



State of Wisconsin  
2007 - 2008 LEGISLATURE

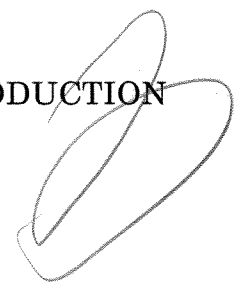
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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION



Revisor's bill  
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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: This /P2 draft contains the material sent over as 07 RB1 supp.

\*\*\*\*NOTE: I added or retained references to prior treatments 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?

yes

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

I will  
try to  
remember

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

OK

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.

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:

1           6.29 (2) (am) The board shall provide to each municipal clerk a list prepared  
2 for use at each municipal clerk's office showing the name and address of each person  
3 whose name appears on the list provided by the department of corrections under s.  
4 301.03 (20) (20m) as ineligible to vote on the date of the election, whose address is  
5 located in the municipality, and whose name does not appear on the registration list  
6 for that municipality. Prior to permitting an elector to register to vote under this  
7 subsection, the municipal clerk shall review the list. If the name of an elector who  
8 wishes to register to vote appears on the list, the municipal clerk shall inform the  
9 elector that the elector is ineligible to register to vote. If the elector maintains that  
10 he or she is eligible to vote in the election, the municipal clerk shall permit the elector  
11 to register to vote but shall mark the elector's registration form as "ineligible to vote  
12 per Department of Corrections." If the elector wishes to vote, the municipal clerk  
13 shall challenge the elector's ballot in the same manner as provided for inspectors who  
14 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.

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

17           6.33 (1) The board shall prescribe the format, size, and shape of registration  
18 forms. All forms shall be printed on cards and each item of information shall be of  
19 uniform font size, as prescribed by the board. The municipal clerk shall supply  
20 sufficient ~~form~~ forms to meet voter registration needs. The forms shall be designed  
21 to obtain from each applicant information as to name; date; residence location;  
22 citizenship; date of birth; age; the number of a valid operator's license issued to the  
23 elector under ch. 343 or the last 4 digits of the elector's social security account

1 number; whether the applicant has resided within the ward or election district for  
2 at least 10 days; whether the applicant has been convicted of a felony for which he  
3 or she has not been pardoned, and if so, whether the applicant is incarcerated, or on  
4 parole, probation, or extended supervision; whether the applicant is disqualified on  
5 any other ground from voting; and whether the applicant is currently registered to  
6 vote at any other location. The form shall include a space for the applicant's  
7 signature and the signature of any corroborating elector. The form shall include a  
8 space to enter the name of any special registration deputy under s. 6.26 or 6.55 (6)  
9 or inspector, municipal clerk, or deputy clerk under s. 6.55 (2) who obtains the form  
10 and a space for the deputy, inspector, clerk, or deputy clerk to sign his or her name,  
11 affirming that the deputy, inspector, clerk, or deputy clerk has accepted the form.  
12 The form shall include a space for entry of the ward and aldermanic district, if any,  
13 where the elector resides and any other information required to determine the offices  
14 and referenda for which the elector is certified to vote. The form shall also include  
15 a space where the clerk may record an indication of whether the form is received by  
16 mail, a space where the clerk may record an indication of the type of identifying  
17 document submitted by the elector as proof of residence under s. 6.34, whenever  
18 required, and a space where the clerk, for any applicant who possesses a valid voting  
19 identification card issued to the person under s. 6.47 (3), may record the  
20 identification serial number appearing on the voting identification card. Each  
21 county clerk shall obtain sufficient registration forms for completion by an elector  
22 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.

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

1           6.36 (1) (a) The board shall compile and maintain electronically an official  
2 registration list. The list shall contain the name and address of each registered  
3 elector in the state, the date of birth of the elector, the ward and aldermanic district  
4 of the elector, if any, and, for each elector, a unique registration identification number  
5 assigned by the board, the number of a valid operator's license issued to the elector  
6 under ch. 343, if any, or the last 4 digits of the elector's social security account  
7 number, if any, any identification serial number issued to the elector under s. 6.47  
8 (3), the date of any election in which the elector votes, an indication of whether the  
9 elector is a military elector, as defined in sub. (2) (c), who has so certified under s.  
10 6.865 (3m), an indication of whether the elector is an overseas elector, as defined in  
11 s. 6.24 (1), any information relating to the elector that appears on the current list  
12 transmitted to the board by the department of corrections under s. 301.03 ~~(20)~~ (20m),  
13 an indication of any accommodation required under s. 5.25 (4) (a) to permit voting  
14 by the elector, an indication of the method by which the elector's registration form  
15 was received, and such other information as may be determined by the board to  
16 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.

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

19           6.55 (2) (cs) The board shall provide to each municipal clerk a list prepared for  
20 use at each polling place showing the name and address of each person whose name  
21 appears on the list provided by the department of corrections under s. 301.03 ~~(20)~~  
22 (20m) as ineligible to vote on the date of the election, whose address is located in the  
23 area served by that polling place, and whose name does not appear on the poll list

1 for that polling place. Prior to permitting an elector to register to vote under this  
2 subsection or s. 6.86 (3) (a) 2., the inspectors or special registration deputies shall  
3 review the list. If the name of an elector who wishes to register to vote appears on  
4 the list, the inspectors or special registration deputies shall inform the elector or the  
5 elector's agent that the elector is ineligible to register to vote. If the elector or the  
6 elector's agent maintains that the elector is eligible to vote in the election, the  
7 inspectors or special registration deputies shall permit the elector to register but  
8 shall mark the elector's registration form as "ineligible to vote per Department of  
9 Corrections." If the elector wishes to vote, the inspectors shall require the elector to  
10 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.

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

13 6.79 (2) (d) ~~The~~ If the poll list indicates that proof of residence under s. 6.34 is  
14 required, the officials shall require the elector to provide identification proof of  
15 residence. If proof of residence is provided, the officials shall verify that the name  
16 and address on the identification document submitted as proof of residence provided  
17 is the same as the name and address shown on the registration list. If proof of  
18 residence is required and not provided, the officials shall offer the opportunity for the  
19 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.

④ \*\*\*\*\* NOTE: See my change to cited text. CJS

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

1           6.79 (2) (dm) If the poll list indicates that the elector is ineligible to vote because  
2 the elector's name appears on the current list provided by the department of  
3 corrections under s. 301.03 ~~(20)~~ (20m), the inspectors shall inform the elector of this  
4 fact. If the elector maintains that he or she is eligible to vote in the election, the  
5 inspectors shall provide the elector with a ballot and, after the elector casts his or her  
6 vote, shall challenge the ballot as provided in s. 6.92 and treat the ballot in the  
7 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.

8       ~~SECTION 8.~~ The treatment of 6.875 (4) of the statutes by 2005 Wisconsin Act 149  
9 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.

1 **SECTION 9.** The treatment of 6.875 (6) (a) 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) 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.

*delete space*

*add space between note and action phrase*

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

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

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

15 **SECTION 11.** The treatment of 7.08 (1) (c) of the statutes by 2005 Wisconsin Act  
16 278 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:

*convert to note: std and remove the 4 stars as shown*



*delete space*

(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.

1 ~~SECTION 12.~~ The treatment of 7.30 (4) (b) (intro.) of the statutes by 2005  
2 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:

*delete space*

(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:

3 ~~SECTION 13.~~ The treatment of 7.30 (4) (b) 2. of the statutes by 2005 Wisconsin  
4 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:

*delete space*

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

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

c. Upon submission of each nominee's name, the governing body shall appoint each first choice nominee for so long as positions are available, unless nonappointment is authorized under par. (e), and shall appoint other nominees in its discretion. If any

nominee is not appointed, the mayor, president, or chairperson of the municipality shall immediately nominate another person from the appropriate lists submitted and continue until the necessary number of election officials from each party is achieved at that meeting.

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

3            **7.51 (1) CANVASS PROCEDURE.** Immediately after the polls close the inspectors  
4 except any inspector appointed under s. 7.30 (1) (b) shall proceed to canvass publicly  
5 all votes received at the polling place. In any municipality where an electronic voting  
6 system is used, the municipal governing body or board of election commissioners may  
7 provide or authorize the municipal clerk or executive director of the board of election  
8 commissioners to provide for the adjournment of the canvass to one or more central  
9 counting locations for specified polling places in the manner prescribed in subch. III  
10 of ch. 5. No central counting location may be used to count votes at a polling place  
11 where an electronic voting system is not employed. The canvass, whether conducted  
12 at the polling place or at a central counting location, shall continue without  
13 adjournment until the canvass is completed and the return statement is made or, in  
14 municipalities where absentee ballots are canvassed under s. 7.52, until the canvass  
15 of all ballots cast is completed and the return statement for those ballots ~~are~~ is made.  
16 The inspectors shall not permit access to the name of any elector who has obtained  
17 a confidential listing under s. 6.47 (2) during the canvass, except as authorized in s.  
18 6.47 (8).

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

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


21            **7.53 (2) (a) 3.** If the clerk is a candidate at an election being canvassed, the clerk  
22 may perform his or her duties on the board of canvassers only if the clerk does not

1 have an opponent whose name appears on the ballot, or in the case of a recount, if  
2 the office the clerk is seeking is not a subject of the recount. If the clerk is a candidate  
3 at the election being canvassed and has an opponent whose name appears on the  
4 ballot or if the office the clerk is seeking is a subject of a recount, the mayor, president  
5 of or board chairperson of the municipality shall designate another qualified elector  
6 of the municipality to serve in lieu of the elector for that election.

NOTE: Inserts correct word.

7 ~~SECTION 16.~~ The treatment of 9.01 (1) (a) of the statutes by 2005 Wisconsin Act  
8 149 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:

*[Handwritten scribble]*

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.

3 SECTION 18. 16.964 (12) (k) of the statutes, as created by 2005 Wisconsin Act  
4 25, is amended to read:

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

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

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

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

*officer*

*strike*

*PLAN*

NOTE: Inserts missing word and correct word form.

~~NOTE: Instead of changing "serves" to the plural form, 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~~ OK

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

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

13 **SECTION 21.** The treatment of 20.566 (1) (hp) of the statutes by 2005 Wisconsin  
14 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.

15 **SECTION 22.** 20.835 (2) (bm) of the statutes, as created by 2005 Wisconsin Act  
16 405, 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).

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

2            30.206 (1) (a) The department shall issue the statewide general permits as  
3 rules promulgated under ch. 227 required under ss. 30.12 (3) (a), 30.123 (7) (a), and  
4 30.20 (1t) (a). The statewide general permits required under ss. 30.12 (3) (a), 30.123  
5 (7) (a), and 30.20 (1t) (a) shall be promulgated within 540 days after February 6,  
6 2004. The department shall submit in proposed form the rule containing the  
7 statewide general permit under s. 30.19 (3r) (a) and the rule under s. 30.19 (1d) to  
8 the legislative council staff under section s. 227.15 (1) no later than August 1, 2004.  
9 General permits issued under s. 30.206, 2001 stats., shall remain valid until the date  
10 upon which the rules issuing these statewide general permits are promulgated  
11 under this paragraph.

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

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

13            31.02 (4r) The department shall promulgate rules specifying the rights held  
14 by the public in navigable waters that are dammed. The rules shall include  
15 provisions on the rights held by the public that affect the placement of fishways or  
16 fish ladders in navigable waters that are dammed.

NOTE: Inserts missing article.

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

19            40.23 (3) The initial monthly amount of any retirement annuity in the normal  
20 form shall not be less than the money purchase annuity which can be provided by  
21 applying the sum of the participant's accumulated additional and required  
22 contributions, including interest credited to the accumulations, plus an amount from

1 the employer accumulation reserve equal to the participant's accumulated required  
2 contributions, less any accumulated contributions to purchase other governmental  
3 service under s. 40.25 (7), 2001 stats., or s. 40.285 (2) (b) or 40.25 (7), 2001 stats., to  
4 fund the annuity in accordance with the actuarial tables in effect on the annuity  
5 effective date.

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

6 ~~SECTION 26.~~ 40.73 (1) (am) 2. of the statutes, as created by 2005 Wisconsin Act  
7 22, is amended to read:

8 40.73 (1) (am) 2. Accumulated contributions to purchase other governmental  
9 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.

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

11 43.30 (1b) In this section, "custodial parent" includes any parent other than  
12 a parent who has been denied periods of physical placement with a child under s.  
13 ~~767.24 (4)~~ 767.41 (4).

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

14 ~~SECTION 28.~~ 45.31 (7) of the statutes, as affected by 2005 Wisconsin Act 22, is  
15 amended to read:

16 45.31 (7) "Funds" include cash on hand and liquid investments owned by the  
17 veteran and his or her spouse, individually or jointly, unless the veteran and spouse  
18 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.

19 ~~SECTION 29.~~ 45.37 (2) (a) of the statutes, as affected by 2005 Wisconsin Act 22,  
20 is amended to read:

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

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

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



1 ch. 48, 51, 55, or 938, or 42 USC 670 to 679b to or to coordinate the delivery of services  
2 under this chapter, ch. 48, 51, 55, or 938, or 42 USC 670 to 679b.

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

*OK* NOTE: On page 16 of the /P1 you crossed out Gordon's addition of an underscored "(a)" but on the insert you attached to page 17 you added underscored "(a)" to the other places where Gordon wanted them. Therefore I kept the underscored "(a)" on page 16 too. If it needs to be removed, please let me know why.

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

5 **46.215 (1p) EXCHANGE OF INFORMATION; STATEWIDE AUTOMATED CHILD WELFARE**  
6 **INFORMATION SYSTEM.** Notwithstanding ss. 46.2895 (9), 48.396 (1) and (2) (a), 48.78  
7 (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,  
8 252.11 (7), 252.15, 253.07 (3) (c), 938.396 (1) (a) and (2) (a), and 938.78 (2) (a), a county  
9 department under this section may enter the content of any record kept or  
10 information received by that county department into the statewide automated child  
11 welfare information system established under s. 46.03 (7g).

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

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

13 **46.22 (1) (b) 2. e.** To make payments in such manner as the department of  
14 workforce development may determine for training of recipients, former recipients  
15 and potential recipients of aid in programs established under ss. s. 49.193, 1997  
16 stats., and s. 49.26 (1).

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

*STET: leave as typed*

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

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

3            46.22 (1) (dp) *Exchange of information; statewide automated child welfare*  
4 *information system.* Notwithstanding ss. 46.2895 (9), 48.396 (1) and (2) (a), 48.78 (2)  
5 (a), 48.981 (7), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), ~~55.06 (17) (e)~~ 55.22 (3), 146.82,  
6 252.11 (7), 252.15, 253.07 (3) (c), 938.396 (1) (a) and (2) (a), and 938.78 (2) (a), a county  
7 department under this section may enter the content of any record kept or  
8 information received by that county department into the statewide automated child  
9 welfare information system established under s. 46.03 (7g).

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

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

12            46.23 (3) (ed) *Exchange of information; statewide automated child welfare*  
13 *information system.* Notwithstanding ss. 46.2895 (9), 48.396 (1) and (2) (a), 48.78 (2)  
14 (a), 48.981 (7), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), ~~55.06 (17) (e)~~ 55.22 (3), 146.82,  
15 252.11 (7), 252.15, 253.07 (3) (c), 938.396 (1) (a) and (2) (a), and 938.78 (2) (a), a county  
16 department under this section may enter the content of any record kept or  
17 information received by that county department into the statewide automated child  
18 welfare information system established under s. 46.03 (7g).

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

19        **SECTION 35.** 46.29 (3) (j) of the statutes is repealed.

NOTE: 46.29 (3) (intro.) provides that, "All of the following shall maintain liaison  
with and periodically report to the council on physical disabilities ...", and 46.29 (3) (j)

states "The chairperson of the health policy council." The health policy council was abolished in 1987 Wisconsin Act 399 by the repeal of s. 14.017 (3).

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

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

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

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

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

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

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

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

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

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

13           48.42 (2) (bm) (intro.) If the child is a nonmarital child who is under one year  
14 of age at the time the petition is filed and who is not adopted or whose parents do not  
15 subsequently intermarry under s. ~~767.60~~ 767.803 and whose paternity has not been  
16 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.

17        ~~SECTION 40.~~ 48.42 (2m) (b) of the statutes, as created by 2005 Wisconsin Act  
18 293, is amended to read:

19           48.42 (2m) (b) *Parent of nonmarital child.* A person who may be the father of  
20 a nonmarital child who is not adopted or whose parents do not subsequently  
21 intermarry under s. ~~767.60~~ 767.803 and whose paternity has not been established,  
22 by virtue of the fact that he has engaged in sexual intercourse with the mother of the

1 child, is considered to be on notice that a pregnancy and a termination of parental  
2 rights proceeding concerning the child may occur, and has the duty to protect his own  
3 rights and interests. He is therefore entitled to actual notice of such a proceeding  
4 only as provided in sub. (2) (b) or (bm). A person who is not entitled to notice under  
5 sub. (2) (b) or (bm) does not have standing to appear and contest a petition for the  
6 termination of his parental rights, present evidence relevant to the issue of  
7 disposition, or make alternative dispositional recommendations.

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

8 ~~SECTION 41.~~ 48.423 (2) (intro.) of the statutes, as created by 2005 Wisconsin Act  
9 293, is amended to read:

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

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

17 ~~SECTION 42.~~ 48.833 of the statutes, as affected by 2005 Wisconsin Acts 293 and  
18 448, is amended to read:

19 48.833 Placement of children for adoption by the department, county  
20 departments, and child welfare agencies. The department, a county  
21 department under s. 48.57 (1) (e) or (hm), or a child welfare agency licensed under  
22 s. 48.60 may place a child for adoption in a licensed foster home or a licensed

1 treatment foster home without a court order if the department, county department,  
2 or child welfare agency is the guardian of the child or makes the placement at the  
3 request of another agency that is the guardian of the child and if the proposed  
4 adoptive parents have completed the preadoption preparation required under s.  
5 48.84 (1) or the department, county department, or child welfare agency determines  
6 that the proposed adoptive parents are not required to complete that preparation. ,,  
7 When a child is placed under this section in a licensed foster home or a licensed  
8 treatment foster home for adoption, the department, county department, or child  
9 welfare agency making the placement shall enter into a written agreement with the  
10 proposed adoptive parent, which shall state the date on which the child is placed in  
11 the licensed foster home or licensed treatment foster home for adoption by the  
12 proposed adoptive parent.

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

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

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

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

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

3 ~~SECTION 44.~~ 48.978 (7) (b) of the statutes, as affected by 2005 Wisconsin Act  
4 387, is amended to read:

5 48.978 (7) (b) This section does not abridge the duties or authority of a guardian  
6 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.

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

9 49.855 (3) Receipt of a certification by the department of revenue shall  
10 constitute a lien, equal to the amount certified, on any state tax refunds or credits  
11 owed to the obligor. The lien shall be foreclosed by the department of revenue as a  
12 setoff under s. 71.93 (3), (6), and (7). When the department of revenue determines  
13 that the obligor is otherwise entitled to a state tax refund or credit, it shall notify the  
14 obligor that the state intends to reduce any state tax refund or credit due the obligor  
15 by the amount the obligor is delinquent under the support, maintenance, or receiving  
16 and disbursing fee order or obligation, by the outstanding amount for past support,  
17 medical expenses, or birth expenses under the court order, or by the amount due  
18 under s. 46.10 (4) or 301.12 (4). The notice shall provide that within 20 days the  
19 obligor may request a hearing before the circuit court rendering the order under  
20 which the obligation arose. Within 10 days after receiving a request for hearing  
21 under this subsection, the court shall set the matter for hearing. Pending further  
22 order by the court or a circuit court commissioner, the department of workforce  
23 development or its designee, whichever is appropriate, is prohibited from disbursing

1 the obligor's state tax refund or credit. A circuit court commissioner may conduct the  
2 hearing. The sole issues at that hearing shall be whether the obligor owes the  
3 amount certified and, if not and it is a support or maintenance order, whether the  
4 money withheld from a tax refund or credit shall be paid to the obligor or held for  
5 future support or maintenance, except that the obligor's ability to pay shall also be  
6 an issue at the hearing if the obligation relates to an order under s. ~~767.51 (3) (e) 1.~~  
7 ~~or 767.62~~ 767.805 (4) (d) 1. or 767.89 (3) (e) 1. and the order specifies that the court  
8 found that the obligor's income was at or below the poverty line established under  
9 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.

10 ~~SECTION 46.~~ **SECTION 46.** 49.855 (4m) (b) of the statutes, as affected by 2005 Wisconsin Acts  
11 22 and 304, is amended to read:

12 49.855 (4m) (b) The department of revenue may provide a certification that it  
13 receives under sub. (1), (2m), or (2p) to the department of administration. Upon  
14 receipt of the certification, the department of administration shall determine  
15 whether the obligor is a vendor or is receiving any other payments from this state,  
16 except for wages, retirement benefits, or assistance under s. 45.352, 1971 stats., s.  
17 45.40 (1), this chapter, or ch. 46, 108, or 301. If the department of administration  
18 determines that the obligor is a vendor or is receiving payments from this state,  
19 except for wages, retirement benefits, or assistance under s. 45.352, 1971 stats., s.  
20 45.40 (1), this chapter, or ch. 46, 108, or 301, it shall begin to withhold the amount  
21 certified from those payments and shall notify the obligor that the state intends to  
22 reduce any payments due the obligor by the amount the obligor is delinquent under  
23 the support, maintenance, or receiving and disbursing fee order or obligation, by the



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

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

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


19 49.89 (7) (c) The incentive payment shall be an amount equal to 15% of the  
20 amount recovered because of benefits paid under s. 49.20, 1997 stats., or s. 49.19, s.  
21 49.20, 1997 stats., and 49.30 49.785, or 253.05. The incentive payment shall be taken  
22 from the state share of the sum recovered, except that the incentive payment for an

1 amount recovered because of benefits paid under s. 49.19 shall be considered an  
2 administrative cost under s. 49.19 for the purpose of claiming federal funding.

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


3 ~~SECTION 48.~~ The treatment of 50.06 (2) (c) of the statutes by 2005 Wisconsin  
4 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.

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

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

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

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

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

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

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

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

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

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

8            54.12 (1) SMALL ESTATES. (intro.) If a minor or an individual found incompetent,  
9 except for his or her incapacity, is entitled to possess assets valued at the amount  
10 specified in s. 867.03 (1g) or less, any court in which an action or proceeding involving  
11 the assets is pending may, without requiring the appointment of a guardian, order  
12 that the register ~~i~~ in probate do one of the following:

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

STET: leave as typed

13        **SECTION 53.** 54.25 (2) (c) 4. of the statutes, as created by 2005 Wisconsin Act  
14 387, is amended to read:

1 54.25 (2) (c) 4. Regardless of whether a guardian is appointed, a court may  
2 declare that an individual is not competent to exercise the right to register to vote  
3 or to vote in an election if it finds by clear and convincing evidence that the individual  
4 is incapable of understanding the objective of the elective process. If the petition for  
5 a declaration of incompetence to vote is not part of a petition for guardianship, the  
6 same procedures shall apply as would apply for a petition for guardianship.

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

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

13 ~~SECTION 54.~~ 55.01 (4g) of the statutes, as created by 2005 Wisconsin Act 388,  
14 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.

15 ~~SECTION 55.~~ 55.01 (6) of the statutes, as created by 2005 Wisconsin Act 388, is  
16 renumbered 55.01 (6u).

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

17 ~~SECTION 56.~~ 55.01 (6d) of the statutes, as created by 2005 Wisconsin Act 388,  
18 is renumbered 55.01 (6vm).

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