

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

1 **SECTION 74.** 71.28 (1dx) (d) of the statutes, as affected by 2005 Wisconsin Act
2 487, is amended to read:

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

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

~~****NOTE: See my change to cited text. CJS~~

10 **SECTION 75.** The treatment of 71.28 (4) (a) of the statutes by 2005 Wisconsin
11 Act 25 is not repealed by 2005 Wisconsin Act 452. Both treatments stand.

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

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

12 **SECTION 76.** The treatment of 71.28 (4) (am) 1. of the statutes by 2005
13 Wisconsin Act 25 is not repealed by 2005 Wisconsin Act 452. Both treatments stand.

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

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

1 **SECTION 77.** The treatments of 71.34 (1) (g) of the statutes by 2005 Wisconsin
2 Acts 74, 361 and 479 are not repealed by 2005 Wisconsin Act 483. All treatments
3 stand.

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

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

4 **SECTION 78.** The treatments of 71.45 (2) (a) 10. of the statutes by 2005
5 Wisconsin Acts 74, 361 and 479 are not repealed by 2005 Wisconsin Act 483. All
6 treatments stand.

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

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

7 **SECTION 79.** 71.47 (1dm) (a) 1. of the statutes, as affected by 2005 Wisconsin
8 Act 487, is amended to read:

1 71.47 (1dm) (a) 1. "Certified" means entitled under s. 560.795 (3) (a) 4. to claim
2 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.

3 ~~SECTION 80.~~ 71.47 (1dm) (a) 3. of the statutes, as affected by 2005 Wisconsin
4 Act 487, is amended to read:

5 71.47 (1dm) (a) 3. "Development zone" means a development opportunity zone
6 under s. 560.795 (1) (e) and (f) or 560.798, or an airport development zone under s.
7 ~~560.799~~ 560.7995.

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

8 ~~SECTION 81.~~ 71.47 (1dm) (f) 1. of the statutes, as affected by 2005 Wisconsin Act
9 487, is amended to read:

10 71.47 (1dm) (f) 1. A copy of a verification from the department of commerce that
11 the claimant may claim tax benefits under s. 560.795 (3) (a) 4. or is certified under
12 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.

13 ~~SECTION 82.~~ 71.47 (1dm) (j) of the statutes, as affected by 2005 Wisconsin Act
14 487, is amended to read:

15 71.47 (1dm) (j) If a person who is entitled under s. 560.795 (3) (a) 4. to claim
16 tax benefits becomes ineligible for such tax benefits, or if a person's certification
17 under s. 560.795 (5), 560.798 (3), or ~~560.799~~ 560.7995 (4) is revoked, that person may
18 claim no credits under this subsection for the taxable year that includes the day on
19 which the person becomes ineligible for tax benefits, the taxable year that includes
20 the day on which the certification is revoked, or succeeding taxable years, and that
21 person may carry over no unused credits from previous years to offset tax under this

1 chapter for the taxable year that includes the day on which the person becomes
2 ineligible for tax benefits, the taxable year that includes the day on which the
3 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.

4 **SECTION 83.** 71.47 (1dm) (k) of the statutes, as affected by 2005 Wisconsin Act
5 487, is amended to read:

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

12 **SECTION 84.** 71.47 (1dx) (a) 2. of the statutes, as affected by 2005 Wisconsin Act
13 487, is amended to read:

14 71.47 (1dx) (a) 2. "Development zone" means a development zone under s.
15 560.70, a development opportunity zone under s. 560.795 or an enterprise
16 development zone under s. 560.797, an agricultural development zone under s.
17 560.798, 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.

18 **SECTION 85.** 71.47 (1dx) (b) (intro.) of the statutes, as affected by 2005
19 Wisconsin Act 487, is amended to read:

20 71.47 (1dx) (b) *Credit.* (intro.) Except as provided in pars. (be) and (bg) and
21 in s. 73.03 (35), and subject to s. 560.785, for any taxable year for which the person

1 is entitled under s. 560.795 (3) to claim tax benefits or certified under s. 560.765 (3),
2 560.797 (4), 560.798 (3), or ~~560.799~~ 560.7995 (4), any person may claim as a credit
3 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.

4 **SECTION 86.** 71.47 (1dx) (c) of the statutes, as affected by 2005 Wisconsin Act
5 487, is amended to read:

6 71.47 (1dx) (c) *Credit precluded.* If the certification of a person for tax benefits
7 under s. 560.765 (3), 560.797 (4), 560.798 (3), or ~~560.799~~ 560.7995 (4) is revoked, or
8 if the person becomes ineligible for tax benefits under s. 560.795 (3), that person may
9 not claim credits under this subsection for the taxable year that includes the day on
10 which the certification is revoked; the taxable year that includes the day on which
11 the person becomes ineligible for tax benefits; or succeeding taxable years and that
12 person may not carry over unused credits from previous years to offset tax under this
13 chapter for the taxable year that includes the day on which certification is revoked;
14 the taxable year that includes the day on which the person becomes ineligible for tax
15 benefits; or succeeding taxable years.

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

16 **SECTION 87.** 71.47 (1dx) (d) of the statutes, as affected by 2005 Wisconsin Act
17 487, is amended to read:

18 71.47 (1dx) (d) *Carry-over precluded.* If a person who is entitled under s.
19 560.795 (3) to claim tax benefits or certified under s. 560.765 (3), 560.797 (4), 560.798
20 (3), or ~~560.799~~ 560.7995 (4) for tax benefits ceases business operations in the
21 development zone during any of the taxable years that that zone exists, that person
22 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 88.** The treatment of 71.47 (4) (a) of the statutes by 2005 Wisconsin
4 Act 25 is not repealed by 2005 Wisconsin Act 452. Both treatments stand.

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

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

5 **SECTION 89.** The treatment of 71.47 (4) (am) of the statutes by 2005 Wisconsin
6 Act 25 is not repealed by 2005 Wisconsin Act 452. Both treatments stand.

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

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

apply to the credit under this paragraph. The rules under sub. (1d) (f) and (g) as they apply to the credit under that subsection apply to claims under this paragraph. Section 41 (h) of the Internal Revenue Code does not apply to the credit under this paragraph. No credit may be claimed under this paragraph for taxable years that begin on January 1, 1998, or thereafter. Credits under this paragraph for taxable years that begin before January 1, 1998, may be carried forward to taxable years that begin on January 1, 1998, or thereafter.

1 **SECTION 90.** The treatment of 71.935 (1) (a) of the statutes by 2005 Wisconsin
2 Act 254 is not repealed by 2005 Wisconsin Act 454. Both treatments stand.

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

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

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

3 **SECTION 91.** The treatments of 77.92 (4) of the statutes by 2005 Wisconsin Acts
4 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. 77.92 (4) reads:

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

5 **SECTION 92.** 101.985 (4) of the statutes, as created by 2005 Wisconsin Act 456,
6 is amended to read:

7 101.985 (4) CRIMINAL BACKGROUND CHECK. Upon receipt of an application for a
8 license under sub. (1), (2) (a), or (3), the department, with the assistance of the

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

NOTE: Inserts missing article.

~~****NOTE: See my change in action phrase. Also, the Act 456 treatment has a
delayed effective date that necessitates a delayed effective date provision in this bill as
well. CJS~~

*See
law
page*

6 **SECTION 93.** The treatment of 111.01 (2) of the statutes by 2005 Wisconsin Act
7 253 is not repealed by 2005 Wisconsin Act 441. Both treatments stand.

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

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

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8 **SECTION 94.** 182.0715 (2r) of the statutes, as created by 2005 Wisconsin Act
9 425, is renumbered 182.0175 (2r).

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

*as created by
2005 Wisconsin
Act 441*

10 **SECTION 95.** 193.471 (2) (a) 5. of the statutes is amended to read:
11 193.471 (2) (a) 5. In the case of acts or omissions committed in an official
12 capacity, as defined in sub. (1) (a) 1. or 2., the potential litigant reasonably believed
13 that the acts or omissions were in the best interests of the cooperative or predecessor
14 cooperative, as applicable, and, in the case of acts or omissions committed in an

1 official capacity, as defined in sub. (1) (e) (a) 3. or 4., the potential litigant reasonably
2 believed that the conduct was not opposed to the best interests of the cooperative or
3 predecessor cooperative, as applicable. If the acts or omissions relate to conduct as
4 a director, officer, trustee, employee, or agent of an employee benefit plan, the
5 conduct is not considered to be opposed to the best interests of the cooperative or
6 predecessor cooperative if the potential litigant reasonably believed that the conduct
7 was in the best interests of the participants or beneficiaries of the employee benefit
8 plan.

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

~~***NOTE: Should the action phrase include "as created by 2005 Wisconsin Act 441,"? CJS~~

Yes

9 **SECTION 96.** 218.04 (1) (a) of the statutes, as affected by 2005 Wisconsin Acts
10 158 and 462, is amended to read:

11 218.04 (1) (a) "Collection agency" means any person engaging in the business
12 of collecting or receiving for payment for others of any account, bill or other
13 indebtedness. It shall not include attorneys at law authorized to practice in this state
14 and resident herein, banks, express companies, state savings banks, state savings
15 and loan associations, insurers and their agents, trust companies, district attorneys
16 acting under s. 971.41, persons contracting with district attorneys under s. 971.41
17 (5),, real estate brokers, and real estate salespersons.

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

18 **SECTION 97.** 234.63 (2) (b) of the statutes, as created by 2005 Wisconsin Act 487,
19 is amended to read:

20 234.63 (2) (b) The limits in ss. 234.18 (1), 234.40, 234.50, 234.60, 234.61,
21 234.65, and 234.66 do not apply to bonds issued under par. (a).

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

1 **SECTION 98.** 253.15 (8) of the statutes, as created by 2005 Wisconsin Act 165,
2 is amended to read:

3 253.15 (8) IDENTIFICATION OF SHAKEN OR IMPACTED BABIES. The department of
4 health and family services shall identify all infants and young children who have
5 shaken baby syndrome or who are impacted babies and all infants and young
6 children who have died as a result of being shaken or thrown by using the statewide
7 automated child welfare information system established under s. 46.03 (7) (g) (7g)
8 and child fatality information compiled by the department of justice. For each infant
9 or young child so identified, the department of health and family services shall
10 document the age, sex, and other characteristics of the infant or young child that are
11 relevant to the prevention of shaken baby syndrome and impacted babies and, if
12 known, the age, sex, employment status, and residence of the person who shook or
13 threw the infant or young child, the relationship of that person to the infant or young
14 child, and any other characteristics of that person that are relevant to the prevention
15 of shaken baby syndrome and impacted babies.

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

16 **SECTION 99.** 255.05 (1) (b) of the statutes is amended to read.

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

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

21 **SECTION 100.** 281.35 (1) (b) 2. of the statutes is amended to read:

<use 2x> as created by 2005 Wisconsin Act 418 ↑

1 281.35 (1) (b) 2. If subd. 1. does not apply, the highest average daily water loss
2 over any 30-day period that is reported to the department or the public service
3 commission under sub. (3) (c) or s. 281.17 (1), 2001 stats., or s. 30.18 (6) (c), 196.98,
4 281.34, or 281.41 or s. 281.17 (1), 2001 stats.

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

5 ~~SECTION 101.~~ 292.15 (7) (d) of the statutes is amended to read:

6 292.15 (7) (d) A solid waste facility that was licensed under s. ~~289.31~~ or s.
7 144.44, 1993 stats., or s. 289.31.

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

*****NOTE: Should the action phrase include "as created by 2005 Wisconsin Act 418,"? CJS*

8 ~~SECTION 102.~~ 292.23 (3) (f) of the statutes is amended to read:

9 292.23 (3) (f) Subsection (2) does not apply to a solid waste facility that was
10 licensed under s. ~~289.31~~ or s. 144.44, 1993 stats., or s. 289.31.

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

*****NOTE: Should the action phrase include "as created by 2005 Wisconsin Act 418,"? CJS*

11 ~~SECTION 103.~~ 301.03 (3c) of the statutes is amended to read:

12 301.03 (3c) If requested by the department of health and family services,
13 contract with that department to supervise and provide services to persons who are
14 conditionally transferred or discharged under s. 51.37 (9), conditionally released
15 under s. 971.17 (3), or placed on supervised release under s. 980.06 (2), 1997 stats.,
16 or s. 980.08.

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

17 ~~SECTION 104.~~ 301.03 (20) of the statutes, as created by 2005 Wisconsin Act 451,
18 is renumbered 301.03 (20m).

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

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****NOTE: A delayed effective date is needed because the provision was created with a delayed effective date. CJS

OK

1 SECTION 105. 301.48 (2) (b) 2. of the statutes, as created by 2005 Wisconsin Act
2 431, is amended to read:

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

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

****NOTE: A delayed effective date is needed because the provision was created with a delayed effective date. CJS

OK

6 SECTION 106. 301.48 (3) (c) of the statutes, as created by 2005 Wisconsin Act
7 431, is amended to read:

8 301.48 (3) (c) For each person who is subject to global positioning system
9 tracking under this section, the department shall create individualized exclusion
10 and inclusion zones for the person, if necessary to protect public safety. In creating
11 exclusion zones, the department shall focus on areas where children congregate,
12 with perimeters of 100 to 250 feet, and on areas where the person has been prohibited
13 from going as a condition of probation, extended supervision, parole, conditional
14 release, or supervised release. In creating inclusion zones for a person on supervised
15 release, the department shall consider s. 980.08 (7) (5r).

← period stays (9)

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

****NOTE: A delayed effective date is needed because the provision was created with a delayed effective date. CJS

OK

****NOTE: See my NOTE following the treatment of s. 980.08 (7). CMH (CMH is Cathlene; she changed the new subsection number from (9) to (5r).)

See my explanation at 10/9/01

16 SECTION 107. 343.16 (5) (a) of the statutes is amended to read:
17 343.16 (5) (a) The secretary may require any applicant for a license or any
18 licensed operator to submit to a special examination by such persons or agencies as

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1 the secretary may direct to determine incompetency, physical or mental disability,
2 disease, or any other condition that might prevent such applicant or licensed person
3 from exercising reasonable and ordinary control over a motor vehicle. If the
4 department requires the applicant to submit to an examination, the applicant shall
5 pay for the examination. If the department receives an application for a renewal or
6 duplicate license after voluntary surrender under s. 343.265 or receives a report from
7 a physician, advanced practice nurse prescriber certified under s. 441.16 (2), or
8 optometrist under s. 146.82 (3), or if the department has a report of 2 or more arrests
9 within a one-year period for any combination of violations of s. 346.63 (1) or (5) or
10 a local ordinance in conformity with s. 346.63 (1) or (5) or a law of a federally
11 recognized American Indian tribe or band in this state in conformity with s. 346.63
12 (1) or (5), or s. 346.63 (1m), 1985 stats., or s. 346.63 (1) or (5), 346.63 (2) or (6) or,
13 940.25, or s. 940.09 where the offense involved the use of a vehicle, the department
14 shall determine, by interview or otherwise, whether the operator should submit to
15 an examination under this section. The examination may consist of an assessment.
16 If the examination indicates that education or treatment for a disability, disease or
17 condition concerning the use of alcohol, a controlled substance or a controlled
18 substance analog is appropriate, the department may order a driver safety plan in
19 accordance with s. 343.30 (1q). If there is noncompliance with assessment or the
20 driver safety plan, the department shall revoke the person's operating privilege in
21 the manner specified in s. 343.30 (1q) (d).

NOTE: Places cross-references in correct order in accordance with current style and corrects the citation form.

***NOTE: I think that this statute should be left alone. The order of the cross-references and their citation form is not incorrect; rather they reflect the following well-formed list structure:

...or if the department has a report of 2 or more arrests within a one-year period for any combination of violations of ([s. 346.63 (1) or (5)] or [a local ordinance in conformity with s. 346.63 (1) or (5)] or [a law of a federally recognized American Indian tribe or band in this state in conformity with s. 346.63 (1) or (5)]), or (s. 346.63 (1m), 1985 stats.), or (s. 346.63 (2) or (6) or 940.25), or (s. 940.09) where the offense involved the use of a vehicle...

CJS

1 **SECTION 108.** 343.61 (6) (c) of the statutes, as created by 2005 Wisconsin Act
2 466, is renumbered 343.71 (5) (c).

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

***NOTE: I deleted the treatment of s. 343.64 (1) (e). 2005 Wis. Act 397 renumbered and amended the provision and, in so doing, removed the cross-reference that this bill proposed to correct. CJS

3 **SECTION 109.** 351.02 (1) (a) 3. of the statutes is amended to read:

4 351.02 (1) (a) 3. Driving or operating a motor vehicle in violation of s. ~~346.63~~
5 (1) or (2) or s. 346.63 (1m), 1985 stats., or s. 346.63 (1) or (2).

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

6 **SECTION 110.** 560.799 of the statutes, as created by 2005 Wisconsin Act 487,
7 is renumbered 560.7995.

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

***NOTE: A cross-reference in s. 234.63 (3) (a) still has to be treated. CJS

8 **SECTION 111.** 560.85 (3) (a) of the statutes is amended to read:

9 560.85 (3) (a) Develop procedures to evaluate applications and monitor project
10 performance for grants awarded for early planning projects under s. 560.835 (6),
11 2001 stats., or s. 560.82 or s. 560.835 (6), 2001 stats.

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

***NOTE: I added a scored comma to the cited text and made a scored period plain.

CJS

12 **SECTION 112.** 609.01 (4) of the statutes is amended to read:

1 609.01 (4) "Preferred provider plan" means a health care plan offered by an
2 organization established under ch. 185, 193, 611, 613, or 614 or issued a certificate
3 of authority under ch. 618 that makes available to its enrollees, without referral and
4 for consideration other than predetermined periodic fixed payments, coverage of
5 either comprehensive health care services or a limited range of health care services,
6 regardless of whether the health care services are performed by participating or
7 nonparticipating providers.

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

***NOTE: See my change to correct list structure (I confirmed with Chris Sundberg that nothing else was intended by Act 441, section 107). Does revisor's note need to mention this? CJS

8 **SECTION 113.** 616.09 (1) (c) 1. of the statutes, as affected by 2005 Wisconsin Act
9 441, is amended to read:

10 616.09 (1) (c) 1. Plans authorized under s. 616.06 are subject to ch. 185 or 193,
11 as applicable, except that ss. 185.03 (5) and (6), 185.05 (1) (c), 185.55, 185.61, 185.62,
12 185.63, 185.64, 185.71 to 185.76, 185.81, ~~193.151~~, 193.215 (2) (a) 2., 193.225, 193.301
13 (9), 193.801, 193.805, 193.905 to 193.971, and those provisions applicable to
14 cooperatives or unincorporated cooperative associations with stock do not apply.

NOTE: There is no s. 193.151.

15 **SECTION 114.** 632.899 of the statutes is amended to read:

16 **632.899 Medical savings accounts study.** If the federal government enacts
17 legislation providing for a federal income tax exemption for amounts deposited in a
18 medical savings account and for any interest, dividends or other gain that accrues
19 in the account if redeposited in the account, the commissioner shall conduct a study,

1 to be completed within 4 years after the enactment of the federal legislation, of
2 individuals and groups that had coverage under a high cost-share health plan, as
3 defined in s. 632.898 (1) (c), 1995 stats., and that terminated that coverage in order
4 to enroll in a health benefit plan that was not a high cost-share health plan, as
5 defined in s. 632.898 (1) (c), 1995 stats. The commissioner shall submit a report of
6 all findings, conclusions and recommendations to the appropriate standing
7 committees in the manner provided under ~~section s.~~ 13.172 (3) of the statutes.

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

8 **SECTION 115.** 706.11 (4) of the statutes is amended to read:

9 706.11 (4) Subsection (1) does not apply to a 2nd mortgage assigned to or
10 executed to the department of veterans affairs under ~~s. 45.79 (3) (a) 1. or s. 45.80 (4)~~
11 (a) 1., 1989 stats., or s. 45.37 (3).

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

~~***NOTE: See my change. CJS~~

12 **SECTION 116.** 757.05 (1) (a) of the statutes, as affected by 2005 Wisconsin Acts
13 25, 60 and 455, is amended to read:

14 757.05 (1) (a) Whenever a court imposes a fine or forfeiture for a violation of
15 state law or for a violation of a municipal or county ordinance except for a violation
16 of s. 101.123 (2) (a), (am) 1., (ar), (bm), (br), or (bv) or (5), or for a first violation of s.
17 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who
18 committed the violation had a blood alcohol concentration of 0.08 or more but less
19 than 0.1 at the time of the violation, or for a violation of state laws or municipal or
20 county ordinances involving nonmoving traffic violations, violations under s. 343.51
21 (1m) (b), or safety belt use violations under s. 347.48 (2m), there shall be imposed in

1 addition a penalty surcharge under ch. 814 in an amount of 25 26 percent of the fine
2 or forfeiture imposed. If multiple offenses are involved, the penalty surcharge shall
3 be based upon the total fine or forfeiture for all offenses. When a fine or forfeiture
4 is suspended in whole or in part, the penalty surcharge shall be reduced in proportion
5 to the suspension.

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

INS
51-5

****NOTE: See my changes in note. CJS

6 SECTION 117. 767.225 (1n) (b) 3. of the statutes, as affected by 2005 Wisconsin
7 Act 342, section 1, and 2005 Wisconsin Act 443, section 90, is amended to read:

8 767.225 (1n) (b) 3. If the court or circuit court commissioner requires one party
9 to cover the child under a health insurance policy or plan under sub. (1) (k), the court
10 or circuit court commissioner shall order the party to provide to the other party a
11 health insurance identification card for the child. Section ~~767.25 (4m) (bm) 2. and~~
12 ~~3. 767.513 (2m) (b) and (c)~~ applies to a failure to comply with a temporary order under
13 this subdivision.

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

****NOTE: See my changes. CJS

14 SECTION 118. 767.225 (1) (ap) of the statutes, as affected by 2005 Wisconsin Act
15 174, section 2, and 2005 Wisconsin Act 443, section 90, is amended to read:

16 767.225 (1) (ap) Upon the request of a party, granting periods of electronic
17 communication to a party in a manner consistent with s. ~~767.24~~ 767.41. The court
18 or circuit court commissioner shall make a determination under this paragraph
19 within 30 days after the request for a temporary order regarding periods of electronic
20 communication is filed.

move to
page 52

Moved material from page 51

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

~~***NOTE: See my changes. CJS~~

1 **SECTION 119.** 767.24 (2) (e) of the statutes, as created by 2005 Wisconsin Act
2 471, is renumbered 767.41 (2) (e).

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

~~***NOTE: See my change - correct? CJS~~

3 **SECTION 120.** 767.24 (5) (c) of the statutes, as created by 2005 Wisconsin Act
4 471, is renumbered 767.41 (5) (c).

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

5 **SECTION 121.** 767.325 (3m) of the statutes, as created by 2005 Wisconsin Act
6 471, is renumbered 767.451 (3m) and amended to read:

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

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

15 **SECTION 122.** The treatment of 767.325 (5m) (a) of the statutes by 2005
16 Wisconsin Act 443 is not repealed by 2005 Wisconsin Act 471. Both treatments stand.

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

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

1 **SECTION 123.** 767.325 (5m) (c) of the statutes, as created by 2005 Wisconsin Act
2 471, is renumbered 767.451 (5m) (c) and amended to read:

3 767.451 (5m) (c) In an action to modify a legal custody order, if a party is a
4 service member, as defined in s. ~~767.24~~ 767.41 (2) (e) 1., the court may not consider
5 as a factor in making a determination whether the service member has been or may
6 be called to active duty in the U.S. armed forces and consequently is, or in the future
7 will be or may be, absent from the service member's home.

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

****NOTE: See my change. CJS 

8 **SECTION 124.** 767.451 (5m) (b) of the statutes, as affected by 2005 Wisconsin
9 Act 101, section 3, and 2005 Wisconsin Act 443, section 161, is amended to read:

10 767.451 (5m) (b) In determining the best interest of the child under this
11 section, in addition to the factor under s. ~~767.24~~ 767.41 (5) (am) 12m., the court shall
12 consider whether a stepparent of the child has a criminal record and whether there
13 is evidence that a stepparent of the child has engaged in abuse, as defined in s.
14 813.122 (1) (a), of the child or any other child or neglected the child or any other child.

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

15 **SECTION 125.** 767.513 (2m) (title) of the statutes is created to read:

16 767.513 (2m) (title) HEALTH INSURANCE IDENTIFICATION CARD.

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

17 **SECTION 126.** 767.513 (2m) (a) and (c) of the statutes, as affected by 2005
18 Wisconsin Act 342, section 2, and 2005 Wisconsin Act 443, section 104, are amended
19 to read:

1 767.513 (2m) (a) The court shall order a parent who is required to provide
2 health insurance coverage for a child under this ~~subsection~~ section to provide to the
3 other parent a health insurance identification card evidencing the child's health
4 insurance coverage.

5 (c) If the other parent is unable to obtain a health insurance identification card
6 for the child in the manner provided in ~~subd. 2. par. (b)~~, the intentional failure to
7 comply with the order to provide the card by the parent so ordered constitutes a
8 contempt of court, punishable under ch. 785.

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

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

9 **SECTION 127.** 767.57 (1e) (a) of the statutes, as affected by 2005 Wisconsin Act
10 443, section 129, is amended to read:

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

1 maintenance, child or family support, or arrearage payment, but may move the court
2 for a remedial sanction under ch. 785.

NOTE: Corrects cross-reference.

3 **SECTION 128.** 767.57 (3) (a) of the statutes, as affected by 2005 Wisconsin Act
4 387, section 194, and 2005 Wisconsin Act 443, section 132, is amended to read:

5 767.57 (3) (a) If maintenance or support, or both, are ordered to be paid for the
6 benefit of any individual who is committed by court order to an institution, who is
7 in confinement, or whose legal custody is vested by court order under ch. 48 or 938
8 in an agency, department, relative, or other entity, the court may order that the
9 maintenance or support be paid to the relative, agency, institution, welfare
10 department, or other entity having legal or actual custody of the individual, and that
11 it be used for the person's care and maintenance, without the appointment of a
12 guardian in this state.

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

13 **SECTION 129.** 779.50 (4) (g) of the statutes is amended to read:

14 779.50 (4) (g) For collecting and paying over all sums upon the sale, 5% of the
15 sums collected or \$10 dollars, whichever is less.

and inserts "percent"
consistent with current style

strike
5 percent
I

period stays

NOTE: Deletes unnecessary word

****NOTE: I changed Italic text to plain, but I notice that it has been printed in the
statutes as Italic text. Do you need to say something in note? Would it be better to strike
through the Italic "5%" and score in a plain "5%" or "5 percent"? CJS

16 **SECTION 130.** 813.123 (2) (b) of the statutes, as created by 2005 Wisconsin Act
17 388, is amended to read:

18 813.123 (2) (b) The court may go forward with a petition filed under sub. (6) if
19 the individual at risk has been adjudicated incompetent under ch. 880, 2003 stats.,

1 or ch. 54, notwithstanding an objection by an individual at risk who is the subject of
2 the petition, or an objection by the guardian of the individual at risk.

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

stet:

***NOTE: See my changes - correct? CJS

3 **SECTION 131.** ~~814.04 (intro.) of the statutes,~~ as affected by Supreme Court
4 Order 03-06 and 2005 Wisconsin Acts 155, 325, 443 and 458 is amended to read:

5 **814.04 Items of costs.** (intro.) Except as provided in ss. 93.20, 100.195 (5m)
6 (b), 100.30 (5m), 106.50 (6) (i) and (6m) (a), 115.80 (9), 281.36 (2) (b) 1., 767.553 (4)
7 (d), 769.313, 814.025, 802.05, 814.245, 895.035 (4), 895.506, 895.443 (3), 895.444 (2),
8 895.445 (3), 895.446 (3), 895.506, 943.212 (2) (b), 943.245 (2) (d), 943.51 (2) (b), and
9 995.10 (3), when allowed costs shall be as follows:

2005 Wis. Act 458 inserted the cross-reference to s. 100.195(5m)(b) but incorrectly showed all of the cross-references following s. 100.195(5m)(b) as underscored.

NOTE: 2005 Wis. Act 155 inserted "814.025" without showing it as underscored and deleted "814.245" without showing it as stricken. No change was intended. "895.506" is placed in numerical order.

***NOTE: The Act 458 treatment has a delayed effective date that will require a delayed effective date provision to be added to this bill. The Act 458 treatment also contains scoring of pre-existing text - do you need to mention that in the note? CJS

10 **SECTION 132.** The treatment of 814.65 (1) of the statutes by 2005 Wisconsin Act
11 54 is not repealed by 2005 Wisconsin Act 455. Both treatments stand.

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

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

12 **SECTION 133.** The treatment of 880.33 (9) of the statutes by 2005 Wisconsin Act
13 387 is not repealed by 2005 Wisconsin Act 451. Both treatments stand.

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

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

1 **SECTION 134.** 880.331 (4) (am) of the statutes, as created by 2005 Wisconsin Act
2 264, is renumbered 54.40 (4) (am).

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

3 **SECTION 135.** 880.331 (4) (ar) of the statutes, as created by 2005 Wisconsin Act
4 264, is renumbered 54.40 (4) (ar).

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

5 **SECTION 136.** 880.331 (4) (dm) of the statutes, as created by 2005 Wisconsin Act
6 264, is renumbered 54.40 (4) (dm).

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

7 **SECTION 137.** 880.331 (4) (dr) of the statutes, as created by 2005 Wisconsin Act
8 264, is renumbered 54.40 (4) (h).

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

9 **SECTION 138.** 880.331 (4) (ds) of the statutes, as created by 2005 Wisconsin Act
10 264, is renumbered 54.40 (4) (ds).

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

INS
57-10



1 **SECTION 139.** 895.446 (4) of the statutes, as affected by 2005 Wisconsin Acts
2 155 and 447, is amended to read:

3 895.446 **(4)** Any recovery under this section shall be reduced by the amount
4 recovered as restitution under ss. 800.093 and 973.20 and ch. 938 for the same act
5 or as recompense under s. ~~939.13~~ 969.13 (5) (a) for the same act.

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

6 **SECTION 140.** 938.27 (5) of the statutes, as affected by 2005 Wisconsin Acts 293
7 and 344, is amended to read:

8 938.27 **(5)** NOTICE TO BIOLOGICAL FATHERS. Subject to sub. (3) (b), the court shall
9 make reasonable efforts to identify and notify any person who has filed a declaration
10 of paternal interest under s. 48.025, any person who has acknowledged paternity of
11 the child under s. ~~767.62~~ 767.805 (1), and any person who has been adjudged to be
12 the father of the juvenile in a judicial proceeding unless the person's parental rights
13 have been terminated.

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

****NOTE: See my changes in action phrase. Correct? CJS

14 **SECTION 141.** 938.345 (1) (e) of the statutes, as affected by 2005 Wisconsin Acts
15 344 and 387, is amended to read:

16 938.345 **(1)** (e) Place any juvenile not found under ch. 880, 2003 stats., or ch.
17 46, 49, 51, 54, or 115, ~~or ch. 880, 2003 stats.,~~ to have a developmental disability or
18 a mental illness or to be a child with a disability, as defined in s. 115.76 (5), in a facility
19 that exclusively treats one or more of those categories of juveniles.

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

****NOTE: See my change to scored text. CJS

****NOTE: Gordon Malaise proposes that instead of moving the x-ref, you strike it
out altogether. He explains: "Section 938.345 (1) (e) will only be effective going forward,
i.e., the juvenile court will not place a child with a disability unless that finding is made

under ch. 54. Children adjudicated under ch. 880 will already have been placed under prior law. See, e.g., s. 48.345 (intro.), the parallel provision under the Children' Code, which does *not* have a cross-reference to ch. 880, 2003 stats." And Gordon suggests rewriting the revisor's note to say: "Eliminates unnecessary cross-reference to prior law."

1 **SECTION 142.** 940.43 (5) of the statutes is amended to read:

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

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

7 **SECTION 143.** 940.45 (5) of the statutes is amended to read:

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

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

13 **SECTION 144.** The treatment of 943.245 (3m) of the statutes by 2005 Wisconsin

14 Act 447 is not repealed by 2005 Wisconsin Act 462. Both treatments stand.

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

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

15 **SECTION 145.** 948.01 (5) (am) of the statutes, as created by 2005 Wisconsin Act
16 435, is renumbered 948.01 (5) (a) 2.

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

1 **SECTION 146.** 948.075 (3) of the statutes is amended to read:

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

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

5 **SECTION 147.** 971.41 (3) of the statutes, as created by 2005 Wisconsin Act 462,
6 is repealed and recreated to read:

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

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

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

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

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

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

18 **SECTION 148.** 980.01 (1j) of the statutes, as created by 2005 Wisconsin Act 434,
19 is amended to read:

20 980.01 (1j) "Incarceration" includes confinement in a secured juvenile
21 correctional facility, as defined in s. 938.02 ~~(15m)~~ (10p), or a secured ~~child-care~~
22 institution residential care center for children and youth, as defined in s. 938.02

INS
60-17

1 (15g), or a secured group home, as defined in s. 938.02 (15p), if the person was placed
2 in the facility for being adjudicated delinquent under s. 48.34, 1993 stats., or under
3 s. 938.183 or 938.34 on the basis of a sexually violent offense.

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

***NOTE: See my change to stricken text and to note. CJS

4 SECTION 149. 980.02 (1) (b) 3. of the statutes, as created by 2005 Wisconsin Act
5 434, is amended to read:

6 980.02 (1) (b) 3. The county in which the person is in custody under a sentence,
7 a placement to a secured juvenile correctional facility, as defined in s. 938.02 (15m),
8 (10p), or a secured child-caring institution residential care center for children and
9 youth, as defined in s. 938.02 (15g), or a secured group home, as defined in s. 938.02
10 (15p), or a commitment order.

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

***NOTE: See my change to stricken text and to note. CJS

11 SECTION 150. 980.08 (7) of the statutes, as created by 2005 Wisconsin Act 431,
12 is renumbered 980.08 (5r). (9)

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

***NOTE: See my changes. Also, the Act 431 treatment has a delayed effective date that necessitates adding a delayed effective date for the treatment in this bill. CJS

***NOTE: Bruce: Since this subsection creates a condition of supervised release, I moved it to a more logical place under s. 980.08. CMH (CMH is Cathlene; she changed the new subsection number from (9) to (5r) and made a corresponding change in the treatment of s. 301.48 (3) (c) by the bill.)

13 SECTION 151. 2005 Wisconsin Act 387, section 372 is amended by replacing
14 "54.50 (4) (d) CESSATION OF POWERS." with "54.50 (4) CESSATION OF POWERS."

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

***NOTE: See my change to note. CJS

INS
61-10

We don't do this in this bill. We already have printed it as a bill in the OS. We need to confirm that. Let me know. BEM

Let's original in a later bill this session. But doing both in the same bill seems to confusing. Let me know. BEM

1 **SECTION 152.** 2005 Wisconsin Act 441, section 20 is amended by replacing
2 "~~telecommunication service, gas, light, heat, or power~~" with "telecommunications
3 service, gas, light, heat, or power".

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

4 **SECTION 153.** 2005 Wisconsin Act 443, section 265 is amended by replacing

49.299 (6) (b)	767.45 (5) (c) and (6r)	767.80 (5) (c) and (6r)
----------------	-------------------------	-------------------------

5 with

48.299 (6) (b)	767.45 (5) (c) and (6r)	767.80 (5) (c) and (6r)
----------------	-------------------------	-------------------------

7 NOTE: Corrects statute citation in first column of the 2005 Wis. Act 443
cross-reference change table.

8 **SECTION 154.** 2005 Wisconsin Act 444, section 46 is amended by replacing "of
9 the minor, hold a hearing, and appoint counsel" with "of the minor, hold a hearing,
10 and appoint counsel".

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

****NOTE: See my changes to cited text. CJS

11 **SECTION 155.** 2005 Wisconsin Act 451, section 85m is amended by replacing "s.
12 6.86 (1) ~~or~~, (2), or (2m)" with "s. 6.86 (1) ~~or~~, (2), or (2m)".

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

13 **SECTION 156.** 2005 Wisconsin Act 458, section 5 is amended by replacing
14 "100.195 (5m) (b), 100.30 (5m), 106.50 (6) (i) and (6m) (a), 115.80 (9), 281.36 (2) (b)
15 1., 767.33 (4) (d), 769.313, 814.025, 814.245, 895.035 (4), 895.10 (3), 895.75 (3), 895.77
16 (2), 895.79 (3), 895.80 (3), 943.212 (2) (b), 943.245 (2) (d)," with "100.195 (5m) (b),
17 100.30 (5m), 106.50 (6) (i) and (6m) (a), 115.80 (9), 281.36 (2) (b) 1., 767.33 (4) (d),
18 769.313, 814.025, 814.245, 895.035 (4), 895.10 (3), 895.75 (3), 895.77 (2), 895.79 (3),
19 895.80 (3), 943.212 (2) (b), 943.245 (2) (d),".

NOTE: Preexisting text was underscored.

SECTION 156

[This note is left over from the /P1 version - no response was included in the markup you sent me.]

****NOTE: I scored a comma that was not present in the preexisting text. Please review. CJS

INS
X

SECTION 157. Nonstatutory provisions.

(1) The renumbering of section 880.24 (3) (a) of the statutes by 2005 Wisconsin

Act 264 is void.

[This note is left over from the /P1 version - no response was included in the markup you sent me.]

****NOTE: Should s. 880.24 (3) (b) also be listed here? Should a revisor's note be added? CJS

(END)

nonstat eff date

④ sec. #. **Effective Dates.** This act takes effect on the ~~date~~^{day} after publication - except as follows:

④ (#) The treatment of sections ~~48.833~~^{301.03(2), 301.48(2)(b), 301.48(3)(c), and 980.08(7)} takes effect on July 1, 2007, ^{on} the day after publication, whichever occurs first.

④ (#) The treatment of section ~~101.985(4)~~ takes effect on June 1, 2007, on the day after publication, whichever occurs first.

④ (#) The treatment of sections ~~48.833 and 814.04 (intr.)~~^{of the statutes} takes effect on April 1, 2007, on the day after publication, whichever occurs first.

2

2007-2008 DRAFTING INSERT
FROM THE
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LRB-0495/P2ins
BEM:.....

SA old ✓
SA new ✓

④ ~~NOTE:~~ NOTE: ~~Instead~~ Instead of changing "serves" to the plural form, ~~the singular.~~ I think "officers" should be changed to the singular. That way the sentence would be exactly analogous to the sentences in pars. (d), (dm), (e), and (f).
CJS

INS
13-8

1 SECTION 1. 19.01 (4) (g) of the statutes is amended to read:

2 19.01 (4) (g) Official oaths and bonds of all elected or appointed village officers
3 shall be filed in the office of the village clerk for the village in which the officers serves
4 serve, except that oaths and bonds of village clerks shall be filed in the office of the
5 village treasurer.

NOTE: Inserts missing word and correct word form.

6 SECTION 2. 31.02 (4r) of the statutes is amended to read:

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

NOTE: Inserts missing article.

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

12 51.437 (4m) (i) Annually report to the department of health and family services
13 regarding the use of any contract entered into under s. 51.87.

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

14 SECTION 4. 54.12 (1) (intro.) of the statutes, as affected by 2005 Wisconsin Act
15 387, section 310, is amended to read:

16 54.12 (1) SMALL ESTATES. (intro.) If a minor or an individual found incompetent,
17 except for his or her incapacity, is entitled to possess assets valued at the amount
18 specified in s. 867.03 (1g) or less, any court in which an action or proceeding involving
19 the assets is pending may, without requiring the appointment of a guardian, order
20 that the register i in probate do one of the following:

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

INS
26-2



1 SECTION 5. 54.25 (2) (c) 4. of the statutes, as created by 2005 Wisconsin Act 387,
2 section 100, is amended to read:

3 54.25 (2) (c) 4. Regardless of whether a guardian is appointed, a court may
4 declare that an individual is not competent to exercise the right to register to vote
5 or to vote in an election if it finds by clear and convincing evidence that the individual
6 is incapable of understanding the objective of the elective process. If the petition for
7 a declaration of incompetence to vote is not part of a petition for guardianship, the
8 same procedures shall apply as would apply for a petition for guardianship.

9 5. The determination of the court shall be communicated in writing by the clerk
10 of court to the election official or agency charged under s. 6.48, 6.92, 6.925, or 6.93
11 with the responsibility for determining challenges to registration and voting that
12 may be directed against that elector. The determination may be reviewed as
13 provided in s. 54.64 (2) (a) and (c) and any subsequent determination of the court
14 shall be likewise communicated by the clerk of court.

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). The provision was created as a separate paragraph, but without a number.

end
INS
26-2

15 SECTION 6. 66.0216 (1) (a) (intro.) of the statutes, as created by 2005 Wisconsin
16 Act 25, is renumbered 66.0216 (1) (intro.).

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

INS
27-4

17 SECTION 7. 66.0617 (9) (a) of the statutes, as affected by 2005 Wisconsin Act
18 477, is amended to read:

19 66.0617 (9) (a) Subject to par. (b), an ordinance enacted under this section shall
20 specify that impact fees that are imposed and collected by a municipality but are not
21 used within 7 years after they are collected to pay the capital costs for which they
22 were imposed shall be refunded to the current owner of the property with respect to

9 *****NOTE: This section should be removed. Debora Kennedy's reconciliation bill consolidates the provisions, as they appear in the printed volumes, and renumbers them to be s. 54.25(2)(c) 4. (The provision that was created as a separate paragraph was the result of an inadvertent depression of the return key.) CJS

INS 27-4
cont

1 which the impact fees were imposed, along with any interest that has accumulated,
2 in as described in sub. (8). The ordinance shall specify, by type of public facility,
3 reasonable time periods within which impact fees must be spent or refunded under
4 this subsection, subject to the 7-year limit in this paragraph and the extended time
5 period specified in par. (b). In determining the length of the time periods under the
6 ordinance, a municipality shall consider what are appropriate planning and
7 financing periods for the particular types of public facilities for which the impact fees
8 are imposed.

NOTE: Inserts correct word.

9 ~~SECTION 8.~~ 66.0617 (9) (b) of the statutes, as created by 2005 Wisconsin Act 203,
10 is amended to read:

11 66.0617 (9) (b) The 7-year time limit for using impact fees that is specified
12 under par. (a) may be extended for 3 years if the ~~political subdivision~~ municipality
13 adopts a resolution stating that, due to extenuating circumstances or hardship in
14 meeting the 7-year limit, it needs an additional 3 years to use the impact fees that
15 were collected. The resolution shall specify the extenuating circumstances or
16 hardship that led to the need to adopt a resolution under this paragraph.

NOTE: 2005 Wis. Act 203 created this provision. 2005 Wis. Act 477 changed the
term "political subdivision" to "municipality" throughout all of the previously existing s.
66.0917 without taking the creation of sub. (9) (b) into account.

17 ~~SECTION 9.~~ 66.1105 (4) (gm) 4. a. of the statutes is amended to read:

18 66.1105 (4) (gm) 4. a. Not less than 50%, by area, of the real property within
19 the district is at least one of the following: a blighted area; in need of rehabilitation
20 or conservation work, as defined in s. 66.1337 (2m) (b) (a); suitable for industrial sites
21 within the meaning of s. 66.1101 and has been zoned for industrial use; or suitable
22 for mixed-use development; and

0617

④ ~~NOTE:~~ See my change to note. CJS

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

fix quotation mark

end INS 27-4

1 SECTION 10. 77.9961 (1) (b) of the statutes is amended to read:

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

NOTE: Deletes unnecessary word.

7 SECTION 11. 87.304 (2) (a) 1. of the statutes is amended to read:

8 87.304 (2) (a) 1. Issuing variances to floodplain zoning ordinances that will be
9 consistent with 44 CFR ~~606~~ 60.6 but that will allow repair or rehabilitation of historic
10 properties in floodplains to the maximum extent feasible.

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

11 SECTION 12. 165.25 (4) (ar) of the statutes, as affected by 2005 Wisconsin Act
12 458, is amended to read:

13 165.25 (4) (ar) The department of justice shall furnish all legal services
14 required by the department of agriculture, trade and consumer protection relating
15 to the enforcement of ss. 100.171, 100.173, 100.174, 100.175, 100.177, 100.18,
16 100.182, 100.195, 100.20, 100.205, 100.207, 100.209, 100.21, 100.28, 100.37, 100.42,
17 100.50, and 100.51, ~~and~~ 100.195 and chs. 126, 136, 344, 704, 707, and 779, together
18 with any other services as are necessarily connected to the legal services.

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

19 SECTION 13. 227.21 (2) (a) of the statutes is amended to read:

20 227.21 (2) (a) Except as provided in s. 601.41 (3) (b), to avoid unnecessary
21 expense an agency may, with the consent of ~~the revisor and~~ the attorney general,

④ **** NOTE: The Act 458 treatment has a delayed effective date. This section needs the same effective date. Please add. CJS

INS
41-4

INS
42-7

1 adopt standards established by technical societies and organizations of recognized
2 national standing by incorporating the standards in its rules by reference to the
3 specific issue or issues of the publication in which they appear, without reproducing
4 the standards in full.

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

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

close
up

Section CS

end
INS
43-17

5 **SECTION 14.** 301.45 (2) (a) 4. d. of the statutes is amended to read:
6 301.45 (2) (a) 4. d. The date the person was ordered to comply with s. 301.45
7 this section.

INS
46-1

NOTE: Corrects citation form consistent with current style.

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

NOTE: Corrects citation form consistent with current style.

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

NOTE: Corrects citation form consistent with current style.

18 **SECTION 17.** 301.45 (10) (title) of the statutes is created to read:
19 301.45 (10) (title) ANNUAL FEE.

↓

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

end INS 46-1

INS 51-5

S

SECTION 18. 757.48 (1) (a) of the statutes, as affected by 2005 Wisconsin Act 387, is amended to read:

757.48 (1) (a) Except as provided in s. 879.23 (4), in all matters in which a guardian ad litem is appointed by the court, the guardian ad litem shall be an attorney admitted to practice in this state. In order to be appointed as a guardian ad litem under s. 767.407, an attorney shall have completed 3 hours of approved continuing legal education that relates to the functions and duties of a guardian ad litem under ch. 767 and that includes training on the dynamics of domestic violence and the effects of domestic violence on victims of domestic violence and on children. In order to be appointed as a guardian ad litem under s. 54.40 (1), an attorney shall have complied with SRC SCR chapter 36.

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

→ (P) ****Note: See my change to action phrase - CJS

INS 57-10

SECTION 19. 893.55 (1d) (c) of the statutes, as created by 2005 Wisconsin Act 183, is amended to read:

893.55 (1d) (c) Based on actuarial studies, documentary evidence, testimony, and the experiences of other states, the legislature concludes there is a dollar figure so low as to deprive the injured victim of reasonable noneconomic damages, and there is a dollar figure at which the cap number is so high that it fails to accomplish the goals of affordable and accessible health care. The legislature concludes that the number chosen is neither too high nor too low to accomplish the goals of affordable and accessible health care, is a reasonable and rationale rational response to the current medical liability situation, and is reasonably and rationally supported by the legislative record.

NOTE: Corrects spelling.

✓

INS
60-17

1 SECTION 20. 973.017 (6) (a) of the statutes is amended to read:

2 973.017 (6) (a) In this subsection, "person responsible for the welfare of the
3 child" includes the child's parent, stepparent, guardian, foster parent, or treatment
4 foster parent; an employee of a public or private residential home, institution, or
5 agency; any other person legally responsible for the child's welfare in a residential
6 setting; or a person employed by one who is legally responsible for the child's welfare
7 to exercise temporary control or care for the child.

NOTE: Inserts missing word.

INS
61-10

8 SECTION 21. 980.038 (4) (a) of the statutes, as created by 2005 Wisconsin Act
9 434, is amended to read:

10 980.038 (4) (a) A motion for postcommitment relief by a person committed
11 under s. 980.06 shall be made in the time and manner provided in ~~ss. s.~~ 809.30 and
12 809.40. An appeal by a person who has been committed under s. 980.06 from a final
13 order under s. 980.06, 980.08, or 980.09 or from an order denying a motion for
14 postcommitment relief or from both shall be taken in the time and manner provided
15 in ss. 808.04 (3), and 809.30, ~~and 809.40~~. If a person is seeking relief from an order
16 of commitment under s. 980.06, the person shall file a motion for postcommitment
17 relief in the trial court prior to an appeal unless the grounds for seeking relief are
18 sufficiency of the evidence or issues previously raised.

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

close
up

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

close
up

Section 809.30 relates to appeals in criminal and ch. 48, 51, 55, and 938 cases. Section 809.40 now relates to appeals in termination of parental rights, ch. 799, traffic regulation, municipal ordinance violation, and parental consent to abortion cases, but not





criminal cases. Prior to the revision of s. 809.40 by Supreme Court Order 02-01, ss. 809.30 and 809.40 both related to criminal, ch. 48, 51, 55, and 938 cases.



end INS 61-10

Ins 8 A

JTK

Section #. 6.875 (6) (b) of the statutes is amended to read:

was affected by 2005 Wisconsin Act 149, section 24,
and 2005 Wisconsin Act 451, section 86,

6.875 (6) (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 ^{strike} ~~for~~ ^{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: Sub. (6) is shown as affected by 2 acts of the 2005 Wisconsin legislature and as merged by the revisor under s. 13.93 (2) (c).
History: 1985 a. 304; 1987 a. 391; 1989 a. 192; 1997 a. 127, 188, 237; 1999 a. 32, 182; 2001 a. 16, 109; 2005 a. 149, 451; s. 13.93 (2) (c).

~~NOTE: Corrects typographical error.~~

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

use note: std

drafting records attached to file

< end Ins 8A >

INS 17A

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

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

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

use this note here and after both of the other bill sections ~~insert~~ on this and next page of insert material

SECTION 2. 46.22 (1) (dp) of the statutes, as ~~amended~~ created by 2005 Wisconsin Act Act 406, is amended to read:

INS 17B

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) ^(a) 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 3. 46.23 (3) (ed) of the statutes, as ~~amended~~^{created} 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) (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) ^(a) 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).

Put in note from previous page

end INS 17B

2007-2008 DRAFTING INSERT
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LRB
.....

INS 27A

SECTION 1. 70.511 (2) (bm) of the statutes, as created by 2005 Wisconsin Act 405, is amended to read:

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

NOTE: Section 20.835 (2) (bm), as created by 2005 Wis. Act 405, is renumbered 20.835 (2) (br) by this bill.

use
note:std

LPS: This insert is NOT
in the docbase. Please
create it from scratch.



2005

Nonstat File Sequence: **FFF**

LRB 0495 / P2

EFFECTIVE DATE

INS X

1. In the component bar: For the action phrase, execute: ... **create** → **action:** → *NS: → **effdate**
For the text, execute: **create** → **text:** → *NS: → **effdateA**
2. Nonstatutory subunits are numbered automatically. Fill in the SECTION # or subsection # only if a "frozen" number is needed.

SECTION # ____ . **Effective date.**

(#1) () This act takes effect on

1. In the component bar: For the action phrase, execute: .. **create** → **action:** → *NS: → **effdateE**
For the text, execute: **create** → **text:** → *NS: → **effdate**
2. Nonstatutory subunits are numbered automatically. Fill in the SECTION # or subsection # only if a "frozen" number is needed.

SECTION # MM . **Effective dates;**

..... This act takes effect on the day after publication, except as follows:

(#1) MM The treatment of sections 48.833 and 814.04 (intro.) of the statutes takes effect on April 1, 2007, or on the day after publication, whichever is later

1. In the component bar: For the budget action phrase, execute:..**create** → **action:** → *NS: → **94XX**
For the text, execute: **create** → **text:** → *NS: → **effdate**
2. Nonstatutory subunits are numbered automatically. Fill in the SECTION # or subsection # only if a "frozen" number is needed. Below, for the budget, fill in the **9400** department code.

SECTION 94 ____ . **Effective dates;**

(#1) () The treatment of sections of the statutes takes effect on

④ (#) The treatment of ^{section} 101.985 (4) ✓ of the statutes takes effect on June 1, 2007, or on the day after publication, whichever is later.

④ (#) The treatment of section ~~301.48(2)~~ ^{(b)2.} and ^(c) 301.48(3) ✓ of the statutes takes effect on July 1, 2007, or on the day after publication, whichever is later.

④ **** NOTE: Please review effective date provision carefully. There are some changes from the markup you sent me.

end
INSX

and 980.08(7)

④ (#) The treatment of sections 301.03(20) of the statutes takes effect on July 1, 2007.