

1 **SECTION 67.** The treatment of 48.981 (1) (b) of the statutes by 2003 Wisconsin
2 Act 33, section 1189r, is not repealed by 2005 Wisconsin Act 344. Both treatments
3 stand.

NOTE: There is no conflict of substance. As merged by the revisor s. 48.981 (1) (b) reads:

(b) "Community placement" means probation; extended supervision; parole; aftercare; conditional transfer into the community under s. 51.35 (1); conditional transfer or discharge under s. 51.37 (9); placement in a Type 2 residential care center for children and youth or a Type 2 juvenile correctional facility authorized under s. 938.539 (5); conditional release under s. 971.17; supervised release under s. 980.06 or 980.08; participation in the community residential confinement program under s. 301.046, the intensive sanctions program under s. 301.048, the corrective sanctions program under s. 938.533, the intensive supervision program under s. 938.534, or the serious juvenile offender program under s. 938.538; or any other placement of an adult or juvenile offender in the community under the custody or supervision of the department of corrections, the department of health and family services, a county department under s. 46.215, 46.22, 46.23, 51.42, or 51.437 or any other person under contract with the department of corrections, the department of health and family services or a county department under s. 46.215, 46.22, 46.23, 51.42, or 51.437 to exercise custody or supervision over the offender.

4 **SECTION 68.** The treatment of 49.45 (6m) (ag) (intro.) of the statutes by 2005
5 Wisconsin Act 107 is not repealed by 2005 Wisconsin Act 253. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 49.45 (6m) (ag) (intro.) reads:

(ag) Payment for care provided in a facility under this subsection made under s. 20.435 (4) (b), (gp), (o), (pa), or (w) shall, except as provided in pars. (bg), (bm), and (br), be determined according to a prospective payment system updated annually by the department. The payment system shall implement standards that are necessary and proper for providing patient care and that meet quality and safety standards established under subch. II of ch. 50 and ch. 150. The payment system shall reflect all of the following:

6 **SECTION 69.** 49.497 (1m) (a) of the statutes, as affected by 2005 Wisconsin Act
7 254, is amended to read:
8 49.497 (1m) (a) If, after notice that an incorrect payment was made, a recipient,
9 or parent of a minor recipient, who is liable for repayment of an incorrect payment
10 fails to repay the incorrect payment or enter into, or comply with, an agreement for
11 repayment, the department may bring an action to enforce the liability or may issue
12 an order to compel payment of the liability. Any person aggrieved by an order issued

1 by the department under this paragraph may appeal the order as a contested case
2 under ch. 227 by filing with the department a request for a hearing within 30 days
3 after the date of the order. The only issue at the hearing shall be the determination
4 by the department that the person has not repaid the incorrect payment or entered
5 into, or complied with, an agreement for repayment. ~~If, after notice that an incorrect
6 payment was made, a recipient, or parent of a minor recipient, who is liable for
7 repayment of an incorrect payment fails to repay the incorrect payment or enter into,
8 or comply with, an agreement for repayment, the department may bring an action
9 to enforce the liability or may issue an order to compel payment of the liability. Any
10 person aggrieved by an order issued by the department under this paragraph may
11 appeal the order as a contested case under ch. 227 by filing with the department a
12 request for a hearing within 30 days after the date of the order. The only issue at
13 hearing shall be the determination by the department that the person has not repaid
14 the incorrect payment or entered into, or complied with, an agreement for
15 repayment.~~

NOTE: The text of s. 49.497 (1m) (a) was inadvertently repeated in the treatment of that provision by 2005 Wis. Act 254. The repeated language is not shown in the printed statutes.

16 **SECTION 70.** The treatment of 50.065 (1) (e) 2. of the statutes by 2005 Wisconsin
17 Act 184 is not repealed by 2005 Wisconsin Act 277. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 50.065 (1) (e) 2. reads:

2. For the purposes of an entity that serves persons under the age of 18, "serious crime" includes a violation of s. 948.02 (2), 948.03 (2) (b) or (c), 948.05, 948.055, 948.06, 948.07, 948.08, 948.085, 948.11 (2) (a) or (am), 948.12, 948.13, 948.21 (1), 948.30, or 948.53 or a violation of the law of any other state or United States jurisdiction that would be a violation of s. 948.02 (2), 948.03 (2) (b) or (c), 948.05, 948.055, 948.06, 948.07, 948.08, 948.085, 948.11 (2) (a) or (am), 948.12, 948.13, 948.21 (1), 948.30, or 948.53 if committed in this state.

1 **SECTION 71.** 50.09 (1) (f) 1. of the statutes, as affected by 2005 Wisconsin Act
2 187, is amended to read:

3 50.09 (1) (f) 1. 'Privacy for visits by spouse.' If both spouses are residents of the
4 same facility, they shall be permitted to share a room unless medically
5 contraindicated as documented by the resident's physician or advanced practice
6 nurse prescriber in the resident's medical record.

NOTE: The single quote marks were inserted without being underscored. No
change was intended.

7 **SECTION 72.** 50.14 (4) of the statutes, as affected by 2005 Wisconsin Acts 25 and
8 49, is amended to read:

9 50.14 (4) Sections 77.59 (1) to (5m), (6) (intro.), (a) and (c) and (7) to (10), 77.60
10 (1) to (7), (9) and (10), 77.61 (9) and (12) to (14) and 77.62, as they apply to the taxes
11 under subch. III of ch. 77, apply to the assessment under this section, except that the
12 amount of any assessment collected under s. 77.59 (7) in excess of \$13,800,000 ~~45~~
13 ~~percent~~ in a fiscal year shall be deposited in the Medical Assistance trust fund.

NOTE: The stricken text was inserted by 2005 Wis. Act 49 but rendered without
effect by the treatment by 2005 Wis. Act 25.

14 **SECTION 73.** The treatment of 50.39 (3) of the statutes by 2005 Wisconsin Act
15 22 is not repealed by 2005 Wisconsin Act 344. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 50.39 (3) reads:

(3) Facilities governed by ss. 45.50, 48.62, 49.70, 49.72, 50.02, 51.09, and 252.10, juvenile correctional facilities as defined in s. 938.02 (10p), correctional institutions governed by the department of corrections under s. 301.02, and the offices and clinics of persons licensed to treat the sick under chs. 446, 447, and 448 are exempt from ss. 50.32 to 50.39. Sections 50.32 to 50.39 do not abridge the rights of the medical examining board, physical therapists affiliated credentialing board, podiatrists affiliated credentialing board, dentistry examining board, pharmacy examining board, chiropractic examining board, and board of nursing in carrying out their statutory duties and responsibilities.

16 **SECTION 74.** The treatment of 51.05 (2) of the statutes by 2005 Wisconsin Act
17 344 is not repealed by 2005 Wisconsin Act 387. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor s. 51.05 (2) reads:

(2) ADMISSIONS AUTHORIZED BY COUNTIES. The department may not accept for admission to a mental health institute any resident person, except in an emergency, unless the county department under s. 51.42 in the county where the person has residence authorizes the care under s. 51.42 (3) (as). Patients who are committed to the department under s. 975.01, 1977 stats., or s. 975.02, 1977 stats., or s. 971.14, 971.17, 975.06, or 980.06, admitted by the department under s. 975.17, 1977 stats., or are transferred from a juvenile correctional facility or a secured residential care center for children and youth to a state treatment facility under s. 51.35 (3) or from a jail or prison to a state treatment facility under s. 51.37 (5) are not subject to this section.

1 **SECTION 75.** The treatment of 51.30 (4) (b) 8m. of the statutes by 2005
2 Wisconsin Act 387 is not repealed by 2005 Wisconsin Act 434. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor s. 51.30 (4) (b) 8m. reads:

8m. To appropriate examiners and facilities in accordance with s. 54.36 (3), 971.17 (2) (e), (4) (c), and (7) (c). The recipient of any information from the records shall keep the information confidential except as necessary to comply with s. 971.17.

3 **SECTION 76.** 51.42 (3) (aw) 1. d. of the statutes, as affected by 2005 Wisconsin
4 Acts 431 and 434, is amended to read:

5 51.42 (3) (aw) 1. d. Provide treatment and services that are specified in a
6 conditional release plan approved by a court for a person who is a county resident and
7 is conditionally released under s. 971.17 (3) or (4) or that are specified in a supervised
8 release plan approved by a court under s. 980.06 (2) (c), 1997 stats., s. 980.08 (5), 2003
9 stats., or s. 980.08 (b) (4) (g). If the county department provides treatment and
10 services under this subdivision, the department of health and family services shall,
11 from the appropriation under s. 20.435 (2) (bj), pay the county department for the
12 costs of the treatment and services.

NOTE: Deletes the paragraph designation of a cross-reference inserted by 2005 Wis. Act 431, but rendered surplusage by the removal of the subsection portion of the cross-reference by 2005 Wis. Act 434.

13 **SECTION 77.** The treatment of 51.61 (1) (o) of the statutes by 2005 Wisconsin
14 Act 387 is not repealed by 2005 Wisconsin Act 434. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor s. 51.61 (1) (o) reads:

(o) Except as otherwise provided, have a right not to be filmed or taped, unless the patient signs an informed and voluntary consent that specifically authorizes a named

individual or group to film or tape the patient for a particular purpose or project during a specified time period. The patient may specify in the consent periods during which, or situations in which, the patient may not be filmed or taped. If a patient is adjudicated incompetent, the consent shall be granted on behalf of the patient by the patient's guardian. A patient in Goodland Hall at the Mendota Mental Health Institute, or a patient detained or committed under ch. 980 and placed in a facility specified under s. 980.065, may be filmed or taped for security purposes without the patient's consent, except that such a patient may not be filmed in patient bedrooms or bathrooms without the patient's consent unless the patient is engaged in dangerous or disruptive behavior. A treatment activity involving a patient committed or detained under ch. 980 may be filmed or taped if the purpose of the recording is to assess the quality of the treatment activity or to facilitate clinical supervision of the staff involved in the treatment activity.

1 **SECTION 78.** 54.44 (5m) (title) of the statutes is created to read:

2 **54.44 (5m) (title) PARTICIPATION BY INTERESTED PERSONS.**

NOTE: The other subsections in s. 54.44 have titles.

3 **SECTION 79.** 59.10 (3) (cm) 1. of the statutes, as created by 2005 Wisconsin Act
4 100, is amended to read:

5 **59.10 (3) (cm) 1.** 'Number of supervisors; redistricting.' Except as provided in
6 subd. 3, following the enactment of a decennial supervisory district plan under par.
7 (b), the board may decrease the number of supervisors. In that case, the board shall
8 redistrict, readjust, and change the boundaries of supervisory districts, so that the
9 number of districts equals the number of supervisors, the districts are substantially
10 equal in population according to the most recent countywide federal census, the
11 districts are in as compact a form as possible, and the districts consist of contiguous
12 whole wards in existence at the time at which the redistricting plan is adopted. In
13 the redistricting plan, the board shall adhere to the requirements under par. (b) 2.
14 and 3. with regard to contiguity and shall, to the extent possible, place whole
15 contiguous municipalities or contiguous parts of the same municipality within the
16 same district. In redistricting under this subdivision, the original numbers of the
17 districts in their geographic outlines, to the extent possible, shall be retained. No
18 plan may be enacted under this subdivision during review of the sufficiency of a

1 petition filed under subd. 2. nor after a referendum is scheduled on such a petition.
2 However, if the electors of the county reject a change in the number of supervisory
3 districts under subd. 2., the board may then take action under this subdivision except
4 as provided in subd. 3. The county clerk shall file a certified copy of any redistricting
5 plan enacted under this subdivision with the secretary of state.

NOTE: 2005 Wis. Act 235 repealed s. 59.10 (3) (b) 3.

6 **SECTION 80.** 59.35 (5) of the statutes, as affected by 2005 Wisconsin Act 127,
7 is amended to read:

8 59.35 (5) A person holding office under this section may also serve as ~~a~~ an
9 emergency medical technician, a first responder, a fire fighter or a chief, deputy chief
10 or assistant chief of a fire department.

NOTE: Inserts correct article.

11 **SECTION 81.** 60.61 (4) (e) of the statutes, as created by 2005 Wisconsin Act 208,
12 is renumbered 60.61 (4) (f).

NOTE: 2005 Wis. Act 171 also created a provision numbered s. 60.61 (4) (e).

13 **SECTION 82.** 66.0403 (1) (h) of the statutes is amended to read:

14 66.0403 (1) (h) "Owner" means at least one owner, as defined under s. 66.0217
15 (1) (e) (d), of a property or the personal representative of at least one owner.

NOTE: Corrects cross-reference. "Owner" is defined at s. 66.0217 (1) (d).

16 **SECTION 83.** 70.111 (3m) of the statutes is amended to read:

17 70.111 (3m) CHARTER SPORT FISHING BOATS. Motorboats, and the equipment
18 used on them, which are regularly employed in carrying persons for hire for sport
19 fishing in and upon the outlying waters, as defined in s. 29.001 (63), and the rivers
20 and tributaries specified in s. ~~29.191 (5)~~ 29.2285 (2) (a) 1. and 2. if the owner and all
21 operators are licensed under s. 29.512 or under s. 29.514 or both and by the U.S. coast
22 guard to operate the boat for that purpose.

NOTE: Section 29.191 (5) was renumbered s. 29.2285 (2) by 2005 Wis. Act 25.

1 **SECTION 84.** 71.07 (3w) (c) 1. of the statutes, as created by 2005 Wisconsin Act
2 361, is amended to read:

3 71.07 (3w) (c) 1. If the allowable amount of the claim under this subsection
4 exceeds the taxes otherwise due on the claimant's income under s. 71.02, the amount
5 of the claim that is not used to offset those taxes shall be certified by the department
6 of revenue to the department of administration for payment by check, share draft,
7 or other draft drawn from the appropriation under s. 20.835 (2) ~~(em)~~ (co).

NOTE: Section 20.835 (2) (cm), as created by 2005 Wis. Act 361, is renumbered to
s. 20.835 (2) (co) by this bill.

8 **SECTION 85.** 71.08 (1) (intro.) of the statutes, as affected by 2005 Wisconsin Act
9 479, is amended to read:

10 71.08 (1) IMPOSITION. (intro.) If the tax imposed on a natural person, married
11 couple filing jointly, trust, or estate under s. 71.02, not considering the credits under
12 ss. 71.07 (1), (2dd), (2de), (2di), (2dj), (2dL), (2dr), (2ds), (2dx), (2fd), ~~(3e), (3e)~~, (3m),
13 (3n), (3s), (3t), (3w), (5b), (5d), (5e), (5f), (6), (6e), and (9e), 71.28 (1dd), (1de), (1di),
14 (1dj), (1dL), (1ds), (1dx), (1fd), (2m), (3), (3n), (3t), and (3w), and 71.47 (1dd), (1de),
15 (1di), (1dj), (1dL), (1ds), (1dx), (1fd), (2m), (3), (3n), (3t), and (3w), and subchs. VIII
16 and IX and payments to other states under s. 71.07 (7), is less than the tax under this
17 section, there is imposed on that natural person, married couple filing jointly, trust
18 or estate, instead of the tax under s. 71.02, an alternative minimum tax computed
19 as follows:

NOTE: The creation of s. 71.07 (3c) and (3e) was removed from 2005 Wis. Act 361
by the governor's partial veto. 2005 Wis. Act 483 amended this subsection to insert "(5f),"
but 2005 Wis. Act 479 repealed and recreated the provision without taking the Act 483
treatment into account.

20 **SECTION 86.** 71.10 (5g) of the statutes, as created by 2005 Wisconsin Act 71, is
21 renumbered 71.10 (5m).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2005 Wis. Act 25 also created a provision numbered s. 71.10 (5g).

1 **SECTION 87.** The treatment of 71.10 (6) (a) of the statutes by 2005 Wisconsin
2 Act 25 is not repealed by 2005 Wisconsin Act 49. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 71.10 (6) (a) reads:

(a) *Joint returns.* Persons filing a joint return are jointly and severally liable for the tax, interest, penalties, fees, additions to tax and additional assessments under this chapter applicable to the return. Except as provided in par. (e), a person shall be relieved of liability in regard to a joint return in the manner specified in section 6015 (a) to (d) and (f) of the Internal Revenue Code.

3 **SECTION 88.** The treatment of 71.10 (6) (b) of the statutes by 2005 Wisconsin
4 Act 25 is not repealed by 2005 Wisconsin Act 49. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 71.10 (6) (b) reads:

(b) *Separate returns.* Except as provided in par. (e), a spouse filing a separate return may be relieved of liability for the tax, interest, penalties, fees, additions to tax and additional assessments under this chapter in the manner specified in section 66 (c) of the Internal Revenue Code. The department may not apply ch. 766 in assessing a taxpayer with respect to marital property income the taxpayer did not report if that taxpayer failed to notify the taxpayer's spouse about the amount and nature of the income before the due date, including extensions, for filing the return for the taxable year in which the income was derived. The department shall include all of that marital property income in the gross income of the taxpayer and exclude all of that marital property income from the gross income of the taxpayer's spouse.

5 **SECTION 89.** The treatment of 71.10 (6m) (a) of the statutes by 2005 Wisconsin
6 Act 25 is not repealed by 2005 Wisconsin Act 49. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 71.10 (6m) (a) reads:

(a) Except as provided in par. (c), a formerly married or remarried person filing a return for a period during which the person was married may be relieved of liability for the tax, interest, penalties, fees, additions to tax and additional assessments under this chapter from that period as if the person were a spouse under section 66 (c) of the Internal Revenue Code. The department may not apply ch. 766 in assessing the former spouse of the person with respect to marital property income that the former spouse did not report if that former spouse failed to notify the person about the amount and nature of the income before the due date, including extensions, for filing the return for the taxable year during which the income was derived. The department shall include all of that marital property income in the gross income of the former spouse and exclude all of that marital property income from the gross income of the person.

7 **SECTION 90.** The treatment of 71.26 (1) (be) of the statutes by 2005 Wisconsin
8 Act 74 is not repealed by 2005 Wisconsin Act 335. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 71.26 (1) (be) reads:

(be) *Certain authorities.* Income of the University of Wisconsin Hospitals and Clinics Authority, of the Health Insurance Risk-Sharing Plan Authority, of the Fox River Navigational System Authority, and of the Wisconsin Aerospace Authority.

1 **SECTION 91.** 71.28 (3w) (c) 1. of the statutes, as created by 2005 Wisconsin Act
2 361, is amended to read:

3 71.28 (3w) (c) 1. If the allowable amount of the claim under this subsection
4 exceeds the taxes otherwise due on the claimant's income under s. 71.23, the amount
5 of the claim that is not used to offset those taxes shall be certified by the department
6 of revenue to the department of administration for payment by check, share draft,
7 or other draft drawn from the appropriation under s. 20.835 (2) ~~(cm)~~ (co).

NOTE: Section 20.835 (2) (cm), as created by 2005 Wis. Act 361, is renumbered to s. 20.835 (2) (co) by this bill.

8 **SECTION 92.** 71.47 (3w) (c) 1. of the statutes, as created by 2005 Wisconsin Act
9 361, is amended to read:

10 71.47 (3w) (c) 1. If the allowable amount of the claim under this subsection
11 exceeds the taxes otherwise due on the claimant's income under s. 71.43, the amount
12 of the claim that is not used to offset those taxes shall be certified by the department
13 of revenue to the department of administration for payment by check, share draft,
14 or other draft drawn from the appropriation under s. 20.835 (2) ~~(cm)~~ (co).

NOTE: Section 20.835 (2) (cm), as created by 2005 Wis. Act 361, is renumbered to s. 20.835 (2) (co) by this bill.

15 **SECTION 93.** The treatment of 71.93 (5) of the statutes by 2005 Wisconsin Act
16 25 is not repealed by 2005 Wisconsin Act 59. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 71.93 (5) reads:

(5) **DEBTOR CHARGED FOR COSTS.** Each debtor shall be charged for administration expenses, and the amounts charged shall be credited to the department's appropriation under s. 20.566 (1) (h). The department may set off amounts charged to the debtor under this subsection against any refund owed to the debtor, in the manner provided in sub. (3). Annually on or before November 1, the department shall review its costs incurred during

the previous fiscal year in administering state agency setoffs and reductions and shall adjust its subsequent charges to each debtor to reflect that experience.

1 **SECTION 94.** The treatment of 71.935 (5) of the statutes by 2005 Wisconsin Act
2 25 is not repealed by 2005 Wisconsin Act 59. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 71.935 (5) reads:

(5) Each debtor shall be charged for administration expenses, and the amounts charged shall be credited to the appropriation account under s. 20.566 (1) (h). The department may set off amounts charged to the debtor under this subsection against any refund owed to the debtor, in the manner provided in sub. (3). Annually on or before November 1, the department shall review its costs incurred during the previous fiscal year in administering setoffs and reductions under this section and shall adjust its subsequent charges to each debtor to reflect that experience.

3 **SECTION 95.** The treatment of 74.25 (1) (b) 1. of the statutes by 2005 Wisconsin
4 Act 241 is not repealed by 2005 Wisconsin Act 418. All treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor s. 74.25 (1) (b) 1. reads:

1. Except as provided in subd. 3., pay in full to each taxing jurisdiction within the district all personal property taxes included in the tax roll which have not previously been paid to, or retained by, that taxing jurisdiction, except that the treasurer shall pay the state's proportionate share to the county. As part of that distribution, the taxation district treasurer shall allocate to each tax incremental district within the taxation district and each environmental remediation tax incremental district created by the taxation district its proportionate share of personal property taxes. The taxation district treasurer shall also distribute to the county the proportionate share of personal property taxes for each environmental remediation tax incremental district created by the county.

5 **SECTION 96.** The treatment of 74.30 (1) (i) of the statutes by 2005 Wisconsin Act
6 241 is not repealed by 2005 Wisconsin Act 418. All treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor s. 74.30 (1) (i) reads:

(i) Except as provided in par. (k), pay in full to each taxing jurisdiction within the district all personal property taxes included in the tax roll which have not previously been paid to, or retained by, each taxing jurisdiction, except that the treasurer shall pay the state's proportionate share to the county. As part of that distribution, the taxation district treasurer shall allocate to each tax incremental district within the taxation district and each environmental remediation tax incremental district created by the taxation district its proportionate share of personal property taxes. The taxation district treasurer shall also distribute to the county the proportionate share of personal property taxes for each environmental remediation tax incremental district created by the county.

7 **SECTION 97.** 76.636 (1) (b) of the statutes, as created by 2005 Wisconsin Act 259,
8 is renumbered 76.636 (1) (b) (intro.) and amended to read:

1 76.636 (1) (b) (intro.) "Development zone" means ~~a~~ any of the following:

2 1. A development zone under s. 560.70,~~a.~~

3 2. A development opportunity zone under s. 560.795,~~an.~~

4 3. An enterprise development zone under s. 560.797,~~or an.~~

5 4. An agricultural development zone under s. 560.798.

NOTE: Renumbers provision pursuant to s. 13.93 (1) (a) and (b) to place a series in tabular form for consistency with current style and improved readability.

6 **SECTION 98.** 76.636 (1) (e) of the statutes, as created by 2005 Wisconsin Act 259,
7 is renumbered 76.636 (1) (e) (intro.) and amended to read:

8 76.636 (1) (e) (intro.) "Member of a targeted group" means ~~a~~ any of the
9 following, if the person has been certified in the manner under s. 71.47 (1dj) (am) 3.
10 by a designated local agency, as defined in s. 71.47 (1dj) (am) 2.:

11 1. A person who resides in an area designated by the federal government as an
12 economic revitalization area,~~a.~~

13 2. A person who is employed in an unsubsidized job but meets the eligibility
14 requirements under s. 49.145 (2) and (3) for a Wisconsin Works employment position,
15 a.

16 3. A person who is employed in a trial job, as defined in s. 49.141 (1) (n),~~a.~~

17 4. A person who is eligible for child care assistance under s. 49.155,~~a.~~

18 5. A person who is a vocational rehabilitation referral,~~an.~~

19 6. An economically disadvantaged youth,~~an.~~

20 7. An economically disadvantaged veteran,~~a.~~

21 8. A supplemental security income recipient,~~a.~~

22 9. A general assistance recipient,~~an.~~

23 10. An economically disadvantaged ex-convict,~~a.~~

1 11. A qualified summer youth employee, as defined in 26 USC 51 (d) (7),~~a.~~

2 12. A dislocated worker, as defined in 29 USC 2801 (9),~~or a.~~

3 13. A food stamp recipient, if the person has been certified in the manner under

4 ~~s. 71.47 (1dj) (am) 3. by a designated local agency, as defined in s. 71.47 (1dj) (am) 2.~~

NOTE: Renumbers provision pursuant to s. 13.93 (1) (a) and (b) to place a series in tabular form for consistency with current style and improved readability.

5 **SECTION 99.** 76.636 (4) of the statutes, as created by 2005 Wisconsin Act 259,

6 is renumbered 76.636 (4) (intro.) and amended to read:

7 76.636 (4) CREDIT PRECLUDED. (intro.) If the certification of a person for tax

8 benefits under s. 560.765 (3), 560.797 (4), or 560.798 (3) is revoked, or if the person

9 becomes ineligible for tax benefits under s. 560.795 (3), that person may not ~~claim~~

10 do any of the following:

11 (a) Claim credits under this section for any of the following:

12 1. The taxable year that includes the day on which the certification is revoked;

13 ~~the.~~

14 2. The taxable year that includes the day on which the person becomes

15 ~~ineligible for tax benefits; or succeeding.~~

16 3. Succeeding taxable years and that person may not carry.

17 (b) Carry over unused credits from previous years to offset the fees under s.

18 ~~76.60, 76.63, 76.65, 76.66, or 76.67 for any of the following:~~

19 1. The taxable year that includes the day on which certification is revoked; the.

20 2. The taxable year that includes the day on which the person becomes

21 ~~ineligible for tax benefits; or succeeding.~~

22 3. Succeeding taxable years.

NOTE: Renumbers provision pursuant to s. 13.93 (1) (a) and (b) to place series in tabular form for consistency with current style and improved readability.

1 **SECTION 100.** 77.52 (2) (a) 10. of the statutes, as affected by 2005 Wisconsin Acts
2 149 and 344, is amended to read:

3 77.52 (2) (a) 10. Except for services provided by veterinarians and except for
4 installing or applying tangible personal property that, subject to par. (ag), when
5 installed or applied, will constitute an addition or capital improvement of real
6 property, the repair, service, alteration, fitting, cleaning, painting, coating, towing,
7 inspection, and maintenance of all items of tangible personal property unless, at the
8 time of that ~~the~~ repair, service, alteration, fitting, cleaning, painting, coating,
9 towing, inspection, or maintenance, a sale in this state of the type of property
10 repaired, serviced, altered, fitted, cleaned, painted, coated, towed, inspected, or
11 maintained would have been exempt to the customer from sales taxation under this
12 subchapter, other than the exempt sale of a motor vehicle or truck body to a
13 nonresident under s. 77.54 (5) (a) and other than nontaxable sales under s. 77.51
14 (14r). ~~juvenile~~ The tax imposed under this subsection applies to the repair, service,
15 alteration, fitting, cleaning, painting, coating, towing, inspection, or maintenance of
16 items listed in par. (ag), regardless of whether the installation or application of
17 tangible personal property related to the items is an addition to or a capital
18 improvement of real property, except that the tax imposed under this subsection does
19 not apply to the original installation or the complete replacement of an item listed
20 in par. (ag), if that ~~the~~ installation or replacement is a real property construction
21 activity under s. 77.51 (2).

NOTE: 2005 Wis. Act 149 replaced "such" with "the" in 2 places, and 2005 Wis. Act
344 replaced the same "such" with "that." Act 344 inserted "juvenile" in material that was
recreated as s. 77.52 (2) (ag) 39. (intro.). See the next SECTION of this bill.

22 **SECTION 101.** 77.52 (2) (ag) 39. of the statutes, as created by 2005 Wisconsin
23 Act 149, is repealed and recreated to read:

1 77.52 (2) (ag) 39. Equipment in offices, business facilities, schools, and
2 hospitals but not in residential facilities including personal residences, apartments,
3 long-term care facilities, as defined under s. 16.009 (1) (em), state institutions, as
4 defined under s. 101.123 (1) (i), Type 1 juvenile correctional facilities, as defined in
5 s. 938.02 (19), or similar facilities including, by way of illustration but not of
6 limitation, all of the following:

7 a. Lamps.

8 b. Chandeliers.

9 c. Fans.

10 d. Venetian blinds.

11 e. Canvas awnings.

12 f. Office and business machines.

13 g. Ice and milk dispensers.

14 h. Beverage-making equipment.

15 i. Vending machines.

16 j. Soda fountains.

17 k. Steam warmers and tables.

18 L. Compressors.

19 m. Condensing units and evaporative condensers.

20 n. Pneumatic conveying systems.

NOTE: Corrects numbering errors in 2005 Wis. Act 149 that resulted in there being
3 provisions numbered 77.52 (2) (ag) 39. f. and 3 provisions numbered 77.52 (2) (ag) 39.
g. No changes to text are made except that "secured" is replaced with "juvenile" in s. 77.52
(2) (ag) 39. (intro.) to effect a change made by 2005 Wis. Act 344 to s. 77.52 (2) (a) 10. that
did not take the treatment by Act 149 into account.

21 **SECTION 102.** The treatment of 77.54 (9a) (a) of the statutes by 2005 Wisconsin
22 Act 74 is not repealed by 2005 Wisconsin Act 335. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 77.54 (9a) (a) reads:

(a) This state or any agency thereof, the University of Wisconsin Hospitals and Clinics Authority, the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, and the Fox River Navigational System Authority.

1 **SECTION 103.** The treatment of 77.82 (4g) (b) of the statutes by 2005 Wisconsin
2 Act 64 is not repealed by 2005 Wisconsin Act 299. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 77.82 (4g) (b) reads:

(b) If an owner of land that is designated as managed forest land under an order that takes effect before April 28, 2004, wishes to have designated as managed forest land an additional parcel of land that is at least 3 acres in size, that does not satisfy the requirements in sub. (1), and that is contiguous to any of that designated land, the owner may withdraw the designated land from the original order and may petition the department under sub. (2) for a new order covering both the withdrawn land and the additional land. The withdrawal tax and the withdrawal fee under s. 77.88 (5) and (5m) do not apply to a withdrawal under this paragraph.

3 **SECTION 104.** The treatment of 84.01 (13) of the statutes by 2005 Wisconsin Act
4 89 is not repealed by 2005 Wisconsin Act 410. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 84.01 (13) reads:

(13) **ENGINEERING SERVICES.** The department may engage such engineering, consulting, surveying, or other specialized services as it deems advisable. Any engagement of services under this subsection is exempt from ss. 16.70 to 16.75, 16.755 to 16.82, and 16.85 to 16.89, but ss. 16.528, 16.752, 16.753, and 16.754 apply to such engagement. Any engagement involving an expenditure of \$3,000 or more shall be by formal contract approved by the governor. The department shall conduct a uniform cost-benefit analysis, as defined in s. 16.70 (3g), of each proposed engagement under this subsection that involves an estimated expenditure of more than \$25,000 in accordance with standards prescribed by rule of the department. The department shall review periodically, and before any renewal, the continued appropriateness of contracting pursuant to each engagement under this subsection that involves an estimated expenditure of more than \$25,000.

5 **SECTION 105.** 84.1034 of the statutes, as created by 2005 Wisconsin Act 338,
6 is renumbered 84.10345.

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2005 Wis. Act 238 also created a provision numbered s. 84.1034.

7 **SECTION 106.** The treatment of 95.21 (2) (a) of the statutes by 2005 Wisconsin
8 Act 236 is not repealed by 2005 Wisconsin Act 240. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 95.21 (2) (a) reads:

(a) *Requirement for vaccination.* Except as provided in s. 174.054 or sub. (9) (d), the owner of a dog shall have the dog vaccinated against rabies by a veterinarian or, if a veterinarian is physically present at the location the vaccine is administered, by a veterinary technician, pursuant to s. 453.05 (2) (d), at no later than 5 months of age and revaccinated within one year after the initial vaccination. If the owner obtains the dog or brings the dog into this state after the dog has reached 5 months of age, the owner shall have the dog vaccinated against rabies within 30 days after the dog is obtained or brought into the state unless the dog has been vaccinated as evidenced by a current certificate of rabies vaccination from this state or another state. The owner of a dog shall have the dog revaccinated against rabies by a veterinarian or, if a veterinarian is physically present at the location the vaccine is administered, by a veterinary technician, pursuant to s. 453.05 (2) (d), before the date that the immunization expires as stated on the certificate of vaccination or, if no date is specified, within 3 years after the previous vaccination.

1 **SECTION 107.** 95.55 (5) (bg) 4. of the statutes, as created by 2005 Wisconsin Act
2 359, is amended to read:

3 95.55 (5) (bg) 4. Before ~~to~~ January 1, 2003, the owner offered for sale the
4 opportunity to hunt as authorized under the license.

NOTE: Deletes unnecessary word.

5 **SECTION 108.** 100.525 (2) (a) (intro.) of the statutes, as created by 2005
6 Wisconsin Act 261, is amended to read:

7 100.525 (2) (a) (intro.) Obtain, or attempt to obtain, a telephone record that
8 pertains to a customer who is a resident of this state, without the customer's consent,
9 by doing any of the following:

NOTE: Inserts missing article.

10 **SECTION 109.** 100.54 (1) (a) of the statutes, as created by 2005 Wisconsin Act
11 140, is amended to read:

12 100.54 (1) (a) "Business day" means a business day, as defined in s. 421.301 (6),
13 that is not a legal holiday under s. ~~895.20~~ 995.20 or a federal legal holiday.

NOTE: Corrects cross-reference. Section 895.20 was renumbered to s. 995.20 by
2005 Wis. Act 155.

14 **SECTION 110.** 100.54 (8) (d) of the statutes, as created by 2005 Wisconsin Act
15 140, is amended to read:

1 100.54 (8) (d) A child support agency acting pursuant to 42 USC ~~651-669b~~ 651
2 to 669b.

NOTE: Makes citation form consistent with other statutes to allow electronic linking.

3 **SECTION 111.** The treatment of 101.177 (1) (d) of the statutes by 2005 Wisconsin
4 Act 74 is not repealed by 2005 Wisconsin Act 335. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 101.177 (1) (d) reads:

(d) "State agency" means any office, department, agency, institution of higher education, association, society, or other body in state government created or authorized to be created by the constitution or any law, that is entitled to expend moneys appropriated by law, including the legislature and the courts, the Wisconsin Housing and Economic Development Authority, the Bradley Center Sports and Entertainment Corporation, the University of Wisconsin Hospitals and Clinics Authority, the Wisconsin Aerospace Authority, and the Wisconsin Health and Educational Facilities Authority, but excluding the Health Insurance Risk-Sharing Plan Authority.

5 **SECTION 112.** The treatment of 102.29 (1) of the statutes by 2005 Wisconsin Act
6 172 is not repealed by 2005 Wisconsin Act 253. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 102.29 (1) reads:

(1) The making of a claim for compensation against an employer or compensation insurer for the injury or death of an employee shall not affect the right of the employee, the employee's personal representative, or other person entitled to bring action, to make claim or maintain an action in tort against any other party for such injury or death, hereinafter referred to as a 3rd party; nor shall the making of a claim by any such person against a 3rd party for damages by reason of an injury to which ss. 102.03 to 102.64 are applicable, or the adjustment of any such claim, affect the right of the injured employee or the employee's dependents to recover compensation. The employer or compensation insurer who shall have paid or is obligated to pay a lawful claim under this chapter shall have the same right to make claim or maintain an action in tort against any other party for such injury or death. If the department pays or is obligated to pay a claim under s. 102.81 (1), the department shall also have the right to maintain an action in tort against any other party for the employee's injury or death. However, each shall give to the other reasonable notice and opportunity to join in the making of such claim or the instituting of an action and to be represented by counsel. If a party entitled to notice cannot be found, the department shall become the agent of such party for the giving of a notice as required in this subsection and the notice, when given to the department, shall include an affidavit setting forth the facts, including the steps taken to locate such party. Each shall have an equal voice in the prosecution of said claim, and any disputes arising shall be passed upon by the court before whom the case is pending, and if no action is pending, then by a court of record or by the department. If notice is given as provided in this subsection, the liability of the tort-feasor shall be determined as to all parties having a right to make claim, and irrespective of whether or not all parties join in prosecuting such claim, the proceeds of such claim shall be divided as follows: After deducting the reasonable cost of collection, one-third of the remainder shall in any event be paid to the injured employee

or the employee's personal representative or other person entitled to bring action. Out of the balance remaining, the employer, insurance carrier, or, if applicable, uninsured employers fund shall be reimbursed for all payments made by it, or which it may be obligated to make in the future, under this chapter, except that it shall not be reimbursed for any payments made or to be made under s. 102.18 (1) (bp), 102.22, 102.35 (3), 102.57, or 102.60. Any balance remaining shall be paid to the employee or the employee's personal representative or other person entitled to bring action. If both the employee or the employee's personal representative or other person entitled to bring action, and the employer, compensation insurer, or department, join in the pressing of said claim and are represented by counsel, the attorney fees allowed as a part of the costs of collection shall be, unless otherwise agreed upon, divided between such attorneys as directed by the court or by the department. A settlement of any 3rd-party claim shall be void unless said settlement and the distribution of the proceeds thereof is approved by the court before whom the action is pending and if no action is pending, then by a court of record or by the department.

1 **SECTION 113.** 102.29 (4) of the statutes is amended to read:

2 102.29 (4) If the employer and the 3rd party are insured by the same insurer,
3 or by the insurers who are under common control, the employer's insurer shall
4 promptly notify the parties in interest and the department. If the employer has
5 assumed the liability of the 3rd party, it shall give similar notice, in default of which
6 any settlement with an injured employee or beneficiary is void. This subsection does
7 not prevent the employer or compensation insurer from sharing in the proceeds of
8 any ~~3rd party~~ 3rd-party claim or action, as set forth in sub. (1).

NOTE: Corrects spelling.

9 **SECTION 114.** The treatments of 102.81 (2) of the statutes by 2005 Wisconsin
10 Acts 172 and 253 are not repealed by 2005 Wisconsin Act 410. All treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 102.81 (2) reads:

(2) The department may retain an insurance carrier or insurance service organization to process, investigate and pay claims under this section and may obtain excess or stop-loss reinsurance with an insurance carrier authorized to do business in this state in an amount that the secretary determines is necessary for the sound operation of the uninsured employers fund. In cases involving disputed claims, the department may retain an attorney to represent the interests of the uninsured employers fund and to make appearances on behalf of the uninsured employers fund in proceedings under ss. 102.16 to 102.29. Section 20.930 and all provisions of subch. IV of ch. 16, except 16.753, do not apply to an attorney hired under this subsection. The charges for the services retained under this subsection shall be paid from the appropriation under s. 20.445 (1) (rp). The cost of any reinsurance obtained under this subsection shall be paid from the appropriation under s. 20.445 (1) (sm).

1 **SECTION 115.** 106.52 (3) (am) 1. of the statutes, as affected by 2005 Wisconsin
2 Act 354, section 6, is renumbered 106.52 (3) (am) 1. (intro.) and amended to read:

3 106.52 (3) (am) 1. (intro.) Subject to subds. 2., 3., and 4., no person may refuse
4 do any of the following:

5 a. Refuse to permit entrance into, or use of, or otherwise deny the full and equal
6 enjoyment of any public place of accommodation or amusement to a person with a
7 disability or to a service animal trainer because the person with a disability or the
8 trainer is accompanied by a service animal; ~~charge.~~

9 b. Charge a person with a disability or a service animal trainer a higher price
10 than the regular rate, including a deposit or surcharge, for the full and equal
11 enjoyment of any public place of accommodation or amusement because the person
12 with a disability or the trainer is accompanied by a service animal; ~~or directly.~~

13 c. Directly or indirectly publish, circulate, display, or mail any written
14 communication that the communicator knows is to the effect that entrance into, or
15 use of, or the full and equal enjoyment of any of the facilities of the public place of
16 accommodation or amusement will be denied to a person with a disability or a service
17 animal trainer because the person with a disability or the trainer is accompanied by
18 a service animal or that the patronage of a person with a disability or a service animal
19 trainer is unwelcome, objectionable, or unacceptable because the person with a
20 disability or the trainer is accompanied by a service animal.

NOTE: Renumbers provision pursuant to s. 13.93 (1) (a) and (b) to place a series in
tabular form for consistency with current style and improved readability.

21 **SECTION 116.** 108.05 (1) (n) (intro.) of the statutes, as affected by 2005
22 Wisconsin Act 86, is amended to read:

1 108.05 (1) (n) (intro.) Each eligible employee shall be paid benefits for each
2 week of total unemployment ~~which~~ that commences on or after December 29, 2002,
3 and before January 1, 2006, at the weekly benefit rate specified in this paragraph.
4 Unless sub. (1m) applies, the weekly benefit rate shall equal 4% of the employee's
5 base period wages ~~which~~ that were paid during that quarter of the employee's base
6 period in which the employee was paid the highest total wages, rounded down to the
7 nearest whole dollar, except that, if that amount is less than the minimum amount
8 shown in the following schedule, no benefits are payable to the employee and, if that
9 amount is more than the maximum amount shown in the following schedule, the
10 employee's weekly benefit rate shall be the maximum amount shown in the following
11 schedule and except that, if the employee's benefits are exhausted during any week
12 under s. 108.06 (1), the employee shall be paid the remaining amount of benefits
13 payable to the employee in lieu of the amount shown in the following schedule: [See
14 Figure 108.05 (1) (n) following]

NOTE: 2005 Wis. Act 86 inserted "which" without showing it as underscored and
deleted "that" without showing it as stricken. No change was intended.

15 **SECTION 117.** 108.068 (8) of the statutes, as affected by 2005 Wisconsin Act 86,
16 is amended to read:

17 108.068 (8) The department shall treat a limited liability company that files
18 proof under sub. (7) as a partnership or sole proprietorship under this chapter
19 beginning on the same date that the federal internal revenue service treats the
20 company as a partnership or sole proprietorship for federal tax purposes, except that
21 for benefit purposes the treatment shall apply to benefit years in existence on or
22 beginning on or after the date that the federal internal revenue service treats the
23 company as a partnership or sole proprietorship for federal tax purposes if the

1 benefit year to which the treatment is to be applied has not ended on the date that
2 the department first has notice of a benefit eligibility issue that relates to treatment
3 of that limited liability company.

NOTE: Inserts "limited" consistent with the treatment of s. 108.068 (2) by 2005 Wis. Act 86, which inserted language in that provision that was otherwise identical to the language inserted in this provision by Act 86.

4 **SECTION 118.** The treatment of 114.135 (2) of the statutes by 2005 Wisconsin
5 Act 335 is not repealed by 2005 Wisconsin Act 387. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor s. 114.135 (2) reads:

(2) NOTICE; CLAIM FOR DAMAGES. In case of any airport landing field or landing and take-off strip, or spaceport or spacecraft launch or landing area, owned by any city, village, town, or county or any union of them, the commission or other body in charge of the operation and control of the airport, landing field, or landing and take-off strip, or spaceport or spacecraft launch or landing area, may prepare and record without charge with the register of deeds plans and specifications showing the protection privileges sought as described in sub. (1). The commission or other body in charge shall send by registered mail with return receipt to each owner at his or her last-known address a notice stating that the plans and specifications have been recorded with the register of deeds' office, stating the county, time of recording, the record number, and a brief description of the parcel of land or interest therein affected. If the address of the owner cannot be ascertained or the registered letter is returned unclaimed, notice shall be sent by registered mail to the person in possession of the premises. If no person is in possession, then the notice shall be posted in a conspicuous place on the land involved and published as a class 3 notice, under ch. 985, in the area affected. The right of the owner to claim for damages for the protection regulations imposed in the plans and specifications, or the removal of obstructions shall be forever barred, unless the owner files a claim for damages with the commission or other body in charge within 6 months from the receipt of the notice from the commission, or other body in charge, or the posting and last publication. The claim shall be verified and shall state the amount of damages claimed. The commission or other body in charge may pay the damages, if it has available funds, and the payment shall operate as a conveyance. If no claims for payment are filed or if payment is made, the commission or other body in charge shall file an affidavit for each parcel involved setting forth the rights acquired which shall be recorded by the register of deeds without charge and when so recorded has the same effect as any recorded instrument. If any owner is a minor or is adjudicated incompetent, the notice may be sent by registered mail to the owner's guardian, if he or she has one, and if there is none the circuit court of the county in which the land, or a larger part, is located shall upon application of the commission or other body in charge appoint a guardian to receive the notice, and to protect the rights of the owner. Any funds payable to the owner shall be cared for in the manner provided in ch. 54. If the commission or other body in charge determines that the damages claimed are excessive, it shall so report to the governing body that established the airport, landing field or landing and take-off strip, or spaceport or spacecraft launch or landing area, in question and with its consent may acquire in the name of the governmental body the protection privilege desired in the manner set forth in sub. (1) or it may deposit with the county clerk an award and notify the owner of the land involved in the method specified in this subsection. The landowner may accept the award without prejudice to his or her right to claim and contest for a greater sum. The

landowner may, within a period of 6 months after notice of the award, proceed as provided in ch. 32 to have the damages appraised.

1 **SECTION 119.** 115.76 (14) of the statutes, as affected by 2005 Wisconsin Act 258,
2 is renumbered 115.76 (14) (a) (intro.) and amended to read:

3 115.76 (14) (a) (intro.) "Related services" means transportation and such
4 developmental, corrective, and other supportive services ~~(as may be required to~~
5 ~~assist a child with a disability to benefit from special education,~~ including
6 ~~speech-language~~ all of the following:

7 1. Speech-language pathology and audiology services; ~~interpreting.~~

8 2. Interpreting services; ~~psychological.~~

9 3. Psychological services; ~~physical.~~

10 4. Physical and occupational therapy; ~~recreation.~~

11 5. Recreation, including therapeutic recreation; ~~social.~~

12 6. Social work services; ~~school.~~

13 7. School nursing services designed to enable a child with a disability to receive
14 a free appropriate public education as described in the child's individualized
15 education program; ~~counseling.~~

16 8. Counseling services, including rehabilitative counseling; ~~orientation.~~

17 9. Orientation and mobility services; ~~medical.~~

18 10. Medical services for diagnostic and evaluative purposes only; ~~and the.~~

19 11. The early identification and assessment of disabling conditions in children)
20 ~~as may be required to assist a child with a disability to benefit from special education.~~

21 (b) "Related services" does not include a medical device that is surgically
22 implanted or the replacement of such a device.

NOTE: Renumbers provision pursuant to s. 13.93 (1) (a) and (b) to place a series in tabular form and to allow removal of parentheses for consistency with current style and improved readability.