



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-0495/P1

BEM:cjs:nwn

Stays

④ ****NOTE:
This /P2 draft
contains the material
sent over as
07 RB1 supp.

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SA ✓
eff date ✓

Revisor's bill
Do NOT Gen Cat
Do NOT Sort

⑨ ****NOTE:
I added or
retained references
in action phrases
where I asked and
you wrote "yes, add"
or the like. However,
there may be additional
action phrases that should
be treated in the same way
that I missed and
did not ask about.
Have you checked
for such?

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

Analysis by the Legislative Reference Bureau

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

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

****NOTE: I'm not sure that prior treatments have been cited or left uncited according to any consistent plan. Under what circumstances should they be cited or left uncited in this bill? CJS

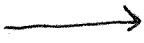
****NOTE: When I reviewed the text of mergers I looked only at the places where text was added or removed; I did not review the untouched parts of the text. CJS

⑩ ****NOTE:
On page 17 of the /P1, where you wrote "see attached", you made an insert by extracting and marking up pages from the rough copy. THAT IS A BIG NO NO, - you must not ever alter the rough copy, because it is part of the drafting file. ON

If a similar situation occurs in the future you should xerox pages from the rough copy and mark 'up' the xerox.

I've checked them. I'll keep them with.

⑨ **** NOTE: The treatments of ss. 46.215(1p), 46.22(1)(dp), and 46.23(3)(ed) ~~have been~~ are new (added at your direction). Please review them carefully.



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

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

Please fix

NOTE: Inserts missing "s."

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

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

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

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

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

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

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

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

****NOTE: Should we also take the opportunity to fix the stray hyphen that appears
in the second line of the statutory text? CJS

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

20 6.36 (1) (a) The board shall compile and maintain electronically an official
21 registration list. The list shall contain the name and address of each registered
22 elector in the state, the date of birth of the elector, the ward and aldermanic district
23 of the elector, if any, and, for each elector, a unique registration identification number

9 It's
not in
the OS
stats
Just
delete it.

1 assigned by the board, the number of a valid operator's license issued to the elector
2 under ch. 343, if any, or the last 4 digits of the elector's social security account
3 number, if any, any identification serial number issued to the elector under s. 6.47
4 (3), the date of any election in which the elector votes, an indication of whether the
5 elector is a military elector, as defined in sub. (2) (c), who has so certified under s.
6 6.865 (3m), an indication of whether the elector is an overseas elector, as defined in
7 s. 6.24 (1), any information relating to the elector that appears on the current list
8 transmitted to the board by the department of corrections under s. 301.03 ~~(20)~~ (20m),
9 an indication of any accommodation required under s. 5.25 (4) (a) to permit voting
10 by the elector, an indication of the method by which the elector's registration form
11 was received, and such other information as may be determined by the board to
12 facilitate administration of elector registration requirements.

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

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

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

1 elector's agent that the elector is ineligible to register to vote. If the elector or the
2 elector's agent maintains that the elector is eligible to vote in the election, the
3 inspectors or special registration deputies shall permit the elector to register but
4 shall mark the elector's registration form as "ineligible to vote per Department of
5 Corrections." If the elector wishes to vote, the inspectors shall require the elector to
6 vote by ballot and shall challenge the ballot as provided in s. 6.79 (2) (dm).

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

7 ~~SECTION 6. 6.56 (3m) of the statutes, as created by 2005 Wisconsin Act 451, is~~
8 ~~amended to read:~~

9 ~~6.56 (3m) As soon as possible after all information relating to registrations~~
10 ~~after the close of registration for an election is entered on the registration list~~
11 ~~following the election under s. 6.33 (5) (a), the board shall compare the list of new~~
12 ~~registrants whose names do not appear on the poll lists for the election because the~~
13 ~~names were added after the board certified the poll lists for use at the election with~~
14 ~~the list containing the names transmitted to the board by the department of~~
15 ~~corrections under s. 301.03 (20) (20m) as of election day. If the board finds that the~~
16 ~~name of any person whose name appears on the list transmitted under s. 301.03 (20)~~
17 ~~(20m) has been added to the registration list, the board shall enter on the list the~~
18 ~~information transmitted to the board under s. 301.03 (20) (20m) and shall notify the~~
19 ~~district attorney that the person appears to have voted illegally at the election.~~

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

20 ~~SECTION 7. 6.79 (2) (d) of the statutes, as affected by 2005 Wisconsin Act 451,~~
21 ~~is amended to read:~~

1 6.79 (2) (d) ~~The~~ If the poll list indicates that proof of residence under s. 6.34 is
2 required, the officials shall require the elector to provide identification proof of
3 residence. If proof of residence is provided, the officials shall verify that the name
4 and address on the identification document submitted as proof of residence provided
5 is the same as the name and address shown on the registration list. If proof of
6 residence is required and not provided, the officials shall offer the opportunity for the
7 elector to vote under s. 6.97.

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

8 ~~SECTION 8.~~ 6.79 (2) (dm) of the statutes, as created by 2005 Wisconsin Act 451,
9 is amended to read:

10 6.79 (2) (dm) If the poll list indicates that the elector is ineligible to vote because
11 the elector's name appears on the current list provided by the department of
12 corrections under s. 301.03 ~~(20)~~ (20m), the inspectors shall inform the elector of this
13 fact. If the elector maintains that he or she is eligible to vote in the election, the
14 inspectors shall provide the elector with a ballot and, after the elector casts his or her
15 vote, shall challenge the ballot as provided in s. 6.92 and treat the ballot in the
16 manner provided in s. 6.95.

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

17 ~~SECTION 9.~~ The treatment of 6.875 (4) of the statutes by 2005 Wisconsin Act 149
18 is not repealed by 2005 Wisconsin Act 451. Both treatments stand.

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

(4) (a) For the purpose of absentee voting in nursing homes and qualified retirement homes and qualified community-based residential facilities, the municipal clerk or board of election commissioners of each municipality in which one or more nursing homes or qualified retirement homes or qualified community-based residential facilities are located shall appoint at least 2 special voting deputies for the municipality. Upon application under s. 6.86 (1), (2), or (2m) by one or more qualified electors who are occupants of a nursing home or qualified retirement home or qualified community-based residential facility, the municipal clerk or board of election commissioners of the

municipality in which the home or facility is located shall dispatch 2 special voting deputies to visit the home or qualified community-based residential facility for the purpose of supervising absentee voting procedure by occupants of the home or qualified community-based residential facility. The clerk shall maintain a list, available to the public upon request, of each nursing home or qualified retirement home or qualified community-based residential facility where an elector has requested an absentee ballot. The list shall include the date and time the deputies intend to visit each home or facility. The 2 deputies designated to visit each nursing home or qualified retirement home and qualified community-based residential facility shall be affiliated with different political parties whenever deputies representing different parties are available.

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

(a)

***NOTE: See my change at beginning of cited text. Correct? CJS

1 SECTION 10. The treatment of 6.875 (6) of the statutes by 2005 Wisconsin Act
2 149, section 24, is not repealed by 2005 Wisconsin Act 451, section 86. Both
3 treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 6.875 (6) (a) and (b) as established by the renumbering and amendment of s. 6.875 (6) by 2005 Wis. Act 149 ready

reads:

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

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

***NOTE: This bill section replaces sections 10 to 12 in the original bill. Per your instructions, section 10 has been changed to a straight merger and section 12 has been deleted. (After we talked on the phone about it, you determined that the material in s.

6.985 (6) (a) that would have been struck by section 10 fit better there than in s. 6.875 (6) (c) 2., where section 12 would have scored it in; I have also spoken with Jeff Kuesel and he agrees with this too.) Since section 11 was a merger too I combined it with section 10 to form this single new section. Please review the action phrase and introductory note carefully—did I use appropriate phrasing for the situation?

Also, is it OK that not all the subunits of s. 6.875 (6) that were produced by 2005 Wis. Act 149, section 24 have been shown, in contrast to what has been done in the treatments of, e.g., ss. 6.875 (4), 7.30 (4) (b) 2., and 9.01 (1) (a)? (In those cases, all the subunits were shown even though the later enacted act did not affect all of them.) If not, should something be added to the note listing the subunits that are not shown and explaining why they are not shown (so that the bill section does not seem to imply that pars. (a) and (b) constitute the whole of s. 6.875 (6))? Also, should the treatments of ss. 6.875 (4) and (6), 7.30 (4) (b) 2., and 9.01 (1) (a) and any other similar bill sections be made consistent in approach to the treatment here? CJS

****NOTE: Jeff Kuesel would like to correct a typographical error in s. 6.985 (6) (b). The sentence reading "The deputies may exercise the authority granted to the chief inspector under s. 7.41 to regulate the conduct of observers for purposes of the application of s. 7.41, the home or facility shall be treated as a polling place." was actually drafted as two sentences reading "The deputies may exercise the authority granted to the chief inspector under s. 7.41 to regulate the conduct of observers. For purposes of the application of s. 7.41, the home or facility shall be treated as a polling place." A copy of the relevant page of drafting record is enclosed. Jeff proposes that the revisor's note for the change could say "Corrects typographical error" or the like. CJS

INS 8A

Agencies
Secretary
for
JTK
draft
attached
as above

1 **SECTION 11.** The treatment of 7.08 (1) (c) of the statutes by 2005 Wisconsin Act
2 278 is not repealed by 2005 Wisconsin Act 451. Both treatments stand.

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

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

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

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

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

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

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

2. a. In municipalities other than cities and villages located in counties having a population of more than 500,000, the committees organized under s. 8.17 from each of the

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

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

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

as affected by 2005 Wisconsin Act 451,

1 **SECTION 14.** 7.51 (1) of the statutes is amended to read:

2 7.51 (1) CANVASS PROCEDURE. Immediately after the polls close the inspectors
 3 except any inspector appointed under s. 7.30 (1) (b) shall proceed to canvass publicly
 4 all votes received at the polling place. In any municipality where an electronic voting
 5 system is used, the municipal governing body or board of election commissioners may
 6 provide or authorize the municipal clerk or executive director of the board of election
 7 commissioners to provide for the adjournment of the canvass to one or more central
 8 counting locations for specified polling places in the manner prescribed in subch. III
 9 of ch. 5. No central counting location may be used to count votes at a polling place

1 where an electronic voting system is not employed. The canvass, whether conducted
 2 at the polling place or at a central counting location, shall continue without
 3 adjournment until the canvass is completed and the return statement is made or, in
 4 municipalities where absentee ballots are canvassed under s. 7.52, until the canvass
 5 of all ballots cast is completed and the return statement for those ballots ~~are~~ is made.
 6 The inspectors shall not permit access to the name of any elector who has obtained
 7 a confidential listing under s. 6.47 (2) during the canvass, except as authorized in s.
 8 6.47 (8).

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

****NOTE: Should the action phrase include ", as affected by 2005 Wisconsin Act 451," since that is where the error comes from? CJS

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

11 7.53 (2) (a) 3. If the clerk is a candidate at an election being canvassed, the clerk
 12 may perform his or her duties on the board of canvassers only if the clerk does not
 13 have an opponent whose name appears on the ballot, or in the case of a recount, if
 14 the office the clerk is seeking is not a subject of the recount. If the clerk is a candidate
 15 at the election being canvassed and has an opponent whose name appears on the
 16 ballot or if the office the clerk is seeking is a subject of a recount, the mayor, president
 17 of or board chairperson of the municipality shall designate another qualified elector
 18 of the municipality to serve in lieu of the elector for that election.

NOTE: Inserts correct word.

19 ~~SECTION 16.~~ The treatment of 9.01 (1) (a) of the statutes by 2005 Wisconsin Act
 20 149 is not repealed by 2005 Wisconsin Act 451. Both treatments stand.

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

(a) 1. Any candidate voted for at any election or any elector who voted upon any referendum question at any election may petition for a recount. The petitioner shall file

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

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

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

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

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

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

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

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

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

***NOTE: See my change - I deleted an apparently extraneous note. OK? CJS

~~SECTION 18~~
as created by 2005 Wisconsin Act 25

1 SECTION 18. 16.964 (12) (k) of the statutes is amended to read:

2 16.964 (12) (k) By December 31, 2011, the office, in collaboration with the
3 departments of corrections and health and family services, shall submit a report to
4 the chief clerk of each house of the legislature, for distribution to the appropriate
5 standing committees under section s. 13.172 (3), regarding savings that have been
6 generated through the implementation of the grant program. The report shall also
7 include recommendations regarding how the grant program should be structured in
8 the future.

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

INS
13-8

***NOTE: Should the action phrase include "as created by 2005 Wisconsin Act 25"?
CJS

yes
Please add.

9 SECTION 19. 19.82 (2) of the statutes is amended to read:

10 19.82 (2) "Meeting" means the convening of members of a governmental body
11 for the purpose of exercising the responsibilities, authority, power or duties
12 delegated to or vested in the body. If one-half or more of the members of a
13 governmental body are present, the meeting is rebuttably presumed to be for the
14 purpose of exercising the responsibilities, authority, power or duties delegated to or
15 vested in the body. The term does not include any social or chance gathering or
16 conference which is not intended to avoid this subchapter, any gathering of the
17 members of a town board for the purpose specified in s. 60.50 (6), any gathering of
18 the commissioners of a town sanitary district for the purpose specified in s. 60.77 (5)
19 (k), or any gathering of the members of a drainage board created under s. 88.16, 1991
20 stats., or under s. 88.17, for a purpose specified in s. 88.065 (5) (a).

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

21 SECTION 20. The treatment of 20.566 (1) (hp) of the statutes by 2005 Wisconsin
22 Act 323 is not repealed by 2005 Wisconsin Act 460. Both treatments stand.

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

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

1 SECTION 21. 20.835 (2) (bm) of the statutes, as created by 2005 Wisconsin Act
2 405, is renumbered 20.835 (2) (br).

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

***NOTE: An x-ref to s. 20.835 (2) (bm) that appears in s. 70.511 (2) (bm) - which was also created by Act 405 - must also be amended to reflect the renumbering here. CJS

Handwritten notes: J, Vd/d, act, 27.

3 SECTION 22. 30.206 (1) (a) of the statutes is amended to read:

4 30.206 (1) (a) The department shall issue the statewide general permits as
5 rules promulgated under ch. 227 required under ss. 30.12 (3) (a), 30.123 (7) (a), and
6 30.20 (1t) (a). The statewide general permits required under ss. 30.12 (3) (a), 30.123
7 (7) (a), and 30.20 (1t) (a) shall be promulgated within 540 days after February 6,
8 2004. The department shall submit in proposed form the rule containing the
9 statewide general permit under s. 30.19 (3r) (a) and the rule under s. 30.19 (1d) to
10 the legislative council staff under section s. 227.15 (1) no later than August 1, 2004.
11 General permits issued under s. 30.206, 2001 stats., shall remain valid until the date
12 upon which the rules issuing these statewide general permits are promulgated
13 under this paragraph.

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

Handwritten note: INS 14-13 with an arrow pointing to the note above.

14 SECTION 23. 40.23 (3) of the statutes, as affected by 2005 Wisconsin Act 154,
15 is amended to read:

1 40.23 (3) The initial monthly amount of any retirement annuity in the normal
2 form shall not be less than the money purchase annuity which can be provided by
3 applying the sum of the participant's accumulated additional and required
4 contributions, including interest credited to the accumulations, plus an amount from
5 the employer accumulation reserve equal to the participant's accumulated required
6 contributions, less any accumulated contributions to purchase other governmental
7 service under s. 40.25 (7), 2001 stats., or s. 40.285 (2) (b) or 40.25 (7), 2001 stats., to
8 fund the annuity in accordance with the actuarial tables in effect on the annuity
9 effective date.

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

10 ~~SECTION 24.~~ 40.73 (1) (am) 2. of the statutes, as created by 2005 Wisconsin Act
11 154, is amended to read:

12 40.73 (1) (am) 2. Accumulated contributions to purchase other governmental
13 service under s. 40.25 (7), 2001 stats., or s. 40.285 (2) (b) or 40.25 (7), 2001 stats.

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

14 ~~SECTION 25.~~ 43.30 (1b) of the statutes is amended to read:

15 43.30 (1b) In this section, "custodial parent" includes any parent other than
16 a parent who has been denied periods of physical placement with a child under s.
17 ~~767.24 (4)~~ 767.41 (4).

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

18 ~~SECTION 26.~~ 45.31 (7) of the statutes, as affected by 2005 Wisconsin Act 22, is
19 amended to read:

20 45.31 (7) "Funds" include cash on hand and liquid investments owned by the
21 veteran and his or her spouse, individually or jointly, unless the veteran and spouse
22 are legally separated under s. ~~767.07~~ 767.35 (1).

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

Act 22

1 SECTION 27. 45.37 (2) (a) of the statutes, as affected by 2005 Wisconsin Acts 293
2 and 448, is amended to read:

3 45.37 (2) (a) Applications for loans under this section for a purpose specified
4 in s. 45.34 (1) (a), (b), or (d) shall be made to an authorized lender and applications
5 for loans under this section for a purpose specified under s. 45.34 (1) (c) may be made
6 to the department or to a county veterans service officer on forms approved by the
7 department and signed by the applicant. If the applicant is married and not legally
8 separated under s. ~~767.02~~ 767.001 (1) (d) or in the process of obtaining a divorce, the
9 applicant's spouse also shall sign the application.

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

***NOTE: I'm confused by the action phrase. I think s. 45.37 (2) (a) is affected by 2005 Wis. Act 22, but I can't figure out how it is affected by Acts 293 and 448. CJS

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STET: leave as typed

10 SECTION 28. 46.03 (7g) of the statutes, as affected by 2005 Wisconsin Act 406,
11 section 2, is amended to read:

12 46.03 (7g) STATEWIDE AUTOMATED CHILD WELFARE INFORMATION SYSTEM. Establish
13 a statewide automated child welfare information system. Notwithstanding ss.
14 46.2895 (9), 48.396 (1) and (2) (a), 48.78 (2) (a), 48.981 (7), 49.45 (4), 49.83, 51.30,
15 51.45 (14) (a), ~~55.06 (17) (e)~~ 55.22 (3), 146.82, 252.11 (7), 252.15, 253.07 (3) (c), 938.396
16 (1) (a) and (2) (a), and 938.78 (2) (a), the department may enter the content of any
17 record kept or information received by the department into the statewide automated
18 child welfare information system, and a county department under s. 46.215, 46.22
19 or 46.23, the department, or any other organization that has entered into an
20 information sharing and access agreement with the department or any of those
21 county departments and that has been approved for access to the statewide

1 automated child welfare information system by the department may have access to
 2 information that is maintained in that system, if necessary to enable the county
 3 department, department, or organization to perform its duties under this chapter,
 4 ch. 48, 51, 55, or 938, or 42 USC 670 to 679b to or to coordinate the delivery of services
 5 under this chapter, ch. 48, 51, 55, or 938, or 42 USC 670 to 679b.

Therefore I kept the underscored "(a)" on page 16 too. If it needs to be removed, please let me know why.

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 (1) to s. 938.396 (1) (a) and s. 938.396 (2) (a) to s. 938.396 (2) and changed existing cross-references to s. 938.396(1)(a) and ~~938.396(2)~~ but did not account of the cross-references inserted by 2005 Wis. Act 406.

****NOTE: I made changes suggested by Gordon Malaise.

Gordon asks that the same correction also be made in ss. 46.215 (1p), 46.22 (1) (dp), 46.23 (3) (ed), and s. 938.396 (1j) (a) (intro.). The first three of those statutes were treated in the original version of this bill, but those treatments were removed at your request (because they were affected by 2005 Wis. Act 264, which is one of the bills Debora Kennedy is reconciling). Should the treatment of this statute have been removed as well— it is similar to the removed treatments? Or should the removed treatments be restored? As for s. 938.396 (1j) (a) (intro.), it is treated in the other correction bill, and we could add Gordon's correction to it there—OK? CJS

add Gordon's correction to intro then be addition

Per our discussion

See attached - use the new for each.

SECTION 29. 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.

****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 been made in the printed volumes. CJS

SECTION 30. 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 31. 48.27 (5) of the statutes, as affected by 2005 Wisconsin Act 293, is amended to read:

****NOTE: Should the revisor's note be adjusted since ~~the~~ the text shown here does not quite reflect what appears in the printed volumes? CJS

INS 17A

INS 17B

1 48.27 (5) Subject to sub. (3) (b), the court shall make every reasonable effort
 2 to identify and notify any person who has filed a declaration of paternal interest
 3 under s. 48.025, any person who has acknowledged paternity of the child under s.
 4 ~~767.62~~ 767.805 (1) , and any person who has been adjudged to be the father of the
 5 child in a judicial proceeding unless the person's parental rights have been
 6 terminated.

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

7 **SECTION 32.** 48.40 (1r) of the statutes ^{as created by 2005 Wisconsin Act 293} is amended to read:

8 48.40 (1r) "Parent" has the meaning given in s. 48.02 (13), except that for
 9 purposes of filing a petition seeking the involuntary termination of parental rights
 10 under s. 48.415 to a nonmarital child who is not adopted or whose parents do not
 11 subsequently intermarry under s. ~~767.60~~ 767.803 and whose paternity has not been
 12 established, of finding grounds under s. 48.415 for the involuntary termination of
 13 parental rights to such a child, and of terminating the parental rights to such a child
 14 on a ground specified in s. 48.415, "parent" includes a person who may be the parent
 15 of such a child. ^{as created by 2005 Wisconsin Act 293}

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

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

16 **SECTION 33.** 48.42 (1g) (a) (intro.) of the statutes is amended to read:

17 48.42 (1g) (a) (intro.) Except as provided in par. (c), if the petition is filed by a
 18 person or agency other than the district attorney, corporation counsel, or other
 19 appropriate official under s. 48.09; if the petition seeks to terminate the parental
 20 rights of a person who may be the father of a nonmarital child who is under one year
 21 of age at the time the petition is filed, who is not adopted or whose parents do not

*Yes.
 please
 add.*

1 subsequently intermarry under s. ~~767.60~~ 767.803, and whose paternity has not been
2 established; and if the mother of the child has voluntarily consented to or seeks to
3 voluntarily consent to the termination of her parental rights to the child, the
4 petitioner may file with the petition an affidavit signed by the mother that includes
5 all of the following:

as created by 2005 Wisconsin Act 293

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

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

6 **SECTION 34.** 48.42 (2) (bm) (intro.) of the statutes is amended to read:

7 48.42 (2) (bm) (intro.) If the child is a nonmarital child who is under one year
8 of age at the time the petition is filed and who is not adopted or whose parents do not
9 subsequently intermarry under s. ~~767.60~~ 767.803 and whose paternity has not been
10 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.

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

11 **SECTION 35.** 48.42 (2m) (b) of the statutes is amended to read:

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

as created by 2005 Wisconsin Act 293

1 termination of his parental rights, present evidence relevant to the issue of
2 disposition, or make alternative dispositional recommendations.

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

****NOTE: Should the action phrase include “, as created by 2005 Wisconsin Act
293,”? CJS *yes*

3 **SECTION 36.** 48.423 (2) (intro.) of the statutes, as created by 2005 Wisconsin Act
4 293, is amended to read:

5 48.423 (2) RIGHTS OF OUT-OF-STATE FATHERS. (intro.) A person who may be the
6 father of a nonmarital child who is not adopted or whose parents do not subsequently
7 intermarry under s. ~~767.60~~ 767.803 and whose paternity has not been established
8 may contest the petition, present evidence relevant to the issue of disposition, and
9 make alternative dispositional recommendations if the person appears at the
10 hearing, establishes paternity under sub. (1), and proves all of the following by a
11 preponderance of the evidence:

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

****NOTE: Should the action phrase include “, as created by 2005 Wisconsin Act
293,”? CJS *yes*

12 **SECTION 37.** 48.833 of the statutes, as affected by 2005 Wisconsin Acts 293 and
13 448, is amended to read:

14 **48.833 Placement of children for adoption by the department, county**
15 **departments, and child welfare agencies.** The department, a county
16 department under s. 48.57 (1) (e) or (hm), or a child welfare agency licensed under
17 s. 48.60 may place a child for adoption in a licensed foster home or a licensed
18 treatment foster home without a court order if the department, county department,
19 or child welfare agency is the guardian of the child or makes the placement at the
20 request of another agency that is the guardian of the child and if the proposed

1 adoptive parents have completed the preadoption preparation required under s.
2 48.84 (1) or the department, county department, or child welfare agency determines
3 that the proposed adoptive parents are not required to complete that preparation. 33
4 When a child is placed under this section in a licensed foster home or a licensed
5 treatment foster home for adoption, the department, county department, or child
6 welfare agency making the placement shall enter into a written agreement with the
7 proposed adoptive parent, which shall state the date on which the child is placed in
8 the licensed foster home or licensed treatment foster home for adoption by the
9 proposed adoptive parent.

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

***NOTE: The Act 293 treatment has a delayed effective date. The treatment in this bill should have that same delayed effective date, i.e., 4-1-2007. CJS

OK.
See the
add.

10 **SECTION 38.** 48.837 (4) (e) of the statutes, as affected by 2005 Wisconsin Act 293
11 and 2005 Wisconsin Act 443, section 265, is amended to read:

12 48.837 (4) (e) Shall, before hearing the petitions under subs. (2) and (3),
13 ascertain whether the paternity of a nonmarital child who is not adopted or whose
14 parents do not subsequently intermarry under s. ~~767.60~~ 767.803 has been
15 acknowledged under s. 767.805 or a substantially similar law of another state or
16 adjudicated in this state or another jurisdiction. If the child's paternity has not been
17 acknowledged or adjudicated, the court shall attempt to ascertain the paternity of
18 the child and shall determine the rights of any person who may be the father of the
19 child as provided under s. 48.423. The court may not proceed with the hearing on
20 the petitions under this section unless the parental rights of the nonpetitioning
21 parent, whether known or unknown, have been terminated.

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

1 **SECTION 39.** 48.978 (7) (b) of the statutes, as affected by 2005 Wisconsin Act
2 387, is amended to read:

3 48.978 (7) (b) This section does not abridge the duties or authority of a guardian
4 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.

5 **SECTION 40.** 49.855 (3) of the statutes is amended to read:

6 49.855 (3) Receipt of a certification by the department of revenue shall
7 constitute a lien, equal to the amount certified, on any state tax refunds or credits
8 owed to the obligor. The lien shall be foreclosed by the department of revenue as a
9 setoff under s. 71.93 (3), (6), and (7). When the department of revenue determines
10 that the obligor is otherwise entitled to a state tax refund or credit, it shall notify the
11 obligor that the state intends to reduce any state tax refund or credit due the obligor
12 by the amount the obligor is delinquent under the support, maintenance, or receiving
13 and disbursing fee order or obligation, by the outstanding amount for past support,
14 medical expenses, or birth expenses under the court order, or by the amount due
15 under s. 46.10 (4) or 301.12 (4). The notice shall provide that within 20 days the
16 obligor may request a hearing before the circuit court rendering the order under
17 which the obligation arose. Within 10 days after receiving a request for hearing
18 under this subsection, the court shall set the matter for hearing. Pending further
19 order by the court or a circuit court commissioner, the department of workforce
20 development or its designee, whichever is appropriate, is prohibited from disbursing
21 the obligor's state tax refund or credit. A circuit court commissioner may conduct the
22 hearing. The sole issues at that hearing shall be whether the obligor owes the
23 amount certified and, if not and it is a support or maintenance order, whether the
24 money withheld from a tax refund or credit shall be paid to the obligor or held for

strike

or 767.89(3)(e)1.

1 future support or maintenance, except that the obligor's ability to pay shall also be
 2 an issue at the hearing if the obligation relates to an order under s. 767.51 ~~767.89~~
 3 ~~(3)(e) 1. or 767.62~~ 767.805 (4) (d) 1. and the order specifies that the court found that
 4 the obligor's income was at or below the poverty line established under 42 USC 9902
 5 (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.

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

~~***NOTE: The new x-ref's are in the wrong order. CJS~~

as affected by 2005 Wisconsin Acts 22 and 304

SECTION 41. 49.855 (4m) (b) of the statutes is amended to read:

6 49.855 (4m) (b) The department of revenue may provide a certification that it
 7 receives under sub. (1), (2m), or (2p) to the department of administration. Upon
 8 receipt of the certification, the department of administration shall determine
 9 whether the obligor is a vendor or is receiving any other payments from this state,
 10 except for wages, retirement benefits, or assistance under s. 45.352, 1971 stats., s.
 11 45.40 (1), this chapter, or ch. 46, 108, or 301. If the department of administration
 12 determines that the obligor is a vendor or is receiving payments from this state,
 13 except for wages, retirement benefits, or assistance under s. 45.352, 1971 stats., s.
 14 45.40 (1), this chapter, or ch. 46, 108, or 301, it shall begin to withhold the amount
 15 certified from those payments and shall notify the obligor that the state intends to
 16 reduce any payments due the obligor by the amount the obligor is delinquent under
 17 the support, maintenance, or receiving and disbursing fee order or obligation, by the
 18 outstanding amount for past support, medical expenses, or birth expenses under the
 19 court order, or by the amount due under s. 46.10 (4) or 301.12 (4). The notice shall
 20 provide that within 20 days after receipt of the notice the obligor may request a
 21 hearing before the circuit court rendering the order under which the obligation arose.
 22

1 An obligor may, within 20 days after receiving notice, request a hearing under this
 2 paragraph. Within 10 days after receiving a request for hearing under this
 3 paragraph, the court shall set the matter for hearing. A circuit court commissioner
 4 may conduct the hearing. Pending further order by the court or circuit court
 5 commissioner, the department of workforce development or its designee, whichever
 6 is appropriate, may not disburse the payments withheld from the obligor. The sole
 7 issues at the hearing are whether the obligor owes the amount certified and, if not
 8 and it is a support or maintenance order, whether the money withheld shall be paid
 9 to the obligor or held for future support or maintenance, except that the obligor's
 10 ability to pay is also an issue at the hearing if the obligation relates to an order under
 11 s. ~~767.51 (3) (e) 1.~~ ^{strike} ~~or 767.62~~ 767.805 (4) (d) 1. ^{or 767.89(3)(e)1.} and the order specifies that the
 12 court found that the obligor's income was at or below the poverty line established
 13 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.

***NOTE: Should action phrase include "as affected by 2005 Wisconsin Acts 22 and 304,"? CJS

***NOTE: The new x-ref's are in the wrong order. CJS

14 SECTION 42. 49.89 (7) (c) of the statutes is amended to read:

15 49.89 (7) (c) The incentive payment shall be an amount equal to 15% of the
 16 amount recovered because of benefits paid under s. 49.20, 1997 stats., or s. 49.19, s.
 17 49.20, 1997 stats., and ~~49.30~~ 49.785, or 253.05. The incentive payment shall be taken
 18 from the state share of the sum recovered, except that the incentive payment for an
 19 amount recovered because of benefits paid under s. 49.19 shall be considered an
 20 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.

****NOTE: I made changes suggested by Pam Kahler. The proposed version had some technical problems (“, 1997 stats.,” should have been followed by “and ss.” or “or ss.”). In addition, it is unclear whether the proposed version was intended to resolve an ambiguity in the structure of the list that was present in the preexisting text of the statute. Specifically, it was not clear whether the list, in its preexisting form, should be read “[s. 49.19], [s. 49.20, 1997 stats., and 49.30] or [253.05]” or “[s. 49.19], [s. 49.20, 1997 stats.,] and [49.30 or 253.05]” or some other way. Pam has resolved the ambiguity after reviewing the substantive content of the relevant statutes. The revisor’s note will need adjusting. CJS

1 **SECTION 43.** The treatment of 50.06 (2) (c) of the statutes by 2005 Wisconsin

2 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.

3 **SECTION 44.** The treatment of 51.35 (3) (a) of the statutes by 2005 Wisconsin

4 Act 344 is not repealed by 2005 Wisconsin Act 444. Both treatments stand.

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

(a) A licensed psychologist of a juvenile correctional facility or a secured residential care center for children and youth, or a licensed physician of the department of corrections, who has reason to believe that any individual confined in the juvenile correctional facility or secured residential care center for children and youth is, in his or her opinion, in need of services for developmental disability, alcoholism, or drug dependency or in need of psychiatric services, and who has obtained consent to make a transfer for treatment, shall make a report, in writing, to the superintendent of the juvenile correctional facility or secured residential care center for children and youth, stating the nature and basis of the belief and verifying the consent. In the case of a minor age 14 or older who is in need of services for developmental disability or who is in need of psychiatric services, the minor and the minor’s parent or guardian shall consent unless the minor is admitted under s. 51.13 (1) (c) 1. or unless the minor refuses to consent, in which case the minor’s parent or guardian may consent on behalf of the minor. In the case of a minor age 14 or older who is in need of services for alcoholism or drug dependency or a minor under the age of 14 who is in need of services for developmental disability, alcoholism, or drug dependency or in need of psychiatric services, only the minor’s parent or guardian needs to consent unless the minor is admitted under s. 51.13 (1) (c). The superintendent shall inform, orally and in writing, the minor and the minor’s parent or guardian, that transfer is being considered and shall inform them of the basis for the request and their rights as provided in s. 51.13 (3) (am). If the department of corrections, upon review of a request for transfer, determines that transfer is appropriate, that department shall immediately notify the department of health and family services and, if the department of health and family services consents, the department of corrections may immediately transfer the individual. The department of health and family services shall file a petition under s. 51.13 (4) (a) in the court assigned to exercise jurisdiction under chs. 48 and 938 of the county where the treatment facility is located.

1 **SECTION 45.** The treatment of 51.35 (3) (g) of the statutes by 2005 Wisconsin
2 Act 344 is not repealed by 2005 Wisconsin Act 444. Both treatments stand.

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

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

INS
26-2

3 **SECTION 46.** 55.01 (4g) of the statutes, as created by 2005 Wisconsin Act 388,
4 is renumbered 55.01 (4i).

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

5 **SECTION 47.** 55.01 (6) of the statutes, as created by 2005 Wisconsin Act 388, is
6 renumbered 55.01 (6u).

Maintains alphabetical order for definitions.

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

7 **SECTION 48.** 55.01 (6d) of the statutes, as created by 2005 Wisconsin Act 388,
8 is renumbered 55.01 (6vm).

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

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

9 **SECTION 49.** 55.01 (6g) of the statutes, as created by 2005 Wisconsin Act 388,
10 is renumbered 55.01 (6w).

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

1 **SECTION 50.** 55.01 (6t) of the statutes, as created by 2005 Wisconsin Act 387,
2 is renumbered 55.01 (6s).

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

~~NOTE: See my change in note. CJS~~ OK

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3 **SECTION 51.** 55.06 (3) (d) of the statutes, as created by 2005 Wisconsin Act 387,
4 is renumbered 55.075 (5) (bm).

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

5 **SECTION 52.** 66.1333 (5r) (b) 2. b. of the statutes, as affected by 2005 Wisconsin
6 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.

Insert
66.1333 (5r) (b) 1. b.

7 **SECTION 53.** 71.05 (6) (a) 15. of the statutes, as affected by 2005 Wisconsin Acts
8 361, 479 and 483, is amended to read:

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9 71.05 (6) (a) 15. The amount of the credits computed under s. 71.07 (2dd), (2de),
10 (2di), (2dj), (2dL), (2dm), (2dr), (2ds), (2dx), (3g), (3n), (3s), (3t), (3w), (5b), (5d), and
11 (5e), (5f), and (5h) and not passed through by a partnership, limited liability
12 company, or tax-option corporation that has added that amount to the partnership's,
13 company's, or tax-option corporation's income under s. 71.21 (4) or 71.34 (1) (g).

NOTE: Deletes extra "and".

~~NOTE: See my changes in action phrase. Also, see my changes in statute text and revisor's note. CJS~~

GA

14 **SECTION 54.** 71.07 (2dm) (a) 1. of the statutes, as affected by 2005 Wisconsin
15 Act 487, is amended to read:

16 71.07 (2dm) (a) 1. "Certified" means entitled under s. 560.795 (3) (a) 4. to claim
17 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.

1 ~~SECTION 55.~~ 71.07 (2dm) (a) 3. of the statutes, as affected by 2005 Wisconsin
2 Act 487, is amended to read:

3 71.07 (2dm) (a) 3. "Development zone" means a development opportunity zone
4 under s. 560.795 (1) (e) and (f) or 560.798, or an airport development zone under s.
5 ~~560.799~~ 560.7995.

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

6 ~~SECTION 56.~~ 71.07 (2dm) (f) 1. of the statutes, as affected by 2005 Wisconsin Act
7 487, is amended to read:

8 71.07 (2dm) (f) 1. A copy of a verification from the department of commerce that
9 the claimant may claim tax benefits under s. 560.795 (3) (a) 4. or is certified under
10 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.

11 ~~SECTION 57.~~ 71.07 (2dm) (j) of the statutes, as affected by 2005 Wisconsin Act
12 487, is amended to read:

13 71.07 (2dm) (j) If a person who is entitled under s. 560.795 (3) (a) 4. to claim
14 tax benefits becomes ineligible for such tax benefits, or if a person's certification
15 under s. 560.795 (5), 560.798 (3), or ~~560.799~~ 560.7995 (4) is revoked, that person may
16 claim no credits under this subsection for the taxable year that includes the day on
17 which the person becomes ineligible for tax benefits, the taxable year that includes
18 the day on which the certification is revoked, or succeeding taxable years, and that
19 person may carry over no unused credits from previous years to offset tax under this
20 chapter for the taxable year that includes the day on which the person becomes

1 ineligible for tax benefits, the taxable year that includes the day on which the
2 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.

3 **SECTION 58.** 71.07 (2dm) (k) of the statutes, as affected by 2005 Wisconsin Act
4 487, is amended to read:

5 71.07 (2dm) (k) If a person who is entitled under s. 560.795 (3) (a) 4. to claim
6 tax benefits or certified under s. 560.795 (5), 560.798 (3), or ~~560.799~~ 560.7995 (4)
7 ceases business operations in the development zone during any of the taxable years
8 that that zone exists, that person may not carry over to any taxable year following
9 the year during which operations cease any unused credits from the taxable year
10 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.

11 **SECTION 59.** 71.07 (2dx) (a) 2. of the statutes, as affected by 2005 Wisconsin Act
12 487, is amended to read:

13 71.07 (2dx) (a) 2. "Development zone" means a development zone under s.
14 560.70, a development opportunity zone under s. 560.795, an enterprise
15 development zone under s. 560.797, an agricultural development zone under s.
16 560.798, 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.

17 **SECTION 60.** 71.07 (2dx) (b) (intro.) of the statutes, as affected by 2005
18 Wisconsin Act 487, is amended to read:

19 71.07 (2dx) (b) *Credit.* (intro.) Except as provided in pars. (be) and (bg) and
20 in s. 73.03 (35), and subject to s. 560.785, for any taxable year for which the person
21 is entitled under s. 560.795 (3) to claim tax benefits or certified under s. 560.765 (3),

1 560.797 (4), 560.798 (3), or ~~560.799~~ 560.7995 (4), any person may claim as a credit
2 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.

3 ~~SECTION 61.~~ 71.07 (2dx) (c) of the statutes, as affected by 2005 Wisconsin Act
4 487, is amended to read:

5 71.07 (2dx) (c) *Credit precluded.* If the certification of a person for tax benefits
6 under s. 560.765 (3), 560.797 (4), 560.798 (3), or ~~560.799~~ 560.7995 (4) is revoked, or
7 if the person becomes ineligible for tax benefits under s. 560.795 (3), that person may
8 not claim credits under this subsection for the taxable year that includes the day on
9 which the certification is revoked; the taxable year that includes the day on which
10 the person becomes ineligible for tax benefits; or succeeding taxable years and that
11 person may not carry over unused credits from previous years to offset tax under this
12 chapter for the taxable year that includes the day on which certification is revoked;
13 the taxable year that includes the day on which the person becomes ineligible for tax
14 benefits; or succeeding taxable years.

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

15 ~~SECTION 62.~~ 71.07 (2dx) (d) of the statutes, as affected by 2005 Wisconsin Act
16 487, is amended to read:

17 71.07 (2dx) (d) *Carry-over precluded.* If a person who is entitled under s.
18 560.795 (3) to claim tax benefits or certified under s. 560.765 (3), 560.797 (4), 560.798
19 (3), or ~~560.799~~ 560.7995 (4) for tax benefits ceases business operations in the
20 development zone during any of the taxable years that that zone exists, that person
21 may not carry over to any taxable year following the year during which operations

1 cease any unused credits from the taxable year during which operations cease or
2 from previous taxable years.

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

3 **SECTION 63.** The treatments of 71.10 (4) (i) of the statutes by 2005 Wisconsin
4 Acts ~~25 and 361~~ ^{is} are not repealed by 2005 Wisconsin Act 483. All treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 71.10 (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 income tax credit under s. 71.07 (9e), estimated tax payments under s. 71.09, and taxes withheld under subch. X.

← move text as shown

9 ~~****NOTE: The Act 483 treatment recognizes the Act 25 treatment and inserts the film production credit before the veterans and surviving spouses credit inserted by Act 25. That sequence has been disrupted in this merger. Is that OK? CJS~~

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

well hope it that will match the book which may be before veterans

5 **SECTION 64.** The treatments of 71.21 (4) of the statutes by 2005 Wisconsin Acts
6 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.

7 **SECTION 65.** The treatments of 71.26 (2) (a) of the statutes by 2005 Wisconsin
8 Acts 74, 361 and 479 are not repealed by 2005 Wisconsin Act 483. All treatments
9 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).

1 ~~SECTION 66.~~ 71.28 (1dm) (a) 1. of the statutes, as affected by 2005 Wisconsin
2 Act 487, is amended to read:

3 71.28 (1dm) (a) 1. "Certified" means entitled under s. 560.795 (3) (a) 4. to claim
4 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.

~~***NOTE: See my change in the cited text. CJS~~

5 ~~SECTION 67.~~ 71.28 (1dm) (a) 3. of the statutes, as affected by 2005 Wisconsin Act
6 487, is amended to read:

7 71.28 (1dm) (a) 3. "Development zone" means a development opportunity zone
8 under s. 560.795 (1) (e) and (f) or 560.798, or an airport development zone under s.
9 ~~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 68.~~ 71.28 (1dm) (f) 1. of the statutes, as affected by 2005 Wisconsin Act
11 487, is amended to read:

12 71.28 (1dm) (f) 1. A copy of a verification from the department of commerce that
13 the claimant may claim tax benefits under s. 560.795 (3) (a) 4. or is certified under
14 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.

15 ~~SECTION 69.~~ 71.28 (1dm) (j) of the statutes, as affected by 2005 Wisconsin Act
16 487, is amended to read:

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

11 **SECTION 70.** 71.28 (1dm) (k) of the statutes, as affected by 2005 Wisconsin Act
12 487 is amended to read:

13 71.28 (1dm) (k) If a person who is entitled under s. 560.795 (3) (a) 4. to claim
14 tax benefits or certified under s. 560.795 (5), 560.798 (3), or ~~560.799~~ 560.7995 (4)
15 ceases business operations in the development zone during any of the taxable years
16 that that zone exists, that person may not carry over to any taxable year following
17 the year during which operations cease any unused credits from the taxable year
18 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.

19 **SECTION 71.** 71.28 (1dx) (a) 2. of the statutes, as affected by 2005 Wisconsin Act
20 487, is amended to read:

21 71.28 (1dx) (a) 2. "Development zone" means a development zone under s.
22 560.70, a development opportunity zone under s. 560.795, an enterprise

1 development zone under s. 560.797, an agricultural development zone under s.
2 560.798, 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.

3 **SECTION 72.** 71.28 (1dx) (b) (intro.) of the statutes, as affected by 2005
4 Wisconsin Act 487, is amended to read:

5 71.28 (1dx) (b) *Credit.* (intro.) Except as provided in pars. (be) and (bg) and
6 in s. 73.03 (35), and subject to s. 560.785, for any taxable year for which the person
7 is entitled under s. 560.795 (3) to claim tax benefits or certified under s. 560.765 (3),
8 560.797 (4), 560.798 (3), or ~~560.799~~ 560.7995 (4), any person may claim as a credit
9 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.

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

10 **SECTION 73.** 71.28 (1dx) (c) of the statutes, as affected by 2005 Wisconsin Act
11 487, is amended to read:

12 71.28 (1dx) (c) *Credit precluded.* If the certification of a person for tax benefits
13 under s. 560.765 (3), 560.797 (4), 560.798 (3), or ~~560.799~~ 560.7995 (4) is revoked, or
14 if the person becomes ineligible for tax benefits under s. 560.795 (3), that person may
15 not claim credits under this subsection for the taxable year that includes the day on
16 which the certification is revoked; the taxable year that includes the day on which
17 the person becomes ineligible for tax benefits; or succeeding taxable years and that
18 person may not carry over unused credits from previous years to offset tax under this
19 chapter for the taxable year that includes the day on which certification is revoked;
20 the taxable year that includes the day on which the person becomes ineligible for tax
21 benefits; or succeeding taxable years.