



## 2007 SENATE BILL 301

November 2, 2007 – Introduced by LAW REVISION COMMITTEE. Referred to  
Committee on Ethics Reform and Government Operations.

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).

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***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 a change in 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.

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

6           **SECTION 1.** The treatment of 6.03 (1) (a) of the statutes by 2005 Wisconsin Act  
7           149 is not repealed by 2005 Wisconsin Act 387. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor s. 6.03 (1) (a)  
reads:

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(a) Any person who is incapable of understanding the objective of the elective process or who is under guardianship, unless the court has determined that the person is competent to exercise the right to vote.

1           **SECTION 2.** The treatment of 13.172 (1) of the statutes by 2005 Wisconsin Act  
2 74 is not repealed by 2005 Wisconsin Act 335.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. 13.172 (1) reads:

(1) In this section, “agency” means an 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, and any authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 231, 233, or 234.

3           **SECTION 3.** The treatment of 13.62 (2) of the statutes by 2005 Wisconsin Act 74  
4 is not repealed by 2005 Wisconsin Act 335. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 13.62 (2) reads:

(2) “Agency” means any board, commission, department, office, society, institution of higher education, council, or committee in the state government, or any authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 231, 232, 233, 234, or 237, except that the term does not include a council or committee of the legislature.

5           **SECTION 4.** The treatment of 13.95 (intro.) of the statutes by 2005 Wisconsin  
6 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. 13.95 (intro.) reads:

**13.95 Legislative fiscal bureau.** (intro.) There is created a bureau to be known as the “Legislative Fiscal Bureau” headed by a director. The fiscal bureau shall be strictly nonpartisan and shall at all times observe the confidential nature of the research requests received by it; however, with the prior approval of the requester in each instance, the bureau may duplicate the results of its research for distribution. Subject to s. 230.35 (4) (a) and (f), the director or the director’s designated employees shall at all times, with or without notice, have access to all state agencies, 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, and to any books, records, or other documents maintained by such agencies or authorities and relating to their expenditures, revenues, operations, and structure.

7           **SECTION 5.** The treatment of 15.07 (1) (cm) of the statutes by 2005 Wisconsin  
8 Act 25 is not repealed by 2005 Wisconsin Act 76. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 15.07 (1) (cm) reads:

(cm) The term of one member of the ethics board shall expire on each May 1. The terms of 3 members of the development finance board appointed under s. 15.155 (1) (a)

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6. shall expire on May 1 of every even-numbered year and the terms of the other 3 members appointed under s. 15.155 (1) (a) 6. shall expire on May 1 of every odd-numbered year. The terms of the 3 members of the land and water conservation board appointed under s. 15.135 (4) (b) 2. shall expire on January 1. The term of the member of the land and water conservation board appointed under s. 15.135 (4) (b) 2m. shall expire on May 1 of an even-numbered year. The terms of members of the real estate board shall expire on July 1. The terms of the appraiser members of the real estate appraisers board and the terms of the auctioneer and auction company representative members of the auctioneer board shall expire on May 1 in an even-numbered year. The terms of the members of the cemetery board shall expire on July 1 in an even-numbered year. The term of the student member of the Board of Regents of the University of Wisconsin System who is at least 24 years old shall expire on May 1 of every even-numbered year.

1           **SECTION 6.** The treatment of 16.002 (2) of the statutes by 2005 Wisconsin Act  
2           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. 16.002 (2) reads:

(2) "Departments" means constitutional offices, departments, and independent agencies and includes all societies, associations, and other agencies of state government for which appropriations are made by law, but not including authorities created in subch. II of ch. 114 or subch. III of ch. 149 and in chs. 231, 232, 233, 234, 235, and 237.

3           **SECTION 7.** The treatment of 16.004 (4) of the statutes by 2005 Wisconsin Act  
4           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. 16.004 (4) reads:

(4) FREEDOM OF ACCESS. The secretary and such employees of the department as the secretary designates may enter into the offices of state agencies and authorities created under subch. II of ch. 114 or subch. III of ch. 149 and under chs. 231, 233, 234, and 237, and may examine their books and accounts and any other matter that in the secretary's judgment should be examined and may interrogate the agency's employees publicly or privately relative thereto.

5           **SECTION 8.** The treatment of 16.004 (5) of the statutes by 2005 Wisconsin Act  
6           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. 16.004 (5) reads:

(5) AGENCIES AND EMPLOYEES TO COOPERATE. All state agencies and authorities created under subch. II of ch. 114 or subch. III of ch. 149 and under chs. 231, 233, 234, and 237, and their officers and employees, shall cooperate with the secretary and shall comply with every request of the secretary relating to his or her functions.

7           **SECTION 9.** The treatment of 16.004 (12) (a) of the statutes by 2005 Wisconsin  
8           Act 74 is not repealed by 2005 Wisconsin Act 335. Both treatments stand.

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NOTE: There is no conflict of substance. As merged by the revisor, s. 16.004 (12) (a) reads:

(a) In this subsection, “state agency” means an association, authority, board, department, commission, independent agency, institution, office, society, or other body in state government created or authorized to be created by the constitution or any law, including the legislature, the office of the governor, and the courts, but excluding 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 10.** The treatment of 16.045 (1) (a) of the statutes by 2005 Wisconsin  
2 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. 16.045 (1) (a) reads:

(a) “Agency” means an office, department, independent 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, but not including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 231, 232, 233, 234, 235, or 237.

3           **SECTION 11.** 16.22 (2) (k) of the statutes is amended to read:

4           16.22 (2) (k) Coordinate its activities with the activities of the corporation, ~~the~~  
5 ~~federal ACTION~~ agency established under 42 USC 5041 and any state agency that  
6 administers federal financial assistance under 42 USC 9901 to 9912 or any other  
7 federal financial assistance program with which coordination would be appropriate.

NOTE: Section 42 USC 5041 was repealed by P.L. 103-82, which provided that the functions of the ACTION agency be transferred to the corporation.

8           **SECTION 12.** 16.25 (5) of the statutes, as affected by 2005 Wisconsin Act 142,  
9 is amended to read:

10           16.25 (5) The board shall establish by rule a process by which a volunteer fire  
11 fighter, first provider responder, or emergency medical technician may appeal to the  
12 board any decision made by the department or by an individual or organization  
13 under contract with the board under sub. (4) that affects a substantial interest of the  
14 volunteer fire fighter, first responder, or emergency medical technician under the  
15 program.

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NOTE: Inserts correct terminology.

1           **SECTION 13.** The treatment of 16.41 (4) of the statutes by 2005 Wisconsin Act  
2           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. 16.41 (4) reads:

(4) In this section, "authority" means a body created under subch. II of ch. 114 or subch. III of ch. 149 or under ch. 231, 233, 234, or 237.

3           **SECTION 14.** The treatment of 16.52 (7) of the statutes by 2005 Wisconsin Act  
4           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. 16.52 (7) reads:

(7) **PETTY CASH ACCOUNT.** With the approval of the secretary, each agency that is authorized to maintain a contingent fund under s. 20.920 may establish a petty cash account from its contingent fund. The procedure for operation and maintenance of petty cash accounts and the character of expenditures therefrom shall be prescribed by the secretary. In this subsection, "agency" means an office, department, independent 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, but not including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 231, 233, 234, or 237.

5           **SECTION 15.** 16.526 (2) of the statutes is amended to read:

6           16.526 (2) The net proceeds of revenue obligations issued under subch. II of ch.  
7           18, as authorized under this section, shall be deposited in a fund in the state treasury,  
8           or an account maintained by a trustee, created under s. 18.57 (1). The moneys shall  
9           be applied for ancillary payments and for the provision of reserves, as determined  
10          by the building commission, and for the payment of part or all of the state's unfunded  
11          prior service liability under s. 40.05 (2) (b) and the state's unfunded liability under  
12          s. 40.05 (4) (b), (bc), and (bw) and subch. IX of ch. 40, as determined by the  
13          department, and any remainder shall be paid into a retirement liability obligation  
14          redemption fund created under s. 18.562 (3).

NOTE: Inserts missing "s." The change is in the printed statutes.

15          **SECTION 16.** The treatment of 16.528 (1) (a) of the statutes by 2005 Wisconsin  
16          Act 74 is not repealed by 2005 Wisconsin Act 335. Both treatments stand.

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NOTE: There is no conflict of substance. As merged by the revisor, s. 16.528 (1) (a) reads:

(a) “Agency” means an office, department, independent 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, but not including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 231, 233, 234, or 237.

1           **SECTION 17.** The treatment of 16.53 (2) of the statutes by 2005 Wisconsin Act  
2           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. 16.53 (2) reads:

(2) **IMPROPER INVOICES.** If an agency receives an improperly completed invoice, the agency shall notify the sender of the invoice within 10 working days after it receives the invoice of the reason it is improperly completed. In this subsection, “agency” means an office, department, independent 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, but not including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 231, 233, 234, or 237.

3           **SECTION 18.** The treatment of 16.54 (9) (a) 1. 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. 16.54 (9) (a) 1. reads:

1. “Agency” means an office, department, independent 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, which is entitled to expend moneys appropriated by law, including the legislature and the courts, but not including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 231, 233, 234, or 237.

5           **SECTION 19.** The treatment of 16.70 (2) of the statutes by 2005 Wisconsin Act  
6           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. 16.70 (2) reads:

(2) “Authority” means a body created under subch. II of ch. 114 or subch. III of ch. 149 or under ch. 231, 232, 233, 234, 235, or 237.

7           **SECTION 20.** 16.75 (1m) of the statutes, as affected by 2005 Wisconsin Acts 74  
8           and 335, is amended to read:

9           16.75 (1m) The department shall award each order or contract for materials,  
10          supplies or equipment on the basis of life cycle cost estimates, whenever such action

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1 is appropriate. Each authority other than the University of Wisconsin Hospitals and  
2 Clinics Authority and, the Wisconsin Aerospace Authority, and the Health Insurance  
3 Risk-Sharing Plan Authority shall award each order or contract for materials,  
4 supplies or equipment on the basis of life cycle cost estimates, whenever such action  
5 is appropriate. The terms, conditions and evaluation criteria to be applied shall be  
6 incorporated in the solicitation of bids or proposals. The life cycle cost formula may  
7 include, but is not limited to, the applicable costs of energy efficiency, acquisition and  
8 conversion, money, transportation, warehousing and distribution, training,  
9 operation and maintenance, and disposition or resale. The department shall prepare  
10 documents containing technical guidance for the development and use of life cycle  
11 cost estimates, and shall make the documents available to local governmental units.

NOTE: Corrects punctuation.

12 **SECTION 21.** The treatment of 16.765 (1) of the statutes by 2005 Wisconsin Act  
13 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. 16.765 (1)  
reads:

(1) Contracting agencies, the University of Wisconsin Hospitals and Clinics  
Authority, the Fox River Navigational System Authority, the Wisconsin Aerospace  
Authority, the Health Insurance Risk-Sharing Plan Authority, and the Bradley Center  
Sports and Entertainment Corporation shall include in all contracts executed by them  
a provision obligating the contractor not to discriminate against any employee or  
applicant for employment because of age, race, religion, color, handicap, sex, physical  
condition, developmental disability as defined in s. 51.01 (5), sexual orientation as  
defined in s. 111.32 (13m), or national origin and, except with respect to sexual  
orientation, obligating the contractor to take affirmative action to ensure equal  
employment opportunities.

14 **SECTION 22.** The treatment of 16.765 (2) of the statutes by 2005 Wisconsin Act  
15 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. 16.765 (2)  
reads:

(2) Contracting agencies, the University of Wisconsin Hospitals and Clinics  
Authority, the Fox River Navigational System Authority, the Wisconsin Aerospace  
Authority, the Health Insurance Risk-Sharing Plan Authority, and the Bradley Center  
Sports and Entertainment Corporation shall include the following provision in every

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contract executed by them: “In connection with the performance of work under this contract, the contractor agrees not to discriminate against any employee or applicant for employment because of age, race, religion, color, handicap, sex, physical condition, developmental disability as defined in s. 51.01 (5), sexual orientation or national origin. This provision shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. Except with respect to sexual orientation, the contractor further agrees to take affirmative action to ensure equal employment opportunities. The contractor agrees to post in conspicuous places, available for employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of the nondiscrimination clause”.

- 1       **SECTION 23.** The treatment of 16.765 (4) of the statutes by 2005 Wisconsin Act  
2       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. 16.765 (4) reads:

(4) Contracting agencies, the University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational System Authority, the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, and the Bradley Center Sports and Entertainment Corporation shall take appropriate action to revise the standard government contract forms under this section.

- 3       **SECTION 24.** The treatment of 16.765 (5) of the statutes by 2005 Wisconsin Act  
4       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. 16.765 (5) reads:

(5) The head of each contracting agency and the boards of directors of the University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational System Authority, the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, and the Bradley Center Sports and Entertainment Corporation shall be primarily responsible for obtaining compliance by any contractor with the nondiscrimination and affirmative action provisions prescribed by this section, according to procedures recommended by the department. The department shall make recommendations to the contracting agencies and the boards of directors of the University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational System Authority, the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, and the Bradley Center Sports and Entertainment Corporation for improving and making more effective the nondiscrimination and affirmative action provisions of contracts. The department shall promulgate such rules as may be necessary for the performance of its functions under this section.

- 5       **SECTION 25.** The treatment of 16.765 (6) of the statutes by 2005 Wisconsin Act  
6       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. 16.765 (6) reads:

(6) The department may receive complaints of alleged violations of the nondiscrimination provisions of such contracts. The department shall investigate and

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determine whether a violation of this section has occurred. The department may delegate this authority to the contracting agency, the University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational System Authority, the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, or the Bradley Center Sports and Entertainment Corporation for processing in accordance with the department's procedures.

1           **SECTION 26.** The treatment of 16.765 (7) (intro.) of the statutes by 2005  
2   Wisconsin 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. 16.765 (7) (intro.) reads:

(7) (intro.) When a violation of this section has been determined by the department, the contracting agency, the University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational System Authority, the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, or the Bradley Center Sports and Entertainment Corporation, the contracting agency, the University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational System Authority, the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, or the Bradley Center Sports and Entertainment Corporation shall:

3           **SECTION 27.** The treatment of 16.765 (7) (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. 16.765 (7) (d) reads:

(d) Direct the violating party to take immediate steps to prevent further violations of this section and to report its corrective action to the contracting agency, the University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational System Authority, the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, or the Bradley Center Sports and Entertainment Corporation.

5           **SECTION 28.** The treatment of 16.765 (8) of the statutes by 2005 Wisconsin Act  
6   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. 16.765 (8) reads:

(8) If further violations of this section are committed during the term of the contract, the contracting agency, the Fox River Navigational System Authority, the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, or the Bradley Center Sports and Entertainment Corporation may permit the violating party to complete the contract, after complying with this section, but thereafter the contracting agency, the Fox River Navigational System Authority, the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, or the Bradley Center Sports and Entertainment Corporation shall request the department to place the name of the party on the ineligible list for state contracts, or the contracting agency, the Fox River Navigational System Authority, the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, or the Bradley Center Sports and Entertainment Corporation may terminate the contract without liability for the

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uncompleted portion or any materials or services purchased or paid for by the contracting party for use in completing the contract.

1           **SECTION 29.** The treatment of 16.85 (2) of the statutes by 2005 Wisconsin Act  
2 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. 16.85 (2) reads:

(2) To furnish engineering, architectural, project management, and other building construction services whenever requisitions therefor are presented to the department by any agency. The department may deposit moneys received from the provision of these services in the account under s. 20.505 (1) (kc) or in the general fund as general purpose revenue — earned. In this subsection, “agency” means an office, department, independent 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, which is entitled to expend moneys appropriated by law, including the legislature and the courts, but not including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 231, 233, 234, or 237.

3           **SECTION 30.** The treatment of 16.865 (8) of the statutes by 2005 Wisconsin Act  
4 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. 16.865 (8) reads:

(8) Annually in each fiscal year, allocate as a charge to each agency a proportionate share of the estimated costs attributable to programs administered by the agency to be paid from the appropriation under s. 20.505 (2) (k). The department may charge premiums to agencies to finance costs under this subsection and pay the costs from the appropriation on an actual basis. The department shall deposit all collections under this subsection in the appropriation account under s. 20.505 (2) (k). Costs assessed under this subsection may include judgments, investigative and adjustment fees, data processing and staff support costs, program administration costs, litigation costs, and the cost of insurance contracts under sub. (5). In this subsection, “agency” means an office, department, independent 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, but not including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 231, 232, 233, 234, 235, or 237.

5           **SECTION 31.** The treatment of 16.997 (2) (b) of the statutes by 2005 Wisconsin  
6 Act 25 is not repealed by 2005 Wisconsin Act 344. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 16.997 (2) (b) reads:

(b) Establish eligibility requirements for an educational agency to participate in the program established under sub. (1) and to receive additional telecommunications access under s. 16.998, including a requirement that a charter school sponsor use data lines and video links to benefit pupils attending the charter school and a requirement that Internet access to material that is harmful to children, as defined in s. 948.11 (1) (b), is blocked on the computers of juvenile correctional facilities that are served by data links and video links subsidized under this section.

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1           **SECTION 32.** The treatment of 16.997 (2) (f) of the statutes by 2005 Wisconsin  
2 Act 25 is not repealed by 2005 Wisconsin Act 344. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 16.997 (2) (f) reads:

(f) Ensure that juvenile correctional facilities that receive access under this section to data lines and video links or that receive additional access under s. 16.998 to data lines, video links, and bandwidth use those data lines and video links and that bandwidth only for educational purposes.

3           **SECTION 33.** 19.36 (13) of the statutes, as created by 2005 Wisconsin Act 59, is  
4 amended to read:

5           **19.36 (13) FINANCIAL IDENTIFYING INFORMATION.** An authority shall not provide  
6 access to personally identifiable data that contains an individual's account or  
7 customer number with a financial institution, as defined in s. ~~895.505~~ 134.97 (1) (b),  
8 including credit card numbers, debit card numbers, checking account numbers, or  
9 draft account numbers, unless specifically required by law.

NOTE: Corrects cross-reference. Section 895.505 was renumbered to s. 134.97 by 2005 Wis. Act 155.

10           **SECTION 34.** 20.370 (4) (kr) of the statutes, as created by 2005 Wisconsin Act  
11 288, is amended to read:

12           **20.370 (4) (kr)** *Commercial fish protection and Great Lakes resource*  
13 *surcharges.* All moneys received from commercial fish protection surcharges under  
14 s. 29.984 and from Great Lakes resource surcharges under s. ~~29.99~~ 29.9905 for  
15 research relating to Great Lakes fish.

NOTE: Section 29.99, as created by 2005 Wis. Act 288, is renumbered to s. 29.9905 by this bill.

16           **SECTION 35.** 20.380 (1) (ig) of the statutes, as created by 2005 Wisconsin Act  
17 260, is amended to read:

18           **20.380 (1) (ig)** *Golf promotion.* All moneys received under s. 341.14 (6r) (b) ~~9.~~  
19 9m. a. for the purpose of promoting golf in this state.

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NOTE: Section 341.14 (6r) (b) 9., as created by 2005 Wis. Act 260, is renumbered s. 341.14 (6r) (b) 9m. by this bill.

1           **SECTION 36.** 20.380 (1) (ir) of the statutes, as created by 2005 Wisconsin Act  
2 260, is amended to read:

3           20.380 (1) (ir) *Payments to the WPGA Junior Foundation.* All moneys received  
4 under s. 341.14 (6r) (b) ~~9.~~ 9m. b. for payments to the WPGA Junior Foundation, Inc.  
5 under s. 41.24.

NOTE: Section 341.14 (6r) (b) 9., as created by 2005 Wis. Act 260, is renumbered s. 341.14 (6r) (b) 9m. by this bill.

6           **SECTION 37.** 20.410 (3) (d) of the statutes, as created by 2005 Wisconsin Act 234,  
7 is renumbered 20.410 (3) (dm).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2005 Wis. Act 25 renumbered s. 20.505 (6) (d) to s. 20.410 (3) (d).

8           **SECTION 38.** 20.835 (2) (cm) of the statutes, as created by 2005 Wisconsin Act  
9 361, is renumbered 20.835 (2) (co) and amended to read:

10           20.835 (2) (co) *Enterprise zone jobs credit.* A sum sufficient to make the  
11 payments under ss. 71.07 (3w) (c) 1., 71.28 (3w) (c) 1., and 71.47 (3w) (c) 1.

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). A provision numbered 20.835 (2) (cm) previously existed. Inserts missing “and.”

12           **SECTION 39.** 20.907 (5) (e) 6. of the statutes is amended to read:

13           20.907 (5) (e) 6. Advances from ~~child caring institutions~~ residential care  
14 centers for children and youth and counties and moneys receivable from counties  
15 under s. 46.037.

NOTE: The term “child caring institution” was changed to “residential care center for children and youth” by 2001 Wis. Act 59.

16           **SECTION 40.** 24.61 (2) (a) 10. of the statutes, as created by 2005 Wisconsin Act  
17 335, is renumbered 24.61 (2) (a) 10m.

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2005 Wis. Act 352 also created a provision numbered s. 24.61 (2) (a) 10.

18           **SECTION 41.** 25.17 (3) (dm) of the statutes is amended to read:

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1           25.17 (3) (dm) Make loans secured by mortgages upon unencumbered and  
2 wholly or partly improved real property in the United States or Canada, or upon  
3 leasehold estates in improved real property therein. Real property and leasehold  
4 estates shall not be deemed to be encumbered within the meaning of this paragraph  
5 by reason of the existence of unpaid assessments and taxes not delinquent, mineral,  
6 oil or timber rights, easements or rights-of-way for public highways, private roads,  
7 railroad, telegraph, telephone, electric light and power lines, drains, sewers or other  
8 similar easements or rights-of-way, ~~lines~~ liens for service and maintenance of water  
9 rights when not delinquent, party wall agreements, building restrictions, or other  
10 restrictive covenants or conditions, with or without a reversionary clause, or leases  
11 under which rents or profits are reserved to the owner. No such loan shall exceed ~~75%~~  
12 75 percent of the then fair market value, including buildings, if any, mortgages to  
13 secure the same. If the value of the buildings constitutes any part of the security,  
14 such buildings shall be kept insured to an amount which, together with ~~75%~~ 75  
15 percent of the value of the land, shall equal or exceed the loan. The foregoing  
16 limitations and restrictions shall not apply to loans made under ch. 219 or real estate  
17 loans which are insured in whole or in part by the federal housing administration or  
18 commercial mortgage insurers.

NOTE: Corrects spelling consistent with s. 25.17 (3) (bh). This provision was created by chapter 39, Laws of 1975, reproducing the phrase "liens for service and maintenance of water rights when not delinquent" word-for-word from the previously existing s. 25.17 (3) (bh), except that "line" replaced "lien." The percent symbol is replaced consistent with current style.

19           **SECTION 42.** 25.40 (1) (a) 22. of the statutes, as created by 2005 Wisconsin Act  
20 260, is renumbered 25.40 (1) (a) 23. and amended to read:

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1           25.40 (1) (a) 23. Moneys received under s. 341.14 (6r) (b) 9. 9m. that are  
2 deposited in the general fund and credited to the appropriation accounts under s.  
3 20.380 (1) (ig) and (ir).

NOTE: 2005 Wis. Act 199 also created a provision numbered s. 25.40 (1) (a) 22.  
Section 341.14 (6r) (b) 9., as created by 2005 Wis. Act 260, is renumbered s. 341.14 (6r)  
(b) 9m. by this bill.

4           **SECTION 43.** 25.40 (3) (b) of the statutes, as created by 2005 Wisconsin Act 85,  
5 is renumbered 25.40 (3) (b) (intro.) and amended to read:

6           25.40 (3) (b) (intro.) Beginning on July 1, 2007, no moneys may be appropriated  
7 from the transportation fund except for purposes related to any of the following:

8           1. The planning, design, construction, reconstruction, expansion,  
9 rehabilitation, maintenance, or operation of highway, airport, harbor, ferry, railroad,  
10 bicycle, or pedestrian facilities or service, or any costs attendant to such planning,  
11 design, construction, reconstruction, expansion, rehabilitation, maintenance, or  
12 operation; ~~the.~~

13           2. The acquisition of transportation facilities or property necessary to construct  
14 or enlarge transportation facilities, or costs attendant to such acquisition or to  
15 disposal of any acquired facility or property; ~~costs.~~

16           3. Costs associated with utility facilities within the rights-of-way of  
17 transportation facilities or with radio communications facilities and equipment  
18 owned or leased by, and services provided by, the department of transportation and  
19 used for law enforcement; ~~aids.~~

20           4. Aids or assistance to cities, villages, towns, or counties for transportation  
21 purposes; ~~the.~~

22           5. The expenditure of federal transportation aid received by the state for any  
23 purpose for which the aid is provided or the provision of matching or supplemental

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1 funds associated with such aid, or the expenditure of funds derived from gifts or  
2 grants received by the department of transportation for any purpose for which the  
3 gift or grant is provided; ~~state.~~

4 6. State enforcement of traffic laws; ~~transportation.~~

5 7. Transportation safety programs; ~~the.~~

6 8. The administration of laws related to motor vehicles, driver licensing, or  
7 aeronautics; ~~the.~~

8 9. The payment of principal and interest on bonds issued for highway, railroad,  
9 or harbor improvements or other transportation facilities; ~~the.~~

10 10. The general costs of administration of the department of transportation;  
11 the.

12 11. The costs of administration of the taxes and fees that are deposited in the  
13 transportation fund; ~~terminal.~~

14 12. Terminal tax distribution payments under s. 76.24 (2) (a); ~~tourism.~~

15 13. Tourism promotion under s. 20.380 (1) (w); ~~transfers.~~

16 14. Transfers to the conservation fund for motor fuel tax collections on the use  
17 of fuel by snowmobiles, all-terrain vehicles, and motorboats; ~~any.~~

18 15. Any refunds of transportation fund taxes and fees authorized by law; ~~or any.~~

19 16. Any other program administered by the department of transportation on  
20 January 10, 2005 2006.

NOTE: Renumbers provisions pursuant to s. 13.93 (1) (a) and (b) to place a series  
in tabular form for consistency with current style and improved readability. The date was  
printed incorrectly in the printed volumes.

21 **SECTION 44.** 28.025 (1) of the statutes, as created by 2005 Wisconsin Act 166,  
22 is amended to read:

**SENATE BILL 301****SECTION 44**

1           28.025 (1) In this section, “forested property” means forested property owned  
2 by this state and ~~and~~ under the jurisdiction of the department from which timber is  
3 harvested.

NOTE: Deletes repeated word. The repeated “and” is not shown in the printed statutes.

4           **SECTION 45.** The treatment of 29.194 (1) (a), as renumbered, of the statutes by  
5 2005 Wisconsin Act 243, section 1, is not repealed by 2005 Wisconsin Act 283, section  
6 1. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 29.194 (1) (a), as renumbered from s. 29.194 (1) by 2005 Wis. Act 283, reads:

(a) Notwithstanding ss. 29.024 (2) and 29.228 (1) (a), the department shall issue a resident fishing license, resident small game hunting license or resident deer hunting license to a qualified student applying for the license. A qualified student is a person who exhibits proof that he or she is a registered full-time student who is present in this state attending a public or private college or university that is located in this state and that offers an associate degree or a bachelor’s degree or that he or she is a citizen of a foreign country temporarily residing in this state while attending a high school located in this state or an agricultural short course at the University of Wisconsin System.

7           **SECTION 46.** 29.235 (2) of the statutes, as affected by 2005 Wisconsin Act 25,  
8 is renumbered 29.235 (2) (intro.) and amended to read:

9           29.235 (2) AUTHORIZATION; RESIDENT HUNTING, FISHING, AND TRAPPING PRIVILEGES.  
10 (intro.) A resident conservation patron license confers upon the licensee ~~all~~ the  
11 combined privileges conferred by ~~a~~ all of the following:

12           (a) ~~A~~ resident small game hunting license, ~~a~~.

13           (b) ~~A~~ resident deer hunting license, ~~a~~.

14           (c) ~~A~~ resident wild turkey hunting license, ~~a~~.

15           (d) ~~A~~ resident archer hunting license, ~~a~~.

16           (e) ~~A~~ waterfowl hunting stamp, ~~a~~.

17           (f) ~~A~~ pheasant hunting stamp, ~~a~~.

18           (g) ~~A~~ wild turkey hunting stamp, ~~a~~.

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- 1           (h) A resident annual fishing license,~~an.~~  
2           (i) An inland waters trout stamp,~~a.~~  
3           (j) A Great Lakes trout and salmon stamp,~~a.~~  
4           (k) A sturgeon hook and line tag,~~and a.~~  
5           (L) A trapping license.

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 47.** 29.235 (2m) of the statutes, as affected by 2005 Wisconsin Acts 25  
7 and 284, is renumbered 29.235 (2m) (intro.) and amended to read:

8           29.235 **(2m)** AUTHORIZATION; NONRESIDENT HUNTING, FISHING, AND TRAPPING  
9 PRIVILEGES. (intro.) A nonresident conservation patron license confers upon the  
10 licensee ~~all~~ the combined privileges conferred by ~~a~~ all of the following:

- 11           (a) A nonresident small game hunting license,~~a.~~  
12           (b) A nonresident deer hunting license,~~a.~~  
13           (c) A nonresident wild turkey hunting license,~~a.~~  
14           (d) A nonresident archer hunting license,~~a.~~  
15           (e) A waterfowl hunting stamp,~~a.~~  
16           (f) A pheasant hunting stamp,~~a.~~  
17           (g) A wild turkey hunting stamp,~~a.~~  
18           (h) A nonresident annual fishing license,~~an.~~  
19           (i) An inland waters trout stamp,~~a.~~  
20           (j) A Great Lakes trout and salmon stamp,~~and a.~~  
21           (k) A sturgeon hook and line tag,~~and a.~~  
22           (L) A trapping license.

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.

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1           **SECTION 48.** 29.405 (a), (b) and (c) of the statutes, as created by 2005 Wisconsin  
2 Act 291, are renumbered 29.405 (1), (2) and (3).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b), correcting a numbering error.

3           **SECTION 49.** 29.889 (7m) (ar) (intro.) of the statutes, as created by 2005  
4 Wisconsin Act 82, is amended to read:

5           29.889 **(7m)** (ar) *Exemption; land not required to be open to hunting.* (intro.)  
6 The requirement under par. (a) does not apply to a person to whom the department  
7 grants a shooting permit for deer causing damage that is issued as an abatement  
8 measure recommended under this section if all of the following apply:

NOTE: Inserts missing text as shown by drafting records and consistent with the creation of s. 29.885 (4r) by 2005 Wis. Act 82.

9           **SECTION 50.** 29.972 of the statutes, as created by 2005 Wisconsin Act 288, is  
10 renumbered 29.973.

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2005 Wis. Act 282 also created a provision numbered s. 29.972.

11           **SECTION 51.** 29.987 (1) (a) of the statutes, as affected by 2005 Wisconsin Act  
12 288, is amended to read:

13           29.987 **(1)** (a) If a court imposes a fine or forfeiture for a violation of a provision  
14 of this chapter or an order issued under this chapter, other than for a violation  
15 specified under s. ~~29.99~~ 29.9905 (1) (a), the court shall impose a natural resources  
16 surcharge under ch. 814 equal to 75 percent of the amount of the fine or forfeiture.

NOTE: Section 29.99, as created by 2005 Wis. Act 288, is renumbered to s. 29.9905 by this bill.

17           **SECTION 52.** 29.99 of the statutes, as created by 2005 Wisconsin Act 288, is  
18 renumbered 29.9905.

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2005 Wis. Act 282 also created a provision numbered s. 29.99.

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1           **SECTION 53.** 29.99 (3) of the statutes, as created by 2005 Wisconsin Act 282, is  
2 amended to read:

3           29.99 (3) If any deposit is made for an offense to which this section applies, the  
4 person making the deposit shall also deposit a sufficient amount to include the  
5 wildlife violator compact surcharge under this section. If the deposit is forfeited, the  
6 amount of the wildlife violator compact surcharge shall be transmitted to the  
7 secretary of administration under ~~par. (d)~~ sub. (4). If the deposit is returned, the  
8 wildlife violator compact surcharge shall also be returned.

NOTE: Inserts the correct cross-reference.

9           **SECTION 54.** 31.385 (2) (e) of the statutes is repealed.

NOTE: Repeals obsolete transition provision.

10           **SECTION 55.** 41.24 (2) of the statutes, as created by 2005 Wisconsin Act 260, is  
11 amended to read:

12           41.24 (2) The agreement under this section shall require that the WPGA Junior  
13 Foundation, Inc. provide, without fee and as a condition of receiving payments  
14 specified under this section, any license or other approval required for use of any logo,  
15 trademark, trade name, word, or symbol to be used on or in association with special  
16 group registration plates under s. 341.14 (6r) (f) ~~56~~ 55m.

NOTE: Section 341.14 (6r) (f) 56., as created by 2005 Wis. Act 260, is renumbered  
s. 341.14 (6r) (f) 55m. by this bill.

17           **SECTION 56.** The treatment of 43.12 (1) of the statutes by 2005 Wisconsin Act  
18 226 is not repealed by 2005 Wisconsin Act 420. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor s. 43.12 (1) reads:

(1) By March 1 of each year, a county that does not maintain a consolidated public library for the county under s. 43.57 and that contains residents who are not residents of a municipality that maintains a public library under s. 43.52 or 43.53 shall pay to each public library in the county and to each public library in an adjacent county, other than a county with a population of at least 500,000, an amount that is equal to at least 70% of the amount computed by multiplying the number of loans reported under sub. (2) by the amount that results from dividing the total operational expenditures of the library during the calendar year for which the number of loans are reported, not including capital

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expenditures or expenditures of federal funds, by the total number of loans of material made by the public library during the calendar year for which the loans are reported. The library board of the public library entitled to a payment under this subsection may direct the county to credit all or a portion of the payment to a county library service or library system for shared services.

1           **SECTION 57.** 43.15 (5) of the statutes, as created by 2005 Wisconsin Act 420, is  
2 renumbered 43.15 (5m).

NOTE: 2005 Wis. Act 226 also created a provision numbered s. 43.15 (5).

3           **SECTION 58.** 44.45 (4) (b) of the statutes is amended to read:

4           44.45 (4) (b) The list is not a rule under s. ~~227.13~~ 227.01 (13). The state  
5 historical society shall publish the list as an appendix to the rules promulgated under  
6 s. 44.36.

NOTE: Corrects cross-reference. “Rule” is defined at s. 227.01 (13). Section 227.13 is not related to defining or determining what a rule is, but rather provides for agencies to use informal conferences and consultations to obtain the viewpoint and advice of interested persons and to appoint committees to advise it with respect to contemplated rule making.

7           **SECTION 59.** 46.043 (1) of the statutes is amended to read:

8           46.043 (1) In addition to inpatient and outpatient services provided at mental  
9 health institutes under ss. 51.05 and 51.07, the department may authorize mental  
10 health institutes to offer services other than inpatient mental health services when  
11 the department determines that community services need to be supplemented.  
12 Services that may be offered under this section include mental health outpatient  
13 treatment and services, day programming, consultation and services in residential  
14 facilities, including group homes, ~~child caring institutions~~ residential care centers  
15 for children and youth, and community-based residential facilities.

NOTE: The term “child caring institution” was changed to “residential care center for children and youth” by 2001 Wis. Act 59.

16           **SECTION 60.** The treatment of 46.10 (2) of the statutes by 2005 Wisconsin Act  
17 264 is not repealed by 2005 Wisconsin Act 434. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor s. 46.10 (2) reads:

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(2) Except as provided in subs. (2m) and (14) (b) and (c), any person, including but not limited to a person admitted, committed, protected, or placed under s. 975.01, 1977 stats., s. 975.02, 1977 stats., s. 975.17, 1977 stats., s. 55.05 (5), 2003 stats., and 55.06, 2003 stats., and ss. 51.10, 51.13, 51.15, 51.20, 51.35 (3), 51.37 (5), 51.45 (10), (11), (12) and (13), 55.05, 55.055, 55.12, 55.13, 55.135, 971.14 (2) and (5), 971.17 (1), 975.06 and 980.06, receiving care, maintenance, services and supplies provided by any institution in this state including University of Wisconsin Hospitals and Clinics, in which the state is chargeable with all or part of the person's care, maintenance, services and supplies, any person receiving care and services from a county department established under s. 51.42 or 51.437 or from a facility established under s. 49.73, and any person receiving treatment and services from a public or private agency under s. 980.06 (2) (c), 1997 stats., s. 980.08 (5), 2003 stats., or s. 971.17 (3) (d) or (4) (e) or 980.08 (4) (g) and the person's property and estate, including the homestead, and the spouse of the person, and the spouse's property and estate, including the homestead, and, in the case of a minor child, the parents of the person, and their property and estates, including their homestead, and, in the case of a foreign child described in s. 48.839 (1) who became dependent on public funds for his or her primary support before an order granting his or her adoption, the resident of this state appointed guardian of the child by a foreign court who brought the child into this state for the purpose of adoption, and his or her property and estate, including his or her homestead, shall be liable for the cost of the care, maintenance, services and supplies in accordance with the fee schedule established by the department under s. 46.03 (18). If a spouse, widow or minor, or an incapacitated person may be lawfully dependent upon the property for their support, the court shall release all or such part of the property and estate from the charges that may be necessary to provide for those persons. The department shall make every reasonable effort to notify the liable persons as soon as possible after the beginning of the maintenance, but the notice or the receipt thereof is not a condition of liability.

1           **SECTION 61.** 46.261 (2) (a) 2. of the statutes is amended to read:  
2           46.261 (2) (a) 2. A county or, in a county having a population of 500,000 or more,  
3           the department, on behalf of a child in the legal custody of a county department under  
4           s. 46.215, 46.22 or 46.23 or the department under s. 48.48 (17) or on behalf of a child  
5           who was removed from the home of a relative, as defined under s. 48.02 (15), as a  
6           result of a judicial determination that continuance in the home of a relative would  
7           be contrary to the child's welfare for any reason when such child is placed in a  
8           licensed ~~child caring institution~~ residential care center for children and youth by the  
9           county department or the department. Reimbursement shall be made by the state  
10          pursuant to subd. 1.

NOTE: The term "child caring institution" was changed to "residential care center for children and youth" by 2001 Wis. Act 59.

**SENATE BILL 301****SECTION 62**

1           **SECTION 62.** The treatment of 48.371 (3) (d) of the statutes by 2005 Wisconsin  
2 Act 232 is not repealed by 2005 Wisconsin Act 277. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 48.371 (3) (d) reads:

(d) Any involvement of the child, whether as victim or perpetrator, in sexual intercourse or sexual contact in violation of s. 940.225, 948.02, 948.025, or 948.085, prostitution in violation of s. 944.30, sexual exploitation of a child in violation of s. 948.05, or causing a child to view or listen to sexual activity in violation of s. 948.055, if the information is necessary for the care of the child or for the protection of any person living in the foster home, treatment foster home, group home, or residential care center for children and youth.

3           **SECTION 63.** The treatment of 48.396 (1) of the statutes by 2005 Wisconsin Act  
4 344 is not repealed by 2005 Wisconsin Act 434. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor s. 48.396 (1) reads:

(1) Law enforcement officers' records of children shall be kept separate from records of adults. Law enforcement officers' records of the adult expectant mothers of unborn children shall be kept separate from records of other adults. Law enforcement officers' records of children and the adult expectant mothers of unborn children shall not be open to inspection or their contents disclosed except under sub. (1b), (1d), (5), or (6) or s. 48.293 or by order of the court. This subsection does not apply to the representatives of newspapers or other reporters of news who wish to obtain information for the purpose of reporting news without revealing the identity of the child or adult expectant mother involved, to the confidential exchange of information between the police and officials of the school attended by the child or other law enforcement or social welfare agencies, or to children 10 years of age or older who are subject to the jurisdiction of the court of criminal jurisdiction. A public school official who obtains information under this subsection shall keep the information confidential as required under s. 118.125 and a private school official who obtains information under this subsection shall keep the information confidential in the same manner as is required of a public school official under s. 118.125. A law enforcement agency that obtains information under this subsection shall keep the information confidential as required under this subsection and s. 938.396 (1) (a). A social welfare agency that obtains information under this subsection shall keep the information confidential as required under ss. 48.78 and 938.78.

5           **SECTION 64.** The treatment of 48.42 (2m) (a), as renumbered, of the statutes  
6 by 2005 Wisconsin Act 277, section 9, is not repealed by 2005 Wisconsin Act 293,  
7 section 29. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, effective 7-1-2006, s. 48.42 (2m) (a), as renumbered from s. 48.42 (2m) by 2005 Wis. Act 293, reads:

(a) *Parent as a result of sexual assault.* Except as provided in this paragraph, notice is not required to be given to a person who may be the father of a child conceived as a result of a sexual assault in violation of s. 940.225 (1), (2) or (3), 948.02 (1) or (2), 948.025, or 948.085 if a physician attests to his or her belief that a sexual assault as specified in this paragraph has occurred or if the person who may be the father of the child

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has been convicted of sexual assault as specified in this paragraph for conduct which may have led to the child's conception. A person who under this paragraph is not given notice does not have standing to appear and contest a petition for the termination of his parental rights, present evidence relevant to the issue of disposition, or make alternative dispositional recommendations. This paragraph does not apply to a person who may be the father of a child conceived as a result of a sexual assault in violation of s. 948.02 (1) or (2) if that person was under 18 years of age at the time of the sexual assault.

1           **SECTION 65.** 48.423 (1) of the statutes, as affected by 2005 Wisconsin Act 293,  
2 is amended to read:

3           48.423 (1) RIGHTS TO PATERNITY DETERMINATION. If a person appears at the  
4 hearing and claims that he is the father of the child, the court shall set a date for a  
5 hearing on the issue of paternity or, if all parties agree, the court may immediately  
6 commence hearing testimony concerning the issue of paternity. The court shall  
7 inform the person claiming to be the father of the child of any right to counsel under  
8 s. 48.23. The person claiming to be the father of the child must prove paternity by  
9 clear and convincing evidence. A person who establishes his paternity of the child  
10 under this section may further participate in the termination of parental rights  
11 proceeding only if the person meets the conditions specified in sub. (2) or meets a  
12 condition specified in s. 48.42 (2) or (b) or (bm).

NOTE: Corrects citation error.

13           **SECTION 66.** The treatment of 48.685 (1) (c) of the statutes by 2005 Wisconsin  
14 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. 48.685 (1) (c) reads:

(c) "Serious crime" means a violation of s. 940.19 (3), 1999 stats., a violation of s. 940.01, 940.02, 940.03, 940.05, 940.12, 940.19 (2), (4), (5) or (6), 940.22 (2) or (3), 940.225 (1), (2) or (3), 940.285 (2), 940.29, 940.295, 948.02 (1) or (2), 948.025, 948.03 (2), 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. 940.19 (3), 1999 stats., or a violation of s. 940.01, 940.02, 940.03, 940.05, 940.12, 940.19 (2), (4), (5) or (6), 940.22 (2) or (3), 940.225 (1), (2) or (3), 940.285 (2), 940.29, 940.295, 948.02 (1) or (2), 948.025, 948.03 (2), 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.

**SENATE BILL 301****SECTION 67**

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

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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.

**SENATE BILL 301****SECTION 71**

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:

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(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

**SENATE BILL 301****SECTION 77**

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

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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.

**SENATE BILL 301****SECTION 83**

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).

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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.

**SENATE BILL 301****SECTION 90**

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

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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:

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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.~~

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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.

**SENATE BILL 301****SECTION 100**

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:

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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.

**SENATE BILL 301****SECTION 102**

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:

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(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:

**SENATE BILL 301****SECTION 110**

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

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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).

**SENATE BILL 301****SECTION 115**

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:

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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

**SENATE BILL 301****SECTION 117**

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

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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.

**SENATE BILL 301****SECTION 120**

1           **SECTION 120.** 118.07 (3) of the statutes, as created by 2005 Wisconsin Act 221,  
2 is amended to read:

3           **118.07 (3)** The department shall make available to school districts, private  
4 schools, and charter schools information about meningococcal disease, including the  
5 causes and symptoms of the disease, how it is spread, and how to obtain additional  
6 information about the disease and the availability, effectiveness, and risks of  
7 vaccinations against the disease. The department may do so by posting the  
8 information on its Internet site. At the beginning of the 2006-07 to 2011-12 school  
9 years, each school board and the governing body of each private school and each  
10 charter school shall provide the parents and guardians of pupils enrolled in grades  
11 6 to 12 in the school district or school with the information. At the beginning of the  
12 ~~2012~~ 2012-13 school year and each school year thereafter, each school board and the  
13 governing body of each private school and each charter school shall provide the  
14 parents and guardians of pupils enrolled in grade 6 in the school district or school  
15 with the information.

NOTE: Corrects form of reference to school year.

16           **SECTION 121.** 118.13 (1) of the statutes, as affected by 2005 Wisconsin Act 346,  
17 is amended to read:

18           **118.13 (1)** Except as provided in s. 120.13 (~~38~~) (37m), no person may be denied  
19 admission to any public school or be denied participation in, be denied the benefits  
20 of or be discriminated against in any curricular, extracurricular, pupil services,  
21 recreational or other program or activity because of the person's sex, race, religion,  
22 national origin, ancestry, creed, pregnancy, marital or parental status, sexual  
23 orientation or physical, mental, emotional or learning disability.

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NOTE: Section 120.13 (38), as created by 2005 Wis. Act 346, is renumbered s. 120.13 (37m) by this bill.

1           **SECTION 122.** 119.04 (1) of the statutes, as affected by 2005 Wisconsin Acts 99,  
2           290 and 346, is amended to read:

3           119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),  
4           66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,  
5           115.345, 115.361, 115.38 (2), 115.45, 118.001 to 118.04, 118.045, 118.06, 118.07,  
6           118.10, 118.12, 118.125 to 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162,  
7           118.163, 118.164, 118.18, 118.19, 118.20, 118.24 (1), (2) (c) to (f), (6) and (8), 118.245,  
8           118.255, 118.258, 118.291, 118.30 to 118.43, 118.51, 118.52, 118.55, 120.12 (5) and  
9           (15) to (26), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35), (37),  
10          (37m), and (38), 120.14, and 120.25 are applicable to a 1st class city school district  
11          and board.

NOTE: 2005 Wis. Acts 290 and 346 both created provisions numbered s. 120.13 (38) and added cross-references to this provision. Section 120.13 (38), as created by 2005 Wis. Act 346, is renumbered s. 120.13 (37m) by this bill.

12          **SECTION 123.** 119.22 of the statutes, as affected by 2005 Wisconsin Act 346, is  
13          amended to read:

14          **119.22 Sex discrimination in physical education or physical training**  
15          **prohibited.** Except as provided in s. 120.13 ~~(38)~~ (37m), courses in physical  
16          education or physical training may not discriminate on the basis of sex in the  
17          provision of necessary facilities, equipment, instruction or financial support, or the  
18          opportunity to participate in any physical education or training activity as provided  
19          in 20 USC 1681 et seq.

NOTE: Section 120.13 (38), as created by 2005 Wis. Act 346, is renumbered s. 120.13 (37m) by this bill.

20          **SECTION 124.** 120.13 (38) of the statutes, as created by 2005 Wisconsin Act 346,  
21          is renumbered 120.13 (37m).

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NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2005 Wis. Act 290 also created a provision numbered s. 120.13 (38).

1           **SECTION 125.** 138.052 (8) of the statutes is amended to read:

2           138.052 (8) This section does not apply to a loan insured, or committed to be  
3 insured, or secured by mortgage or trust deed insured by the U.S. secretary of  
4 housing and urban development, insured, guaranteed or committed to be insured or  
5 guaranteed under 38 USC ~~1801 to 1827~~ 3701 to 3727 or insured or committed to be  
6 insured under 7 USC 1921 to 1995.

NOTE: Public Law 102-83 renumbered 38 USC 1801 to 1827 to 38 USC 3701 to 3727.

7           **SECTION 126.** 153.05 (2r) (intro.) of the statutes, as created by 2005 Wisconsin  
8 Act 228, section 20, is amended to read:

9           153.05 (2r) (intro.) Notwithstanding s. 16.75 (1), (2), and (3m), from the  
10 appropriation account under s. 20.515 (1) (ut) the department of employee trust  
11 funds may expend up to \$150,000, and from the appropriation accounts under s.  
12 20.435 (1) (hg) and (hi) the department of health and family services, in its capacity  
13 as a public health authority, may expend moneys, to contract jointly with a data  
14 organization to perform services under this chapter that are specified for the data  
15 organization under sub. (1) (c) or, if s. 153.455 (4) applies, for the department of  
16 health and family services to perform or contract for the performance of these  
17 services. As a condition of the contract under this subsection, all of the following  
18 apply:

NOTE: Inserts missing article.

19           **SECTION 127.** 153.05 (2r) (intro.) of the statutes, as affected by 2005 Wisconsin  
20 Act 228, section 20m, is amended to read:

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1           153.05 **(2r)** (intro.) Notwithstanding s. 16.75 (1), (2), and (3m), from the  
2           appropriation accounts under s. 20.435 (1) (hg) and (hi) the department of health and  
3           family services, in its capacity as a public health authority, may expend moneys, to  
4           contract jointly with a data organization to perform services under this chapter that  
5           are specified for the data organization under sub. (1) (c) or, if s. 153.455 (4) applies,  
6           for the department of health and family services to perform or contract for the  
7           performance of these services. As a condition of the contract under this subsection,  
8           all of the following apply:

NOTE: Inserts missing article.

9           **SECTION 128.** 165.72 (1) (e) of the statutes is renumbered 165.72 (1) (bt) and  
10          amended to read:

11          165.72 **(1)** (bt) “Secure Juvenile detention officer” has the meaning given in s.  
12          165.85 (2) (f) (bt).

NOTE: 2005 Wis. Act 344 renumbered s. 165.85 (2) (f) to be s. 165.85 (2) (bt) and replaced “secured” with “juvenile” in that provision.

13          **SECTION 129.** 165.72 (4) of the statutes is amended to read:

14          165.72 **(4)** PAYMENT LIMITATIONS. A reward under sub. (3) may not exceed \$1,000  
15          for the arrest and conviction of any one person. The department may not make any  
16          reward payment to a law enforcement officer, jail officer, ~~secure~~ juvenile detention  
17          officer, pharmacist, or department employee.

NOTE: See previous SECTION, which changes term used in s. 165.72 from “secure detention officer” to “juvenile detention officer.”

18          **SECTION 130.** The treatment of 165.76 (1) (a) of the statutes by 2005 Wisconsin  
19          Act 277 is not repealed by 2005 Wisconsin Act 344. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 165.76 (1) (a) reads:

(a) Is in a juvenile correctional facility, as defined in s. 938.02 (10p), or a secured residential care center for children and youth, as defined in s. 938.02 (15g), or on probation, extended supervision, parole, supervision, or aftercare supervision on or after

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August 12, 1993, for any violation of s. 940.225 (1) or (2), 948.02 (1) or (2), 948.025, or 948.085.

1           **SECTION 131.** 165.85 (1) of the statutes is amended to read:

2           165.85 (1) FINDINGS AND POLICY. The legislature finds that the administration  
3 of criminal justice is of statewide concern, and that law enforcement work is of vital  
4 importance to the health, safety, and welfare of the people of this state and is of such  
5 a nature as to require training, education, and the establishment of standards of a  
6 proper professional character. The public interest requires that these standards be  
7 established and that this training and education be made available to persons who  
8 seek to become law enforcement, tribal law enforcement, jail or secure juvenile  
9 detention officers, persons who are serving as these officers in a temporary or  
10 probationary capacity, and persons already in regular service.

NOTE: 2003 Wis. Act 344 changed the defined term “secure detention officer” to “juvenile detention officer” for purposes of ss. 165.85 and 165.86, but failed to change various usages of that defined term throughout ss. 165.85 and 165.86. This SECTION and the next 11 SECTIONS other than SECTION 134 change “secure detention officer” to “juvenile detention officer” wherever found in ss. 165.85 and 165.96.

11           **SECTION 132.** 165.85 (3) (c) of the statutes is amended to read:

12           165.85 (3) (c) Except as provided under sub. (3m) (a), certify persons as being  
13 qualified under this section to be law enforcement, tribal law enforcement, jail or  
14 secure juvenile detention officers. Prior to being certified under this paragraph, a  
15 tribal law enforcement officer shall agree to accept the duties of law enforcement  
16 officers under the laws of this state.

17           **SECTION 133.** 165.85 (3) (cm) of the statutes is amended to read:

18           165.85 (3) (cm) Decertify law enforcement, tribal law enforcement, jail or  
19 secure juvenile detention officers who terminate employment or are terminated, who  
20 violate or fail to comply with a rule or order of the board relating to curriculum or  
21 training, who fail to pay court-ordered payments of child or family support,

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1 maintenance, birth expenses, medical expenses, or other expenses related to the  
2 support of a child or former spouse, or who fail to comply, after appropriate notice,  
3 with a subpoena or warrant issued by the department of workforce development or  
4 a county child support agency under s. 59.53 (5) and related to paternity or child  
5 support proceedings. The board shall establish procedures for decertification in  
6 compliance with ch. 227, except that decertification for failure to pay court-ordered  
7 payments of child or family support, maintenance, birth expenses, medical expenses,  
8 or other expenses related to the support of a child or former spouse or for failure to  
9 comply, after appropriate notice, with a subpoena or warrant issued by the  
10 department of workforce development or a county child support agency under s.  
11 59.53 (5) and related to paternity or child support proceedings shall be done as  
12 provided under sub. (3m) (a).

13 **SECTION 134.** The treatments of 165.85 (3) (d) of the statutes by 2005 Wisconsin  
14 Acts 60 and 344 are not repealed by 2005 Wisconsin Act 414. All treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor s. 165.85 (3) (d)  
reads:

(d) Establish minimum curriculum requirements for preparatory courses and programs, and recommend minimum curriculum requirements for recertification and advanced courses and programs, in schools operated by or for this state or any political subdivision of the state for the specific purpose of training law enforcement recruits, law enforcement officers, tribal law enforcement recruits, tribal law enforcement officers, jail officer recruits, jail officers, juvenile detention officer recruits, or juvenile detention officers in areas of knowledge and ability necessary to the attainment of effective performance as an officer, and ranging from subjects such as first aid, patrolling, statutory authority, techniques of arrest, protocols for official action by off-duty officers, firearms, and recording custodial interrogations, to subjects designed to provide a better understanding of ever-increasing complex problems in law enforcement such as human relations, civil rights, constitutional law, and supervision, control, and maintenance of a jail or juvenile detention facility. The board shall appoint a 13-member advisory curriculum committee consisting of 6 chiefs of police and 6 sheriffs to be appointed on a geographic basis of not more than one chief of police and one sheriff from any one of the 8 state administrative districts together with the director of training of the Wisconsin state patrol. This committee shall advise the board in the establishment of the curriculum requirements.

15 **SECTION 135.** 165.85 (4) (ap) of the statutes is amended to read:

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1           165.85 (4) (ap) Jail officers serving under permanent appointment prior to July  
2           2, 1983, are not required to meet any requirement of pars. (b) and (c) as a condition  
3           of tenure or continued employment as either a jail officer or a secure juvenile  
4           detention officer. The failure of any such officer to fulfill those requirements does not  
5           make that officer ineligible for any promotional examination for which he or she is  
6           otherwise eligible. Any such officer may voluntarily participate in programs to fulfill  
7           those requirements.

8           **SECTION 136.** 165.85 (4) (at) of the statutes is amended to read:

9           165.85 (4) (at) Any person certified as a jail officer on July 1, 1994, is certified  
10          as a secure juvenile detention officer and remains certified as a secure juvenile  
11          detention officer subject to annual recertification requirements under par. (bn) 3.  
12          and the board's decertification authority under sub. (3) (cm).

13          **SECTION 137.** 165.85 (4) (b) 3. of the statutes is amended to read:

14          165.85 (4) (b) 3. No person may be appointed as a secure juvenile detention  
15          officer, except on a temporary or probationary basis, unless the person has  
16          satisfactorily completed a preparatory program of secure juvenile detention officer  
17          training approved by the board and has been certified by the board as being qualified  
18          to be a secure juvenile detention officer. The program shall include at least 120 hours  
19          of training. The training program shall devote at least 16 hours to methods of  
20          supervision of special needs inmates, including inmates who may be emotionally  
21          distressed, mentally ill, suicidal, developmentally disabled, or alcohol or drug  
22          abusers. The period of temporary or probationary employment established at the  
23          time of initial employment shall not be extended by more than one year for an officer  
24          lacking the training qualifications required by the board. ~~Secure~~ Juvenile detention

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1 officer training programs including municipal, county, and state programs meeting  
2 standards of the board shall be acceptable as meeting these training requirements.

3 **SECTION 138.** 165.85 (4) (bn) 3. (intro.) of the statutes is amended to read:

4 165.85 (4) (bn) 3. (intro.) No person may continue as a ~~secure~~ juvenile detention  
5 officer, except on a temporary or probationary basis, unless that person completes  
6 annual recertification training. The officer shall complete at least 24 hours each  
7 fiscal year beginning in the later of the following:

8 **SECTION 139.** 165.85 (4) (c) of the statutes is amended to read:

9 165.85 (4) (c) In addition to the requirements of pars. (b) and (bn), the board  
10 may, by rule, fix such other minimum qualifications for the employment of law  
11 enforcement, tribal law enforcement, jail or ~~secure~~ juvenile detention officers as  
12 relate to the competence and reliability of persons to assume and discharge the  
13 responsibilities of law enforcement, tribal law enforcement, jail or ~~secure~~ juvenile  
14 detention officers, and the board shall prescribe the means for presenting evidence  
15 of fulfillment of these requirements.

16 **SECTION 140.** 165.85 (4) (dm) of the statutes is amended to read:

17 165.85 (4) (dm) The board may provide, by rule, that parts of the jail officer  
18 preparatory training and the ~~secure~~ juvenile detention officer preparatory training  
19 are identical and count toward either training requirement.

20 **SECTION 141.** 165.85 (5) (a) of the statutes is amended to read:

21 165.85 (5) (a) The board may authorize and approve law enforcement, jail or  
22 ~~secure~~ juvenile detention officer training programs conducted by an agency of a  
23 political subdivision or an agency of the state when their programs meet the  
24 standards required by the board. No authority granted in this paragraph extends

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1 to the board selecting a site for a state police, jail or secure juvenile detention officer  
2 academy and expending funds thereon without further legislation.

3 **SECTION 142.** 165.85 (5) (b) of the statutes is amended to read:

4 165.85 (5) (b) The board shall authorize the reimbursement to each political  
5 subdivision of approved expenses incurred by officers who satisfactorily complete  
6 training at schools certified by the board. Reimbursement of these expenses for law  
7 enforcement officer, jail officer and secure juvenile detention officer preparatory  
8 training shall be for approved tuition, living, and travel expenses for the first 400  
9 hours of law enforcement preparatory training and for the first 120 hours of jail or  
10 secure juvenile detention officer preparatory training. Reimbursement of approved  
11 expenses for completion of annual recertification training under sub. (4) (bn) shall  
12 include at least \$160 per officer thereafter. Funds may also be distributed for  
13 attendance at other training programs and courses or for training services on a  
14 priority basis to be decided by the department of justice.

15 **SECTION 143.** 165.86 (2) (a) of the statutes is amended to read:

16 165.86 (2) (a) Identify and coordinate all preparatory and recertification  
17 training activities in law enforcement in the state, and expand the coordinated  
18 program to the extent necessary to supply the training required for all recruits in the  
19 state under the preparatory training standards and time limits set by the board and  
20 for law enforcement officers, jail officers and secure juvenile detention officers in this  
21 state.

22 **SECTION 144.** 167.31 (2) (d) of the statutes, as affected by 2005 Wisconsin Act  
23 253, is amended to read:

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1           167.31 (2) (d) Except as provided in sub. (4) (a), (bg), (cg), (e), and (g), no person  
2           may discharge a firearm or shoot a bolt or an arrow from a bow or crossbow from or  
3           across a highway or within 50 feet of the center of a roadway.

NOTE: See the note to the next SECTION of this bill.

4           **SECTION 145.** 167.31 (4) (bg) of the statutes is created to read:

5           167.31 (4) (bg) 1. Subsection (2) (a), (b), (c), and (d) does not apply to a state  
6           employee or agent, or to a federal employee or agent, who is acting within the scope  
7           of his or her employment or agency, who is authorized by the department of natural  
8           resources to take animals in the wild for the purpose of controlling the spread of  
9           disease in animals and who is hunting in an area designated by the department of  
10          natural resources as a chronic wasting disease eradication zone, except that this  
11          subdivision does not authorize the discharge of a firearm or the shooting of a bolt or  
12          arrow from a bow or crossbow across a state trunk highway, county trunk highway,  
13          or paved town highway.

14          1g. Subsection (2) (b) and (c) does not apply to a landowner, a family member  
15          of the landowner, or an employee of the landowner who is using a firearm, bow, or  
16          crossbow to shoot wild animals from a farm tractor or an implement of husbandry  
17          on the landowner's land that is located in an area designated by the department of  
18          natural resources as a chronic wasting disease eradication zone.

19          2. This paragraph does not apply after June 30, 2010.

NOTE: 2005 Wis. Act 253 repealed s. 167.31 (4) (bg) due to the fact that the sunset  
date of June 30, 2004 had passed and the provision was of no effect. However, 2005 Wis.  
Act 286 amended the sunset date in subd. 2. from June 30, 2004, to June 30, 2010,  
reviving the provision. The provision is in the printed statutes.

20          **SECTION 146.** 167.31 (4) (bt) 3. of the statutes, as created by 2005 Wisconsin Act  
21          345, is amended to read:

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1           167.31 (4) (bt) 3. The vehicle is not an all-terrain vehicle, as defined in s. 340.01  
2           ~~(2) (g)~~ (2g).

NOTE: Corrects cross-reference. “All-terrain vehicle” is defined in s. 340.01 (2g).  
There is no s. 340.01 (2) (g).

3           **SECTION 147.** 220.02 (2) (g) of the statutes, as created by 2005 Wisconsin Act  
4           215, is renumbered 220.02 (2) (i).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2005 Wis. Act  
158 also created a provision numbered s. 220.02 (2) (g).

5           **SECTION 148.** 220.02 (2) (h) of the statutes, as created by 2005 Wisconsin Act  
6           215, is renumbered 220.02 (2) (g).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2005 Wis. Act  
158 created an identical provision numbered s. 220.02 (2) (g).

7           **SECTION 149.** The treatment of 230.03 (3) of the statutes by 2005 Wisconsin Act  
8           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. 230.03 (3)  
reads:

(3) “Agency” means any board, commission, committee, council, or department in  
state government or a unit thereof created by the constitution or statutes if such board,  
commission, committee, council, department, unit, or the head thereof, is authorized to  
appoint subordinate staff by the constitution or statute, except a legislative or judicial  
board, commission, committee, council, department, or unit thereof or an authority  
created under subch. II of ch. 114 or subch. III of ch. 149 or under ch. 231, 232, 233, 234,  
235, or 237. “Agency” does not mean any local unit of government or body within one or  
more local units of government that is created by law or by action of one or more local units  
of government.

9           **SECTION 150.** 234.59 (3) (d) of the statutes, as affected by 2005 Wisconsin Act  
10          75, section 24, is renumbered 234.59 (3) (e).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2005 Wisconsin  
Act 75, section 24, renumbered s. 234.59 (3) (e) to s. 234.59 (3) (d) and 2005 Wisconsin Act  
75, section 23d, created a separate provision numbered s. 234.59 (3) (d).

11          **SECTION 151.** 252.05 (4) of the statutes, as affected by 2005 Wisconsin Act 198,  
12          is amended to read:

13               252.05 (4) Reports under subs. (1) and (2) shall state so far as known the name,  
14          sex, age, and residence of the person, the communicable disease and other facts the

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1 department or local health officer requires. Report forms, including forms  
2 appropriate for reporting under s. 95.22 (1m), may be furnished by the department  
3 and distributed by the local health officer.

NOTE: Inserts correct cross-reference. There is no s. 95.22 (1m).

4 **SECTION 152.** 252.15 (5) (a) 11. of the statutes, as affected by 2005 Wisconsin  
5 Acts 155 and 187, is amended to read:

6 252.15 (5) (a) 11. To a person, including a person exempted from civil liability  
7 under the conditions specified under s. 895.48, 895.4802, or 895.4803, who renders  
8 to the victim of an emergency or accident emergency care during the course of which  
9 the emergency caregiver is significantly exposed to the emergency or accident victim,  
10 if a physician or advanced practice nurse prescriber, based on information provided  
11 to the physician or advanced practice nurse prescriber, determines and certifies in  
12 writing that the emergency caregiver has been significantly exposed and if the  
13 certification accompanies the request for disclosure.

NOTE: Inserts missing comma.

14 **SECTION 153.** 252.15 (5m) (a) of the statutes, as affected by 2005 Wisconsin Acts  
15 155 and 187, is amended to read:

16 252.15 (5m) (a) If a person, including a person exempted from civil liability  
17 under the conditions specified under s. 895.48, 895.4802, or 895.4803, who renders  
18 to the victim of an emergency or accident emergency care during the course of which  
19 the emergency caregiver is significantly exposed to the emergency or accident victim  
20 and the emergency or accident victim subsequently dies prior to testing for the  
21 presence of HIV, antigen or nonantigenic products of HIV, or an antibody to HIV; if  
22 a physician or advanced practice nurse prescriber, based on information provided to  
23 the physician or advanced practice nurse prescriber, determines and certifies in

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1 writing that the emergency caregiver has been significantly exposed; and if the  
2 certification accompanies the request for testing and disclosure. Testing of a corpse  
3 under this paragraph shall be ordered by the coroner, medical examiner, or physician  
4 who certifies the victim's cause of death under s. 69.18 (2) (b), (c) or (d).

NOTE: Inserts missing comma.

5 **SECTION 154.** 254.61 (3m) (c) of the statutes, as created by 2005 Wisconsin Act  
6 348, is renumbered 254.61 (3m) (c) (intro.) and amended to read:

7 254.61 **(3m)** (c) (intro.) The event is sponsored by ~~a~~ any of the following:

8 1. A church;

9 2. A religious, fraternal, youth, or patriotic organization or service club;

10 3. A civic organization;

11 4. A parent-teacher organization;

12 5. A senior citizen center or organization; or

13 6. An adult day care center.

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.

14 **SECTION 155.** 281.48 (4g) of the statutes, as affected by 2005 Wisconsin Act 347,  
15 is amended to read:

16 281.48 **(4g)** RULES ON SERVICING. The department shall promulgate rules  
17 relating to servicing septic tanks, soil absorption fields, holding tanks, grease  
18 interceptors, privies, and other components of private sewage systems in order to  
19 protect the public health against unsanitary and unhealthful practices and  
20 conditions, and to protect the surface waters and groundwaters of the state from  
21 contamination by septage. The rules shall comply with ch. 160. The rules shall apply  
22 to all septage disposal, whether undertaken pursuant to a license or a license  
23 ~~exemption~~ exemption under sub. (3). The rules shall require each person with a

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1 license under sub. (3) to maintain records of the location of private sewage systems  
2 serviced and the volume of septage disposed of and location of that disposal.

NOTE: Corrects spelling. The correct spelling is shown in the printed statutes.

3 **SECTION 156.** The treatment of 301.03 (19) of the statutes by 2005 Wisconsin  
4 Act 431 is not repealed by 2005 Wisconsin Act 434. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor s. 301.03 (19)  
reads:

(19) Subject to sub. (20), work to minimize, to the greatest extent possible, the  
residential population density of sex offenders, as defined in s. 302.116 (1) (b), who are  
on probation, parole, or extended supervision or placed on supervised release under s.  
980.06 (2) (c), 1997 stats., s. 980.08 (5), 2003 stats., or s. 980.08 (4) (g).

5 **SECTION 157.** 301.12 (14) (a) of the statutes is amended to read:

6 301.12 (14) (a) Except as provided in pars. (b) and (c), liability of a person  
7 specified in sub. (2) or s. 301.03 (18) for care and maintenance of persons under 17  
8 years of age in residential, nonmedical facilities such as group homes, foster homes,  
9 treatment foster homes, ~~child caring institutions~~ residential care centers for children  
10 and youth and juvenile correctional institutions is determined in accordance with  
11 the cost-based fee established under s. 301.03 (18). The department shall bill the  
12 liable person up to any amount of liability not paid by an insurer under s. 632.89 (2)  
13 or (2m) or by other 3rd-party benefits, subject to rules which include formulas  
14 governing ability to pay promulgated by the department under s. 301.03 (18). Any  
15 liability of the resident not payable by any other person terminates when the  
16 resident reaches age 17, unless the liable person has prevented payment by any act  
17 or omission.

NOTE: The term "child caring institution" was changed to "residential care center  
for children and youth" by 2001 Wis. Act 59.

18 **SECTION 158.** The treatment of 301.26 (4) (d) 2. of the statutes by 2005  
19 Wisconsin Act 25 is not repealed by 2005 Wisconsin Act 344. Both treatments stand.

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NOTE: There is no conflict of substance. As merged by the revisor, s. 301.26 (4) (d) 2. reads:

2. Beginning on July 1, 2005, and ending on June 30, 2006, the per person daily cost assessment to counties shall be \$203 for care in a Type 1 juvenile correctional facility, as defined in s. 938.02 (19), \$203 for care for juveniles transferred from a juvenile correctional institution under s. 51.35 (3), \$234 for care in a residential care center for children and youth, \$157 for care in a group home for children, \$47 for care in a foster home, \$83 for care in a treatment foster home, \$81 for departmental corrective sanctions services, and \$32 for departmental aftercare services.

1       **SECTION 159.** The treatment of 301.26 (4) (d) 3. of the statutes by 2005  
2       Wisconsin Act 25 is not repealed by 2005 Wisconsin Act 344. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 301.26 (4) (d) 3. reads:

3. Beginning on July 1, 2006, and ending on June 30, 2007, the per person daily cost assessment to counties shall be \$209 for care in a Type 1 juvenile correctional facility, as defined in s. 938.02 (19), \$209 for care for juveniles transferred from a juvenile correctional institution under s. 51.35 (3), \$244 for care in a residential care center for children and youth, \$163 for care in a group home for children, \$50 for care in a foster home, \$87 for care in a treatment foster home, \$82 for departmental corrective sanctions services, and \$33 for departmental aftercare services.

3       **SECTION 160.** The treatments of 341.135 (1) of the statutes by 2005 Wisconsin  
4       Acts 25 and 260 are not repealed by 2005 Wisconsin Act 472. All treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 341.135 (1) reads:

(1) DESIGN. Every 10th year, the department shall establish new designs of registration plates to be issued under ss. 341.14 (1), (1a), (1m), (1q), (2), (2m), (6m), and (6r), 341.25 (1) (a), (c), (h), and (j) and (2) (a), (b), and (c), and 341.26 (2) and (3) (a) 1. and (am). Any design for registration plates issued for automobiles and for vehicles registered on the basis of gross weight shall comply with the applicable design requirements of ss. 341.12 (3), 341.13, and 341.14 (6r) (c) to (e). The designs for registration plates specified in this subsection shall be as similar in appearance as practicable during each 10-year design interval. Except as provided in ss. 341.13 (2r) and 341.14 (1), each registration plate issued under s. 341.14 (1), (1a), (1m), (1q), (2), (2m), (6m), or (6r), 341.25 (1) (a), (c), (h), or (j) or (2) (a), (b), or (c), or 341.26 (2) or (3) (a) 1. or (am) during each 10-year design interval shall be of the design established under this subsection. The department may not redesign registration plates for the special groups under s. 341.14 (6r) (f) 53., 54., or 55. until July 1, 2010. Except for registration plates issued under s. 341.14 (6r) (f) 53., 54., or 55., the first design cycle for registration plates issued under ss. 341.14 (1), (1a), (1m), (1q), (2), (2m), (6m), and (6r), 341.25 (1) (a), (c), (h), and (j) and (2) (a), (b), and (c), and 341.26 (2) and (3) (a) 1. and (am) began July 1, 2000.

5       **SECTION 161.** The treatment of 341.135 (2) (a) 2. of the statutes by 2005  
6       Wisconsin Act 25 is not repealed by 2005 Wisconsin Act 472. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 341.135 (2) (a) 2. reads:

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2. Notwithstanding s. 341.13 (3), beginning with registrations initially effective on July 1, 2010, upon receipt of a completed application to initially register a vehicle under s. 341.14 (1), (1a), (1m), (1q), (2), (2m), (6m), or (6r), or s. 341.25 (1) (a), (c), (h), or (j) or (2) (a), (b), or (c) or 341.26 (2) or (3) (a) 1. or (am), or to renew the registration of a vehicle under those sections for which a registration plate has not been issued during the previous 10 years, the department shall issue and deliver prepaid to the applicant 2 new registration plates of the design established for that 10-year period under sub. (1).

1           **SECTION 162.** The treatment of 341.135 (2) (am) of the statutes by 2005  
2           Wisconsin Act 25 is not repealed by 2005 Wisconsin Act 472. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 341.135 (2) (am) reads:

(am) Notwithstanding s. 341.13 (3) and (3m), beginning with registrations initially effective on July 1, 2000, upon receipt of a completed application to renew the registration of a vehicle registered under s. 341.14 (1), (1a), (1m), (1q), (2), (2m), (6m), or (6r), except s. 341.14 (6r) (f) 53., 54., or 55., or s. 341.25 (1) (a), (c), (h), or (j) or (2) (a), (b), or (c) for which a registration plate of the design established under sub. (1) has not been issued, the department may issue and deliver prepaid to the applicant 2 new registration plates of the design established under sub. (1). This paragraph does not apply to registration plates issued under s. 341.14 (6r) (f) 52., 1997 stats. This paragraph does not apply after June 30, 2010.

3           **SECTION 163.** The treatment of 341.135 (2) (e) of the statutes by 2005 Wisconsin  
4           Act 25 is not repealed by 2005 Wisconsin Act 472. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 341.135 (2) (e) reads:

(e) The department shall issue new registration plates of the design established under sub. (1) for every vehicle registered under s. 341.14 (1), (1a), (1m), (1q), (2), (2m), (6m), or (6r), 341.25 (1) (a), (c), (h), or (j) or (2) (a), (b), or (c), or 341.26 (2) or (3) (a) 1. or (am) after July 1, 2010.

5           **SECTION 164.** 341.14 (6r) (b) 9. of the statutes, as created by 2005 Wisconsin  
6           Act 260, is renumbered 341.14 (6r) (b) 9m., and 341.14 (6r) (b) 9m. (intro.), as  
7           renumbered, is amended to read:

8           341.14 (6r) (b) 9m. (intro.) An additional fee of \$25 that is in addition to the fee  
9           under subd. 2. shall be charged for the issuance or renewal of a plate issued on an  
10          annual basis for the special group specified under par. (f) ~~56~~ 55m. An additional fee  
11          of \$50 that is in addition to the fee under subd. 2. shall be charged for the issuance  
12          or renewal of a plate issued on the biennial basis for the special group specified under  
13          par. (f) ~~56~~ 55m. if the plate is issued or renewed during the first year of the biennial

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1 registration period or \$25 for the issuance or renewal if the plate is issued or renewed  
2 during the 2nd year of the biennial registration period. To the extent permitted  
3 under ch. 71, the fee under this subdivision is deductible as a charitable contribution  
4 for purposes of the taxes under ch. 71. All moneys received under this subdivision,  
5 in excess of \$43,600 for the initial costs of production of the special group plate under  
6 par. (f) ~~56~~ 55m., shall be deposited in the general fund and credited as follows:

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2005 Wis. Act  
25 also created a provision numbered 341.14 (6r) (b) 9. Section 341.14 (6r) (f) 56., as  
created by 2005 Wis. Act 260, is renumbered s. 341.14 (6r) (f) 55m. by this bill.

7 **SECTION 165.** 341.14 (6r) (c) of the statutes, as affected by 2005 Wisconsin Acts  
8 109 and 260, is amended to read:

9 341.14 **(6r)** (c) Special group plates shall display the word “Wisconsin”, the  
10 name of the applicable authorized special group, a symbol representing the special  
11 group, not exceeding one position, and identifying letters or numbers or both, not  
12 exceeding 6 positions and not less than one position. The department shall specify  
13 the design for special group plates, but the department shall consult the president  
14 of the University of Wisconsin System before specifying the word or symbol used to  
15 identify the special groups under par. (f) 35. to 47., the secretary of natural resources  
16 before specifying the word or symbol used to identify the special group under par. (f)  
17 50., the chief executive officer of the professional football team and an authorized  
18 representative of the league of professional football teams described in s. 229.823 to  
19 which that team belongs before specifying the design for the applicable special group  
20 plate under par. (f) 55. ~~and~~, the department of veterans affairs before specifying the  
21 design for the special group plates under par. (f) 49d., 49h., and 49s., and the  
22 department of tourism and chief executive officer of the organization specified in par.  
23 (f) ~~56~~ 55m. before specifying the design and word or symbol used to identify the

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1 special group name for special group plates under par. (f) ~~56~~ 55m. Special group  
2 plates under par. (f) 50. shall be as similar as possible to regular registration plates  
3 in color and design.

NOTE: Deletes unnecessary word. Section 341.14 (6r) (f) 56., as created by 2005  
Wis. Act 260, is renumbered s. 341.14 (6r) (f) 55m. by this bill.

4 **SECTION 166.** 341.14 (6r) (f) 56. of the statutes, as created by 2005 Wisconsin  
5 Act 260, is renumbered 341.14 (6r) (f) 55m.

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2005 Wis. Act  
25 also created a provision numbered 341.14 (6r) (f) 56.

6 **SECTION 167.** 341.14 (6r) (fm) 7. of the statutes, as affected by 2005 Wisconsin  
7 Act 25, section 2247r, and 2005 Wisconsin Acts 109, 199 and 260, is amended to read:

8 341.14 (6r) (fm) 7. After October 1, 1998, additional authorized special groups  
9 may only be special groups designated by the department under this paragraph. The  
10 authorized special groups enumerated in par. (f) shall be limited solely to those  
11 special groups specified under par. (f) on October 1, 1998. This subdivision does not  
12 apply to the special groups specified under par. (f) 3m., 6m., 9g., 9m., 12g., 12m.,  
13 19m., 49d., 49h., 49s., 54., 55., 55m., 56 and 57.

NOTE: 2005 Wis. Act 25, s. 2247r inserted "19m." 2005 Wis. Act 109 stated that it  
amended 341.14 (6r) (fm) 7. as affected by Act 25, s. 2247r., but it did not include "19m.",  
although 2005 Wis. Act 199 did. Acts 25 and 260 both created provisions numbered  
341.14 (6r) (fm) 56. This bill renumbers 341.14 (6r) (fm) 56., as created by 2005 Wis. Act  
260, to 341.14 (6r) (fm) 55m.

14 **SECTION 168.** 343.06 (1) (L) of the statutes, as created by 2005 Wisconsin Act  
15 387, is renumbered 343.06 (1) (m).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2005 Wis. Act  
126 also created a provision numbered s. 343.06 (1) (L).

16 **SECTION 169.** 343.07 (7) of the statutes, as created by 2005 Wisconsin Act 294,  
17 is amended to read:

18 343.07 (7) PENALTY FOR RESTRICTION VIOLATIONS. (a) Notwithstanding s. 343.43  
19 (1) (d) and (3m), any person who violates sub. ~~(1)~~ (1g) (a), (bm), or (d) or (4) (b) 1. or

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1 2. shall be required to forfeit \$50 for the first offense and not less than \$50 nor more  
2 than \$100 for each subsequent offense.

3 (b) Upon receiving notice of a person's conviction for a violation of sub. ~~(1)~~ (1g)  
4 (a), (bm), or (d) or (4) (b) 1. or 2., the department shall notify any adult sponsor who  
5 has signed for the person under s. 343.15 (1) of the conviction.

NOTE: Section 343.07 (1) was renumbered s. 343.07 (1g) by 2005 Wis. Act 149.

6 **SECTION 170.** 343.16 (1) (b) 3. (intro.) and b. of the statutes are amended to read:

7 343.16 (1) (b) 3. (intro.) At least annually, the department shall conduct an  
8 on-site inspection of the 3rd-party tester to determine compliance with the contract  
9 and with department and federal standards for testing applicants for commercial  
10 driver licenses and with department standards for testing applicants for school bus  
11 endorsements. At least annually, the department shall also evaluate testing given  
12 by the 3rd-party tester by one of the following means:

13 b. The department shall retest a sample of drivers who were examined by the  
14 3rd-party tester to compare the pass and fail results.

NOTE: Inserts missing term.

15 **SECTION 171.** 343.71 (5) of the statutes, as created by 2005 Wisconsin Act 397,  
16 section 62, is renumbered 343.71 (6).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2005 Wis. Act  
397 renumbered s. 343.61 (6) to also be s. 343.71 (5).

17 **SECTION 172.** 346.65 (2) (bm) and (cm) of the statutes, as created by 2005  
18 Wisconsin Act 389, are amended to read:

19 346.65 (2) (bm) In Winnebago County, if the number of convictions under ss.  
20 940.09 (1) and 940.25 in the person's lifetime, plus the total number of suspensions,  
21 revocations, and other convictions counted under s. 343.307 (1) within a 10-year  
22 period, equals 2, except that suspensions, revocations, or convictions arising out of

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1 the same incident or occurrence shall be counted as one, the fine shall be the same  
2 as under par. ~~(b)~~ (am) 2., but the period of imprisonment shall be not less than 5 days,  
3 except that if the person successfully completes a period of probation that includes  
4 alcohol and other drug treatment, the period of imprisonment shall be not less than  
5 5 nor more than 7 days. A person may be sentenced under this paragraph or under  
6 par. (cm) or sub. (2j) (bm) or (cm) or (3r) once in his or her lifetime.

7 (cm) In Winnebago County, if the number of convictions under ss. 940.09 (1) and  
8 940.25 in the person's lifetime, plus the total number of suspensions, revocations,  
9 and other convictions counted under s. 343.307 (1) within a 10-year period, equals  
10 3, except that suspensions, revocations, or convictions arising out of the same  
11 incident or occurrence shall be counted as one, the fine shall be the same as under  
12 par. ~~(e)~~ (am) 3., but the period of imprisonment shall be not less than 30 days, except  
13 that if the person successfully completes a period of probation that includes alcohol  
14 and other drug treatment, the period of imprisonment shall be not less than 10 days.  
15 A person may be sentenced under this paragraph or under par. (bm) or sub. (2j) (bm)  
16 or (cm) or (3r) once in his or her lifetime.

NOTE: Inserts correct cross-references. Section 346.65 (2) (a) to (e) was  
renumbered s. 346.65 (2) (am) 1. to 5. by 2005 Wis. Act 149.

17 **SECTION 173.** 346.65 (2j) (bm) and (cm) of the statutes, as created by 2005  
18 Wisconsin Act 389, are amended to read:

19 346.65 **(2j)** (bm) In Winnebago County, if the number of convictions under ss.  
20 940.09 (1) and 940.25 in the person's lifetime, plus the total number of suspensions,  
21 revocations, and other convictions counted under s. 343.307 (1) within a 10-year  
22 period, equals 2, except that suspensions, revocations, or convictions arising out of  
23 the same incident or occurrence shall be counted as one, the fine shall be the same

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1 as under par. ~~(b)~~ (am) 2., but the period of imprisonment shall be not less than 5 days,  
2 except that if the person successfully completes a period of probation that includes  
3 alcohol and other drug treatment, the period of imprisonment shall be not less than  
4 5 nor more than 7 days. A person may be sentenced under this paragraph or under  
5 par. (cm) or sub. (2) (bm) or (cm) or (3r) once in his or her lifetime.

6 (cm) In Winnebago County, if the number of convictions under ss. 940.09 (1) and  
7 940.25 in the person's lifetime, plus the total number of suspensions, revocations,  
8 and other convictions counted under s. 343.307 (1) within a 10-year period, equals  
9 3 or more, except that suspensions, revocations, or convictions arising out of the same  
10 incident or occurrence shall be counted as one, the fine shall be the same as under  
11 par. ~~(e)~~ (am) 3., but the period of imprisonment shall be not less than 30 days, except  
12 that if the person successfully completes a period of probation that includes alcohol  
13 and other drug treatment, the period of imprisonment shall be not less than 10 days.  
14 A person may be sentenced under this paragraph or under par. (bm) or sub. (2) (bm)  
15 or (cm) or (3r) once in his or her lifetime.

NOTE: Inserts correct cross-references. Section 346.65 (2j) (a) to (c) was  
renumbered s. 346.65 (2j) (am) 1. to 3. by 2005 Wis. Act 149.

16 **SECTION 174.** The treatment of 347.50 (1) of the statutes by 2005 Wisconsin Act  
17 106 is not repealed by 2005 Wisconsin Act 193. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, effective  
6-1-2006, s. 347.50 (1) reads:

(1) Any person violating ss. 347.35 to 347.49, except s. 347.385 (5), s. 347.413 (1)  
or s. 347.415 (1m), (2) and (3) to (5) or s. 347.417 (1) or s. 347.475 or s. 347.48 (2m) or (4)  
or s. 347.489, may be required to forfeit not less than \$10 nor more than \$200.

18 **SECTION 175.** The treatment of 348.21 (3) (intro.) of the statutes by 2005  
19 Wisconsin Act 167 is not repealed by 2005 Wisconsin Act 364. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 348.21 (3)  
(intro.) reads:

(3) Except as provided in sub. (3g), any person violating s. 348.15 or 348.16 or any  
weight limitation posted as provided in s. 348.17 (1) or in a declaration issued under s.

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348.175 or authorized under s. 348.17 (3) or (5) or in an overweight permit issued under s. 348.26 or 348.27 may be penalized as follows:

1           **SECTION 176.** 348.21 (3) (b) 1. of the statutes is renumbered 348.21 (3) (b) 1.  
2 (intro.) and amended to read:

3           348.21 **(3)** (b) 1. (intro.) For the first conviction, a forfeiture of not less than \$50  
4 nor more than \$200 plus an amount equal to: ~~1~~ whichever of the following applies:

5           a. One cent for each pound of total excess load when the total excess is not over  
6 2,000 pounds; ~~2.~~

7           b. Two cents for each pound of total excess load if the excess is over 2,000 pounds  
8 and not over 3,000 pounds; ~~3.~~

9           c. Three cents for each pound of total excess load if the excess is over 3,000  
10 pounds and not over 4,000 pounds; ~~5.~~

11           d. Five cents for each pound of total excess load if the excess is over 4,000  
12 pounds and not over 5,000 pounds; ~~7.~~

13           e. Seven cents for each pound of total excess load if the excess is over 5,000  
14 pounds.

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.

15           **SECTION 177.** 348.21 (3) (b) 2. of the statutes is renumbered 348.21 (3) (b) 2.  
16 (intro.) and amended to read:

17           348.21 **(3)** (b) 2. (intro.) For the 2nd and each subsequent conviction within a  
18 12-month period, a forfeiture of not less than \$100 nor more than \$300, plus an  
19 amount equal to: ~~2~~ whichever of the following applies:

20           a. Two cents for each pound of total excess load when the total excess is not over  
21 2,000 pounds; ~~4.~~

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1           **b.** Four cents for each pound of total excess load if the excess is over 2,000  
2 pounds and not over 3,000 pounds;~~6.~~

3           **c.** Six cents for each pound of total excess load if the excess is over 3,000 and  
4 not over 4,000 pounds;~~8.~~

5           **d.** Eight cents for each pound of total excess load if the excess is over 4,000  
6 pounds and not over 5,000 pounds;~~10.~~

7           **e.** Ten cents for each pound of total excess load if the excess is over 5,000 pounds.

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.

8           **SECTION 178.** 348.21 (3g) (intro.) of the statutes, as created by 2005 Wisconsin  
9 Act 167, is amended to read:

10           348.21 (3g) (intro.) Any person who, while operating a vehicle combination that  
11 has 6 or more axles and that is transporting raw forest products, violates s. 348.15  
12 or 348.16 or any weight limitation posted as provided in s. 348.17 (1) or in a  
13 declaration issued under s. 348.175 or authorized under ~~s. 348.17 (4)~~ or in an  
14 overweight permit issued under s. 348.26 or 348.27 may be penalized as follows:

NOTE: 2005 Wis. Act 364 repealed s. 348.17 (4).

15           **SECTION 179.** 348.21 (3g) (intro.) of the statutes, as affected by 2005 Wisconsin  
16 Act 167, section 7, is amended to read:

17           348.21 (3g) (intro.) Any person who, while operating a vehicle combination that  
18 has 6 or more axles and that is transporting raw forest products, violates s. 348.15  
19 or 348.16 or any weight limitation posted as provided in s. 348.17 (1) or authorized  
20 under ~~s. 348.17 (4)~~ or in an overweight permit issued under s. 348.26 or 348.27 may  
21 be penalized as follows:

NOTE: 2005 Wis. Act 364 repealed s. 348.17 (4).

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1           **SECTION 180.** 348.21 (3g) (a) of the statutes, as created by 2005 Wisconsin Act  
2 167, is renumbered 348.21 (3g) (a) (intro.) and amended to read:

3           348.21 **(3g)** (a) (intro.) For a first conviction or a 2nd conviction within a  
4 12-month period, a forfeiture of not less than \$150 nor more than \$250 plus an  
5 amount equal to: ~~6~~ whichever of the following applies:

6           1. Six cents for each pound of total excess load when the total excess is less than  
7 2,000 pounds; ~~8.~~

8           2. Eight cents for each pound of total excess load if the excess is 2,000 pounds  
9 or more and not over 3,000 pounds; ~~9.~~

10           3. Nine cents for each pound of total excess load if the excess is over 3,000  
11 pounds and not over 4,000 pounds; ~~10.~~

12           4. Ten cents for each pound of total excess load if the excess is over 4,000 pounds  
13 and not over 5,000 pounds; ~~11.~~

14           5. Eleven cents for each pound of total excess load if the excess is over 5,000  
15 pounds.

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.

16           **SECTION 181.** 348.21 (3g) (b) of the statutes, as created by 2005 Wisconsin Act  
17 167, is renumbered 348.21 (3g) (b) (intro.) and amended to read:

18           348.21 **(3g)** (b) (intro.) For the 3rd and each subsequent conviction within a  
19 12-month period, a forfeiture of not less than \$500 nor more than \$550, plus an  
20 amount equal to: ~~20~~ whichever of the following applies:

21           1. Twenty cents for each pound of total excess load when the total excess is 3,000  
22 pounds or less; ~~21.~~

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1           2. Twenty-one cents for each pound of total excess load if the excess is over  
2 3,000 pounds and not over 4,000 pounds; ~~22.~~

3           3. Twenty-two cents for each pound of total excess load if the excess is over  
4 4,000 pounds and not over 5,000 pounds; ~~23.~~

5           4. Twenty-three cents for each pound of total excess load if the excess is over  
6 5,000 pounds.

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.

7           **SECTION 182.** 402.318 (title) of the statutes is amended to read:

8           **402.318** (title) ~~Third party~~ **Third-party beneficiaries of warranties,**  
9 **express or implied.**

NOTE: Corrects spelling.

10           **SECTION 183.** 440.142 (2) of the statutes, as affected by 2005 Wisconsin Act 198,  
11 is renumbered 450.145 (1m) and amended to read:

12           450.145 **(1m)** Except as provided in s. ~~450.145 sub.~~ (2), a pharmacist or  
13 pharmacy may not report personally identifying information concerning an  
14 individual who is dispensed a prescription or who purchases a nonprescription drug  
15 product as specified in sub. (1) (a), (b), or (c).

NOTE: The remainder of s. 440.142 was renumbered to s. 450.145.

16           **SECTION 184.** Subchapter XI of chapter 440 [precedes 440.980] of the statutes,  
17 as created by 2005 Wisconsin Act 292, is renumbered subchapter XII of chapter 440  
18 [precedes 440.9805].

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). Subchapter VII of chapter 440, as created by 2005 Wis. Act 25, was renumbered subchapter XI of chapter 440 by the revisor under s. 13.93 (1) (b).

19           **SECTION 185.** 440.980 of the statutes, as created by 2005 Wisconsin Act 292,  
20 is renumbered 440.9805.

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NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). Section 440.70 as created by 2005 Wis. Act 25, was renumbered 440.98 by the revisor under s. 13.93 (1) (b).

1           **SECTION 186.** Subchapter XII of chapter 440 [precedes 440.99] of the statutes  
2 is renumbered subchapter XIII of chapter 440 [precedes 440.99].

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). Subchapter XII of chapter 440 is renumbered subchapter XIII of chapter 440 to accommodate the renumbering of subchapter XI of chapter 440 by this bill.

3           **SECTION 187.** 441.15 (2) (intro.) of the statutes, as affected by 2005 Wisconsin  
4 Acts 96 and 292, is amended to read:

5           441.15 (2) (intro.) Except as provided in sub. (2m) and s. 250.042 (4) (b), no  
6 person may engage in the practice of nurse-midwifery unless each of the following  
7 conditions is satisfied:

NOTE: Inserts "and" required by the merger of the treatments of s. 441.15 (2) (intro.) by 2005 Wis. Acts 96 and 292.

8           **SECTION 188.** 441.15 (2m) of the statutes, as created by 2005 Wisconsin Act 292,  
9 is amended to read:

10           441.15 (2m) Subsection (2) does not apply to a person granted a license to  
11 practice midwifery under subch. ~~XI~~ XII of ch. 440.

NOTE: Subchapter XI of chapter 440, as created by 2005 Wis. Act 477, is renumbered to subchapter XII of chapter 440 by this bill.

12           **SECTION 189.** 448.03 (2) (a) of the statutes, as affected by 2005 Wisconsin Act  
13 292, is amended to read:

14           448.03 (2) (a) Any person lawfully practicing within the scope of a license,  
15 permit, registration, certificate or certification granted to practice midwifery under  
16 subch. ~~XI~~ XII of ch. 440, to practice professional or practical nursing or  
17 nurse-midwifery under ch. 441, to practice chiropractic under ch. 446, to practice  
18 dentistry or dental hygiene under ch. 447, to practice optometry under ch. 449, to

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1 practice acupuncture under ch. 451 or under any other statutory provision, or as  
2 otherwise provided by statute.

NOTE: Subchapter XI of chapter 440, as created by 2005 Wis. Act 292, is  
renumbered to subchapter XII of chapter 440 by this bill.

3 **SECTION 190.** 448.08 (3) of the statutes is amended to read:

4 448.08 (3) BILLING FOR TESTS PERFORMED BY THE STATE LABORATORY OF HYGIENE.

5 A person other than a state or local government agency who charges a patient, other  
6 person or ~~3rd party~~ 3rd-party payer for services performed by the state laboratory  
7 of hygiene shall identify the actual amount charged by the state laboratory of  
8 hygiene and shall restrict charges for those services to that amount.

NOTE: Corrects spelling.

9 **SECTION 191.** 449.18 (8) of the statutes is renumbered 449.18 (6) (cm).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2005 Wis. Act  
297 changed cross-references to s. 449.18 (8) to s. 449.18 (6) (cm), but did not treat s.  
449.18 (8).

10 **SECTION 192.** 450.11 (4m) of the statutes, as created by 2005 Wisconsin Act 195,  
11 is renumbered 450.11 (4g).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2005 Wis. Act  
196 also created a provision numbered s. 450.11 (4m).

12 **SECTION 193.** 452.135 (2) (a) (intro.) of the statutes, as affected by 2005  
13 Wisconsin Act 87, is amended to read:

14 452.135 (2) (a) (intro.) Except as provided in ~~sub. par.~~ (b), a broker shall provide  
15 to a client a copy of the following written disclosure statement not later than the time  
16 the broker enters into an agency agreement with the client:

NOTE: Corrects cross-reference. The cross-reference is shown correctly in the  
printed statutes.

17 **SECTION 194.** 560.275 (2) (c) of the statutes, as affected by 2005 Wisconsin Act  
18 97, is amended to read:

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1           560.275 (2) (c) *Bridge grants and loans*. The department may make a grant  
2 or loan from the appropriation under s. 20.143 (1) (c) or (ie) to a person who has  
3 received early stage financing from 3rd parties or a grant from the federal  
4 government to fund early stage research and development and who has sought  
5 additional early stage financing from 3rd parties or applied for an additional grant  
6 from the federal government to fund early stage research and development. A grant  
7 or loan under this paragraph shall be for the purpose of funding professional  
8 activities necessary to maintain the project research and management team and  
9 funding basic operations until the applicant's additional ~~3rd party~~ 3rd-party  
10 financing request or federal grant application is approved or denied.

NOTE: Corrects spelling.

11           **SECTION 195.** 560.799 (1) (bm) 1. of the statutes, as created by 2005 Wisconsin  
12 Act 361, is amended to read:

13           560.799 (1) (bm) 1. A business' employees in ~~a economie~~ an enterprise zone.

NOTE: Inserts correct term consistent with the remainder of 2005 Wis. Act 361.  
Inserts correct article after governor's partial veto.

14           **SECTION 196.** 705.04 (2) (intro.) of the statutes, as affected by 2005 Wisconsin  
15 Acts 216 and 387, is amended to read:

16           705.04 (2) (intro.) If the account is a P.O.D. account, on the death of the original  
17 payee or the survivor of 2 or more original payees, ~~54~~ all of the following apply:

NOTE: Deletes language inserted by 2005 Wis. Act 387 but rendered surplusage by  
2005 Wis. Act 216.

18           **SECTION 197.** 705.04 (2) (f) of the statutes, as created by 2005 Wisconsin Act  
19 216, is amended to read:

20           705.04 (2) (f) Payment may be made to a minor P.O.D. beneficiary only in  
21 accordance with a procedure approved under ch. ~~880~~ 54.

NOTE: Chapter 880 is renumbered ch. 54 by 2005 Wis. Act 387.

**SENATE BILL 301****SECTION 198**

1           **SECTION 198.** 705.20 (4) of the statutes, as created by 2005 Wisconsin Act 216,  
2 is renumbered 705.10 (4).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2005 Wis. Act  
206 renumbered s. 705.20 to s. 705.10.

3           **SECTION 199.** 752.03 (3) of the statutes is repealed.

NOTE: Repeals obsolete transition provision.

4           **SECTION 200.** 752.03 (4) of the statutes is renumbered 752.03 and amended to  
5 read:

6           **752.03 Number of judges.** ~~Beginning on August 1, 1994, there~~ There shall  
7 be 16 court of appeals judges. Three judges shall be elected from the district specified  
8 in s. 752.17, 4 judges shall be elected from each of the 2 districts specified in ss. 752.13  
9 and 752.15 and 5 judges shall be elected from the district specified in s. 752.19.

NOTE: As a result of the repeal of ss. 752.03 (3) by this bill, this provision does not  
have multiple subsections. Obsolete transition language is deleted.

10          **SECTION 201.** The treatment of 767.41 (1) (a), as renumbered, of the statutes  
11 by 2005 Wisconsin Act 130, section 5, is not repealed by 2005 Wisconsin Act 443,  
12 section 29. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 767.41 (1) (a),  
as renumbered from s. 767.05 (2) by 2005 Wis. Act 443, reads:

(a) Subject to ch. 822, the question of a child's custody may be determined as an  
incident of any action affecting the family or in an independent action for custody. The  
effect of any determination of a child's custody is not binding personally against any  
parent or guardian unless the parent or guardian has been made personally subject to  
the jurisdiction of the court in the action as provided under ch. 801 or has been notified  
under s. 822.08, as provided in s. 822.06. Nothing in this chapter may be construed to  
foreclose a person other than a parent who has physical custody of a child from proceeding  
under ch. 822.

13          **SECTION 202.** 767.80 (2) (title) of the statutes, as created by 2005 Wisconsin Act  
14 443, is amended to read:

15          **767.80 (2)** (title) CERTAIN AGREEMENTS NOT ~~A~~ A BAR TO ACTION.

NOTE: Corrects capitalization.

16          **SECTION 203.** 801.14 (3) of the statutes is amended to read:

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1           801.14 (3) In any action in which there are unusually large numbers of  
2 defendants, the court, upon motion or on its own initiative, may order that service  
3 of the pleadings of the defendants and replies thereto need not be made as between  
4 the defendants and that any ~~cross-claim~~ cross claim, counterclaim, or matter  
5 constituting an avoidance or affirmative defense contained therein shall be deemed  
6 to be denied or avoided by all other parties and that the filing of any such pleading  
7 and service thereof upon the plaintiff constitutes due notice of it to the parties. A copy  
8 of every such order shall be served upon the parties in such manner and form as the  
9 court directs.

NOTE: Corrects spelling.

10           **SECTION 204.** 802.01 (1) of the statutes, as affected by 2005 Wisconsin Act 253,  
11 is amended to read:

12           802.01 (1) PLEADINGS. There shall be a complaint and an answer; a reply to a  
13 counterclaim denominated as such; an answer to a ~~cross-claim~~ cross claim, if the  
14 answer contains a ~~cross-claim~~ cross claim; a 3rd-party complaint, if a person who  
15 was not an original party is summoned under s. 803.05, and a 3rd-party answer, if  
16 a 3rd-party complaint is served. No other pleading shall be allowed, except that the  
17 court may order a further pleading to a reply or to any answer.

NOTE: Corrects spelling.

18           **SECTION 205.** 802.04 (1) of the statutes is amended to read:

19           802.04 (1) CAPTION. Every pleading shall contain a caption setting forth the  
20 name of the court, the venue, the title of the action, the file number, and a designation  
21 as in s. 802.01 (1). If a pleading contains motions, or an answer or reply contains  
22 ~~cross-claims~~ cross claims or counterclaims, the designation in the caption shall state  
23 their existence. In the complaint the caption of the action shall include the

**SENATE BILL 301**

1 standardized description of the case classification type and associated code number  
2 as approved by the director of state courts, and the title of the action shall include  
3 the names and addresses of all the parties, indicating the representative capacity,  
4 if any, in which they sue or are sued and, in actions by or against a corporation, the  
5 corporate existence and its domestic or foreign status shall be indicated. In pleadings  
6 other than the complaint, it is sufficient to state the name of the first party on each  
7 side with an appropriate indication of other parties. Every pleading commencing an  
8 action under s. 814.61 (1) (a) or 814.62 (1) or (2) and every complaint filed under s.  
9 814.61 (3) shall contain in the caption, if the action includes a claim for a money  
10 judgment, a statement of whether the amount claimed is greater than the amount  
11 under s. 799.01 (1) (d).

NOTE: Corrects spelling.

12 **SECTION 206.** 802.06 (1) of the statutes, as affected by Supreme Court Order  
13 03-06 and 2005 Wisconsin Act 442, is amended to read:

14 802.06 (1) **WHEN PRESENTED.** Except when a court dismisses an action or special  
15 proceeding under s. 802.05 (4), a defendant shall serve an answer within 20 days  
16 after the service of the complaint upon the defendant. If a guardian ad litem is  
17 appointed for a defendant, the guardian ad litem shall have 20 days after  
18 appointment to serve the answer. A party served with a pleading stating a  
19 ~~cross-claim~~ cross claim against the party shall serve an answer thereto within 20  
20 days after the service upon the party. The plaintiff shall serve a reply to a  
21 counterclaim in the answer within 20 days after service of the answer. The state or  
22 an agency of the state or an officer, employee, or agent of the state shall serve an  
23 answer to the complaint or to a ~~cross-claim~~ cross claim or a reply to a counterclaim  
24 within 45 days after service of the pleading in which the claim is asserted. If any

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1 pleading is ordered by the court, it shall be served within 20 days after service of the  
2 order, unless the order otherwise directs. If a defendant in the action is an insurance  
3 company, or if any cause of action raised in the original pleading, ~~cross-claim~~ cross  
4 claim, or counterclaim is founded in tort, the periods of time to serve a reply or answer  
5 shall be 45 days. The service of a motion permitted under sub. (2) alters these periods  
6 of time as follows, unless a different time is fixed by order of the court: if the court  
7 denies the motion or postpones its disposition until the trial on the merits, the  
8 responsive pleading shall be served within 10 days after notice of the court's action;  
9 or if the court grants a motion for a more definite statement, the responsive pleading  
10 shall be served within 10 days after the service of the more definite statement.

NOTE: Corrects spelling.

11 **SECTION 207.** 802.06 (2) (a) (intro.) of the statutes is amended to read:

12 802.06 (2) (a) (intro.) Every defense, in law or fact, except the defense of  
13 improper venue, to a claim for relief in any pleading, whether a claim, counterclaim,  
14 ~~cross-claim~~ cross claim, or 3rd-party claim, shall be asserted in the responsive  
15 pleading thereto if one is required, except that the following defenses may at the  
16 option of the pleader be made by motion:

NOTE: Corrects spelling.

17 **SECTION 208.** 802.07 (title) of the statutes is amended to read:

18 **802.07 (title) Counterclaim and ~~cross-claim~~ cross claim.**

NOTE: Corrects spelling.

19 **SECTION 209.** 802.07 (4) and (5) of the statutes are amended to read:

20 802.07 (4) JOINDER OF ADDITIONAL PARTIES. Persons other than those made  
21 parties to the original action may be made parties to a counterclaim or ~~cross-claim~~  
22 cross claim in accordance with ss. 803.03 to 803.05.

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1           **(5) SEPARATE TRIALS; SEPARATE JUDGMENTS.** If the court orders separate trials as  
2 provided in s. 805.05 (2), judgment on a counterclaim or ~~cross-claim~~ cross claim may  
3 be rendered in accordance with s. 806.01 (2) when the court has jurisdiction so to do,  
4 even if the claims of the opposing party have been dismissed or otherwise disposed  
5 of.

NOTE: Corrects spelling.

6           **SECTION 210.** 802.08 (1) of the statutes, as affected by 2005 Wisconsin Act 253,  
7 is amended to read:

8           **802.08 (1) AVAILABILITY.** A party may, within 8 months of the filing of a  
9 summons and complaint or within the time set in a scheduling order under s. 802.10,  
10 move for summary judgment on any claim, counterclaim, ~~cross-claim~~ cross claim, or  
11 3rd-party claim which is asserted by or against the party. Amendment of pleadings  
12 is allowed as in cases where objection or defense is made by motion to dismiss.

NOTE: Corrects spelling.

13           **SECTION 211.** 803.02 (1) of the statutes, as affected by 2005 Wisconsin Act 253,  
14 is amended to read:

15           **803.02 (1)** A party asserting a claim to relief as an original claim, counterclaim,  
16 ~~cross-claim~~ cross claim, or 3rd-party claim, may join, either as independent or as  
17 alternate claims, as many claims, legal or equitable, as the party has against an  
18 opposing party.

NOTE: Corrects spelling.

19           **SECTION 212.** 803.05 (1) of the statutes, as affected by 2005 Wisconsin Act 253,  
20 is amended to read:

21           **803.05 (1)** At any time after commencement of the action, a defending party,  
22 as a 3rd-party plaintiff, may cause a summons and complaint to be served upon a

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1 person not a party to the action who is or may be liable to the defending party for all  
2 or part of the plaintiff's claim against the defending party, or who is a necessary party  
3 under s. 803.03. The 3rd-party plaintiff need not obtain leave to implead if he or she  
4 serves the 3rd-party summons and 3rd-party complaint not later than 6 months  
5 after the summons and complaint are filed or the time set in a scheduling order under  
6 s. 802.10; thereafter, the 3rd-party plaintiff must obtain leave on motion upon notice  
7 to all parties to the action. The person served with the summons and 3rd-party  
8 complaint, hereinafter called the 3rd-party defendant, shall make defenses to the  
9 3rd-party plaintiff's claim as provided in s. 802.06 and counterclaims against the  
10 3rd-party plaintiff and ~~cross-claims~~ cross claims against any other defendant as  
11 provided in s. 802.07. The 3rd-party defendant may assert against the plaintiff any  
12 defenses which the 3rd-party plaintiff has to the plaintiff's claim. The 3rd-party  
13 defendant may also assert any claim against the plaintiff if the claim is based upon  
14 the same transaction, occurrence or series of transactions or occurrences as is the  
15 plaintiff's claim against the 3rd-party plaintiff. The plaintiff may assert any claim  
16 against the 3rd-party defendant if the claim is based upon the same transaction,  
17 occurrence or series of transactions or occurrences as is the plaintiff's claim against  
18 the 3rd-party plaintiff, and the 3rd-party defendant thereupon shall assert defenses  
19 as provided in s. 802.06 and counterclaims and ~~cross-claims~~ cross claims as provided  
20 in s. 802.07.

NOTE: Corrects spelling.

21 **SECTION 213.** 803.07 of the statutes is amended to read:

22 **803.07 Interpleader.** Persons having claims against the plaintiff may be  
23 joined as defendants and required to interplead when their claims are such that the  
24 plaintiff is or may be exposed to double or multiple liability. It is not ground for

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1 objection to the joinder that the claims of the several claimants or the titles on which  
2 their claims depend do not have a common origin or are not identical but are adverse  
3 to and independent of one another, or that the plaintiff avers that the plaintiff is not  
4 liable in whole or in part to any or all of the claimants. A defendant exposed to similar  
5 liability may obtain such interpleader by way of ~~cross-claim~~ cross claim or  
6 counterclaim. The provisions of this section supplement and do not in any way limit  
7 the joinder of parties permitted in s. 803.04.

NOTE: Corrects spelling.

8 **SECTION 214.** 804.05 (3) (b) 5. of the statutes, as affected by 2005 Wisconsin Act  
9 253, is amended to read:

10 804.05 (3) (b) 5. In this subsection, the terms “defendant” and “plaintiff”  
11 include officers, directors and managing agents of corporate defendants and  
12 corporate plaintiffs, or other persons designated under sub. (2) (e), as appropriate.  
13 A defendant who asserts a counterclaim or a ~~cross-claim~~ cross claim shall not be  
14 considered a plaintiff within the meaning of this subsection, but a 3rd-party plaintiff  
15 under s. 803.05 (1) shall be so considered with respect to the 3rd-party defendant.

NOTE: Corrects spelling.

16 **SECTION 215.** 805.04 (3) of the statutes, as affected by 2005 Wisconsin Act 253,  
17 is amended to read:

18 805.04 (3) COUNTERCLAIM, ~~CROSS-CLAIM~~ CROSS CLAIM AND 3RD-PARTY CLAIM. This  
19 section applies to the voluntary dismissal of any counterclaim, ~~cross-claim~~ cross  
20 claim, or 3rd-party claim. A voluntary dismissal by the claimant alone shall be made  
21 before a responsive pleading is served, or if there is none, before the introduction of  
22 evidence at the trial or hearing.

NOTE: Corrects spelling.

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1           **SECTION 216.** 805.05 (2) of the statutes, as affected by 2005 Wisconsin Act 253,  
2 is amended to read:

3           805.05 (2) SEPARATE TRIALS. The court, in furtherance of convenience or to avoid  
4 prejudice, or when separate trials will be conducive to expedition or economy, or  
5 pursuant to s. 803.04 (2) (b), may order a separate trial of any claim, ~~cross-claim~~  
6 cross claim, counterclaim, or 3rd-party claim, or of any number of claims, always  
7 preserving inviolate the right of trial in the mode to which the parties are entitled.

NOTE: Corrects spelling.

8           **SECTION 217.** 805.14 (9) of the statutes, as affected by 2005 Wisconsin Act 253,  
9 is amended to read:

10           805.14 (9) INVOLUNTARY DISMISSAL OF COUNTERCLAIM, ~~CROSS-CLAIM~~ CROSS CLAIM  
11 OR 3RD-PARTY CLAIM. This section applies to counterclaims, ~~cross-claims~~ cross claims,  
12 and 3rd-party claims.

NOTE: Corrects spelling.

13           **SECTION 218.** 812.17 of the statutes is amended to read:

14           **812.17 Impleader.** When the answer of the garnishee discloses that any 3rd  
15 person claims the debt or property in the garnishee's hands and the name and  
16 residence of such claimant the court may order that such claimant be impleaded as  
17 a defendant in the garnishment action and that notice thereof, setting forth the facts,  
18 with a copy of such order and answer be served upon the ~~3rd person~~ 3rd-person  
19 claimant, and that after such service is made the garnishee may pay or deliver to the  
20 officer or the clerk such debt or property and have a receipt therefor, which shall be  
21 a complete discharge from all liability for the amount so paid or property so delivered.  
22 Such notice shall be served as required for service of a summons. Upon such service  
23 being made such claimant shall be deemed a defendant in the garnishee action, and

**SENATE BILL 301****SECTION 218**

1 within 20 days shall answer setting forth the claimant's claim or any defense which  
2 that the garnishee might have made.

NOTE: Corrects spelling.

3 **SECTION 219.** 814.75 (1g) of the statutes, as created by 2005 Wisconsin Act 433,  
4 is renumbered 814.75 (1j).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2005 Wis. Act 288 also created a provision numbered 814.75 (1g).

5 **SECTION 220.** 814.75 (1r) of the statutes, as affected by 2005 Wisconsin Act 433,  
6 is renumbered 814.75 (1m).

NOTE: 2005 Wis. Act 288 renumbered s. 814.75 (1) to 814.75 (1m). 2005 Wis. Act 433 renumbered 814.75 (1) to 814.75 (1r). The revisor under s. 13.93 (1) (b) numbers the provision 814.75 (1m).

7 **SECTION 221.** 814.75 (13m) of the statutes, as created by 2005 Wisconsin Act  
8 288, is amended to read:

9 814.75 (**13m**) The Great Lakes resource surcharge under s. ~~29.99~~ 29.9905.

NOTE: Section 29.99, as created by 2005 Wis. Act 288, is renumbered to s. 29.9905 by this bill.

10 **SECTION 222.** 814.76 (1g) of the statutes, as created by 2005 Wisconsin Act 433,  
11 is renumbered 814.76 (1j).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2005 Wis. Act 288 also created a provision numbered 814.76 (1g).

12 **SECTION 223.** 814.76 (1r) of the statutes, as affected by 2005 Wisconsin Act 433,  
13 section 13, is renumbered 814.76 (1m).

NOTE: 2005 Wis. Act 288 renumbered s. 814.76 (1) to 814.76 (1m). 2005 Wis. Act 433 renumbered 814.76 (1) to 814.76 (1r). The revisor under s. 13.93 (1) (b) numbers the provision 814.76 (1m).

14 **SECTION 224.** 814.76 (10m) of the statutes, as created by 2005 Wisconsin Act  
15 288, is amended to read:

16 814.76 (**10m**) The Great Lakes resource surcharge under s. ~~29.99~~ 29.9905.

NOTE: Section 29.99, as created by 2005 Wis. Act 288, is renumbered to s. 29.9905 by this bill.

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1           **SECTION 225.** 814.77 (6m) of the statutes, as created by 2005 Wisconsin Act 288,  
2 is amended to read:

3           814.77 **(6m)** The Great Lakes resource surcharge under s. ~~29.99~~ 29.9905.

          NOTE: Section 29.99, as created by 2005 Wis. Act 288, is renumbered to s. 29.9905  
by this bill.

4           **SECTION 226.** 822.31 (1) of the statutes, as affected by 2005 Wisconsin Act 130,  
5 is amended to read:

6           822.31 **(1)** “Judicial day” means each day except Saturday, Sunday, or a legal  
7 holiday under s. ~~895.20~~ 995.20.

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

8           **SECTION 227.** 867.046 (1m) of the statutes, as affected by 2005 Wisconsin Acts  
9 206 and 216, is amended to read:

10           867.046 **(1m)** UPON DEATH; GENERALLY. If a domiciliary of this state dies who  
11 immediately prior to death had an interest in property in this state, including an  
12 interest in survivorship marital property or an interest in property passing under s.  
13 ~~705.20~~ 705.10 (1), or if a person not domiciled in this state dies having an interest  
14 in property in this state, including an interest in survivorship marital property or an  
15 interest in property passing under s. ~~705.20~~ 705.10 (1), upon petition of the  
16 decedent’s spouse, a beneficiary of a marital property agreement or, a TOD  
17 beneficiary, or a beneficiary of a transfer under s. ~~705.20~~ 705.10 (1) to the court of the  
18 county of domicile of the decedent or, if the decedent was not domiciled in this state,  
19 of any county where the property is situated, the court shall issue a certificate under  
20 the seal of the court. The certificate shall set forth the fact of the death of the  
21 decedent, the termination or transfer of the decedent’s interest in the property, the  
22 interest of the petitioner in the property and any other facts essential to a

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1 determination of the rights of persons interested. The certificate is prima facie  
2 evidence of the facts recited, and if the certificate relates to an interest in real  
3 property or to a debt secured by an interest in real property, the petitioner shall  
4 record a certified copy or duplicate original of the certificate in the office of the  
5 register of deeds in each county in this state in which the real property is located.

NOTE: Section 705.20 was renumbered to s. 705.10 by 2005 Wis. Act 206. Corrects  
punctuation.

6 **SECTION 228.** 867.046 (2) (intro.) of the statutes, as affected by 2005 Wisconsin  
7 Acts 206 and 216, is amended to read:

8 867.046 (2) UPON DEATH; INTEREST IN PROPERTY. (intro.) As an alternative to sub.  
9 (1m), upon the death of any person having an interest in any real property, a vendor's  
10 interest in a land contract, an interest in a savings or checking account, an interest  
11 in a security, a mortgagee's interest in a mortgage, or an interest in property passing  
12 under s. ~~705.20~~ 705.10 (1), including an interest in survivorship marital property, the  
13 decedent's spouse, a beneficiary of a marital property agreement or a TOD  
14 beneficiary, or a beneficiary of a transfer under s. ~~705.20~~ 705.10 (1) may obtain  
15 evidence of the termination of that interest of the decedent and confirmation of the  
16 petitioner's interest in the property by providing to the register of deeds of the county  
17 in which the property is located the certified death certificate for the decedent and,  
18 on applications supplied by the register of deeds for that purpose, all of the following  
19 information:

NOTE: Section 705.20 was renumbered to s. 705.10 by 2005 Wis. Act 206. Corrects  
punctuation.

20 **SECTION 229.** 867.046 (2) (k) of the statutes, as created by 2005 Wisconsin Act  
21 216, is amended to read:

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1           867.046 (2) (k) In the case of a transfer under s. ~~705.20~~ 705.10 (1), except as  
2 described in par. (i) or (j), a copy of the document described in s. ~~705.20~~ 705.10 (1).

NOTE: Section 705.20 was renumbered to s. 705.10 by 2005 Wis. Act 206.

3           **SECTION 230.** 879.09 of the statutes, as affected by 2005 Wisconsin Acts 216 and  
4 387, is amended to read:

5           **879.09 Notice requirement satisfied by waiver of notice.** Persons who  
6 are not minors or individuals adjudicated incompetent, on behalf of themselves, and  
7 appointed guardians ad litem and guardians of the estate on behalf of themselves  
8 and those whom they represent, may in writing waive the service of notice upon them  
9 and consent to the hearing of any matter without notice,. An attorney, or  
10 attorney-in-fact, for a person in the military service may waive notice on behalf of  
11 himself or herself but cannot waive notice on behalf of the person in the military  
12 service. Waiver of notice by any person is equivalent to timely service of notice.

NOTE: Deletes unnecessary comma.

13           **SECTION 231.** 880.01 (8m) of the statutes, as created by 2005 Wisconsin Act 264,  
14 is renumbered 54.01 (28).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2005 Wis. Act 387 created the same provision as s. 54.01 (28) and renumbered the remainder of s. 880.01 to s. 54.01.

15           **SECTION 232.** 880.07 (2m) of the statutes, as created by 2005 Wisconsin Act 264,  
16 is renumbered 54.34 (2m).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2005 Wis. Act 387 renubers the remainder of s. 880.07 to s. 54.34.

17           **SECTION 233.** 880.33 (2) (f) of the statutes, as created by 2005 Wisconsin Act  
18 264, is renumbered 54.44 (5m).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2005 Wis. Act 387 renumbered s. 880.33 to multiple locations in ch. 54 but did not take into account the creation of s. 880.33 (2) (f) by 2005 Wis. Act 264. It is moved to s. 54.44 (5) for proximity to provisions relating to who may be present at a guardianship hearing.

**SENATE BILL 301****SECTION 234**

1           **SECTION 234.** The treatment of 893.587 of the statutes by 2005 Wisconsin Act  
2 155 is not repealed by 2005 Wisconsin Act 277. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 893.587 reads:

**893.587 Sexual assault of a child; limitation.** An action to recover damages for injury caused by an act that would constitute a violation of s. 948.02, 948.025, 948.06, 948.085, or 948.095 or would create a cause of action under s. 895.442 shall be commenced before the injured party reaches the age of 35 years or be barred.

3           **SECTION 235.** 895.07 (7) (i) of the statutes, as created by 2005 Wisconsin Act  
4 201, is amended to read:

5           895.07 (7) (i) If the contractor rejects the supplemental offer made by the  
6 supplier to remedy the construction defect or to settle the claim by monetary  
7 payment or a combination of each, the contractor shall, within 15 working days after  
8 receiving the offer, serve written notice of the contractor's rejection on the supplier.  
9 The notice shall include the reasons for the contractor's rejection of the supplier's  
10 supplemental settlement offer. If the contractor believes the supplier's  
11 supplemental settlement offer is unreasonable, the contractor shall set forth the  
12 reasons why the contractor believes the supplemental settlement offer is  
13 unreasonable. If the supplier declines to make a supplemental offer, or if the  
14 contractor rejects the supplemental offer, the contractor may bring an action against  
15 the supplier for the claim described in the notice of claim without further notice.

NOTE: Inserts missing article.

16           **SECTION 236.** 895.497 (title) of the statutes, as created by 2005 Wisconsin Act  
17 322, is amended to read:

18           **895.497 (title) Liability Civil liability exemption: furnishing safety**  
19 **services relating to child safety restraint systems.**

NOTE: Conforms form of title to the other titles in ch. 895 relating to civil liability exemptions, as affected by 2005 Wis. Act 155.

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1           **SECTION 237.** 895.506 (title) of the statutes, as created by 2005 Wisconsin Act  
2           325, is amended to read:

3           **895.506** (title) **~~Liability~~ Civil liability exemption: weight gain and**  
4           **obesity claims.**

NOTE: Conforms form of title to the other titles in ch. 895 relating to civil liability exemptions, as affected by 2005 Wis. Act 155.

5           **SECTION 238.** 895.507 of the statutes, as created by 2005 Wisconsin Act 138,  
6           is renumbered 134.98.

NOTE: 2005 Wis. Act 155 revises ch. 895 to include only provisions related to limits on liability and miscellaneous court provisions and renumbers s. 895.505, relating to disposal of records containing personal information, to s. 134.97. Section 895.507 relating to notice of unauthorized acquisition of personal information, is renumbered 134.98 so the section continues to be located with the former s. 895.505 in the statutes.

7           **SECTION 239.** 895.81 of the statutes, as created by 2005 Wisconsin Act 212, is  
8           renumbered 895.472.

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2005 Wis. Act 155 revises ch. 895 to create 2 subchapters and to reorganize the chapter accordingly. Section 895.81, Indemnification of a financial institution, is moved so it is not located in subchapter II, Exemptions From Liability, and is located in subchapter I, Damages, Liability, and Miscellaneous Provisions Regarding Actions in Courts.

9           **SECTION 240.** The treatment of 905.04 (4) (a) of the statutes by 2005 Wisconsin  
10          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. 905.04 (4) (a) reads:

(a) *Proceedings for hospitalization, guardianship, protective services, or protective placement or for control, care, or treatment of a sexually violent person.* There is no privilege under this rule as to communications and information relevant to an issue in proceedings to hospitalize the patient for mental illness, to appoint a guardian in this state, for court-ordered protective services or protective placement, for review of guardianship, protective services, or protective placement orders, or for control, care, or treatment of a sexually violent person under ch. 980, if the physician, registered nurse, chiropractor, psychologist, social worker, marriage and family therapist, or professional counselor in the course of diagnosis or treatment has determined that the patient is in need of hospitalization, guardianship, protective services, or protective placement or control, care, and treatment as a sexually violent person.

11          **SECTION 241.** 938.08 (3) (a) (intro.) of the statutes, as affected by 2005  
12          Wisconsin Act 344, is amended to read:

**SENATE BILL 301****SECTION 241**

1           938.08 (3) (a) (intro.) In addition to the law enforcement authority under sub.  
2 (2), department personnel designated by the department, and personnel of an agency  
3 contracted with under s. 301.08 (1) (b) 3. and designated by agreement between the  
4 agency and the department, ~~and personnel of a county contracted with under s.~~  
5 ~~301.08 (1) (b) 4. and designated by agreement between the county and the~~  
6 ~~department~~ have the power of law enforcement authorities to take a juvenile into  
7 physical custody under the following conditions:

NOTE: Section 301.08 (1) (b) 4. was repealed by 2005 Wis. Act 344, leaving the  
stricken language without effect.

8           **SECTION 242.** 938.17 (1) (b) of the statutes is amended to read:

9           938.17 (1) (b) If the court orders the juvenile to serve a period of incarceration  
10 of less than 6 months, the juvenile may serve that period of incarceration only in a  
11 secure juvenile detention facility.

NOTE: The term “secure detention facility” was changed to “juvenile detention  
facility” by 2005 Wis. Act 344.

12           **SECTION 243.** The treatment of 938.17 (2) (a) 3. (intro.) of the statutes by 2005  
13 Wisconsin Act 190 is not repealed by 2005 Wisconsin Act 344. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 938.17 (2) (a)  
3. (intro.) reads:

3. Except as provided in subd. 1m., when a juvenile is alleged to have violated a  
municipal ordinance, one of the following may occur:

14           **SECTION 244.** The treatment of 938.18 (1) (a), as renumbered, of the statutes  
15 by 2005 Wisconsin Act 212, section 3, is not repealed by 2005 Wisconsin Act 344,  
16 section 150. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 938.18 (1) (a),  
as renumbered from s. 938.18 (1) (a) 1. by 2005 Wisconsin Act 344, reads:

(a) The juvenile is alleged to have violated s. 940.03, 940.06, 940.225 (1) or (2),  
940.305, 940.31, 943.10 (2), 943.32 (2), 943.87, or 961.41 (1) on or after the juvenile’s 14th  
birthday.

17           **SECTION 245.** 938.183 (1m) (a) of the statutes is amended to read:

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1           938.183 (1m) (a) If the juvenile is under 15 years of age, the juvenile may be  
2 held in secure custody only in a ~~secure~~ juvenile detention facility or in the juvenile  
3 portion of a county jail.

NOTE: The term "secure detention facility" was changed to "juvenile detention facility" by 2005 Wis. Act 344.

4           **SECTION 246.** 938.195 (1) (title) of the statutes is created to read:

5           938.195 (1) (title) DEFINITIONS.

NOTE: Section 938.195 was created by 2005 Wis. Act 60 without subsection titles. As a result of 2005 Wis. Act 344, all other subsections in ch. 938 have titles.

6           **SECTION 247.** 938.195 (1) (c) of the statutes is amended to read:

7           938.195 (1) (c) "Place of detention" means a ~~secure~~ juvenile detention facility,  
8 jail, municipal lockup facility, or ~~secured~~ juvenile correctional facility, or a police or  
9 sheriff's office or other building under the control of a law enforcement agency, at  
10 which juveniles are held in custody in connection with an investigation of a  
11 delinquent act.

NOTE: The term "secure detention facility" was changed to "juvenile detention facility" and the term "secured correctional facility" was changed to "juvenile correctional facility" by 2005 Wis. Act 344.

12           **SECTION 248.** 938.195 (2) (title) of the statutes is created to read:

13           938.195 (2) (title) WHEN REQUIRED.

NOTE: Section 938.195 was created by 2005 Wis. Act 60 without subsection titles. As a result of 2005 Wis. Act 344, all other subsections in ch. 938 have titles.

14           **SECTION 249.** 938.195 (3) (title) of the statutes is created to read:

15           938.195 (3) (title) NOTICE NOT REQUIRED.

NOTE: Section 938.195 was created by 2005 Wis. Act 60 without subsection titles. As a result of 2005 Wis. Act 344, all other subsections in ch. 938 have titles.

16           **SECTION 250.** 938.208 (intro.) of the statutes is amended to read:

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**SECTION 250**

1           **938.208 Criteria for holding a juvenile in a secure juvenile detention**  
 2 **facility.** (intro.) A juvenile may be held in a secure juvenile detention facility if the  
 3 intake worker determines that ~~one~~ any of the following conditions applies:

NOTE: The term “secure detention facility” was changed to “juvenile detention facility” by 2005 Wis. Act 344.

4           **SECTION 251.** 938.209 (1) (intro.) of the statutes is amended to read:

5           **938.209 (1) COUNTY JAIL.** (intro.) Subject to s. 938.208, a county jail may be used  
 6 as a secure juvenile detention facility if the criteria under either par. (a) or (b) are  
 7 met:

NOTE: The term “secure detention facility” was changed to “juvenile detention facility” by 2005 Wis. Act 344.

8           **SECTION 252.** 938.209 (1) (a) (intro.) of the statutes is amended to read:

9           **938.209 (1) (a) (intro.)** There is no other secure juvenile detention facility  
 10 approved by the department or a county which is available and all of the following  
 11 conditions are met:

NOTE: The term “secure detention facility” was changed to “juvenile detention facility” by 2005 Wis. Act 344.

12           **SECTION 253.** 938.209 (1) (a) 1. of the statutes is amended to read:

13           **938.209 (1) (a) 1.** The jail meets the standards for secure juvenile detention  
 14 facilities established by the department.

NOTE: The term “secure detention facility” was changed to “juvenile detention facility” by 2005 Wis. Act 344.

15           **SECTION 254.** 938.21 (2) (am) of the statutes is amended to read:

16           **938.21 (2) (am)** A juvenile held in a nonsecure place of custody may waive in  
 17 writing his or her right to participate in the hearing under this section. After any  
 18 waiver, a rehearing shall be granted upon the request of the juvenile or any other  
 19 interested party for good cause shown. Any juvenile transferred to a secure juvenile  
 20 detention facility shall thereafter have a rehearing under this section.

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NOTE: The term "secure detention facility" was changed to "juvenile detention facility" by 2005 Wis. Act 344.

1       **SECTION 255.** 938.22 (1) (d) of the statutes is amended to read:

2       938.22 (1) (d) The nonjudicial operational policies of a private secure juvenile  
3       detention facility shall be established by the private entity operating the secure  
4       juvenile detention facility. Those policies shall be executed by the superintendent  
5       appointed under sub. (3) (bm).

NOTE: The term "secure detention facility" was changed to "juvenile detention facility" by 2005 Wis. Act 344.

6       **SECTION 256.** 938.22 (3) (bm) of the statutes is amended to read:

7       938.22 (3) (bm) A private juvenile detention facility shall be in the charge of  
8       a superintendent appointed by the private entity operating the secure juvenile  
9       detention facility.

NOTE: The term "secure detention facility" was changed to "juvenile detention facility" by 2005 Wis. Act 344.

10       **SECTION 257.** 938.22 (5) of the statutes is amended to read:

11       938.22 (5) COUNTY CONTRACTS WITH PRIVATE FACILITIES. A county board of  
12       supervisors, or 2 or more county boards of supervisors jointly, may contract with  
13       privately operated secure juvenile detention facilities, shelter care facilities, or home  
14       detention programs for purchase of services. A county board of supervisors may  
15       delegate this authority to its county department.

NOTE: The term "secure detention facility" was changed to "juvenile detention facility" by 2005 Wis. Act 344.

16       **SECTION 258.** 938.222 (title) of the statutes is amended to read:

17       **938.222 (title) Contracts with private entities for secure juvenile**  
18       **detention facility services.**

NOTE: The term "secure detention facility" was changed to "juvenile detention facility" by 2005 Wis. Act 344.

19       **SECTION 259.** 938.222 (2) (b) 1. of the statutes is amended to read:

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1           938.222 (2) (b) 1. The rates to be paid by the county for holding a juvenile in  
2 the private secure juvenile detention facility and the charges to be paid by the county  
3 for any extraordinary medical and dental expenses and any programming provided  
4 for a juvenile who is held in the private secure juvenile detention facility.

NOTE: The term “secure detention facility” was changed to “juvenile detention facility” by 2005 Wis. Act 344.

5           **SECTION 260.** 938.222 (2) (b) 2. of the statutes is amended to read:

6           938.222 (2) (b) 2. An agreement that the county retains jurisdiction over a  
7 juvenile who is held in the private secure juvenile detention facility.

NOTE: The term “secure detention facility” was changed to “juvenile detention facility” by 2005 Wis. Act 344.

8           **SECTION 261.** 938.222 (2) (b) 3. of the statutes is amended to read:

9           938.222 (2) (b) 3. An agreement that the private secure juvenile detention  
10 facility is subject to investigation and inspection by the department under s. 301.36.

NOTE: The term “secure detention facility” was changed to “juvenile detention facility” by 2005 Wis. Act 344.

11           **SECTION 262.** 938.223 (title) of the statutes is amended to read:

12           **938.223 (title) Contracts with Minnesota counties for secure juvenile**  
13 **detention facility services.**

NOTE: The term “secure detention facility” was changed to “juvenile detention facility” by 2005 Wis. Act 344.

14           **SECTION 263.** 938.223 (1) of the statutes is amended to read:

15           938.223 (1) USES OF FACILITIES. The county board of supervisors of any county  
16 may contract with one or more counties in Minnesota that operate a secure juvenile  
17 detention facility for the use of one or more Minnesota secure juvenile detention  
18 facilities for the holding of juveniles who meet the criteria under s. 48.208, 938.17  
19 (1), 938.183 (1m) (a), or 938.208 or who are subject to a disposition under s. 938.17

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1 (1) (b) or 938.34 (3) (f), a sanction under s. 938.355 (6) (d) 1., or short-term detention  
2 under s. 938.355 (6d) or 938.534 (1).

NOTE: The term "secure detention facility" was changed to "juvenile detention facility" by 2005 Wis. Act 344.

3 **SECTION 264.** 938.223 (2) (b) 1. of the statutes is amended to read:

4 938.223 (2) (b) 1. The rates to be paid by the Wisconsin county for holding a  
5 juvenile in the Minnesota secure juvenile detention facility and the charges to be  
6 paid by the Wisconsin county for any extraordinary medical and dental expenses and  
7 any programming provided for a juvenile who is held in the Minnesota secure  
8 juvenile detention facility.

NOTE: The term "secure detention facility" was changed to "juvenile detention facility" by 2005 Wis. Act 344.

9 **SECTION 265.** 938.223 (2) (b) 2. of the statutes is amended to read:

10 938.223 (2) (b) 2. An agreement that the Wisconsin county retains jurisdiction  
11 over a juvenile who is held in the Minnesota secure juvenile detention facility.

NOTE: The term "secure detention facility" was changed to "juvenile detention facility" by 2005 Wis. Act 344.

12 **SECTION 266.** 938.223 (2) (b) 3. of the statutes is amended to read:

13 938.223 (2) (b) 3. An agreement that the Minnesota secure juvenile detention  
14 facility is subject to investigation and inspection by the department under s. 301.36.

NOTE: The term "secure detention facility" was changed to "juvenile detention facility" by 2005 Wis. Act 344.

15 **SECTION 267.** 938.224 (title) of the statutes is amended to read:

16 **938.224 (title) Contracts with department for secure juvenile detention**  
17 **facility services.**

NOTE: The term "secure detention facility" was changed to "juvenile detention facility" by 2005 Wis. Act 344.

18 **SECTION 268.** 938.224 (2) (a) (intro.) of the statutes is amended to read:

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1           938.224 (2) (a) (intro.) That the county may use a secured juvenile correctional  
2 facility for holding a juvenile under sub. (1) only if any of the following criteria are  
3 met:

NOTE: The term “secured correctional facility” was changed to “juvenile  
correctional facility” by 2005 Wis. Act 344.

4           **SECTION 269.** 938.224 (2) (a) 1. of the statutes is amended to read:

5           938.224 (2) (a) 1. There is no county–operated ~~secure~~ juvenile detention facility  
6 approved by the department within 40 miles of the county seat of the county.

NOTE: The term “secure detention facility” was changed to “juvenile detention  
facility” by 2005 Wis. Act 344.

7           **SECTION 270.** 938.224 (2) (a) 2. of the statutes is amended to read:

8           938.224 (2) (a) 2. There is no bed space available in a county–operated ~~secure~~  
9 juvenile detention facility approved by the department within 40 miles of the county  
10 seat of the county.

NOTE: The term “secure detention facility” was changed to “juvenile detention  
facility” by 2005 Wis. Act 344.

11          **SECTION 271.** 938.224 (2) (b) of the statutes is amended to read:

12          938.224 (2) (b) That the county may use a secured juvenile correctional facility  
13 for holding a juvenile under sub. (1) only if the department approves that use based  
14 on the availability of beds in the secured juvenile correctional facility and on the  
15 programming needs of the juvenile.

NOTE: The term “secured correctional facility” was changed to “juvenile  
correctional facility” by 2005 Wis. Act 344.

16          **SECTION 272.** 938.225 of the statutes is amended to read:

17          **938.225 Statewide plan for secure juvenile detention facilities.** The  
18 department shall assist counties in establishing ~~secure~~ juvenile detention facilities  
19 under s. 938.22 by developing and promulgating a statewide plan for the

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1 establishment and maintenance of suitable secure juvenile detention facilities  
2 reasonably accessible to each court.

NOTE: 2005 Wis. Act 344 changed “secure detention facility” to “juvenile detention facility” in all other sections of the statutes.

3 **SECTION 273.** 938.293 (3) of the statutes, as affected by 2005 Wisconsin Acts  
4 42 and 344, is amended to read:

5 938.293 (3) ~~VIDEOTAPED~~ AUDIOVISUAL RECORDING OF ORAL STATEMENT. Upon  
6 request prior to the fact-finding hearing, the district attorney shall disclose to the  
7 juvenile, and to the juvenile’s counsel or guardian ad litem, the existence of any  
8 audiovisual recording of an oral statement of a child under s. 908.08 that is within  
9 the possession, custody, or control of the state and shall make reasonable  
10 arrangements for the requesting person to view the statement. If, after compliance  
11 with this subsection, the state obtains possession, custody, or control of the  
12 audiovisual recording of the oral statement, the district attorney shall promptly  
13 notify the requesting person of that fact and make reasonable arrangements for the  
14 requesting person to view the statement.

NOTE: “Oral” replaced “such” in 2005 Wis. Act 344, requiring the insertion of the specific reference for clarity. Also, the title created by 2005 Wis. Act 344 for this provision references a “videotaped” oral statement, but that term was replaced with “audiovisual recording” by 2005 Wis. Act 42. This SECTION conforms the title to the new terminology enacted by 2005 Wis. Act 42.

15 **SECTION 274.** The treatment of 938.299 (4) (b) of the statutes by 2005 Wisconsin  
16 Act 277 is not repealed by 2005 Wisconsin Act 344. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 938.299 (4) (b) reads:

(b) Except as provided in s. 901.05, common law and statutory rules of evidence are not binding at a waiver hearing under s. 938.18, a hearing for a juvenile held in custody under s. 938.21, a hearing under s. 938.296 (4) for a juvenile who is alleged to have violated s. 940.225, 948.02, 948.025, 948.05, 948.06, or 948.085 (2), a hearing under s. 938.296 (5) for a juvenile who is alleged to have violated s. 946.43 (2m), a dispositional hearing, or any postdispositional hearing under this chapter. At those hearings, the court shall admit all testimony having reasonable probative value, but shall exclude immaterial, irrelevant, or unduly repetitious testimony, or evidence that is inadmissible under s. 901.05. Hearsay evidence may be admitted if it has demonstrable circumstantial

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guarantees of trustworthiness. The court shall give effect to the rules of privilege recognized by law. The court shall apply the basic principles of relevancy, materiality, and probative value to proof of all questions of fact. Objections to evidentiary offers and offers of proof of evidence not admitted may be made and shall be noted in the record.

1           **SECTION 275.** 938.31 (3) (title) of the statutes is created to read:

2           938.31 (3) (title) ADMISSIBILITY OF CUSTODIAL INTERROGATIONS.

NOTE: The other subsections of s. 938.31 have titles.

3           **SECTION 276.** 938.34 (3) (f) (intro.) of the statutes is amended to read:

4           938.34 (3) (f) (intro.) A secure juvenile detention facility or juvenile portion of  
5 a county jail that meets the standards promulgated by the department by rule, or in  
6 a place of nonsecure custody designated by the court, subject to all of the following:

NOTE: The term “secure detention facility” was changed to “juvenile detention facility” by 2005 Wis. Act 344.

7           **SECTION 277.** 938.34 (3) (f) 2. of the statutes is amended to read:

8           938.34 (3) (f) 2. The order may provide that the juvenile may be released from  
9 the secure juvenile detention facility, juvenile portion of the jail, or place of nonsecure  
10 custody during specified hours to attend school, to work at the juvenile’s place of  
11 employment or to attend or participate in any activity which the court considers  
12 beneficial to the juvenile.

NOTE: The term “secure detention facility” was changed to “juvenile detention facility” by 2005 Wis. Act 344.

13           **SECTION 278.** 938.34 (3) (f) 3. of the statutes is amended to read:

14           938.34 (3) (f) 3. The use of placement in a secure juvenile detention facility or  
15 in a juvenile portion of a county jail as a disposition under this paragraph is subject  
16 to the adoption of a resolution by the county board of supervisors under s. 938.06 (5)  
17 authorizing the use of those placements as a disposition.

NOTE: The term “secure detention facility” was changed to “juvenile detention facility” by 2005 Wis. Act 344.

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1           **SECTION 279.** The treatment of 938.34 (4h) (a) of the statutes by 2005 Wisconsin  
2 Act 253 is not repealed by 2005 Wisconsin Act 344. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 938.34 (4h)  
(a) reads:

(a) The juvenile is 14 years of age or over and has been adjudicated delinquent for committing or conspiring to commit a violation of s. 939.32 (1) (a), 940.03, 940.06, 940.21, 940.225 (1), 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g), 943.32 (2), 948.02 (1), 948.025 (1), or 948.30 (2) or attempting a violation of s. 943.32 (2) or the juvenile is 10 years of age or over and has been adjudicated delinquent for attempting or committing a violation of s. 940.01 or for committing a violation of s. 940.02 or 940.05.

3           **SECTION 280.** 938.345 (4) (title) of the statutes is created to read:

4           938.345 (4) (title) UNCONTROLLABLE JUVENILES.

NOTE: The other subsections of s. 938.345 have titles.

5           **SECTION 281.** 938.355 (6) (d) 1. of the statutes is amended to read:

6           938.355 (6) (d) 1. Placement of the juvenile in a secure juvenile detention  
7 facility or juvenile portion of a county jail that meets the standards promulgated by  
8 the department by rule or in a place of nonsecure custody, for not more than 10 days  
9 and the provision of educational services consistent with his or her current course  
10 of study during the period of placement. The juvenile shall be given credit against  
11 the period of detention or nonsecure custody imposed under this subdivision for all  
12 time spent in secure detention in connection with the course of conduct for which the  
13 detention or nonsecure custody was imposed.

NOTE: The term "secure detention facility" was changed to "juvenile detention  
facility" by 2005 Wis. Act 344.

14           **SECTION 282.** 938.355 (6d) (a) 1. of the statutes is amended to read:

15           938.355 (6d) (a) 1. Notwithstanding ss. 938.19 to 938.21, but subject to any  
16 general written policies adopted by the court under s. 938.06 (1) or (2) and to any  
17 policies adopted by the county board relating to the taking into custody and  
18 placement of a juvenile under this subdivision, if a juvenile who has been adjudged  
19 delinquent violates a condition specified in sub. (2) (b) 7., the juvenile's caseworker

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1 or any other person authorized to provide or providing intake or dispositional  
2 services for the court under s. 938.067 or 938.069 may, without a hearing, take the  
3 juvenile into custody and place the juvenile in a secure juvenile detention facility or  
4 juvenile portion of a county jail that meets the standards promulgated by the  
5 department by rule or in a place of nonsecure custody designated by that person for  
6 not more than 72 hours while the alleged violation and the appropriateness of a  
7 sanction under sub. (6) are being investigated. Short-term detention may be  
8 imposed under this subdivision only if at the dispositional hearing the court  
9 explained those conditions to the juvenile and informed the juvenile of that possible  
10 placement or if before the violation the juvenile has acknowledged in writing that he  
11 or she has read, or has had read to him or her, those conditions and that possible  
12 placement and that he or she understands those conditions and that possible  
13 placement.

NOTE: The term "secure detention facility" was changed to "juvenile detention facility" by 2005 Wis. Act 344.

14 **SECTION 283.** 938.355 (6d) (a) 2. of the statutes is amended to read:

15 938.355 (6d) (a) 2. Notwithstanding ss. 938.19 to 938.21, but subject to any  
16 general written policies adopted by the court under s. 938.06 (1) or (2) and to any  
17 policies adopted by the county board relating to the taking into custody and  
18 placement of a juvenile under this subdivision, if a juvenile who has been adjudged  
19 delinquent violates a condition specified in sub. (2) (b) 7., the juvenile's caseworker  
20 or any other person authorized to provide or providing intake or dispositional  
21 services for the court under s. 938.067 or 938.069 may, without a hearing, take the  
22 juvenile into custody and place the juvenile in a secure juvenile detention facility or  
23 juvenile portion of a county jail that meets the standards promulgated by the

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1 department by rule or in a place of nonsecure custody designated by that person for  
2 not more than 72 hours as a consequence of that violation. Short-term detention  
3 may be imposed under this subdivision only if at the dispositional hearing the court  
4 explained those conditions to the juvenile and informed the juvenile of that possible  
5 placement or if before the violation the juvenile has acknowledged in writing that he  
6 or she has read, or has had read to him or her, those conditions and that possible  
7 placement and that he or she understands those conditions and that possible  
8 placement. A person who takes a juvenile into custody under this subdivision shall  
9 permit the juvenile to make a written or oral statement concerning the possible  
10 placement of the juvenile and the course of conduct for which the juvenile was taken  
11 into custody. A person designated by the court or county department who is employed  
12 in a supervisory position by a person authorized to provide or providing intake or  
13 dispositional services under s. 938.067 or 938.069 shall review that statement and  
14 either approve the placement, modify the terms of the placement, or order the  
15 juvenile to be released from custody.

NOTE: The term "secure detention facility" was changed to "juvenile detention facility" by 2005 Wis. Act 344.

16 **SECTION 284.** 938.355 (6d) (b) 2. of the statutes is amended to read:  
17 938.355 (6d) (b) 2. Notwithstanding ss. 938.19 to 938.21, but subject to any  
18 general written policies adopted by the court under s. 938.06 (1) or (2), to any policies  
19 adopted by the county department relating to aftercare supervision administered by  
20 the county department, and to any policies adopted by the county board relating to  
21 the taking into custody and placement of a juvenile under this subdivision, if a  
22 juvenile who is on aftercare supervision administered by the county department  
23 violates a condition of that supervision, the juvenile's caseworker or any other person

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1 authorized to provide or providing intake or dispositional services for the court under  
2 s. 938.067 or 938.069 may, without a hearing, take the juvenile into custody and place  
3 the juvenile in a ~~secure~~ juvenile detention facility or juvenile portion of a county jail  
4 that meets the standards promulgated by the department by rule or in a place of  
5 nonsecure custody designated by that person for not more than 72 hours as a  
6 consequence of that violation. Short-term detention under this subdivision may be  
7 imposed only if at the dispositional hearing the court explained those conditions to  
8 the juvenile and informed the juvenile of that possible placement or if before the  
9 violation the juvenile has acknowledged in writing that he or she has read, or has had  
10 read to him or her, those conditions and that possible placement and that he or she  
11 understands those conditions and that possible placement. A person who takes a  
12 juvenile into custody under this subdivision shall permit the juvenile to make a  
13 written or oral statement concerning the possible placement of the juvenile and the  
14 course of conduct for which the juvenile was taken into custody. A person designated  
15 by the court or the county department who is employed in a supervisory position by  
16 a person authorized to provide or providing intake or dispositional services under s.  
17 938.067 or 938.069 shall review that statement and either approve the placement of  
18 the juvenile, modify the terms of the placement, or order the juvenile to be released  
19 from custody.

NOTE: The term “secure detention facility” was changed to “juvenile detention facility” by 2005 Wis. Act 344.

20 **SECTION 285.** 938.355 (6d) (d) of the statutes is amended to read:

21 938.355 (6d) (d) *Hearing; when required.* If a juvenile is held under par. (a),  
22 (b), or (c) in a ~~secure~~ juvenile detention facility, juvenile portion of a county jail, or  
23 place of nonsecure custody for longer than 72 hours, the juvenile is entitled to a

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1 hearing under sub. (6) (c) or s. 938.21. The hearing shall be conducted in the manner  
2 provided in sub. (6) or s. 938.21, except that, notwithstanding s. 938.21 (1) (a), the  
3 hearing shall be conducted within 72 hours, rather than 24 hours, after the time that  
4 the decision to hold the juvenile was made and a written statement of the reasons  
5 for continuing to hold the juvenile in custody may be filed instead of a petition under  
6 s. 938.25.

NOTE: The term "secure detention facility" was changed to "juvenile detention facility" by 2005 Wis. Act 344.

7 **SECTION 286.** 938.355 (6d) (e) of the statutes is amended to read:

8 938.355 (6d) (e) *County board authorization required.* The use of placement  
9 in a secure juvenile detention facility or in a juvenile portion of a county jail as a place  
10 of short-term detention under par. (a) 1. or 2. or (b) 1. or 2. is subject to the adoption  
11 of a resolution by the county board of supervisors under s. 938.06 (5) authorizing the  
12 use of those placements as places of short-term detention under par. (a) 1. or 2. or  
13 (b) 1. or 2.

NOTE: The term "secure detention facility" was changed to "juvenile detention facility" by 2005 Wis. Act 344.

14 **SECTION 287.** 938.355 (6m) (a) 1g. of the statutes is amended to read:

15 938.355 (6m) (a) 1g. Placement of the juvenile in a secure juvenile detention  
16 facility or juvenile portion of a county jail that meets the standards promulgated by  
17 the department by rule or in a place of nonsecure custody, for not more than 10 days  
18 and the provision of educational services consistent with his or her current course  
19 of study during the period of placement. The juvenile shall be given credit against  
20 the period of detention or nonsecure custody imposed under this subdivision for all  
21 time spent in secure detention in connection with the course of conduct for which the  
22 detention or nonsecure custody was imposed. The use of placement in a secure

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1 juvenile detention facility or in a juvenile portion of a county jail as a sanction under  
2 this subdivision is subject to the adoption of a resolution by the county board of  
3 supervisors under s. 938.06 (5) authorizing the use of those placements as a sanction.

NOTE: The term “secure detention facility” was changed to “juvenile detention facility” by 2005 Wis. Act 344.

4 **SECTION 288.** The treatment of 938.371 (1) (intro.) of the statutes by 2005  
5 Wisconsin Act 232 is not repealed by 2005 Wisconsin Act 344. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 938.371 (1) (intro.) reads:

(1) **MEDICAL INFORMATION.** If a juvenile is placed in a foster home, treatment foster home, group home, residential care center for children and youth, or juvenile correctional facility or in the home of a relative other than a parent, including a placement under s. 938.205 or 938.21, the agency, as defined in s. 938.38 (1) (a), that placed the juvenile or arranged for the placement of the juvenile shall provide the following information to the foster parent, treatment foster parent, relative, or operator of the group home, residential care center for children and youth, or juvenile correctional facility at the time of placement or, if the information has not been provided to the agency by that time, as soon as possible after the date on which the agency receives that information, but not more than 2 working days after that date:

6 **SECTION 289.** The treatment of 938.371 (1) (a) of the statutes by 2005 Wisconsin  
7 Act 232 is not repealed by 2005 Wisconsin Act 344. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 938.371 (1) (a) reads:

(a) Results of a test or a series of tests of the juvenile to determine the presence of HIV, as defined in s. 968.38 (1) (b), antigen or nonantigenic products of HIV, or an antibody to HIV, under s. 252.15 (5) (a) 19., including results included in a court report or permanency plan. At the time that the test results are provided, the agency shall notify the foster parent, treatment foster parent, relative, or operator of the group home, residential care center for children and youth, or juvenile correctional facility of the confidentiality requirements under s. 252.15 (6).

8 **SECTION 290.** 938.371 (1) (b) of the statutes, as affected by 2005 Wisconsin Acts  
9 232 and 344, is amended to read:

10 938.371 (1) (b) Results of any tests of the juvenile to determine the presence  
11 of viral hepatitis, type B, including results included in a court report or permanency  
12 plan. juvenile

NOTE: “Juvenile” was inserted by 2005 Wis. Act 344 but rendered surplusage by the treatment by 2005 Wis Act 232.

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1           **SECTION 291.** 938.371 (1) (c) of the statutes, as affected by 2005 Wisconsin Acts  
2           232 and 344, is amended to read:

3           938.371 (1) (c) Any other medical information concerning the juvenile that is  
4           necessary for the care of the juvenile. juvenile

NOTE: "Juvenile" was inserted by 2005 Wis. Act 344 but rendered surplusage by  
the treatment by 2005 Wis Act 232.

5           **SECTION 292.** The treatment of 938.371 (3) (intro.) of the statutes by 2005  
6           Wisconsin Act 232 is not repealed by 2005 Wisconsin Act 344. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 938.371 (3)  
(intro.) reads:

(3) OTHER INFORMATION. At the time of placement of a juvenile in a foster home,  
treatment foster home, group home, residential care center for children and youth, or  
juvenile correctional facility or in the home of a relative other than a parent or, if the  
information is not available at that time, as soon as possible after the date on which the  
court report or permanency plan has been submitted, but no later than 7 days after that  
date, the agency, as defined in s. 938.38 (1) (a), responsible for preparing the juvenile's  
permanency plan shall provide to the foster parent, treatment foster parent, relative, or  
operator of the group home, residential care center for children and youth, or juvenile  
correctional facility information contained in the court report submitted under s. 938.33  
(1) or 938.365 (2g) or permanency plan submitted under s. 938.355 (2e) or 938.38 relating  
to findings or opinions of the court or agency that prepared the court report or  
permanency plan relating to any of the following:

7           **SECTION 293.** 938.371 (3) (a), (b) and (c) of the statutes, as affected by 2005  
8           Wisconsin Acts 232 and 344, are amended to read:

9           938.371 (3) (a) Any mental, emotional, cognitive, developmental, or behavioral  
10          disability of the juvenile. juvenile

11          (b) Any involvement of the juvenile in any criminal gang, as defined in s. 939.22  
12          (9), or in any other group in which any child was traumatized as a result of his or her  
13          association with that group. juvenile

14          (c) Any involvement of the juvenile in any activities that are harmful to the  
15          juvenile's physical, mental, or moral well-being. juvenile

NOTE: "Juvenile" was inserted by 2005 Wis. Act 344 but rendered surplusage by  
the treatment by 2005 Wis Act 232.

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1           **SECTION 294.** 938.371 (3) (d) of the statutes, as affected by 2005 Wisconsin Acts  
2 232, 277 and 344, is amended to read:

3           938.371 **(3)** (d) Any involvement of the juvenile, whether as victim or  
4 perpetrator, in sexual intercourse or sexual contact in violation of s. 940.225, 948.02,  
5 948.025, or 948.085, prostitution in violation of s. 944.30, sexual exploitation of a  
6 child in violation of s. 948.05, or causing a child to view or listen to sexual activity  
7 in violation of s. 948.055, if the information is necessary for the care of the juvenile  
8 or for the protection of any person living in the foster home, treatment foster home,  
9 group home, residential care center for children and youth, or juvenile correctional  
10 facility. ~~juvenile~~

NOTE: “Juvenile” was inserted by 2005 Wis. Act 344 but rendered surplusage by  
the treatment by 2005 Wis Act 232.

11           **SECTION 295.** 938.371 (4) (title) of the statutes is created to read:

12           938.371 **(4)** (title) **DISCLOSURE BEFORE PLACEMENT PERMITTED.**

NOTE: The other subsections of s. 938.371 have titles.

13           **SECTION 296.** 938.371 (5) of the statutes is amended to read:

14           938.371 **(5)** CONFIDENTIALITY OF INFORMATION. Except as permitted under s.  
15 252.15 (6), a foster parent, treatment foster parent, relative, or operator of a group  
16 home, residential care center for children and youth, or ~~secured~~ juvenile correctional  
17 facility that receives any information under sub. (1) or (3), other than the information  
18 described in sub. (3) (e), shall keep the information confidential and may disclose that  
19 information only for the purposes of providing care for the juvenile or participating  
20 in a court hearing or permanency plan review concerning the juvenile.

NOTE: The term “secured correctional facility” was changed to “juvenile  
correctional facility” by 2005 Wis. Act 344. Also, the other subsections of s. 938.371 have  
titles.

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1           **SECTION 297.** 938.38 (4) (ar) of the statutes, as affected by 2005 Wisconsin Act  
2       344, is amended to read:

3           938.38 (4) (ar) A description of the services offered and any services provided  
4       in an effort to prevent the removal of the juvenile from his or her home, while  
5       assuring that the health and safety of the juvenile are the paramount concerns, and  
6       to achieve the goal of the permanency plan, except that the permanency plan is not  
7       required to include a description of the services offered or provided with respect to  
8       a parent of the juvenile to prevent the removal of the juvenile from the home or to  
9       achieve the permanency plan goal of returning the juvenile safely to his or her home  
10      if any of the circumstances under ~~in~~ s. 938.355 (2d) (b) 1. to 4. apply to that parent.

NOTE: Deletes "in" rendered surplusage by 2005 Wis. Act 344.

11          **SECTION 298.** 938.396 (1) (a) of the statutes, as affected by 2005 Wisconsin Act  
12      344, section 509, and 2005 Wisconsin Act 434, is amended to read:

13          938.396 (1) (a) *Confidentiality.* Law enforcement agency records of juveniles  
14      shall be kept separate from records of adults. Law enforcement agency records of  
15      juveniles may not be open to inspection or their contents disclosed except under, par.  
16      (b) or (c), sub. (1j),<sup>5</sup> or (10),<sub>4</sub> or s. 938.293 or by order of the court.

NOTE: Inserts serial comma.

17          **SECTION 299.** 938.396 (1j) (a) (intro.) of the statutes, as affected by 2005  
18      Wisconsin Act 344, section 561, and 2005 Wisconsin Act 434, section 42, is amended  
19      to read:

20          938.396 (1j) (a) (intro.) Any person who is denied access to a record under sub.  
21      (1),<sup>5</sup> (a) or (10) may petition the court to order the disclosure of the record. The  
22      petition shall be in writing and shall describe as specifically as possible all of the  
23      following:

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NOTE: Deletes commas inserted by 2005 Wis. Act 434 but rendered surplusage by 2005 Wis. Act 344. Act 344 renumbered s. 938.396 (1) to s. 938.396 (1) (a) and changed other cross-references to s. 938.396 (1) (a) accordingly.

1           **SECTION 300.** 938.396 (2) of the statutes, as affected by 2005 Wisconsin Act 344,  
2 is amended to read:

3           **938.396 (2) COURT RECORDS; CONFIDENTIALITY.** Records of the court assigned to  
4 exercise jurisdiction under this chapter and ch. 48 and of municipal courts exercising  
5 jurisdiction under s. 938.17 (2) shall be entered in books or deposited in files kept for  
6 that purpose only. Those records shall not be open to inspection or their contents  
7 disclosed except by order of the court assigned to exercise jurisdiction under this  
8 chapter and ch. 48 or as permitted under sub. (2g) or (10).

NOTE: Act 344 renumbered s. 938.396 (2) (e) to s. 938.396 (2g) (e), but then Act 434 renumbered s. 938.396 (2) (e) as s. 938.391 (10). Accordingly, s. 938.396 (2) needs a cross-reference to s. 938.396 (10) for completeness.

9           **SECTION 301.** 938.534 (1) (b) 1. of the statutes, as affected by 2005 Wisconsin  
10 Act 344, is amended to read:

11           **938.534 (1) (b) 1.** Notwithstanding ss. 938.19 to 938.21, but subject to any  
12 general written policies adopted by the court under s. 938.06 (1) or (2) and to any  
13 policies adopted by the county board relating to the taking into custody and  
14 placement of a juvenile under this subdivision, if a juvenile violates a condition of the  
15 his or her participation in the program, the juvenile’s caseworker or any other person  
16 authorized to provide or providing intake or dispositional services for the court under  
17 s. 938.067 or 938.069 may, without a hearing, take the juvenile into custody and place  
18 the juvenile in a juvenile detention facility or juvenile portion of a county jail that  
19 meets the standards promulgated by the department by rule or in a place of  
20 nonsecure custody designated by that person for not more than 72 hours while the  
21 alleged violation and the appropriateness of a sanction under s. 938.355 (6) or a

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1 change in the conditions of the juvenile's participation in the program are being  
2 investigated. Short-term detention under this subdivision may be imposed only if  
3 at the dispositional hearing the court explained those conditions to the juvenile and  
4 informed the juvenile of that possible placement or if before the violation the juvenile  
5 has acknowledged in writing that he or she has read, or has had read to him or her,  
6 those conditions and that possible placement and that he or she understands those  
7 conditions and that possible placement.

NOTE: Deletes "the" rendered surplusage by 2005 Wis. Act 344.

8 **SECTION 302.** 938.57 (1) (c) of the statutes, as affected by 2005 Wisconsin Acts  
9 25 and 344, is amended to read:

10 938.57 (1) (c) Provide appropriate protection and services for juveniles in its  
11 care, including providing services for juveniles and their families in their own homes,  
12 placing the juveniles in licensed foster homes, licensed treatment foster homes, or  
13 licensed group homes in this state or another state within a reasonable proximity to  
14 the agency with legal custody, placing the juveniles in the homes of guardians under  
15 s. 48.977 (2), contracting for services for them by licensed child welfare agencies, or  
16 replacing them in juvenile correctional facilities or secured, residential care centers  
17 for children and youth in accordance with rules promulgated under ch. 227, except  
18 that the county department may not purchase the educational component of private  
19 day treatment programs unless the county department, the school board, as defined  
20 in s. 115.001 (7), and the state superintendent of public instruction determine that  
21 an appropriate public education program is not available. Disputes between the  
22 county department and the school district shall be resolved by the state  
23 superintendent of public instruction.

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NOTE: Deletes comma inserted by 2005 Wis. Act 25 but rendered surplusage by 2005 Wis. Act 344.

1 **SECTION 303.** 938.57 (2m) (title) of the statutes is created to read:

2 938.57 (2m) (title) NOTICE OF CHANGE OF COUNTY OF RESIDENCE.

NOTE: The other subsections of s. 938.57 have titles.

3 **SECTION 304.** 938.57 (3) (a) 4. of the statutes, as affected by 2005 Wisconsin Act  
4 25, is amended to read:

5 938.57 (3) (a) 4. Is living in a foster home, treatment foster home, group home,  
6 residential care center for children and youth, or subsidized guardianship home  
7 under s. 48.62 (5).

NOTE: Deletes unnecessary comma inserted by 2005 Wis. Act 25. The correct punctuation is shown in the printed statutes.

8 **SECTION 305.** The treatment of 938.78 (2) (a) of the statutes by 2005 Wisconsin  
9 Act 293 is not repealed by 2005 Wisconsin Act 344. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 938.78 (2) (a) reads:

(a) No agency may make available for inspection or disclose the contents of any record kept or information received about an individual who is or was in its care or legal custody, except as provided under sub. (3) or s. 938.371, 938.38 (5) (b) or (d) or (5m) (d), 938.51, or 938.57 (2m) or by order of the court.

10 **SECTION 306.** The treatment of 938.78 (3) of the statutes by 2005 Wisconsin Act  
11 277 is not repealed by 2005 Wisconsin Act 344. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 938.78 (3) reads:

(3) RELEASE OF INFORMATION WHEN ESCAPE OR ABSENCE; RULES. If a juvenile adjudged delinquent under s. 48.12, 1993 stats., or s. 938.12 or found to be in need of protection or services under s. 48.13 (12), 1993 stats., or s. 48.13 (14), 1993 stats., or s. 938.13 (12) or (14) on the basis of a violation of s. 943.23 (1m) or (1r), 1999 stats., or s. 941.10, 941.11, 941.20, 941.21, 941.23, 941.235, 941.237, 941.24, 941.26, 941.28, 941.295, 941.298, 941.30, 941.31, 941.32, 941.325, 943.02, 943.03, 943.04, 943.10 (2) (a), 943.23 (1g), 943.32 (2), 948.02, 948.025, 948.03, 948.05, 948.055, 948.085 (2), 948.60, 948.605, or 948.61 or any crime specified in ch. 940 has escaped from a juvenile correctional facility, residential care center for children and youth, inpatient facility, as defined in s. 51.01 (10), juvenile detention facility, or juvenile portion of a county jail, or from the custody of a peace officer or a guard of such a facility, center, or jail, or has been allowed to leave a juvenile correctional facility, residential care center for children and youth, inpatient facility, juvenile detention facility, or juvenile portion of a county jail for a specified time period and is absent from the facility, center, home, or jail for more than 12 hours after the

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expiration of the specified period, the department or county department having supervision over the juvenile may release the juvenile's name and any information about the juvenile that is necessary for the protection of the public or to secure the juvenile's return to the facility, center, home, or jail. The department shall promulgate rules establishing guidelines for the release of the juvenile's name or information about the juvenile to the public.

1       **SECTION 307.** 939.10 of the statutes is amended to read:

2       **939.10 ~~Common-law~~ Common law crimes abolished; ~~common-law~~**  
3       **common law rules preserved.** ~~Common-law~~ Common law crimes are abolished.  
4       The ~~common-law~~ common law rules of criminal law not in conflict with chs. 939 to  
5       951 are preserved.

NOTE: Eliminates hyphen for consistent treatment with the remainder of the statutes.

6       **SECTION 308.** The treatment of 939.22 (34) of the statutes by 2005 Wisconsin  
7       Act 273 is not repealed by 2005 Wisconsin Act 435. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 939.22 (34) reads:

(34) "Sexual contact" means any of the following if done for the purpose of sexual humiliation, degradation, arousal, or gratification:

(a) The intentional touching by the defendant or, upon the defendant's instruction, by a third person of the clothed or unclothed intimate parts of another person with any part of the body, clothed or unclothed, or with any object or device.

(b) The intentional touching by the defendant or, upon the defendant's instruction, by a third person of any part of the body, clothed or unclothed, of another person with the intimate parts of the body, clothed or unclothed.

(c) The intentional penile ejaculation of ejaculate or the intentional emission of urine or feces by the defendant or, upon the defendant's instruction, by a third person upon any part of the body, clothed or unclothed, of another person.

(d) Intentionally causing another person to ejaculate or emit urine or feces on any part of the actor's body, whether clothed or unclothed.

8       **SECTION 309.** 939.617 of the statutes, as created by 2005 Wisconsin Act 430,  
9       is renumbered 939.616.

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2005 Wis. Act 433 also created a provision numbered s. 939.617.

10       **SECTION 310.** The treatment of 939.74 (2) (c) of the statutes by 2005 Wisconsin  
11       Act 276 is not repealed by 2005 Wisconsin Act 277. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 939.74 (2) (c) reads:

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(c) A prosecution for violation of s. 948.02 (2), 948.025 (1) (b), 948.03 (2) (a), 948.05, 948.06, 948.07 (1), (2), (3), or (4), 948.075, 948.08, 948.085, or 948.095 shall be commenced before the victim reaches the age of 45 years or be barred, except as provided in sub. (2d) (c).

1           **SECTION 311.** The treatment of 941.291 (1) (b) of the statutes by 2005 Wisconsin  
2 Act 212 is not repealed by 2005 Wisconsin Act 277. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 941.291 (1) (b) reads:

(b) “Violent felony” means any felony, or the solicitation, conspiracy, or attempt to commit any felony, under s. 943.23 (1m) or (1r), 1999 stats., or s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.10, 940.19, 940.195, 940.20, 940.201, 940.203, 940.21, 940.225, 940.23, 940.285 (2), 940.29, 940.295 (3), 940.30, 940.305, 940.31, 940.43 (1) to (3), 940.45 (1) to (3), 941.20, 941.26, 941.28, 941.29, 941.30, 941.327, 943.01 (2) (c), 943.011, 943.013, 943.02, 943.04, 943.06, 943.10 (2), 943.23 (1g), 943.32, 943.81, 943.82, 943.83, 943.85, 943.86, 943.87, 943.88, 943.89, 943.90, 946.43, 947.015, 948.02 (1) or (2), 948.025, 948.03, 948.04, 948.05, 948.06, 948.07, 948.08, 948.085, or 948.30; or, if the victim is a financial institution, as defined in s. 943.80 (2), a felony, or the solicitation, conspiracy, or attempt to commit a felony under s. 943.84 (1) or (2).

3           **SECTION 312.** 941.38 (1) (b) 21. of the statutes, as created by 2005 Wisconsin  
4 Act 277, is renumbered 941.38 (1) (b) 21m.

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2005 Wis. Act 212 also created a provision numbered 941.38 (1) (b) 21.

5           **SECTION 313.** The treatment of 946.42 (1) (a) of the statutes by 2005 Wisconsin  
6 Act 344 is not repealed by 2005 Wisconsin Act 434. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 946.42 (1) (a) reads:

(a) “Custody” includes without limitation actual custody of an institution, including a juvenile correctional facility, as defined in s. 938.02 (10p), a secured residential care center for children and youth, as defined in s. 938.02 (15g), a juvenile detention facility, as defined in s. 938.02 (10r), a Type 2 residential care center for children and youth, as defined in s. 938.02 (19r), a facility used for the detention of persons detained under s. 980.04 (1), a facility specified in s. 980.065, or a juvenile portion of a county jail, or actual custody of a peace officer or institution guard. “Custody” also includes the constructive custody of persons placed on supervised release under ch. 980 and constructive custody of prisoners and juveniles subject to an order under s. 48.366, 938.183, 938.34 (4d), (4h), or (4m), or 938.357 (4) or (5) (e) temporarily outside the institution whether for the purpose of work, school, medical care, a leave granted under s. 303.068, a temporary leave or furlough granted to a juvenile, or otherwise. Under s. 303.08 (6) it means, without limitation, that of the sheriff of the county to which the prisoner was transferred after conviction. It does not include the custody of a probationer, parolee, or person on extended supervision by the department of corrections or a probation, extended supervision, or parole officer or the custody of a person who has been released to aftercare supervision under ch. 938 unless the person is in actual custody or is subject to a confinement order under s. 973.09 (4).

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1           **SECTION 314.** 948.085 (2) 1., 2. and 3. of the statutes, as created by 2005  
2           Wisconsin Act 277, are renumbered 948.085 (2) (a), (b) and (c).

          NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b) correcting a  
          numbering error.

3           **SECTION 315.** 948.095 (3) (d) of the statutes, as created by 2005 Wisconsin Act  
4           274, is renumbered 948.095 (3) (d) (intro.) and amended to read:

5           948.095 (3) (d) (intro.) Evidence that a person engages in an occupation or  
6           participates in a volunteer position relating to any of the following is prima facie  
7           evidence that the occupation or position requires him or her to work or interact  
8           directly with children: ~~teaching~~

9           1. Teaching children,~~child.~~

10          2. Child care,~~youth.~~

11          3. Youth counseling,~~youth.~~

12          4. Youth organization,~~coaching.~~

13          5. Coaching children,~~parks.~~

14          6. Parks or playground recreation,~~or school.~~

15          7. School bus driving.

          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.

16          **SECTION 316.** 948.13 (3) of the statutes is renumbered 948.13 (3) (intro.) and  
17          amended to read:

18          948.13 (3) (intro.) Evidence that a person engages in an occupation or  
19          participates in a volunteer position relating to any of the following is prima facie  
20          evidence that the occupation or position requires him or her to work or interact  
21          primarily and directly with children under 16 years of age: ~~teaching~~

22          (a) Teaching children,~~child.~~

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- 1           **(b) Child care, ~~youth.~~**  
2           **(c) Youth counseling, ~~youth.~~**  
3           **(d) Youth organization, ~~coaching.~~**  
4           **(e) Coaching children, ~~parks.~~**  
5           **(f) Parks or playground recreation ~~or school.~~**  
6           **(g) School bus driving.**

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.

- 7           **SECTION 317.** The treatment of 949.03 (1) (b) of the statutes by 2005 Wisconsin  
8 Act 212 is not repealed by 2005 Wisconsin Act 277. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 949.03 (1) (b) reads:

(b) The commission or the attempt to commit any crime specified in s. 346.62 (4), 346.63 (2) or (6), 940.01, 940.02, 940.03, 940.05, 940.06, 940.07, 940.08, 940.09, 940.10, 940.19, 940.20, 940.201, 940.21, 940.22 (2), 940.225, 940.23, 940.24, 940.25, 940.285, 940.29, 940.30, 940.305, 940.31, 940.32, 941.327, 943.02, 943.03, 943.04, 943.10, 943.20, 943.23 (1g), 943.32, 943.81, 943.86, 943.87, 948.02, 948.025, 948.03, 948.04, 948.07, 948.085, 948.095, 948.20, 948.30 or 948.51.

- 9           **SECTION 318.** 950.04 (1v) (m) of the statutes is amended to read:  
10           **950.04 (1v) (m)** To provide statements concerning sentencing, disposition, or  
11 parole, as provided under ss. 304.06 (1) (e), 938.32 (1) (b) ~~1. 1g., 938.335 (3m) (a) (ag),~~  
12 and 972.14 (3) (a).

NOTE: Corrects cross-reference. The substance of s. 938.32 (1) (b) 1. was moved to s. 938.32 (1) (b) 1g. and the substance of s. 938.335 (3m) (a) was moved to s. 938.335 (3m) (ag) by 2005 Wis. Act 344.

- 13           **SECTION 319.** 950.04 (1v) (w) of the statutes is amended to read:  
14           **950.04 (1v) (w)** To have the department of corrections make a reasonable  
15 attempt to notify the victim under s. 303.068 (4m) regarding leave granted to  
16 qualified inmates under s. 303.068.

NOTE: Inserts missing "s." The correction is shown in the printed statutes.

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1           **SECTION 320.** The treatment of s. 961.577 of the statutes by 2005 Wisconsin Act  
2           90 is not repealed by 2005 Wisconsin Act 116. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 961.577 reads:

**961.577 Municipal ordinances.** Nothing in this subchapter precludes a city, village, or town from prohibiting conduct that is the same as that prohibited by s. 961.573 (1) or (2), 961.574 (1) or (2), or 961.575 (1) or (2) or a county from prohibiting conduct that is the same as that prohibited by s. 961.573 (1) or (2), 961.574 (1) or (2), or 961.575 (1) or (2).

3           **SECTION 321.** The treatment of 969.08 (10) (b) of the statutes by 2005 Wisconsin  
4           Act 212 is not repealed by 2005 Wisconsin Act 277. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 969.08 (10) (b) reads:

(b) "Serious crime" means any crime specified in s. 943.23 (1m), 1999 stats., or s. 943.23 (1r), 1999 stats., or s. 346.62 (4), 940.01, 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.10, 940.19 (5), 940.195 (5), 940.20, 940.201, 940.203, 940.21, 940.225 (1) to (3), 940.23, 940.24, 940.25, 940.29, 940.295 (3) (b) 1g., 1m., 1r., 2. or 3., 940.31, 941.20 (2) or (3), 941.26, 941.30, 941.327, 943.01 (2) (c), 943.011, 943.013, 943.02, 943.03, 943.04, 943.06, 943.10, 943.23 (1g), 943.30, 943.32, 943.81, 943.82, 943.83, 943.85, 943.86, 943.87, 943.88, 943.89, 943.90, 946.01, 946.02, 946.43, 947.015, 948.02 (1) or (2), 948.025, 948.03, 948.04, 948.05, 948.06, 948.07, 948.085, or 948.30 or, if the victim is a financial institution, as defined in s. 943.80 (2), a crime under s. 943.84 (1) or (2).

5           **SECTION 322.** The treatment of 970.03 (4) (a) of the statutes by 2005 Wisconsin  
6           Act 155 is not repealed by 2005 Wisconsin Act 277. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 970.03 (4) (a) reads:

(a) If the defendant is accused of a crime under s. 940.225, 948.02, 948.025, 948.05, 948.06, 948.085, or 948.095, the court may exclude from the hearing all persons who are not officers of the court, members of the complainant's or defendant's families or others considered by the court to be supportive of the complainant or defendant, the service representative, as defined in s. 895.45 (1) (c), or other persons required to attend, if the court finds that the state or the defendant has established a compelling interest that would likely be prejudiced if the persons were not excluded. The court may consider as a compelling interest, among others, the need to protect a complainant from undue embarrassment and emotional trauma.

7           **SECTION 323.** 972.15 (4) of the statutes, as affected by 2005 Wisconsin Acts 311  
8           and 434, is amended to read:

9           972.15 (4) Except as provided in sub. (4m) or, (5), or (6), after sentencing or (6)  
10          the presentence investigation report shall be confidential and shall not be made  
11          available to any person except upon specific authorization of the court.

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NOTE: A cross-reference inserted by 2005 Wis. Act 434 is relocated to accommodate the treatment by 2005 Wis. Act 311.

1           **SECTION 324.** 973.017 (4) (b) 1. and 2. of the statutes are amended to read:

2           973.017 (4) (b) 1. At the time that he or she committed the serious sex crime,  
3 the person convicted of committing the serious sex crime had a sexually transmitted  
4 disease or acquired immunodeficiency syndrome or had had a positive test for the  
5 presence of HIV, antigen, or nonantigenic products of HIV, or an antibody to HIV.

6           2. At the time that he or she committed the serious sex crime, the person  
7 convicted of committing the serious sex crime knew that he or she had a sexually  
8 transmitted disease or acquired immunodeficiency syndrome or that he or she had  
9 had a positive test for the presence of HIV, antigen, or nonantigenic products of HIV,  
10 or an antibody to HIV.

NOTE: Moves misplaced commas.

11           **SECTION 325.** 973.05 (2m) (f) of the statutes, as affected by 2005 Wisconsin Acts  
12 149 and 433, is amended to read:

13           973.05 (2m) (f) To payment of the deoxyribonucleic acid analysis surcharge  
14 until paid in full ~~shall then be applied to.~~

15           (fm) To payment of the child pornography surcharge until paid in full,

NOTE: Conforms the treatment of 973.05 (2m) by 2005 Wis. Act 433 to the revisions made to the provision by 2005 Wis. Act 149.

16           **SECTION 326.** 973.05 (2m) (g) of the statutes, as affected by 2005 Wisconsin Acts  
17 25 and 149, is amended to read:

18           973.05 (2m) (g) To payment of the drug abuse program improvement surcharge  
19 until paid in full. ~~shall then be applied to~~

20           (gm) To payment of the drug offender diversion surcharge until paid in full,

NOTE: Conforms the treatment of 973.05 (2m) by 2005 Wis. Act 25 to the revisions made to the provision by 2005 Wis. Act 149.

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1           **SECTION 327.** 973.05 (2m) (o) of the statutes, as affected by 2005 Wisconsin Acts  
2           25 and 282, is amended to read:

3           973.05 **(2m)** (o) To payment of the wild animal protection surcharge until paid  
4           in full. ~~shall then be applied to~~  
5           (om) To the payment of the wildlife violator compact surcharge if applicable  
6           until paid in full.

NOTE: Conforms the treatment of 973.05 (2m) by 2005 Wis. Act 282 to the revisions made to the provision by 2005 Wis. Act 149.

7           **SECTION 328.** 973.055 (title) of the statutes is amended to read:

8           **973.055 (title) Domestic abuse assessments surcharges.**

NOTE: 2003 Wis. Act 139 changed the references to “domestic abuse assessments in s. 973.055 to “domestic abuse surcharges” without making the corresponding change to the section title.

9           **SECTION 329.** The treatment of 973.195 (1r) (d) of the statutes by 2005  
10          Wisconsin Act 253 is not repealed by 2005 Wisconsin Act 277. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 973.195 (1r) (d) reads:

(d) If the sentence for which the inmate seeks adjustment is for an offense under s. 940.225 (2) or (3), 948.02 (2), 948.08, or 948.085, and the district attorney does not object to the petition within 10 days of receiving notice under par. (c), the district attorney shall notify the victim, as defined under s. 950.02 (4), of the inmate’s petition. The notice to the victim shall include information on the sentence adjustment petition process under this subsection, including information on how to object to the inmate’s petition. If the victim objects to adjustment of the inmate’s sentence within 45 days of the date on which the district attorney received notice under par. (c), the court shall deny the inmate’s petition.

11          **SECTION 330.** 977.07 (2m) of the statutes is amended to read:

12          977.07 **(2m)** If the person is found to be indigent in full or in part, the person  
13          shall be promptly informed of the state’s right to payment or recoupment under s.  
14          48.275 (2), 757.66, 938.275 (2), 973.06 (1) (e), or 977.076 (1), and the possibility that  
15          the payment of attorney fees may be made a condition of probation, should the person  
16          be placed on probation. Furthermore, if found to be indigent in part, the person shall

**SENATE BILL 301****SECTION 330**

1 be promptly informed of the extent to which he or she will be expected to pay for  
2 counsel, and whether the payment shall be in the form of a lump sum payment or  
3 periodic payments. The person shall be informed that the payment amount may be  
4 adjusted if his or her financial circumstances change by the time of sentencing. The  
5 payment and payment schedule shall be set forth in writing. This subsection does  
6 not apply to persons who have paid under s. 977.075 ~~(1)~~ (3m).

NOTE: 2005 Wis. Act 129 renumbered s. 977.075 (1) to s. 977.075 (3m).

7 **SECTION 331.** The treatment of 980.01 (6) (a) of the statutes by 2005 Wisconsin  
8 Act 277 is not repealed by 2005 Wisconsin Act 434. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 980.01 (6) (a)  
reads:

(a) Any crime specified in s. 940.225 (1), (2), or (3), 948.02 (1) or (2), 948.025, 948.06,  
948.07, or 948.085.

9 **SECTION 332.** The treatment of 980.015 (2) (b) of the statutes by 2005 Wisconsin  
10 Act 344 is not repealed by 2005 Wisconsin Act 434. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 980.015 (2)  
(b) reads:

(b) The anticipated release from a juvenile correctional facility, as defined in s.  
938.02 (10p), or a secured residential care center for children and youth, as defined in s.  
938.02 (15g), if the person was placed in the facility as a result of being adjudicated  
delinquent under s. 48.34, 1993 stats., or under s. 938.183 or 938.34 on the basis of a  
sexually violent offense.

11 **SECTION 333.** The treatment of 980.04 (1) of the statutes by 2005 Wisconsin Act  
12 344 is not repealed by 2005 Wisconsin Act 434. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 980.04 (1)  
reads:

(1) Upon the filing of a petition under s. 980.02, the court shall review the petition  
to determine whether to issue an order for detention of the person who is the subject of  
the petition. The person shall be detained only if there is probable cause to believe that  
the person is eligible for commitment under s. 980.05 (5). A person detained under this  
subsection shall be held in a facility approved by the department. If the person is serving  
a sentence of imprisonment, is in a juvenile correctional facility, as defined in s. 938.02  
(10p), or a secured residential care center for children and youth, as defined in s. 938.02  
(15g), or is committed to institutional care, and the court orders detention under this  
subsection, the court shall order that the person be transferred to a detention facility  
approved by the department. A detention order under this subsection remains in effect  
until the petition is dismissed after a hearing under sub. (3) or after a trial under s. 980.05

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(5) or until the effective date of a commitment order under s. 980.06, whichever is applicable.

1           **SECTION 334.** 980.08 (6m) of the statutes, as affected by 2005 Wisconsin Acts  
2 431 and 434, is amended to read:

3           980.08 **(6m)** An order for supervised release places the person in the custody  
4 and control of the department. The department shall arrange for control, care and  
5 treatment of the person in the least restrictive manner consistent with the  
6 requirements of the person and in accordance with the plan for supervised release  
7 approved by the court under sub. (b) (4) (g). A person on supervised release is subject  
8 to the conditions set by the court and to the rules of the department. Within 10 days  
9 of imposing a rule, the department shall file with the court any additional rule of  
10 supervision not inconsistent with the rules or conditions imposed by the court. If the  
11 department wants to change a rule or condition of supervision imposed by the court,  
12 the department must obtain the court's approval. Before a person is placed on  
13 supervised release by the court under this section, the court shall so notify the  
14 municipal police department and county sheriff for the municipality and county in  
15 which the person will be residing. The notification requirement under this  
16 subsection does not apply if a municipal police department or county sheriff submits  
17 to the court a written statement waiving the right to be notified.

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.

18           **SECTION 335.** 2005 Wisconsin Act 72, section 3, is amended by replacing "paid  
19 by a claimant, and" with "paid by a claimant, and".

NOTE: The comma was inserted without being underscored. The change was intended.

20           **SECTION 336.** 2005 Wisconsin Act 86, section 5, is amended by replacing "the  
21 first ~~\$2,289,107~~ \$3,289,107" with "the first ~~\$2,389,107~~ \$3,289,107".

**SENATE BILL 301****SECTION 336**

NOTE: The stricken number contained an incorrect digit.

1           **SECTION 337.** 2005 Wisconsin Act 87, section 26, is amended by replacing  
2 “BROKER’S DUTIES TO ALL” with “~~DUTIES~~ BROKER’S DUTIES TO ALL”.

NOTE: “Duties” was replaced by “Brokers duties” without strikes and scores in s.  
452.133 (1) (title).

3           **SECTION 338.** 2005 Wisconsin Act 87, section 34, is amended by replacing  
4 “BROKER’S DUTIES TO A” with “~~DUTIES~~ BROKER’S DUTIES TO A”.

NOTE: “Duties” was replaced by “Brokers duties” without strikes and scores in s.  
452.133 (2) (title).

5           **SECTION 339.** 2005 Wisconsin Act 87, section 50 (1) is amended by replacing  
6 “This act takes effect on the first day of the 6th month beginning after the effective  
7 date of this subsection.” with “This act takes effect on the first day of the 6th month  
8 beginning after publication.”

NOTE: Clarifies effective date by inserting language consistent with current style.

9           **SECTION 340.** 2005 Wisconsin Act 97, section 6 is amended by replacing “2  
10 consecutive years” with “2 consecutive years”.

NOTE: “Consecutive” was inserted without being underscored. The change was  
intended.

11           **SECTION 341.** 2005 Wisconsin Act 212, section 11 is amended by replacing “or,  
12 if the victim is a financial institution, as defined in s. 943.80 (2), a crime under s.  
13 943.84 (1) or (2)” with “or, if the victim is a financial institution, as defined in s. 943.80  
14 (2), a crime under s. 943.84 (1) or (2)”.

NOTE: Text was inserted without underscoring. The change was intended.

15           **SECTION 342.** 2005 Wisconsin Act 248, section 8 is amended by replacing  
16 “board, except as” with “board, except as”.

NOTE: Previously existing text was shown as underscored. No change was  
intended.

17           **SECTION 343.** 2005 Wisconsin Act 259, section 8 is amended by replacing  
18 “development zones credits” with “development zones credit credits”.

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NOTE: Credit was changed to credits without strikes and underscores. The change was intended.

1           **SECTION 344.** 2005 Wisconsin Act 264, section 62 is amended by replacing “s.  
2           51.15, ~~55.05 (4) or 55.06 (11) (a), 55.13,~~” with “s. 51.15, ~~55.05 (4) or 55.06 (11) (a)~~  
3           55.13,”.

NOTE: A comma was inserted where a comma already existed.

4           **SECTION 345.** 2005 Wisconsin Act 264, section 108 is amended by replacing “or  
5           another home, nursing home, or other facility” with “or another home, nursing home,  
6           or other facility”.

NOTE: Text was inserted without being underscored. The change was intended.

7           **SECTION 346.** 2005 Wisconsin Act 264, section 135 is amended by replacing  
8           “individuals who will need protective placement or protective services and given the  
9           limited funds available” with “individuals who will need protective placement or  
10          protective services and given the limited funds available”.

NOTE: Text was inserted without being underscored. The change was intended.

11          **SECTION 347.** 2005 Wisconsin Act 264, section 154 is amended by replacing  
12          “individual’s protective services or protective placement” with “individual’s  
13          protective services or protective placement”.

NOTE: Text was inserted without being underscored. The change was intended.

14          **SECTION 348.** 2005 Wisconsin Act 295, section 8 is amended by replacing “~~the~~  
15          ~~type of prisoner supervision, and the delivery of services and programs to prisoners~~  
16          how to supervise and provide services and programs to a prisoner, and what services  
17          and programs to provide a prisoner” with “how to supervise and provide services and  
18          programs to a prisoner, and what services and programs to provide a prisoner”.

NOTE: In 2005 Wis. Act 295, section 8, the underscored text was preexisting and should not have been underscored. Drafting records show that the stricken text was inserted in an earlier draft and should have been removed rather than stricken.

19          **SECTION 349.** 2005 Wisconsin Act 297, section 6 is repealed.

**SENATE BILL 301****SECTION 349**

NOTE: 2005 Wis. Act 297 purports to renumber s. 449.03 (2) to s. 449.03, but that action cannot be carried out because s. 449.03 contains another subsection that is not treated by the act.

1           **SECTION 350.** 2005 Wisconsin Act 310, section 1 is amended by replacing “(2)

2 (a) OTHER CRIMES, WRONGS, OR ACTS. ~~Evidence~~” with “(2) (a) ~~Evidence~~”.

NOTE: Section 904.04 (2) (title) was erroneously included as part of the text of s. 904.04 (2) (a).

3           **SECTION 351.** 2005 Wisconsin Act 344, section 19 is amended by replacing  
4 “48.366 (1) (a) and (b) of the statutes are amended” with “48.366 (1) (a) (intro.) and  
5 (b) of the statutes are amended”.

NOTE: 2005 Wis. Act 344 does not affect s. 48.366 (1) (a) 1. and 2.

6           **SECTION 352.** 2005 Wisconsin Act 344, section 189 is amended by replacing  
7 “That the juvenile” with “That if the juvenile”.

NOTE: Previously existing text was deleted without being stricken. The change was intended.

8           **SECTION 353.** 2005 Wisconsin Act 344, section 356 is amended by replacing “of  
9 the services, and may include” with “of the services, and may include”.

NOTE: A comma was inserted without being underscored. The change was intended.

10           **SECTION 354.** 2005 Wisconsin Act 344, section 466 is amended by replacing “the  
11 Type 2 secured juvenile correctional facility shall notify the department and the  
12 department, after consulting with the child welfare agency, may place the juvenile  
13 in a Type 1 secured juvenile correctional facility under the supervision of the  
14 department, without a hearing under sub. (1) (am) 2.” with “the Type 2 secured  
15 juvenile correctional facility shall notify the department and the department, after  
16 consulting with the child welfare agency, may place the juvenile in a Type 1 secured  
17 juvenile correctional facility under the supervision of the department, without a  
18 hearing under sub. (1) (am) 2.”.

NOTE: A comma was inserted without being underscored. The change was intended.

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1           **SECTION 355.** 2005 Wisconsin Act 347, section 27 is amended by replacing  
2           “281.48 (3) (d) (intro.) A farmer” with “281.48 (3) (d) A farmer”.

NOTE: Removes unnecessary “(intro.)”

3           **SECTION 356.** 2005 Wisconsin Act 387, section 185 is amended by replacing  
4           “chs. 48, 54, and 851 to 880 879” with “chs. 48, 54, and 851 to 880 879”.

NOTE: “879” was inserted without underscoring. The change was intended.

5           **SECTION 357.** 2005 Wisconsin Act 387, section 574 is amended by replacing  
6           “party’s interest or title ~~shall~~, may be examined” with “party’s interest or title, ~~shall~~  
7           may be examined”.

NOTE: A comma was incorrectly placed and underscored.

8           **SECTION 358.** 2005 Wisconsin Act 388, section 175 is amended by replacing  
9           “information from the county ~~elder-adult-at-risk~~ agency or county ~~protective~~  
10           ~~services~~ adult-at-risk agency” with “information from the county  
11           ~~elder-adult-at-risk~~ agency or county ~~protective services~~ adult-at-risk agency”.

NOTE: “Adult-at-risk agency” was inserted without being underscored. The change was intended.

12           **SECTION 359.** 2005 Wisconsin Act 391, section 13 (1) is amended to read:  
13           [2005 Wisconsin Act 391] Section 13 (1) DISSOLUTION OF VILLAGES. The  
14           treatment of section ~~66.187~~ 61.187 (2) (a), (b), and (c) of the statutes first applies to  
15           an election for the dissolution of a village that is held on the effective date of this  
16           subsection.

NOTE: Corrects cross-reference. Act 391 treats s. 61.187 and does not treat 66.187.

17           **SECTION 360.** 2005 Wisconsin Act 434, section 34 is amended by replacing  
18           “974.06, or 974.07 (2)” with “974.06, or 974.07 (2)”.

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

19           **SECTION 361.** 2005 Wisconsin Act 434, section 70 is amended by replacing  
20           “disease, defect, or illness” with “disease, defect, or illness”.

**SENATE BILL 301****SECTION 361**

NOTE: A comma shown as underscored was previously existing. No change was intended.

1           **SECTION 362.** 2005 Wisconsin Act 443, section 137 is amended by replacing  
2           “~~767.08~~ 767.501, child support, family support, or maintenance under s. ~~767.23~~  
3           767.225, child support under s. ~~767.25~~ 767.511, maintenance under s. ~~767.26~~ 767.56,  
4           family support under s. ~~767.261~~ 767.531, attorney fees under s. ~~767.262~~ 767.241,  
5           child support or a child’s health care expenses under s. ~~767.477~~ 767.85, paternity  
6           obligations under s. ~~767.458 (3), 767.51 or 767.62 (4)~~ 767.805 (4), 767.863 (3), or  
7           767.89, support arrearages under s. ~~767.293~~ 767.71,” with “~~767.08~~ 767.501, child  
8           support, family support, or maintenance under s. ~~767.23~~ 767.225, child support  
9           under s. ~~767.25~~ 767.511, maintenance under s. ~~767.26~~ 767.56, family support under  
10          s. ~~767.261~~ 767.531, attorney fees under s. ~~767.262~~ 767.241, child support or a child’s  
11          health care expenses under s. ~~767.477~~ 767.85, paternity obligations under s. ~~767.458~~  
12          ~~(3), 767.51 or 767.62 (4)~~ 767.805 (4), 767.863 (3), or 767.89, support arrearages under  
13          s. ~~767.293~~ 767.71.”.

NOTE: The commas following “767.501” and “767.225” were preexisting and should not have been underscored. The comma following “767.71” was inserted without underscoring. The change was intended.

14          **SECTION 363.** 2005 Wisconsin Act 443, section 170 is amended by replacing  
15          “767.37 (1) (a) of the statutes is renumbered 767.251 and amended to read:” with  
16          “767.37 (1) (a) of the statutes is renumbered 767.251 (1) and amended to read:”.

NOTE: Inserts missing subsection number.

17          **SECTION 364.** 2005 Wisconsin Act 443, section 218 is amended by replacing  
18          “genetic tests as provided in s. ~~767.48~~ 767.84 (5), and other costs.” with “genetic tests  
19          as provided in s. ~~767.48~~ 767.84 (5), and other costs.”.

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

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1           **SECTION 365.** 2005 Wisconsin Act 443, section 65 is amended by replacing  
2           “PROCEEDINGS BEFORE COURT” with “PROCEEDINGS BEFORE COURT”.

          NOTE: A period shown as underscored was previously existing. No change was intended.

3           **SECTION 366.** 2005 Wisconsin Act 443, section 117 is amended by replacing  
4           “767.265 (1m) to (7m) of the statutes are renumbered 767.75 (1m) to (7m), and 767.75  
5           (1m), (2h), (2m) (a) 1. and 2. and (b), (2r), (3h), (4), (6) and (7m) (b) (intro.) and (c), as  
6           renumbered, are amended to read:” with “767.265 (1m) to (7m) of the statutes are  
7           renumbered 767.75 (1m) to (7m), and 767.75 (1m), (2h), (2m) (a) 1. and 2. and (b), (2r),  
8           (3h), (4), (6) (a), (b) and (c) and (7m) (b) (intro.) and (c), as renumbered, are amended  
9           to read:”.

          NOTE: Section 767.75 (6) (a), (b) and (c), but not (d), as renumbered are amended by 2005 Wis. Act 443.

10           **SECTION 367.** 2005 Wisconsin Act 449, section 3 is amended by replacing  
11           “treatment facility,” with “treatment facility,”.

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

12           **SECTION 368. Effective dates.** This act takes effect on the day after  
13           publication, except as follows:

14           (1) The treatment of section 153.05 (2r) (intro.) (by SECTION 127) of the statutes  
15           takes effect on June 30, 2007, or on the day after publication, whichever is later.

16           (2) The treatment of sections 51.42 (3) (aw) 1. d., 301.03 (19), and 980.08 (6m)  
17           of the statutes takes effect on July 1, 2007, or on the day after publication, whichever  
18           is later.

19           (3) The treatment of section 48.981 (1) (b) of the statutes takes effect on July  
20           1, 2008.

