts 22 and 304 5 - 27 - CJS

45.40 (1), this chapter, or ch. 46, 108, or 301, it shall begin to withhold the amount certified from those payments and shall notify the obligor that the state intends to reduce any payments due the obligor by the amount the obligor is delinquent under the support, maintenance, or receiving and disbursing fee order or obligation, by the outstanding amount for past support, medical expenses, or birth expenses under the court order, or by the amount due under s. 46.10 (4) or 301.12 (4). The notice shall provide that within 20 days after receipt of the notice the obligor may request a hearing before the circuit court rendering the order under which the obligation arose. An obligor may, within 20 days after receiving notice, request a hearing under this paragraph. Within 10 days after receiving a request for hearing under this paragraph, the court shall set the matter for hearing. A circuit court commissioner may conduct the hearing. Pending further order by the court or circuit court commissioner, the department of workforce development or its designee, whichever is appropriate, may not disburse the payments withheld from the obligor. The sole issues at the hearing are whether the obligor owes the amount certified and, if not and it is a support or maintenance order, whether the money withheld shall be paid to the obligor or held for future support or maintenance, except that the obligor's ability to pay is also an issue at the hearing if the obligation relates to an order under s. ~~767.51~~ 767.89 (3) (e) 1. or ~~767.62~~ 767.805 (4) (d) 1. and the order specifies that the court found that the obligor's income was at or below the poverty line 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.

SECTION 56. 49.89 (7) (c) of the statutes is amended to read:

⑧ **** Note: The new X-refs are in the wrong order. CJS

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

NOTE: Places cross-references in correct order according to current style and corrects citation form for s. 253.05. The corrections have been made in the printed volumes. Section 49.30 was renumbered s. 49.785 by 2003 Wis. Act 33.

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SECTION 57. The treatment of 50.06 (2) (c) of the statutes by 2005 Wisconsin 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.

SECTION 58. 51.03 (3) (a) 6. of the statutes, as affected by 2005 Wisconsin Acts 264 and 387, is amended to read:

51.03 (3) (a) 6. The number of individuals authorized to consent to involuntary administration of psychotropic medication under s. 55.14 (8) or for whom guardians were appointed under s. 880.33 (4m), 2003 stats., or s. 55.14 or ~~s. 880.33 (4m), 2003 stats.~~

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

SECTION 59. 51.20 (7) (d) 1. of the statutes, as affected by 2005 Wisconsin Act 388, is amended to read:

51.20 (7) (d) 1. If the court determines after hearing that there is probable cause to believe that the subject individual is a fit subject for guardianship and protective placement or services, the court may, without further notice, appoint a

temporary guardian for the subject individual and order temporary protective placement or services under ch. 55 for a period not to exceed 30 days, and shall proceed as if petition had been made for guardianship and protective placement or services. If the court orders only temporary protective services for a subject individual under this paragraph, the individual shall be provided care only on an outpatient basis. The court may order involuntary administration of psychotropic medication as a temporary protective service ~~55.14 (3) (e) serious and persistent only~~ under the requirements of s. 55.14.

NOTE: The stricken language was inserted by 2005 Wis. Act 264 but rendered surplusage by 2005 Wis. Act 387.

SECTION 60. 51.30 (4) (b) 17. of the statutes, as affected by 2005 Wisconsin Act 388, is amended to read:

51.30 (4) (b) 17. To the elder-adult-at-risk agency designated under s. 46.90 (2) or other investigating agency under s. 46.90 for the purposes of s. 46.90 (4) and (5), to the county department as defined in s. 48.02 (2g) or the sheriff or police department for the purposes of s. 48.981 (2) and (3), or to the adult-at-risk agency designated under ~~s. 55.02 for purposes of s. 55.043 (1d)~~. The treatment record holder may release treatment record information by initiating contact with the elder-adult-at-risk agency, adult-at-risk agency, or county department, as defined in s. 48.02 (2g), without first receiving a request for release of the treatment record from the elder-adult-at-risk agency, adult-at-risk agency, or county department.

NOTE: 2005 Wis. Act 388 created substantively identical provisions requiring each county to create an adult-at risk-agency by amending s. 55.02 to read in part: "Each county board shall designate an agency to serve as the adult-at-risk agency for purposes of s. 55.043," and by creating s. 55.043 (1d) to read: "Each county board shall designate an agency as the adult-at-risk agency for the purposes of this section." 2005 Wis. Act 264 repealed and recreated s. 55.02, removing the requirement of designating the board from that section, but leaving the requirement under s.55.043 (1d). This provision is amended accordingly.

SECTION 61. 51.30 (4) (b) 18. a. of the statutes, as affected by 2005 Wisconsin Act 387, is amended to read:

51.30 (4) (b) 18. a. In this subdivision, "abuse" has the meaning given in s. 51.62 (1) (ag); "neglect" has the meaning given in s. 51.62 (1) (br); and "parent" has the meaning given in s. 48.02 (13), except that "parent" does not include the parent of a minor whose custody is transferred to a legal custodian, as defined in s. 48.02 (11), or for whom a guardian is appointed under s. 880.33, 2003 stats., or s. 54.10 or s. 880.33, 2003 stats.

NOTE: Places cross-references in correct order according to current style. The correction has been made in the printed volumes.

SECTION 62. 51.30 (4) (b) 18. c. of the statutes, as affected by 2005 Wisconsin Act 387, is amended to read:

51.30 (4) (b) 18. c. If the patient, regardless of age, has a guardian appointed under s. 880.33, 2003 stats., or s. 54.10 or s. 880.33, 2003 stats., or if the patient is a minor with developmental disability who has a parent or has a guardian appointed under s. 48.831 and does not have a guardian appointed under s. 880.33, 2003 stats., or s. 54.10 or s. 880.33, 2003 stats., information concerning the patient that is obtainable by staff members of the agency or nonprofit corporation with which the agency has contracted is limited, except as provided in subd. 18. e., to the nature of an alleged rights violation, if any; the name, birth date and county of residence of the patient; information regarding whether the patient was voluntarily admitted, involuntarily committed or protectively placed and the date and place of admission, placement or commitment; and the name, address and telephone number of the guardian of the patient and the date and place of the guardian's appointment or, if the patient is a minor with developmental disability who has a parent or has a

guardian appointed under s. 48.831 and does not have a guardian appointed under ~~s. 880.33, 2003 stats., or s. 54.10 or s. 880.33, 2003 stats.~~, the name, address and telephone number of the parent or guardian appointed under s. 48.831 of the patient.

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

SECTION 63. The treatment of 51.35 (3) (a) of the statutes by 2005 Wisconsin 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.

SECTION 64. The treatment of 51.35 (3) (g) of the statutes by 2005 Wisconsin 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.

SECTION 65. 51.40 (1) (f) of the statutes, as affected by 2005 Wisconsin Act 387, is amended to read:

51.40 (1) (f) "Guardian" means a guardian of the person appointed by a court 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.

SECTION 66. 54.01 (13) of the statutes, as created by 2005 Wisconsin Act 387, is amended to read:

54.01 (13) "Heir" means any person, including the surviving spouse, who is entitled under the statutes of intestate succession to an interest in property of a decedent. The state is an heir of the decedent and a person interested under s. 45.37 (10) and (11) when the decedent was a member of the Wisconsin Veterans Home at King or at the facilities operated by the department of veterans affairs under s. ~~45.385~~ 45.50 at the time of the decedent's death.

NOTE: Corrects cross-reference consistent with the treatment of ch. 45 by 2005 Wis. Act 22.

SECTION 67. 54.10 (3) (d) of the statutes, as created by 2005 Wisconsin Act 387, is amended to read:

54.10 (3) (d) Before appointing a guardian under this subsection, declaring incompetence to exercise a right under s. 54.25 (2) (c), or determining what powers are appropriate for the guardian to exercise under s. 54.18, 54.20, or 54.25 (2) (d), the

court shall determine if additional medical, psychological, social, vocational, or educational evaluation is necessary for the court to make an informed decision respecting the individual's competency to exercise legal rights and may obtain assistance in the manner provided in s. ~~55.06 (8)~~ 55.11 (1) whether or not protective placement is made.

NOTE: Corrects cross-reference. Section 55.06 (8) was renumbered s. 55.11 (1) by 2005 Wis. Act 264.

SECTION 68. 54.25 (2) (b) 4. of the statutes is amended to read:

54.25 (2) (b) 4. To protest a residential placement made under s. ~~55.05 (5)~~ 55.055, and to be discharged from a residential placement unless the individual is protectively placed under s. ~~55.06 ch. 55~~ or the elements of s. ~~55.06 (11)~~ 55.135 are present.

NOTE: Inserts the correct cross-references in accordance with the revision of ch. 55 by 2005 Wis. Act 264.

SECTION 69. 54.40 (1) of the statutes, as affected by 2005 Wisconsin Act 264, section 212, and 2005 Wisconsin Act 387, section 472 is amended to read:

54.40 (1) APPOINTMENT. The court shall appoint a guardian ad litem when a petition for appointment of a guardian is brought under s. 54.34 (1), when a petition for receipt and acceptance of a foreign guardianship is brought under s. 54.34 (3), to review the scope of a guardianship, to provide protective placement to an individual or order protective services under ch. 55, to review any protective placement or protective service order under s. 55.18, to terminate a protective placement under s. 55.17, to expand an order of guardianship under s. 54.63, to review incompetency and terminate a guardianship under s. 54.64, to review the conduct of a guardian under s. 54.68, to expand an order of guardianship under s. 54.3, to review incompetency

~~and terminate a guardianship under s. 54.64, to review the conduct of a guardian under s. 54.68, or at any other time that the court determines it is necessary.~~

The stricken language duplicates the preceding language.

SECTION 70. 54.46 (3) (a) (intro.) of the statutes, as affected by 2005 Wisconsin Act 264, section 200, and 2005 Wisconsin Act 387, section 421 is amended to read:

54.46 (3) (a) *Petitioner's attorney fees and costs.* (intro.) ~~When~~ If a guardian is appointed, the court shall award from the ward's income and assets payment of the petitioner's reasonable attorney fees and costs unless the court finds, after considering all of the following, that it would be inequitable to do so:

NOTE: The stricken language was inserted by 2005 Wis. Act 264 but rendered surplusage by 2005 Wis. Act 387.

SECTION 71. 54.46 (5) (title) of the statutes, as affected by 2005 Wisconsin Act 387, section 360, is renumbered 54.46 (4) (title).

NOTE: 2005 Wis. Act 387 renumbered 2 titles to be s. 54.46 (5) (title) and left s. 54.46 (4) without a title, renumbering the former s. 880.13 (title) to s. 54.46 (5) title, while renumbering the remainder of s. 880.13 to s. 54.46 (4).

SECTION 72. 54.48 of the statutes, as affected by 2005 Wisconsin Act 264, section 212, and 2005 Wisconsin Act 387, section 472 is amended to read:

54.48 Protective placement and protective services. A finding of incompetency and appointment of a guardian under this chapter is not grounds for involuntary protective placement or the provision of protective services. ~~protective~~ A protective placement and the provision of protective services may be made only in accordance with ch. 55.

The stricken language was inserted by 2005 Wis. Act 387 but rendered surplusage by 2005 Wis. Act 264.

SECTION 73. 54.75 of the statutes, as affected by 2005 Wisconsin Act 264, section 211, and 2005 Wisconsin Act 387, section 471 is amended to read:

54.75 Access to court records. All court records pertinent to the finding of incompetency are closed but subject to access as provided in s. ~~55.22~~ 51.30, 55.22, or under an order of a court under this chapter. The fact that an individual has been found incompetent and the name of and contact information for the guardian is accessible to any person who demonstrates to the custodian of the records a need for that information.

NOTE: Places cross-references in numerical order consistent with current style and inserts commas for correct grammar.

SECTION 74. 55.001 of the statutes, as affected by 2005 Wisconsin Acts 264 and 388, is amended to read:

55.001 Declaration of policy. The legislature recognizes that many citizens of the state, because of serious and persistent mental illness, degenerative brain disorder disorders, developmental disabilities, or other like incapacities, are in need of protective services or protective placement. Except as provided in s. 49.45 (30m) (a), the protective services or protective placement should, to the maximum degree of feasibility under programs, services and resources that the county board of supervisors is reasonably able to provide within the limits of available state and federal funds and of county funds required to be appropriated to match state funds, allow the individual the same rights as other citizens, and at the same time protect the individual from financial exploitation, abuse, neglect, and self-neglect. This chapter is designed to establish those protective services and protective placements, to assure their availability to all individuals when in need of them, and to place the least possible restriction on personal liberty and exercise of constitutional rights consistent with due process and protection from abuse, financial exploitation, neglect, and self-neglect.

① **** NOTE:
The note is incorrect.
Act 264 did not
create a provision
numbered s. 55.01
(6d). CJS

NOTE: Disorder was inserted in the singular form by 2005 Wis. Act 264 and in the plural by 2005 Wis. Act 388.

SECTION 75. 55.01 (1f) of the statutes, as created by 2005 Wisconsin Act 388, is amended to read:

55.01 (1f) "Adult-at-risk agency" means the agency designated by the county board of supervisors under s. 55.043 (1) (1d) to receive, respond to, and investigate reports of abuse, neglect, self-neglect, and financial exploitation under s. 55.043.

NOTE: Corrects cross-reference. "Adult-at-risk agency" are designated by the county board of supervisors under s. 55.043 (1d). There is no s. 55.043 (1).

SECTION 76. 55.01 (4g) of the statutes, as created by 2005 Wisconsin Act 388, 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.

SECTION 77. 55.01 (6) of the statutes, as created by 2005 Wisconsin Act 388, is 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).

SECTION 78. 55.01 (6d) of the statutes, as created by 2005 Wisconsin Act 388, is renumbered 55.01 (6vm).

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

SECTION 79. 55.01 (6g) of the statutes, as created by 2005 Wisconsin Act 388, 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.

SECTION 80. 55.01 (6t) of the statutes, as created by 2005 Wisconsin Act 387, 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 (6d).

SECTION 81. 55.02 (2) (b) 3. of the statutes, as affected by 2005 Wisconsin Act 264, is amended to read:

① **** NOTE: See
my change in note.
CJS

55.02 (2) (b) 3. Develop requirements for submittal by guardians of the person of reports to the county department under s. ~~880.38 (3)~~ 54.25 (1) (a).

NOTE: Section 880.38 (3) was renumbered s. 54.25 (1) (a) by 2005 Wis. Act 387.

SECTION 82. The treatment of 55.03 (1) of the statutes, as affected by 2005 Wisconsin Act 264, section 81, and 2005 Wisconsin Act 387, section 105, is amended to read:

55.03 (1) AGENCY AS GUARDIAN. No guardian appointed under ch. 880, 2003 stats., or ch. 54 or ch. 880, 2003 stats., may be a provider of protective services or protective placement for its ward under this chapter.

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

SECTION 83. 55.043 (1r) (a) 2. of the statutes, as affected by 2005 Wisconsin Act 388, is amended to read:

55.043 (1r) (a) 2. If an agent or employee of an adult-at-risk agency required to refer under this subsection is the subject of a report, or if the adult-at-risk agency or an agency under contract with the county department determines that the relationship between the adult-at-risk agency and the agency under contract with the county department would not allow for an unbiased response, the adult-at-risk agency shall, after taking any action necessary to protect the adult at risk, notify the department. Upon receipt of the notice, the department or a county department under s. 46.215, 46.22, 51.42, or 51.437 designated by the department shall conduct an independent investigation. The powers and duties of a county department making the independent investigation are those given to an adult-at-risk agency under pars. (b) to ~~(g)~~ (d) and sub. (6).

NOTE: Corrects cross-reference. There are no s. 55.043 (1r) (e) to (g).

SECTION 84. 55.043 (4) (am) of the statutes, as created by 2005 Wisconsin Act 388, is amended to read:

55.043 (4) (am) Upon responding to a report, the adult-at-risk agency or the investigative agency shall determine whether the adult at risk or any other individual involved in the alleged abuse, financial exploitation, neglect, or self-neglect is in need of services under this chapter or ch. 46, 47, ~~59~~ 49, 51, or ~~880~~ 54. If provided, direct services shall be rendered under the least restrictive conditions necessary to achieve their objective.

NOTE: Corrects cross-references. Chapter 880 was renumbered ch. 54 by 2005 Wis. Act 387. Chapter 59 is replaced with chapter 49 consistent with the the treatment of identical provisions by 2005 Wis. Act 388.

SECTION 85. 55.043 (6) (bt) 8. of the statutes, as created by 2005 Wisconsin Act 388, is amended to read:

55.043 (6) (bt) 8. To the attorney or guardian ad litem for the adult at risk who is the alleged victim named in the record, to assist in preparing for any proceeding under ch. 48, 51, 54, 55, 813, 880, 971, or 975 pertaining to the alleged victim.

NOTE: 2005 Wis. Act 387 renumbered ch. 880 to ch. 54.

SECTION 86. The treatment of 55.043 (4) (b) of the statutes by 2005 Wisconsin Acts 264 is not repealed by 2005 Wisconsin Act 388. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor s. 55.043 (4) (b) 2., as renumbered by 2005 Wis. Act 388, reads:

2. Take appropriate emergency action, including including provision of emergency protective services under s. 55.13 or emergency protective placement under s. 55.135, if the adult-at-risk agency considers that the emergency action is in the best interests of the adult at risk and the emergency action is the least restrictive appropriate intervention.

SECTION 87. The treatment of 55.05 (5) (b) 1. of the statutes by 2005 Wisconsin Acts 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. 55.055 (1) (a), as renumbered by 2005 Wis. Act 264, reads:

(a) The guardian of an individual who has been adjudicated incompetent may consent to the individual's admission to a foster home, group home, or community-based

residential facility, as defined under s. 50.01 (1g), without a protective placement order under s. 55.12 if the home or facility is licensed for fewer than 16 beds. Prior to providing that consent, and annually thereafter, the guardian shall review the ward's right to the least restrictive residential environment and may consent only to admission to a home or facility that implements that right.

SECTION 88. The treatment of 55.05 (5) (b) 2. of the statutes by 2005 Wisconsin Acts 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. 55.055 (1) (b), as renumbered from 55.05 (5) (b) 2. by 2005 Wis. Act 264, reads:

(b) The guardian of an individual who has been adjudicated incompetent may consent to the individual's admission to a nursing home or other facility not specified in par. (a) for which protective placement is otherwise required for a period not to exceed 60 days. In order to be admitted under this paragraph, the individual must be in need of recuperative care or be unable to provide for his or her own care or safety so as to create a serious risk of substantial harm to himself or herself or others. Prior to providing that consent, the guardian shall review the ward's right to the least restrictive residential environment and consent only to admission to a nursing home or other facility that implements that right. Following the 60-day period, the admission may be extended for an additional 60 days if a petition for protective placement under s. 55.075 has been brought, or, if no petition for protective placement under s. 55.075 has been brought, for an additional 30 days for the purpose of allowing the initiation of discharge planning for the individual. Admission under this paragraph is not permitted for an individual for whom the primary purpose of admission is for treatment or services related to the individual's mental illness or developmental disability.

SECTION 89. The treatment of 55.06 (2) (b) of the statutes by 2005 Wisconsin Acts 264 is not repealed by 2005 Wisconsin Act 388. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor s. 55.08 (1) (b), as renumbered from s. 55.06 (2) (c) by 2005 Wis. Act 264, reads:

(b) Except in the case of a minor who is alleged to be developmentally disabled, the individual has either been adjudicated incompetent by a circuit court, or has had submitted on the minor's behalf a petition for a guardianship;

SECTION 90. The treatment of 55.06 (2) (c) of the statutes by 2005 Wisconsin Acts 264 is not repealed by 2005 Wisconsin Act 388. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor s. 55.08 (1) (c), as renumbered from s. 55.06 (2) (c) by 2005 Wis. Act 264, reads:

(c) As a result of developmental disabilities, degenerative brain disorder, serious and persistent mental illness, or other like incapacities, the individual is so totally incapable of providing for his or her own care or custody as to create a substantial risk of serious harm to himself or herself or others. Serious harm may be evidenced by overt acts or acts of omission.

SECTION 91. 55.06 (3) (d) of the statutes, as created by 2005 Wisconsin Act 388, is renumbered 55.075 (5) (bm) and amended to read:

fix component

387

9) **** NOTE: I made changes in the action phrase and in the note. Please review. CJS

55.075 (5) (bm) The court in which a petition is first filed under par. (e) (a) shall determine venue. The court shall direct that proper notice be given to any potentially responsible or affected county. Proper notice is given to a potentially responsible or affected county if written notice of the proceeding is sent by certified mail to the county's clerk and corporation counsel. After all potentially responsible or affected counties and parties have been given an opportunity to be heard, the court shall determine that venue lies in the county in which the petition is filed under par. (e) (a) or in another county, as appropriate. If the court determines that venue lies in another county, the court shall order the entire record certified to the proper court. A court in which a subsequent petition is filed shall, upon being satisfied of an earlier filing in another court, summarily dismiss the subsequent petition. If any potentially responsible or affected county or party objects to the court's finding of venue, the court may refer the issue to the department for a determination of the county of residence under s. 51.40 (2) (g) and may suspend ruling on the motion for change of venue until the determination under s. 51.40 (2) (g) is final.

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b) and corrects cross-reference. 2005 Wis. Act 264 renumbered s. 55.06 (3) (b) and (3) (c) to s. 55.075 (2) (a) and (b). (c)

SECTION 92. The treatment of 55.06 (8) (c) of the statutes by 2005 Wisconsin Acts 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. 55.11 (1) (c), as renumbered from s. 55.06 (8) (c) by 2005 Wis. Act 264, reads:

(c) A medical, psychological, social, vocational, and educational evaluation and review, if necessary, and any recommendations for or against maintenance of partial legal rights as provided in s. 54.25 (2). The evaluation and review shall include recommendations for the individual's placement that are consistent with the requirements of s. 55.12 (3), (4), and (5).

SECTION 93. The treatment of 55.06 (17) (b) of the statutes by 2005 Wisconsin Acts 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. 55.22 (2), as renumbered from s. 55.06 (17) (b) by 2005 Wis. Act 264, reads:

(2) If the individual is a minor, consent for release of information from and access to the court records may be given only as provided in s. 51.30. If the subject is an adult who has been adjudicated incompetent in this state, consent for release of information from and access to court records may be given only as provided in s. 54.75.

SECTION 94. 55.075 (1) of the statutes, as affected by 2005 Wisconsin Act 264, section 114, and 2005 Wisconsin Act 387, section 110, is amended to read:

55.075 (1) WHO MAY PETITION. The department, the county department or an agency with which the county department contracts under s. 55.02 (2), a guardian, or an interested person may file a petition for appointment of a guardian and for protective services or protective placement for an the individual. The department shall provide for a schedule of reimbursement for the cost of the proceedings based upon the ability to pay of the proposed ward or individual to be protected.

NOTE: The stricken language was inserted by 2005 Wis. Act 387, but rendered surplusage by 2005 Wis. Act 264.

SECTION 95. 55.075 (3) of the statutes, as affected by 2005 Wisconsin Act 264, section 126, and 2005 Wisconsin Act 388, section 114, is amended to read:

55.075 (3) PETITION FOR GUARDIANSHIP; REVIEW OF INCOMPETENCY. A petition for guardianship described in s. 55.08 (1) (b) or (2) (a) shall be heard prior to ordering protective placement or protective services. If the individual is ~~incompetent~~ adjudicated incompetent in this state more than 12 months before the filing of an application for protective placement or protective services on his or her behalf, the court shall review the finding of incompetency.

NOTE: Places "incompetent" and "adjudicated" in proper order.

SECTION 96. 55.09 (1) of the statutes, as affected by 2005 Wisconsin Act 264, section 127, and 2005 Wisconsin Act 387, section 115, is amended to read:

55.09 (1) NOTICE TO INDIVIDUAL. Notice of a petition for protective placement or protective services shall be served upon the individual sought to be protected, by personal service, at least 10 days before the time set for a hearing. The person serving the notice shall inform the individual sought to be protected of the complete contents of the notice and shall return a certificate to the circuit judge verifying that the petition has been delivered and notice given. The notice shall include the names of all petitioners. ~~individual adjudicated for a determination of incompetency~~

NOTE: The stricken language was inserted by 2005 Wis. Act 387 but rendered surplusage by 2005 Wis. Act 264.

SECTION 97. 55.10 (4) (a) of the statutes, as created by 2005 Wisconsin Act 264, is amended to read:

55.10 (4) (a) *Counsel; costs.* The individual sought to be protected has the right to counsel whether or not the individual is present at the hearing on the petition. The court shall require representation by full legal counsel whenever the petition alleges that the individual is not competent to refuse psychotropic medication under s. 55.14, the individual sought to be protected requested such representation at least 72 hours before the hearing, the guardian ad litem or any other person states that the individual sought to be protected is opposed to the petition, or the court determines that the interests of justice require it. If the individual sought to be protected or any other person on his or her behalf requests but is unable to obtain legal counsel, the court shall appoint legal counsel. Counsel shall be provided at public expense, as provided under s. 967.06 and ch. 977, if the individual is indigent. If the individual sought to be protected is an adult who is indigent, and if counsel was not appointed under s. 977.08, the county in which the hearing is held is liable for any fees due the individual's legal counsel. If the individual sought to be protected

is represented by counsel appointed under s. 977.08 in a proceeding for the appointment of a guardian under ~~s. 880.33~~ ch. 54, the court shall order the counsel appointed under s. 977.08 to represent under this section the individual sought to be protected.

NOTE: Inserts correct cross-reference. After 2005 Wis. Act 387, proceedings for appointment of a guardian now fall under ch. 54, but not a single section of that chapter.

SECTION 98. 55.10 (4) (b) of the statutes, as affected by 2005 Wisconsin Act 264, section 129, and 2005 Wisconsin Act 387, section 116, is amended to read:

55.10 (4) (b) *Guardian ad litem; costs.* ~~Sections 54.42, 54.44, and 54.46 apply~~
The court shall in all cases require the appointment of an attorney as guardian ad litem in accordance with s. 757.48 (1). The responsibilities and duties of a guardian ad litem on behalf of a proposed ward or individual who is alleged incompetent specified in ~~s. 880.331~~ 54.40 (4) apply to a guardian ad litem appointed in a proceeding for protective services or protective placement on behalf of an individual sought to be protected. If a guardian has been appointed for an individual who is the subject of a petition for court-ordered protective placement or protective services, the guardian ad litem shall interview the guardian. The guardian ad litem shall be present at all hearings under this chapter if the individual sought to be protected does not have full legal counsel. The court may, however, excuse a personal appearance by a guardian ad litem based on information contained in a written report by the guardian ad litem to the court. If the individual sought to be protected is an adult who is indigent, the county shall be liable for any fees due the guardian ad litem. If the individual sought to be protected is a minor, the minor's parents or the county in which the hearing is held shall be liable for any fees due the guardian ad litem as provided in s. 48.235 (8).

NOTE: The initial stricken language was inserted by 2005 Wis. Act 387 but rendered surplusage by 2005 Wis. Act 264. Section 880.331 (4) was renumbered s. 54.40 (4) by 2005 Wis. Act 387.

SECTION 99. 55.135 (1) of the statutes, as affected by 2005 Wisconsin Act 264, section 144, and 2005 Wisconsin Act 388, section 165, is amended to read:

(1) If, ~~upon a credible report to or~~, from personal observation of, or a reliable report made by a person who identifies himself or herself to, a sheriff, police officer, fire fighter, guardian, if any, or authorized representative of a county department or an agency with which it contracts under s. 55.02 (2), it appears probable that an individual is so totally incapable of providing for his or her own care or custody as to create a substantial risk of serious physical harm to himself or herself or others as a result of developmental disabilities, degenerative brain disorder, serious and persistent mental illness, or other like incapacities if not immediately placed, the individual ~~under this paragraph who received the credible report or who personally made the observation or to whom the report is made~~ may take into custody and transport the individual to an appropriate medical or protective placement facility. The person making emergency protective placement shall prepare a statement at the time of detention providing specific factual information concerning the person's observations or reports made to the person and the basis for emergency placement. The statement shall be filed with the director of the facility and with any petition under s. 55.075. At the time of emergency protective placement the individual shall be informed by the director of the facility or the director's designee, orally and in writing, of his or her right to contact an attorney and a member of his or her immediate family and the right to have an attorney provided at public expense, as provided under s. 967.06 and ch. 977, if the individual is a minor or is indigent. The

director or designee shall also provide the individual with a copy of the statement by the person making emergency protective placement.

NOTE: The stricken language was inserted by 2005 Wis. Act 388 but is redundant and surplusage as a result of the treatment by 2005 Wis. Act 264.

SECTION 100. The treatment of 55.14 (2) of the statutes by 2005 Wisconsin Acts 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. 55.14 (2) reads:

(2) Involuntary administration of psychotropic medication, with consent of a guardian, may be ordered as a protective service only under the requirements of this section.

SECTION 101. 55.14 (5) of the statutes, as created by 2005 Wisconsin Acts 264 and 387, is amended to read:

55.14 (5) The guardian ad litem appointed under s. 55.10 (4) (b) ~~55.06 (6)~~ for an individual who is the subject of a petition under this section shall report to the court whether the allegations in the petition required under sub. (3) are true, and whether involuntary administration of psychotropic medication is in the best interests of the individual.

NOTE: Deletes an incorrect cross-reference inserted by 2005 Wis. Act 387. 2005 Wis. Act 264 renumbered s. 55.06 and created s. 55.14 (5) with cross-references to s. 55.06 as renumbered. Act 387 created an identical s. 55.14 with cross-references to s. 55.06 as it previously existed.

SECTION 102. 55.14 (7) of the statutes, as created by 2005 Wisconsin Acts 264 and 387, is amended to read:

55.14 (7) Upon the filing of a petition under this section, the court shall appoint counsel. A petition under this section shall be heard under s. 55.10 (4) (a) ~~55.06~~ within 30 days after it is filed.

NOTE: Deletes an incorrect cross-reference inserted by 2005 Wis. Act 387. 2005 Wis. Act 264 renumbered s. 55.06 and created s. 55.14 with cross-references to s. 55.06 as renumbered. Act 387 created an identical s. 55.14 (7) with cross-references to s. 55.06 as it previously existed.

SECTION 103. 55.14 (9) of the statutes, as created by 2005 Wisconsin Acts 264 and 387, is amended to read:

(9) If an individual who is subject to an order under this section is not in compliance with the order because he or she refuses to take psychotropic medication as ordered under the treatment plan, and it is necessary for the individual to be transported to an appropriate facility for forcible restraint for administration of psychotropic medication, the corporation counsel shall file with the court a statement of the facts ~~which~~ that constitute the basis ~~for~~ of the noncompliance of the individual. The statement shall be sworn to be true and shall be based upon the information and belief of the person filing the statement. The statement shall be signed by the individual's guardian and by the director or designee of the county department or an agency with which it contracts under s. 55.02 (2) to develop and administer the treatment plan. Upon receipt of the statement of noncompliance, if the court finds by clear and convincing evidence that the individual has substantially failed to comply with the administration of psychotropic medication as ordered under the treatment plan, the court may issue an order authorizing the sheriff or any other law enforcement agency in the county in which the individual is found or in which it is believed that the individual may be present to take the individual into custody and transport him or her to an appropriate facility for administration of psychotropic medication using forcible restraint, with consent of the guardian.

NOTE: The stricken "for" was inserted by 2005 Wis. Act 387, but rendered surplusage by 2005 Wis. Act 264. "Which" is changed to "that" and "the" is inserted for correct grammar.

SECTION 104. 55.14 (8) (a) of the statutes, as created by 2005 Wisconsin Acts 264 and 387, is amended to read:

55.14 (8) (a) Direct the development of a treatment plan for the individual specifying the protective services, including psychotropic medication as ordered by the treating physician, that the individual should receive. If the individual resides in a nursing home or hospital, the nursing home or hospital shall develop the treatment plan. If the individual resides elsewhere, the county department or an agency with which it contracts under s. 55.02 (2) shall develop the treatment plan. The treatment plan shall include a plan for the involuntary administration of psychotropic medication to the individual. The treatment plan is subject to the approval of the guardian and to review and approval by the court. If the court approves the plan, the court shall order the county department or an agency with which it contracts under s. 55.02 (2) to ensure that protective services, including psychotropic medication, are is administered in accordance with the treatment plan.

NOTE: The stricken language was inserted by 2005 Wis. Act 388 but is rendered surplusage by 2005 Wis. Act 264.

SECTION 105. 55.14 (9) of the statutes, as created by 2005 Wisconsin Acts 264 and 387, is amended to read:

55.14 (9) If an individual who is subject to an order under this section is not in compliance with the order because he or she refuses to take psychotropic medication as ordered under the treatment plan, and it is necessary for the individual to be transported to an appropriate facility for forcible restraint for administration of psychotropic medication, the corporation counsel shall file with the court a statement of the facts which constitute basis for of the noncompliance of the individual. The statement shall be sworn to be true and shall be based upon the information and belief of the person filing the statement. The statement shall be signed by the individual's guardian and by the director or designee of the county

department or an agency with which it contracts under s. 55.02 (2) to develop and administer the treatment plan. Upon receipt of the statement of noncompliance, if the court finds by clear and convincing evidence that the individual has substantially failed to comply with the administration of psychotropic medication as ordered under the treatment plan, the court may issue an order authorizing the sheriff or any other law enforcement agency in the county in which the individual is found or in which it is believed that the individual may be present to take the individual into custody and transport him or her to an appropriate facility for administration of psychotropic medication using forcible restraint, with consent of the guardian.

NOTE: The stricken "for" was inserted by 2005 Wis. Act 387, but rendered surplusage by 2005 Wis. Act 264.

SECTION 106. 55.14 (10) of the statutes, as created by 2005 Wisconsin Acts 264 and 387, is amended to read:

55.14 (10) Nothing in this section prohibits the involuntary administration of psychotropic medication as an emergency protective service under s. 55.13 ~~this chapter.~~

NOTE: Deletes a general cross-reference inserted by 2005 Wis. Act 387 and retains a specific cross-reference inserted by 2005 Wis. Act 264.

SECTION 107. The treatment of 55.14 (11) of the statutes by 2005 Wisconsin Acts 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. 55.14 (11) reads:

(11) The county department or an agency with which it contracts under s. 55.02 (2) shall provide to the department a copy of any order issued under this section that applies to any protectively placed individual in the county.

SECTION 108. 55.15 (2) of the statutes, as created by 2005 Wisconsin Act 264 is amended to read:

55.15 (2) WHO MAY TRANSFER. A guardian, a county department or agency with which it contracts under s. ~~55.03~~ 55.02 (2) that provided protective placement to the individual pursuant to the order of the court, the department, or a protective placement facility may transfer an individual under a protective placement order under the requirements of this section, notwithstanding the fact that a court order has named a specific facility for the protective placement of the individual.

NOTE: Inserts the correct cross-reference consistent to all other references to "county or agency with which it contracts" created by 2005 Wis. Act 264. Section 55.03 (2) does not relate contracts with agencies.

SECTION 109. 55.18 (2) (a) of the statutes, as created by 2005 Wisconsin Act 264 is amended to read:

55.18 (2) (a) Review the report filed under sub. (1) (a) 1., the report required under s. ~~880.38 (3)~~ 54.25 (1) (a), and any other relevant reports on the individual's condition and placement.

NOTE: Inserts correct cross-reference. 2005 Wis. Act 387 renumbered s. 880.38 (3) to s. 54.25 (1) (a).

SECTION 110. 55.18 (3) (a) of the statutes, as created by 2005 Wisconsin Act 264 is amended to read:

55.18 (3) (a) The court that ordered protective placement for an individual under s. 55.12 shall review the report of the guardian ad litem under sub. (2) (f), the report filed under sub. (1) (a) 1., and the report required under s. ~~880.38 (3)~~ 54.25 (1) (a).

NOTE: Inserts correct cross-reference. 2005 Wis. Act 387 renumbered s. 880.38 (3) to s. 54.25 (1) (a).

SECTION 111. 55.19 (intro.) of the statutes is, as created by 2005 Wisconsin Acts 264 and 387, is amended to read:

55.19 Annual review of order authorizing involuntary administration of psychotropic medication. (intro.) In addition to or in conjunction with the

annual review required under s. ~~55.06 (10)~~ 55.18, all of the following shall be performed with respect to any individual who is subject to an order under s. 55.14 or an order initially issued under s. 880.33 (4r), 2003 stats., authorizing involuntary administration of psychotropic medication:

NOTE: Section 55.06 (10) (a) relating to annual reviews is renumbered s. 55.18 by 2005 Wis. Act 264.

SECTION 112. The treatment of 55.19 (1) (a) 1. of the statutes by 2005 Wisconsin Acts 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. 55.19 (1) (a) 1. reads:

1. File a report of the review with the court that issued the order. The report of the review shall include information on all of the following:

- a. Whether the individual continues to meet the standards for protective services.
- b. Whether the individual is not competent to refuse psychotropic medication, as defined in s. 55.14 (1) (b).
- c. Whether the individual continues to refuse to take psychotropic medication voluntarily; and whether attempting to administer psychotropic medication to the individual voluntarily is not feasible or is not in the best interests of the individual, including all information required to be specified under s. 55.14 (3) (c).
- d. Whether the individual's condition for which psychotropic medication has been prescribed has been improved by psychotropic medication and the individual has responded positively to psychotropic medication.
- e. If the petitioner alleged under s. 55.14 (3) (e) 2. that the individual met one of the dangerousness criteria set forth in s. 51.20 (1) (a) 2. a. to e., whether the individual continues to meet the criterion.
- f. The comments of the individual and the individual's guardian during the performance of the review, as summarized by the county department, and the response of the county department to the comments.
- g. The comments, if any, of a staff member at the facility at which the individual is placed or receives services or at which psychotropic medication is administered to the individual that are relevant to the review of the continued need for the order.

SECTION 113. The treatment of 55.19 (1m) of the statutes by 2005 Wisconsin Acts 264 is not repealed by 2005 Wisconsin Act 387. Both treatments stand.

55.19 (1m) COUNTY AGREEMENT. The county of residence of an individual who is subject to an order under s. 55.14 and is provided protective placement ~~protectively placed~~ in a different county may enter into an agreement with that county under

which the county of the individual's placement performs all or part of the duties of the county of residence under this section.

NOTE: The stricken language was inserted by Act 387 adopting language used in previously existing statutes, but "protectively placed" is replaced by Act 264 in those previously existing statutes with "provided protective placement."

SECTION 114. The treatment of 55.19 (2) (b) 5. of the statutes by 2005 Wisconsin Acts 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. 55.19 (2) (b) 5. reads:

5. That a termination or modification of the order or modification of the treatment plan for involuntary administration of psychotropic medication may be ordered by the court.

SECTION 115. The treatment of 55.19 (2) (c) of the statutes by 2005 Wisconsin Acts 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. 55.19 (2) (c) reads:

(c) Provide the information required under par. (b) to the individual and to the individual's guardian in writing.

SECTION 116. 55.19 (2) (f) 4. of the statutes, as created by 2005 Wisconsin Acts 264 and 387, is amended to read:

55.19 (2) (f) 4. The individual or the individual's ~~his or her~~ guardian or guardian ad litem requests a full due process hearing under this section for the individual.

NOTE: The insertion of "his or her" by 2005 Wis. Act 387 was rendered surplusage by 2005 Wis. Act 264.

SECTION 117. 55.19 (3) (b) (intro.) of the statutes, as created by 2005 Wisconsin Acts 264 and 387, is amended to read:

55.19 (3) (b) (intro.) The court shall order ~~performance~~ an evaluation, by a person who is not an employee of the county department, ~~of an evaluation~~ of the physical, mental, and social condition of the individual that is relevant to the issue of the continued need for the order under s. 55.14 and that is independent of the review performed under sub. (1) (a) if any of the following apply:

NOTE: The stricken language was inserted by Act 387 but rendered redundant by Act 264.

SECTION 118. 66.1333 (5r) (b) 2. b. of the statutes, as affected by 2005 Wisconsin 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.

SECTION 119. 71.05 (6) (a) 15. of the statutes, as affected by 2005 Wisconsin Acts 361 and 479 is not repealed by 2005 Wisconsin Act 483 is amended to read:

71.05 (6) (a) 15. The amount of the credits computed under s. 71.07 (2dd), (2de), (2di), (2dj), (2dL), (2dm), (2dr), (2ds), (2dx), (3g), (3n), (3s), (3t), (3w), (5b), (5d), and (5e), (5f), 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, company's, or tax-option corporation's ^{extra} income under s. 71.21 (4) or 71.34 (1) (g).

NOTE: Deletes "and" and inserts comma to correct grammar.

SECTION 120. 71.07 (2dm) (a) 1. of the statutes, as affected by 2005 Wisconsin Act 487, is amended to read:

71.07 (2dm) (a) 1. "Certified" means entitled under s. 560.795 (3) (a) 4. to claim 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.

SECTION 121. 71.07 (2dm) (a) 3. of the statutes, as affected by 2005 Wisconsin Act 487, is amended to read:

71.07 (2dm) (a) 3. "Development zone" means a development opportunity zone under s. 560.795 (1) (e) and (f) or 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.

SECTION 122. 71.07 (2dm) (f) 1. of the statutes, as affected by 2005 Wisconsin Act 487, is amended to read:

71.07 (2dm) (f) 1. A copy of a verification from the department of commerce that the claimant may claim tax benefits under s. 560.795 (3) (a) 4. or is 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.

SECTION 123. 71.07 (2dm) (j) of the statutes, as affected by 2005 Wisconsin Act 487, is amended to read:

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

SECTION 124. 71.07 (2dm) (k) of the statutes, as affected by 2005 Wisconsin Act 487, is amended to read:

71.07 (2dm) (k) If a person who is entitled under s. 560.795 (3) (a) 4. to claim tax benefits or certified under s. 560.795 (5), 560.798 (3), or ~~560.799~~ 560.7995 (4) ceases business operations in the development zone during any of the taxable years

that that zone exists, that person may not carry over to any taxable year following the year during which operations cease any unused credits from the taxable year 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.

SECTION 125. 71.07 (2dx) (a) 2. of the statutes, as affected by 2005 Wisconsin Act 487, is amended to read:

71.07 (2dx) (a) 2. "Development zone" means a development zone under s. 560.70, a development opportunity zone under s. 560.795, an enterprise development zone under s. 560.797, an agricultural development zone under s. 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.

SECTION 126. 71.07 (2dx) (b) (intro.) of the statutes, as affected by 2005 Wisconsin Act 487, is amended to read:

71.07 (2dx) (b) *Credit.* (intro.) Except as provided in pars. (be) and (bg) and in s. 73.03 (35), and subject to s. 560.785, for any taxable year for which the person is entitled under s. 560.795 (3) to claim tax benefits or certified under s. 560.765 (3), 560.797 (4), 560.798 (3), or ~~560.799~~ 560.7995 (4), any person may claim as a credit 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.

SECTION 127. 71.07 (2dx) (c) of the statutes, as affected by 2005 Wisconsin Act 487, is amended to read:

71.07 (2dx) (c) *Credit precluded.* If the certification of a person for tax benefits under s. 560.765 (3), 560.797 (4), 560.798 (3), or ~~560.799~~ 560.7995 (4) is revoked, or if the person becomes ineligible for tax benefits under s. 560.795 (3), that person may

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

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

SECTION 128. 71.07 (2dx) (d) of the statutes, as affected by 2005 Wisconsin Act 487, is amended to read:

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

SECTION 129. 71.10 (4) (i) of the statutes is amended to read:

SECTION 130. The treatment^s of 71.10 (4) (i) of the statutes by 2005 Wisconsin Acts 25 and 361 ^{are} is not repealed by 2005 Wisconsin Act 483. All treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor^s 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), veterans and surviving spouses property tax credit under s. 71.07 (6e), enterprise zone jobs credit under s. 71.07 (3w), film production services credit under s. 71.07 (5f) (b) 2., earned

④ **** NOTE: The Act 483 treatment recognizes the Act 25 treatment and inserts the film production credit LRB-0495/P1ins

④ **** NOTE: I deleted a stray action phrase that preceded this bill section. CJS

① before the veterans and surviving spouses credit inserted by Act 25. That sequence has been disrupted in this merger. Is that OK? CJS

income tax credit under s. 71.07 (9e), estimated tax payments under s. 71.09, and taxes withheld under subch. X.

SECTION 131. The treatment of 71.21 (4) of the statutes by 2005 Wisconsin Acts

74, 361 and 479 is not repealed by 2005 Wisconsin Act 483. All treatments stand.

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

are

(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.

SECTION 132. The treatment of 71.26 (2) (a) of the statutes by 2005 Wisconsin

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

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

② 71.28 (1dm)

SECTION 133. 71.28 (1dm) (a) 1. of the statutes, as affected by 2005 Wisconsin

Act 487, is amended to read:

71.07 (2dx) (a) 1. "Certified" means entitled under s. 560.795 (3) (a) 4. to claim 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.

④ **** NOTE: See my change in cited text. CJS

SECTION 134. 71.28 (1dm) (a) 3. of the statutes, as affected by 2005 Wisconsin

Act 487, is amended to read:

71.28 (1dm) (a) 3. "Development zone" means a development opportunity zone under s. 560.795 (1) (e) and (f) or 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.

SECTION 135. 71.28 (1dm) (f) 1. of the statutes, as affected by 2005 Wisconsin Act 487, is amended to read:

71.28 (1dm) (f) 1. A copy of a verification from the department of commerce that the claimant may claim tax benefits under s. 560.795 (3) (a) 4. or is 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. ✓

SECTION 136. 71.28 (1dm) (j) of the statutes, as affected by 2005 Wisconsin Act 487, is amended to read:

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