

**2009 DRAFTING REQUEST**

**Bill**

Received: **10/26/2009**

Received By: **chanaman**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Reference Bureau**

By/Representing: **Bruce Hoesly**

This file may be shown to any legislator: **NO**

Drafter: **chanaman**

May Contact:

Addl. Drafters:

Subject: **State Govt - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email: **don.dyke@legis.wisconsin.gov**

Carbon copy (CC:) to: **laura.rose@legis.wisconsin.gov**

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Revisor's correction bill

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**Instructions:**

See attached

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**Drafting History:**

| <u>Vers.</u> | <u>Drafted</u>         | <u>Reviewed</u>                                  | <u>Typed</u>           | <u>Proofed</u> | <u>Submitted</u>      | <u>Jacketed</u> | <u>Required</u> |
|--------------|------------------------|--|------------------------|----------------|-----------------------|-----------------|-----------------|
| /?           | chanaman<br>10/26/2009 | csicilia<br>12/04/2009                           |                        | _____<br>_____ |                       |                 |                 |
| /P1          |                        | csicilia<br>12/10/2009<br>csicilia<br>01/11/2010 | mduchek<br>12/08/2009  | _____<br>_____ | mbarman<br>12/10/2009 |                 |                 |
| /P2          |                        | csicilia<br>01/13/2010                           | rschluet<br>01/11/2010 | _____<br>_____ | cduerst<br>01/11/2010 |                 |                 |

Vers.      Drafted      Reviewed      Typed      Proofed      Submitted      Jacketed      Required

/1

jfrantze \_\_\_\_\_  
01/13/2010 \_\_\_\_\_

sbasford  
01/13/2010

cduerst  
01/28/2010

FE Sent For:

↳ Not Needed

<END>

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|              |                        | csicilia<br>01/11/2010 |                        | _____          |                       |                 |                 |
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| /P1          |                        | csicilia<br>12/10/2009<br>csicilia<br>01/11/2010 | mduchek<br>12/08/2009  | _____          | mbar<br>12/10    |                 |                 |
| /P2          |                        |  | rschluet<br>01/11/2010 | _____          | cduer<br>01/11   |                 |                 |

1 gjs 1/12 / 10  
of 1/13

PA's  
This is a  
Revisor's Bill  
on the / 1  
version.

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<END>

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### Instructions:

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| /P1          |                        | csicilia<br>12/10/2009 | mduchek<br>12/08/2009 | _____          | mbarman<br>12/10/2009 |                 |                 |

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*P2 1/11*  
*cjs 10*  
*11/15*  
*PN*  
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| /?           | chanaman       | /pl js 12/4<br>09 | med<br>12/4  | <del>ph</del><br><del>ph</del> |                  |                 |                 |

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12/7  
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proof

2009-2010 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-3744/P1ins  
BJH:.....

INS REL

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

was

*Analysis by the Legislative Reference Bureau*

INS A

✓✓✓ This correction bill, prepared by the Legislative Reference Bureau under s.  
13.92 (1) (bm) 1. and 2. and (2) (i) and (L), stats. Specific changes are explained in  
the NOTES in the body of the bill.

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

7 **SECTION 1.** 15.105 (22) of the statutes is amended to read:

8 15.105 (22) STATE USE BOARD. There is created a state use board which is  
9 attached to the department of administration under s. 15.03. The board shall consist  
10 of 87 members appointed to serve for 4-year terms, including a representative of the  
11 department of administration; a representative of the subunit of the department of  
12 health services which administers mental health laws; a representative of the  
13 subunit of the department of workforce development which administers vocational  
14 rehabilitation laws; 2 representatives of private businesses, one of whom shall  
15 represent a small business; one representative of a work center, as defined in s.  
16 16.752; and one member who does not represent any of the foregoing entities. A  
17 member vacates his or her office if the member loses the status upon which his or her  
18 appointment is based. In this subsection, "small business" means an independently



1 owned and operated business which is not dominant in its field and which has had  
 2 less than \$2,500,000 in gross annual sales for each of the 2 previous calendar years  
 3 or has 25 or fewer employees.

NOTE: As the result of a partial veto of 1989 Wis. Act 345, there are only 7 members  
 authorized under s. 15.105 (22).

INS 4  
 BILL 5  
 begins 6  
 here 7

SECTION 2. 15.145 (5) (intro.) of the statutes, as created by 2009 Wisconsin Act  
 28, is amended to read:

15.145 (5) COUNCIL ON OFFENDER REENTRY. (intro.) There is created a council on  
 offender reentry which is attached to the department of corrections under s. 15.03,  
 which shall have the duties, responsibilities, and powers set forth under s. 301.095.  
 The council shall consist of 22 members, and the appointed members shall serve for  
 2-year terms and may be appointed for a maximum of 2 consecutive terms. The  
 chairperson of the council shall be the secretary of corrections or the reentry director,  
 as decided by the secretary of corrections. The chairperson may appoint  
 subcommittees and the council shall meet no less frequently than 4 times per year  
 at a date and location to be determined by the chairperson. Members of the council  
 shall include the secretary of corrections, or his or her designee; the secretary of  
 workforce development, or his or her designee; the secretary of health services, or his  
 or her designee; the secretary of children and families, or his or her designee; the  
 secretary of commerce, or his or her designee; the secretary of transportation, or his  
 or her designee; the attorney general, or his or her designee; the chairperson of the  
 parole commission, or his or her designee; the state superintendent of the  
 department of public instruction; the reentry director as appointed by the secretary  
 of corrections; a current or former judge, as appointed by the director of state courts;  
 an individual who has been previously convicted of, and incarcerated for, a crime in

1 Wisconsin, as appointed by the secretary of corrections; and the following persons,  
2 as appointed by the governor:

NOTE: Inserts missing text. Drafting records indicate the council is to meet 4 times per year.

3 SECTION 3. 16.505 (1) (intro.) of the statutes, as affected by 2009 Wisconsin Act  
4 28, is amended to read:

5 16.505 (1) (intro.) Except as provided in subs. (2), (2e), (2m), (2n), and (2p), no  
6 position, as defined in s. 230.03 (11), regardless of funding source or type, may be  
7 created or abolished unless authorized by one of the following:

NOTE: There is no s. 16.505 (2e).

(except 16.52 (title))

8 SECTION 4. 16.52 (intro.) of the statutes is repealed.

NOTE: The (intro.) provision is applicable to only 1 of the subsections in s. 16.52. Those subsections are amended by the next section of this bill to include the (intro.) language.

STET: leave as typed

9 SECTION 5. 16.52 (1), (2), (3) and (12) of the statutes are amended to read:

10 16.52 (1) KEEP SEPARATE ACCOUNTS. ~~Keep~~ The department shall keep in its office  
11 separate accounts of the revenues and funds of the state, and of all moneys and funds  
12 received or held by the state, and also of all encumbrances, expenditures,  
13 disbursements and investments thereof, showing the particulars of every  
14 encumbrance, expenditure, disbursement and investment.

15 (2) REVENUE ACCOUNTS. ~~Place~~ The department shall place revenue estimates  
16 on the books of accounts and credit actual receipts against them as of the last day of  
17 each quarter. Except as provided in s. 20.002 (2), any receipts applying to a prior  
18 fiscal year received between the day after the date for closing of books specified by  
19 the secretary under sub. (5) (a) and the next succeeding such date specified by the  
20 secretary shall be credited by the secretary to the fiscal year following the year to  
21 which the receipts apply. Except in the case of program revenue and continuing

1 appropriations, any refund of a disbursement to a general purpose revenue  
2 appropriation, applicable to any prior fiscal year, received between these dates may  
3 not be credited to any appropriation but shall be considered as a nonappropriated  
4 receipt. General purpose revenue (GPR) earned, as defined in s. 20.001 (4) is not  
5 available for expenditure, whether or not applied to the fiscal year in which received.

6 (3) KEEP APPROPRIATION ACCOUNTS. ~~Keep~~ The department shall keep separate  
7 accounts of all appropriations authorizing expenditures from the state treasury,  
8 which accounts shall show the amounts appropriated, the amounts allotted, the  
9 amounts encumbered, the amounts expended, the allotments unencumbered and  
10 the unallotted balance of each appropriation.

11 (7) PETTY CASH ACCOUNT. ~~Petty cash account.~~ With the approval of the secretary,  
12 each agency that is authorized to maintain a contingent fund under s. 20.920 may  
13 establish a petty cash account from its contingent fund. The procedure for operation  
14 and maintenance of petty cash accounts and the character of expenditures therefrom  
15 shall be prescribed by the secretary. In this subsection, "agency" means an office,  
16 department, independent agency, institution of higher education, association,  
17 society, or other body in state government created or authorized to be created by the  
18 constitution or any law, that is entitled to expend moneys appropriated by law,  
19 including the legislature and the courts, but not including an authority created in  
20 subch. II of ch. 114 or subch. III of ch. 149 or in ch. 231, 233, 234, 237, or 279.

52A

21 (12) DATE FOR INTERFUND TRANSFERS. ~~Whenever~~ The department shall,  
22 whenever it is provided by law for a transfer of moneys to be made from one fund to  
23 another fund and no date is specified for the transfer to be made, determine a date  
24 on which the transfer shall be made or provide for partial transfers to be made on  
25 different dates, and transfer the moneys in accordance with its determination.

NOTE: See the previous section of this bill. ← use note:std

④ SEC.#. AM; 16.52 (7) as affected by 2009 Wisconsin Act 28

④ 16.52

④ NOTE! Removes repeated titles ← use note:std

NOTE: See the previous section of this bill. Sub. (7) is amended to remove a repeated title.

1           **SECTION 6.** The treatment of 20.143 (3) (j) of the statutes by 2007 Wisconsin Act  
2           225 is not repealed by 2009 Wisconsin Act 16. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, effective 10-1-09, s. 20.143 (3) (j) reads:

(j) *Safety and building operations.* The amounts in the schedule for the purposes of chs. 101, 145, and 168 and ss. 167.35, 236.12 (2) (a), 236.13 (1) (d) and (2m), and 236.335, for the purpose of transferring the amounts in the schedule under par. (kg) to the appropriation account under par. (kg), and for the purpose of transferring the amounts in the schedule under par. (km) to the appropriation account under par. (km). All moneys received under ch. 145, ss. 101.136 (6) (b), 101.177 (4) (a) 4., 101.178, 101.19, 101.63 (9), 101.654 (3), 101.73 (12), 101.82 (4), 101.955 (2), 101.973 (7), 167.35 (2) (f), and 236.12 (7), except moneys received under s. 101.9208 (2m), and all moneys transferred under 2005 Wisconsin Act 45, section 76 (6), shall be credited to this appropriation.

3           **SECTION 7.** The treatment of 20.143 (3) (j) of the statutes by 2007 Wisconsin Act  
4           225 is not repealed by 2009 Wisconsin Act 16. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau under s. 13.92 (2) (i), effective 10-1-09, s. 20.143 (3) (j) reads:

(j) *Safety and building operations.* The amounts in the schedule for the purposes of chs. 101, 145, and 168 and ss. 167.35, 236.12 (2) (a), 236.13 (1) (d) and (2m), and 236.335, for the purpose of transferring the amounts in the schedule under par. (kg) to the appropriation account under par. (kg), and for the purpose of transferring the amounts in the schedule under par. (km) to the appropriation account under par. (km). All moneys received under ch. 145, ss. 101.136 (6) (b), 101.177 (4) (a) 4., 101.178, 101.19, 101.63 (9), 101.654 (3), 101.73 (12), 101.82 (4), 101.955 (2), 101.973 (7), 167.35 (2) (f), and 236.12 (7), except moneys received under s. 101.9208 (2m), and all moneys transferred under 2005 Wisconsin Act 45, section 76 (6), shall be credited to this appropriation.

5           **SECTION 8.** 20.395 (5) (cg) of the statutes, as affected by 2009 Wisconsin Act 28,  
6           is amended to read:

7           20.395 (5) (cg) *Convenience fees, state funds.* From the general fund, all moneys  
8           received from convenience fees authorized under s. 85.14 (1) (a) for the purpose of  
9           paying charges assessed against the department under s. 85.14 (1) (b) and charges  
10          associated with the acceptance of payment by credit card, debit card, and or other  
11          electronic payment mechanism.

NOTE: Corrects grammar.

Insert  
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.

1        **SECTION 9.** 20.435 (4) (bm) (title) of the statutes, as affected by 2007 Wisconsin  
 2        Act 20, section 386, is amended to read:

3            20.435 (4) (bm) (title) *Medical Assistance, food stamps, and Badger Care*  
 4        *administration; contract costs, insurer reports, and resource centers.*

NOTE: The underscored word was deleted by 2007 Wis. Act 20, section 386, without being shown as stricken. No change was intended. The change is shown in the printed volumes.

5            **SECTION 10.** 20.435 (8) (i) of the statutes, as affected by 2009 Wisconsin Act 28,  
 6        is amended to read:

7            20.435 (8) (i) *Gifts and grants.* All moneys received ~~for~~ from gifts, grants,  
 8        bequests, and trust funds that are not appropriated under sub. (1), (2), (4), (5), (6),  
 9        or (7), to be expended for the purposes for which received.

NOTE: Makes language consistent with all other s. 20.435 provisions relating to gifts and grants.

10        **SECTION 11.** 23.09 (20m) (b) of the statutes is amended to read:

11            23.09 (20m) (b) The department shall establish a program to award grants  
 12        from the appropriation under s. 20.866 (2) (ta) to governmental units and nonprofit  
 13        conservation organizations to acquire development rights in land for nature-based  
 14        outdoor recreation. Except as provided in s. 23.096 (2m), the grants shall be limited  
 15        to no more than 50% of the acquisition costs of the development rights.

NOTE: Inserts missing word.

16        **SECTION 12.** 23.09165 (3) (d) 3. of the statutes is amended to read:

17            23.09165 (3) (d) 3. ~~An Internet~~ A Web site address where a person can locate  
 18        the information listed in subd. 1. or 2.

NOTE: Makes terminology consistent through out the statutes.

19        **SECTION 13.** 24.14 (2) of the statutes is amended to read:

1           24.14 (2) Any person who has purchased from the United States or entered any  
2 subject lands prior to the execution of ~~Unites~~ United States patents to this state for  
3 the subject lands, may whenever those entries have been canceled by the United  
4 States on account of a conflict with the right and title of this state to the subject lands,  
5 purchase the subject lands from this state, prior to the date fixed for the public sale  
6 of the subject lands, upon making satisfactory proof to the board that the person is  
7 the identical person, or the heir, legal representative, or assign of the person, who  
8 purchased or entered the subject lands as provided in this subsection, and upon  
9 paying to this state for the subject lands the same price at which the purchase or  
10 entries were made from the United States. Nothing contained in this chapter  
11 impairs the rights acquired by any person who has preempted any subject lands  
12 under the laws of this state.

NOTE: Corrects spelling.

13           **SECTION 14.** 29.559 (1) (c) of the statutes is amended to read:

14           29.559 (1) (c) Any person, including the department, who issues a wild turkey  
15 hunting tag under s. 29.164 (4) (b) or a sturgeon hook and line tag under s. 29.2285  
16 (3) (b) shall collect, in addition to the statutory fee, ~~and~~ an issuing fee for each tag  
17 that the person is issued. A person appointed under s. 29.024 (6) (a) 2., 3., or 4. may  
18 retain 15 cents for each issuing fee of each tag to compensate for services in issuing  
19 the tag.

NOTE: Inserts correct word.

20           **SECTION 15.** 29.971 (11m) (b) of the statutes is amended to read:

21           29.971 (11m) (b) Except as provided under par. (a), for the violation of any  
22 provision of this chapter ~~or any~~ relating to bear hunting, to the activities specified

1 in s. 29.184 (3) (br) 1. to 3. or to the validation of a bear carcass tag or registration  
2 of a bear, by a forfeiture of not more than \$1,000.

NOTE: 1997 Wis. Act 248 deleted "department rule promulgated under this chapter" following "or any" rendering "or any" surplusage.

3 SECTION 16. 30.26 (2) (a) 3. of the statutes, as created by 2009 Wisconsin Act  
4 32, is renumbered 30.26 (2) (a) 3m. Wis.

NOTE: Confirms renumbering by the legislative reference bureau under s. 13.92  
(1) (bm) 2. 2009 ~~Wisconsin~~ Act 7 also created a provision numbered s. 30.26 (2) (a) 3.

5 SECTION 17. 30.26 (2) (a) 3. of the statutes, as created by 2009 Wisconsin Act  
6 32, is renumbered 30.26 (2) (a) 3m.

NOTE: Confirms renumbering by the legislative reference bureau under s. 13.92  
(1) (bm) 2. 2009 Wis. Act 7 also created a provision numbered s. 30.26 (2) (a) 3.

7 SECTION 18. 30.26 (5) of the statutes, as created by 2009 Wisconsin Act 32, is  
8 renumbered 30.26 (5m) Wis. and 30.26 (5m)(a)1. as amended to read:

NOTE: Confirms renumbering by the legislative reference bureau under s. 13.92  
(1) (bm) 2. 2009 ~~Wisconsin~~ Act 7 also created a provision numbered s. 30.26 (5).

9 SECTION 19. 30.26 (5) (a) 1. of the statutes, as created by 2009 Wisconsin Act  
10 32, is amended to read:

11 30.26 (5) (a) 1. The department may authorize the removal of natural  
12 obstructions from the portion of the river specified in sub. (2) (a) 3. 3m. a. if needed  
13 for the protection or growth of wild rice. 5m Changes a cross-reference to reflect the fact that s. 5.

NOTE: ~~Section~~ 30.26 (2) (a) 3. is renumbered to 30.26 (2) (a) 3m. by this bill.

14 SECTION 20. 36.27 (5) (d) 1. of the statutes is amended to read:

15 36.27 (5) (d) 1. The board shall ensure that the segregated fees applicable at  
16 each institution and college campus are posted on the Internet Web site of the  
17 institution or college campus. The board shall also ensure that detailed information  
18 on the organizations and activities for which allocable segregated fees are expended

Fix component

1 at each institution and college campus are posted on the Internet Web site of the  
2 institution or college campus.

NOTE: Makes terminology consistent through out the statutes.

3 SECTION 21. 36.27 (5) (d) 2. c. of the statutes is amended to read:

4 36.27 (5) (d) 2. c. The ~~Internet~~ Web site address specified in subd. 1. for the  
5 institution or college campus at which the student is enrolled.

NOTE: Makes terminology consistent through out the statutes.

6 SECTION 22. 36.60 (8) (g) 4. of the statutes, as created by 2009 Wisconsin Act  
7 ✓ 28, is amended to read:

8 36.60 (8) (g) 4. Strengthening coordination and maintenance of rural services  
9 and the delivery system.

NOTE: Inserts missing article.

10 ✓ SECTION 23. 36.61 (4) (intro.) of the statutes, as affected by 2009 Wisconsin Act  
11 28, is amended to read:

12 36.61 (4) LOAN REPAYMENT. (intro.) Principal and interest due on loans,  
13 exclusive of any penalties, may be repaid by the t board at the following rate:

NOTE: Deletes letter inadvertently not stricken by 2009 Wis. Act 28.

14 SECTION 24. 38.24 (8) (b) of the statutes, as affected by 2009 Wisconsin Act 28, ✓  
15 is amended to read:

16 38.24 (8) (b) Except as provided in par. (bg), the district board shall grant full  
17 remission of the fees charged under sub. (1m) (a) to (c) for 128 credits or 8 semesters,  
18 whichever is longer, less the number of credits or semesters for which the person  
19 received remission of fees from any other district board under this subsection and  
20 from the Board of Regents under s. ~~38.27~~ 36.27 (3p) and less the amount of any fees  
21 paid under 10 USC 2107 (c), 38 USC 3104 (a) (7) (A), or 38 USC 3313, to any student  
22 who is a veteran.



NOTE: Corrects cross-reference. There is no s. 38.27 (3p). Remission of fees by the Board of Regents is provided for under s. 36.27 (3p).

1           **SECTION 25.** 46.2898 (7) of the statutes, as created by 2009 Wisconsin Act 28,  
2 is amended to read:

3           46.2898 (7) DEPARTMENT RULE-MAKING. The department may promulgate rules  
4 defining terms, specifying which services constitute home care, establishing the  
5 qualification criteria that apply under sub. (1) ~~(d)~~ (f), and establishing procedures for  
6 implementation of this section.

NOTE: Corrects cross-reference. Section 46.2898 (1) (f), as created by 2009 Wis. Act 28, was numbered s. 46.2898 (1) (d) in a draft of 2009 Wis. Act 28 and subsequently changed to s. 46.2898 (1) (f), but the cross-reference in s. 46.2898 (7) was not changed accordingly.

There is no s. 46.2898 (1)(d). Section 46.2898 (1)(f) refers to the qualification criteria established in the rules promulgated under this provision.

7           **SECTION 26.** 46.71 (1) (intro.) of the statutes, as affected by 2009 Wisconsin Act  
8 28, is amended to read:

9           46.71 (1) (intro.) From the appropriation account under s. 20.435 (5) (km), and  
10 the department shall, for the development of new drug abuse prevention, treatment  
11 and education programs that are culturally specific with respect to American  
12 Indians or to supplement like existing programs, allocate a total of not more than  
13 \$500,000 in each fiscal year to all the elected governing bodies of federally recognized  
14 American Indian tribes or bands that submit to the department plans, approved by  
15 the department, that do all of the following:

NOTE: 2009 Wis. Act 28 inserted "and" without scoring and deleted "the" without showing it as stricken. No change was intended.

16           **SECTION 27.** 49.153 (2) of the statutes is amended to read:

17           49.153 (2) RULES. The department shall promulgate rules that establish  
18 procedures for the notice and explanation under sub. (1) and that define "reasonable  
19 attempts" for the purpose of sub. (1) ~~(b)~~ (am) and "reasonable time" for the purpose  
20 of sub. (1) (c).

NOTE: Corrects cross-reference. Section 49.153 (1) (b) was renumbered to s. 49.153 (1) (am) by 2009 Wis. Act 28.

1           **SECTION 28.** 49.155 (7) of the statutes, as affected by 2009 Wisconsin Act 28,  
2           section 1214d, is renumbered 49.155 (7) (a) 1.

NOTE: Confirms renumbering by the legislative reference bureau under s. 13.92 (1) (dm). 2009 Wis. Act 28, section 1214d, renumbered s. 49.155 (7) (a) 1. to 49.155 (7) without renumbering or repealing any of the other provisions in s. 49.155 (7), resulting in conflicting numbering. The numbering scheme for s. 49.155 (7) is returned to its pre-Act 28 state.

3           **SECTION 29.** 49.155 (7) (d) of the statutes, as created by 2009 Wisconsin Act 28,  
4           is renumbered 49.155 (7) (a) 4.

NOTE: Confirms renumbering by the legislative reference bureau under s. 13.92 (1) (dm). The provision is renumbered to properly be a part of the series under s. 49.155 (7) (a) (intro.).

5           **SECTION 30.** 49.26 (1) (hr) of the statutes is amended to read:

6           49.26 (1) (hr) If an individual subject to the school attendance requirement  
7           under par. (ge) is enrolled in a public school, communications between the school  
8           district and the department, a county department under s. 46.215, 46.22, or 46.23 or  
9           a Wisconsin works agency concerning the individual's school attendance may only  
10          be made by a school attendance officer, as defined under s. 118.16 (1) ~~(a)~~ (b).

NOTE: Corrects cross-reference. School attendance officer is defined at s. 118.16 (1) (b).

11          **SECTION 31.** 50.065 (2m) (a) 1. of the statutes is amended to read:

12          50.065 (2m) (a) 1. Except as provided in par. (b), disclose to the client or the  
13          ~~clients'~~ client's guardian in writing all information obtained under sub. (2) (b) 1. or  
14          (bb) regarding any conviction of the caregiver for a crime that is specified by rule  
15          under par. (d), and, if the caregiver has demonstrated that he or she has been  
16          rehabilitated under sub. (5), notice of that fact.

NOTE: Corrects spelling.

17          **SECTION 32.** 51.14 (7) of the statutes is amended to read:

1 51.14 (7) LISTING OF MENTAL HEALTH REVIEW OFFICERS. The department shall  
2 compile a list that specifies the mental health review officers in each county, post the  
3 list on the department's website Web site, and update the list as necessary.

NOTE: Makes terminology consistent through out the statutes.

Corrects = spelling

4 SECTION 33. 51.42 (3) (as) 1g. of the statutes, as created by 2009 Wisconsin Act  
5 28, is amended to read:

6 51.42 (3) (as) 1g. In this paragraph, "county department" means a county  
7 department of community programs.

NOTE: Inserts missing article.

8 SECTION 34. 62.23 (7) (i) (intro.) of the statutes, as affected by 2009 Wisconsin  
9 Act 28, section 1457, is amended to read:

Community and other living arrangements.

10 62.23 (7) (i) (intro.) For purposes of this section, the location of a community  
11 living arrangement for adults, as defined in s. 46.03 (22), a community living  
12 arrangement for children, as defined in s. 48.743 55(1), a foster home, as defined in  
13 s. 48.02 (6), a treatment foster home, as defined in s. 48.02 (17q), or an adult family  
14 home, as defined in s. 50.01 (1) (a) or (b), in any city shall be subject to the following  
15 criteria:

NOTE: 2009 Wis. Act 28 inserted the stricken language without showing it as  
underscored. No change was intended.

16 SECTION 35. 66.0137 (5) (b) of the statutes, as affected by 2009 Wisconsin Act  
17 28, is amended to read:

18 66.0137 (5) (b) The state or a local governmental unit may provide for the  
19 payment of premiums for hospital, surgical and other health and accident insurance  
20 and life insurance for employees and officers, their spouses and dependent children,  
21 and their domestic ~~partner~~ partners under ch. 770 and dependent children. A local  
22 governmental unit may also provide for the payment of premiums for hospital and

1 surgical care for its retired employees. In addition, a local governmental unit may,  
 2 by ordinance or resolution, elect to offer to all of its employees a health care coverage  
 3 plan through a program offered by the group insurance board under ch. 40. A local  
 4 governmental unit that elects to participate under s. 40.51 (7) is subject to the  
 5 applicable sections of ch. 40 instead of this subsection.

NOTE: Replaces the singular with the plural for correct sentence agreement.

6 **SECTION 36.** 66.0903 (1) (dr) of the statutes, as created by 2009 Wisconsin Act  
 7 28, is amended to read:



8 66.0903 (1) (dr) "Minor service ~~and~~ or maintenance work" means a project of  
 9 public works that is limited to minor crack filling, chip or slurry sealing, or other  
 10 minor pavement patching, not including overlays, that has a projected life span of  
 11 no longer than 5 years; the depositing of gravel on an existing gravel road applied  
 12 solely to maintain the road; road shoulder maintenance; cleaning of drainage or  
 13 sewer ditches or structures; or any other limited, minor work on public facilities or  
 14 equipment that is routinely performed to prevent breakdown or deterioration.

NOTE: Matches the term contained in a definition to the term actually used in the statute.

15 **SECTION 37.** 66.0904 (1) (fm) of the statutes <sup>as created by 2009 Wisconsin</sup> is amended to read: Act 28

16 66.0904 (1) (fm) "Minor service ~~and~~ or maintenance work" means a publicly  
 17 funded private construction project that is limited to minor crack filling, chip or  
 18 slurry sealing, or other minor pavement patching, not including overlays, that has  
 19 a projected life span of no longer than 5 years; the depositing of gravel on an existing  
 20 gravel road applied solely to maintain the road; road shoulder maintenance; cleaning  
 21 of drainage or sewer ditches or structures; or any other limited, minor work on  
 22 private facilities or equipment that is routinely performed to prevent breakdown or  
 23 deterioration.

NOTE: Matches the term contained in a definition to the term actually used in the statute.

1           **SECTION 38.** 69.01 (6r) of the statutes, as created by 2009 Wisconsin Act 28, is  
2 amended to read:

3           69.01 **(6r)** "Declaration of domestic partnership" means a declaration issued by  
4 a county clerk under s. 770.07 (2).

NOTE: Inserts missing "s."

5           **SECTION 39.** 70.32 (2r) (a) and (b) of the statutes are repealed.

NOTE: Eliminates obsolete transition provisions relating to use value assessment as requested by the Department of Revenue.

x

6           **SECTION 40.** 70.32 (2r) (c) of the statutes is renumbered 70.32 (2r) and amended  
7 to read:

8           70.32 **(2r)** ~~For the assessment as of the January 1 after the valuation method~~  
9 ~~under par. (b) no longer applies and for each assessment thereafter, agricultural~~  
10 Agricultural land shall be assessed according to the income that could be generated  
11 from its rental for agricultural use.

NOTE: Eliminates obsolete transition provisions relating to use value assessment as requested by the Department of Revenue.

12           **SECTION 41.** 71.05 (6) (b) 32. a. and 33. a. of the statutes are amended to read:

13           71.05 ~~(6)~~ (b) 32. a. An amount equal to not more than \$3,000 per beneficiary  
14 by each contributor to an account for each year to which the claim relates, except that  
15 the total amount for which a deduction may be claimed under this subdivision and  
16 under subd. 33., per beneficiary by any claimant may not exceed \$3,000 each year.  
17 In the case of a married couple filing a joint return, the total deduction under this  
18 subdivision and under ~~subdivision~~ subd. 33., per beneficiary by the married couple  
19 may not exceed \$3,000 each year.

as affected by  
2009 Wisconsin Act 28,

2

1 33. a. An amount equal to not more than \$3,000 per beneficiary by each  
 2 contributor to an account for each year to which the claim relates, except that the  
 3 total amount for which a deduction may be claimed under this subdivision and under  
 4 subd. 32., per beneficiary by any claimant may not exceed \$3,000 each year. In the  
 5 case of a married couple filing a joint return, the total deduction under this  
 6 subdivision and under ~~subdivision~~ subd. 32., per beneficiary by the married couple  
 7 may not exceed \$3,000 each year.

NOTE: Corrects citation form.

8 **SECTION 42.** 71.05 (24) (a) 4. of the statutes, as created by 2009 Wisconsin Act  
 9 28, is amended to read:

10 71.05 (24) (a) 4. "Qualified new business venture" means a business certified  
 11 by the department of commerce under s. ~~560.208~~ 560.2085. ✓

NOTE: Section 560.208, as created by 2009 Wis. Act 28, is renumbered to s. 560.2085 by this bill. ✓

12 **SECTION 43.** 71.07 (8r) (c) 3. of the statutes, as created by 2009 Wisconsin Act  
 13 28, is amended to read:

14 71.07 (8r) (c) 3. Along with a claimant's income tax return, a claimant shall  
 15 submit to the department a certificate of eligibility provided under s. 93.53 (5) (b) or  
 16 (c).

NOTE: Inserts missing article.

17 **SECTION 44.** ~~71.25 (9) (dj) 1. of the statutes~~ is renumbered 71.25 (9) (dj).

NOTE: After the repeal of s. 71.25 (9) (dj) 2. by 2009 Wis. Act 28, s. 71.25 (9) (dj) does not have multiple subdivisions.

as created by 2009 Wisconsin Act 2

18 **SECTION 45.** 71.25 (9) (dk) 1. of the statutes is renumbered 71.25 (9) (dk).

NOTE: After the repeal of s. 71.25 (9) (dk) 2. by 2009 Wis. Act 28, s. 71.25 (9) (dk) does not have multiple subdivisions.

19 **SECTION 46.** ~~71.255 (1) (e)~~ of the statutes, as created by 2009 Wisconsin Act 2,  
 20 is amended to read:

as created by  
2009 Wisconsin Act 2

1           71.255 (1) (e) "Corporation" means any corporation, as defined in s. 71.22 (1k),  
2           wherever located, which if it were doing business in this state would be subject to this  
3           chapter. "Corporation" does not include a tax-option corporation.

NOTE: Inserts missing quotation mark.

4           **SECTION 47.** 71.255 (4) (b) 2. of the statutes is amended to read:

5           71.255 (4) (b) 2. Add any apportionable expense or loss of a distinct business  
6           activity conducted within and outside the state wholly by the member, expense or  
7           loss from a business conducted wholly by the member entirely within this state, the  
8           member's nonbusiness expense or loss, its loss allocated or apportioned in an earlier  
9           year required to be taken into account as state source loss during the taxable year,  
10          and its net business loss carry-forward, ~~except as provided in par. (e).~~

NOTE: Section 71.255 (4) (e) was repealed by 2009 Wis. Act 28.

11          **SECTION 48.** 71.27 (7) (b) of the statutes, as created by 2009 Wisconsin Act 28,  
12          is renumbered 71.24 (7) (b).

NOTE: Confirms renumbering by the legislative reference bureau under s. 13.92  
(1) (bm) 2. Drafting records indicate that the language created as s. 71.27 (7) (b) by 2009  
Wis. Act 28 was intended to be created as s. 71.24 (7) (b) following the renumbering of s.  
71.24 (7) to s. 71.24 (7) (a). Section 71.27 relates to tax rates. Section 71.24 (7) relates to  
extensions. Section 71.27 (7) (b) as created by 2009 Wis. Act 28 relates to extensions, not  
tax rates.

and

13          **SECTION 49.** 71.28 (4) (ad) 1., 2. and (am) 1. of the statutes, as affected by  
14          2009 Wisconsin Act 2, are amended to read:

15          71.28 (4) (ad) 1. Except as provided in subs. 2. and 3., any corporation may  
16          credit against taxes otherwise due under this chapter an amount equal to 5 percent  
17          of the amount obtained by subtracting from the corporation's qualified research  
18          expenses, as defined in section 41 of the Internal Revenue Code, except that  
19          "qualified research expenses" includes only expenses incurred by the claimant,  
20          incurred for research conducted in this state for the taxable year, except that a

1 taxpayer may elect the alternative computation under section 41 (c) (4) of the  
2 Internal Revenue Code and that election applies until the department permits its  
3 revocation, except as provided in par. (af), and except that “qualified research  
4 expenses” does not include compensation used in computing the credit under subs.  
5 (1dj) and (1dx), the corporation’s base amount, as defined in section 41 (c) of the  
6 Internal Revenue Code, except that gross receipts used in calculating the base  
7 amount means gross receipts from sales attributable to Wisconsin under s. 71.25 (9)  
8 (b) 1. and 2., (df) 1. and 2., (dh) 1., 2., and 3., (dj) ~~1.~~, and (dk) ~~1.~~ Section 41 (h) of the ✓  
9 Internal Revenue Code does not apply to the credit under this paragraph.

10 2. For taxable years beginning after June 30, 2007, any corporation may credit  
11 against taxes otherwise due under this chapter an amount equal to 10 percent of the  
12 amount obtained by subtracting from the corporation’s qualified research expenses,  
13 as defined in section 41 of the Internal Revenue Code, except that “qualified research  
14 expenses” includes only expenses incurred by the claimant for research related to  
15 designing internal combustion engines for vehicles, including expenses related to  
16 designing vehicles that are powered by such engines and improving production  
17 processes for such engines and vehicles, incurred for research conducted in this state  
18 for the taxable year, except that a taxpayer may elect the alternative computation  
19 under section 41 (c) (4) of the Internal Revenue Code and that election applies until  
20 the department permits its revocation, except as provided in par. (af), and except that  
21 “qualified research expenses” does not include compensation used in computing the  
22 credit under subs. (1dj) and (1dx), the corporation’s base amount, as defined in  
23 section 41 (c) of the Internal Revenue Code, except that gross receipts used in  
24 calculating the base amount means gross receipts from sales attributable to  
25 Wisconsin under s. 71.25 (9) (b) 1. and 2., (df) 1. and 2., (dh) 1., 2., and 3., (dj) ~~1.~~, and ✓



1 (dk) 1. Section 41 (h) of the Internal Revenue Code does not apply to the credit under  
2 this paragraph. ✓

3 3. For taxable years beginning after June 30, 2007, any corporation may credit  
4 against taxes otherwise due under this chapter an amount equal to 10 percent of the  
5 amount obtained by subtracting from the corporation's qualified research expenses,  
6 as defined in section 41 of the Internal Revenue Code, except that "qualified research  
7 expenses" includes only expenses incurred by the claimant for research related to the  
8 design and manufacturing of energy efficient lighting systems, building automation  
9 and control systems, or automotive batteries for use in hybrid-electric vehicles, that  
10 reduce the demand for natural gas or electricity or improve the efficiency of its use,  
11 incurred for research conducted in this state for the taxable year, except that a  
12 taxpayer may elect the alternative computation under section 41 (c) (4) of the  
13 Internal Revenue Code and that election applies until the department permits its  
14 revocation, except as provided in par. (af), and except that "qualified research  
15 expenses" does not include compensation used in computing the credit under subs.  
16 (1dj) and (1dx), the corporation's base amount, as defined in section 41 (c) of the  
17 Internal Revenue Code, except that gross receipts used in calculating the base  
18 amount means gross receipts from sales attributable to Wisconsin under s. 71.25 (9)  
19 (b) 1. and 2., (df), 1. and 2., (dh) 1., 2., and 3., (dj) 1., and (dk) 1. Section 41 (h) of the ✓  
20 Internal Revenue Code does not apply to the credit under this paragraph.

21 (am) 1. In addition to the credit under par. (ad), any corporation may credit  
22 against taxes otherwise due under this chapter an amount equal to 5 percent of the  
23 amount obtained by subtracting from the corporation's qualified research expenses,  
24 as defined in section 41 of the Internal Revenue Code, except that "qualified research  
25 expenses" include only expenses incurred by the claimant in a development zone

1 under subch. VI of ch. 560, except that a taxpayer may elect the alternative  
 2 computation under section 41 (c) (4) of the Internal Revenue Code and that election  
 3 applies until the department permits its revocation and except that “qualified  
 4 research expenses” do not include compensation used in computing the credit under  
 5 sub. (1dj) nor research expenses incurred before the claimant is certified for tax  
 6 benefits under s. 560.765 (3), the corporation’s base amount, as defined in section 41  
 7 (c) of the Internal Revenue Code, in a development zone, except that gross receipts  
 8 used in calculating the base amount means gross receipts from sales attributable to  
 9 Wisconsin under s. 71.25 (9) (b) 1. and 2., (df) 1. and 2., (dh) 1., 2., and 3., (dj) ~~1.~~, and ✓  
 10 (dk) ~~1.~~ and research expenses used in calculating the base amount include research ✓  
 11 expenses incurred before the claimant is certified for tax benefits under s. 560.765  
 12 (3), in a development zone, if the claimant submits with the claimant’s return a copy  
 13 of the claimant’s certification for tax benefits under s. 560.765 (3) and a statement  
 14 from the department of commerce verifying the claimant’s qualified research  
 15 expenses for research conducted exclusively in a development zone. The rules under  
 16 s. 73.03 (35) apply to the credit under this subdivision. The rules under sub. (1di)  
 17 (f) and (g) as they apply to the credit under that subsection apply to claims under this  
 18 subdivision. Section 41 (h) of the Internal Revenue Code does not apply to the credit  
 19 under this subdivision.

Insert  
2

NOTE: Section 71.25 (9) (dj) 1. and (dk) 1. are renumbered s. 71.25 (9) (dj) and (dk)  
by this bill.



20 **SECTION 50.** 71.80 (24) of the statutes, as created by 2009 Wisconsin Act 28, is  
 21 amended to read:

22 71.80 (24) THROWBACK TRANSITION. For persons subject to tax under this  
 23 chapter whose sales factor includes sales under s. 71.04 (7) (a) or 71.25 (9) (a), ~~(df)~~

As created by 2007 Wisconsin Act 20,

1 3., or (dh) 4., the department shall deem timely paid the estimated tax payments  
2 attributable to the difference between the person's tax liability for the taxable year  
3 and the person's tax liability for the taxable year computed under ch. 71, 2007 stats.,  
4 for installments that become due during the period beginning on January 1, 2009,  
5 and ending on July 1, 2009, provided that such estimated tax payments are paid by  
6 the next installment due date that follows in sequence following July 1, 2009.  
7 However, if the next installment due date that follows in sequence following July 1,  
8 2009, is less than 45 days after July 1, 2009, such estimated tax payments, in  
9 addition to the payment due less than 45 days after July 1, 2009, shall be deemed  
10 timely paid if paid by the next subsequent installment due date.

NOTE: Section 71.25 (9) (df) 3. and (dh) 4. were repealed by 2009 Wis. Act 28.

11 **SECTION 51.** 76.80 (3) of the statutes is amended to read:

12 76.80 (3) "Telecommunications services" means the transmission of voice,  
13 video, facsimile or data messages, including telegraph messages, except that  
14 "telecommunications services" does not include e video service, as defined in s.  
15 66.0420 (2) (y), radio, one-way radio paging or transmitting messages incidental to  
16 transient occupancy in hotels, as defined in s. 254.61 (3).

NOTE: The stricken "c" was inadvertently not stricken in 2007 Wis. Act 42. ✓

17 **SECTION 52.** 77.51 (1j) of the statutes is renumbered 77.51 (1fr).

NOTE: Confirms renumbering by the legislative reference bureau under s. 13.92  
(1) (bm) 2. Places definitions in alphabetical order. ✓

18 **SECTION 53.** 77.51 (3pm) of the statutes, as created by 2009 Wisconsin Act 2,  
19 is amended to read:

20 77.51 (3pm) "Durable medical equipment" means equipment, including the  
21 repair parts and replacement parts for the equipment, that is primarily and  
22 customarily used for a medical purpose related to a person; that can withstand

LPS:  
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quotation  
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1 repeated use; that is not generally useful to a person who is not ill or injured; and that  
2 is not placed in or worn on the body. "Durable medical equipment" does not include  
3 mobility-enhancing equipment.

NOTE: Inserts missing comma.

4 **SECTION 54.** 77.51 (11m) of the statutes, as affected by 2009 Wisconsin Act 12,  
5 section 18, is renumbered 77.51 (11b).

NOTE: Confirms renumbering by the legislative reference bureau under s. 13.92  
(1) (bm) 2. 2009 Wis. Act 2 created a provision numbered s. 77.51 (11m).

6 **SECTION 55.** 77.522 (1) (a) 2. c. of the statutes, as created by 2009 Wisconsin  
7 Act 2, is amended to read:

8 77.522 (1) (a) 2. c. Aircraft that is are operated by air carriers that are  
9 authorized by the federal government or a foreign authority to carry persons or  
10 property in interstate or foreign commerce.

NOTE: Inserts correct word for subject-verb agreement.

11 **SECTION 56.** 77.522 (3) (d) of the statutes, as created by 2009 Wisconsin Act 2,  
12 is amended to read:

13 77.522 (3) (d) A license of tangible personal property or items or property under  
14 s. 77.52 (1) (b), or (c) shall be treated as a lease or rental of tangible personal property,  
15 under this subsection.

NOTE: Removes unnecessary comma.

16 **SECTION 57.** 77.53 (18) of the statutes, as affected by 2009 Wisconsin Act 2, is  
17 amended to read:

18 77.53 (18) This section does not apply to the storage, use or other consumption  
19 in this state of household goods or items, property, or goods under s. 77.52 (1) (b), (c),  
20 or (d) for personal use or to aircraft, motor vehicles, boats, snowmobiles, mobile  
21 homes, manufactured homes, as defined in s. 101.91 (2), recreational vehicles, as

Handwritten annotations and corrections in a large box:

- Handwritten "affected" with a checkmark above the word "affected" in the note.
- Handwritten "28" in a circle next to "2009 Wisconsin Act 2".
- Handwritten "or (d)" in a circle next to "or items or property".
- Handwritten "or goods" in a circle next to "or goods".
- Handwritten "such" in a circle next to "tangible personal property".
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- Handwritten "or" in a circle next to "or (b), (c), or (d), or (e), or (f), or (g), or (h), or (i), or (j), or (k), or (l), or (m), or (n), or (o), or (p), or (q), or (r)".
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- Handwritten "or" in a circle next to "or (b), (c), or (d), or (e), or (f), or (g), or (h), or (i), or (j), or (k), or (l), or (m), or (n), or (o), or (p), or (q), or (r), or (s), or (t), or (u)".
- Handwritten "or" in a circle next to "or (b), (c), or (d), or (e), or (f), or (g), or (h), or (i), or (j), or (k), or (l), or (m), or (n), or (o), or (p), or (q), or (r), or (s), or (t), or (u), or (v)".
- Handwritten "or" in a circle next to "or (b), (c), or (d), or (e), or (f), or (g), or (h), or (i), or (j), or (k), or (l), or (m), or (n), or (o), or (p), or (q), or (r), or (s), or (t), or (u), or (v), or (w)".
- Handwritten "or" in a circle next to "or (b), (c), or (d), or (e), or (f), or (g), or (h), or (i), or (j), or (k), or (l), or (m), or (n), or (o), or (p), or (q), or (r), or (s), or (t), or (u), or (v), or (w), or (x)".
- Handwritten "or" in a circle next to "or (b), (c), or (d), or (e), or (f), or (g), or (h), or (i), or (j), or (k), or (l), or (m), or (n), or (o), or (p), or (q), or (r), or (s), or (t), or (u), or (v), or (w), or (x), or (y)".
- Handwritten "or" in a circle next to "or (b), (c), or (d), or (e), or (f), or (g), or (h), or (i), or (j), or (k), or (l), or (m), or (n), or (o), or (p), or (q), or (r), or (s), or (t), or (u), or (v), or (w), or (x), or (y), or (z)".

BJH: struck comma

property, or

1 defined in s. 340.01 (48r), trailers, semitrailers, and all-terrain vehicles, for personal  
 2 use, purchased by a nondomiciliary of this state outside this state, as determined  
 3 under s. 77.522, 90 days or more before bringing the goods, items, ~~goods, or property~~  
 4 into this state in connection with a change of domicile to this state.

PLAIN

NOTE: Deletes repeated word. Adjusts the sequence of terms for consistency with the sequence used at the beginning of the provision - i.e., "items, property or goods under s. 77.5 (1)(b) or (c) or (d)"

5 **SECTION 58.** 77.61 (2) (b) of the statutes, as created by 2009 Wisconsin Act 2,  
 6 is amended to read:

7 77.61 (2) (b) A certified service provider who has contracted with a seller, and  
 8 filed an application, to collect and remit sales and use taxes imposed under this  
 9 subchapter on behalf of the seller shall submit a surety bond to the department to  
 10 guarantee the payment of sales and use taxes, including any penalty and interest on  
 11 such payment. The department shall approve the form and contents of a bond  
 12 submitted under this paragraph and shall determine the amount of such bond. The  
 13 surety bond shall be submitted to the department within 60 days after the date on  
 14 which the department notifies the certified service provider that the certified service  
 15 provider is registered to collect sales and use taxes imposed under this subchapter.  
 16 If the department determines, with regards regard to any one certified service  
 17 provider, that no bond is necessary to protect the tax revenues of this state, the  
 18 secretary of revenue or the secretary's designee may waive the requirements under  
 19 this paragraph with regard to that certified service provider. Any bond submitted  
 20 under this paragraph shall remain in force until the secretary of revenue or the  
 21 secretary's designee releases the liability under the bond.

NOTE: Inserts correct word form.

22 **SECTION 59.** 84.013 (2) (a) of the statutes, as affected by 2009 Wisconsin Act 28,  
 23 is amended to read:

1 84.013 (2) (a) Subject to ss. 84.555 and 86.255, major highway projects shall  
2 be funded from the appropriations under ss. 20.395 (3) (bq) to (bx) and (t) (ct) and (4)  
3 (jq) and 20.866 (2) (ur) to (uum) and (uus). ✓

NOTE: Corrects cross-reference. Drafting records for 2009 Wis. Act 28 indicate the  
"c" was inadvertently dropped. There is no s. 20.395 (3) (t). ✓

4 SECTION 60. 91.86 (3) (a) (intro.) of the statutes, as created by 2009 Wisconsin  
5 Act 28, is amended to read: *affected*

6 B 91.86 (3) (a) (intro.) The department may not approve a petition requesting that  
7 it designate an area as an agricultural ~~enterprising~~ enterprise area unless the  
8 petition contains all of the following:

NOTE: Inserts correct term consistent with the remainder of s. 91.86.

9 SECTION 61. 92.04 (2) (c) of the statutes is repealed. ✓

NOTE: The repeal of s. 92.105 by 2009 Wis. Act 28 rendered this provision without  
effect. Section 92.04 (2) (c) reads as follows:

92.04 (2) (c) B *Review and approve soil and water conservation standards.* The board  
shall review soil and water conservation standards prepared under s. 92.105. The board  
shall establish guidelines for the approval of these standards.

10 SECTION 62. 101.02 (20) (a) of the statutes, as affected by 2009 Wisconsin Act  
11 16, is amended to read: ✓

12 101.02 (20) (a) For purposes of this subsection, "license" means a license,  
13 permit or certificate of certification or registration issued by the department under  
14 ss. 101.09 (3) (c), 101.122 (2) (c), 101.136, 101.143 (2) (g), 101.15 (2) (e), 101.16 (3g),  
15 101.17, 101.177 (4) (a), 101.178 (2) or (3) (a), 101.63 (2) or (2m), 101.653, 101.73 (5)  
16 or (6), 101.82 (1m), (1v), and (2), ~~101.87~~, 101.935, 101.95, 101.951, 101.952, 101.985  
17 (1) to (3), 145.02 (4), 145.035, 145.045, 145.15, 145.16, 145.165, 145.17, 145.175,  
18 145.18, or 167.10 (6m). ✓

NOTE: The stricken text was inserted by 2009 Wis. Act 16 without being shown as  
underscored and the underscored text was deleted by Act 16 without being shown as  
stricken. No change was intended. ✓



1           **SECTION 63.** 101.123 (2) (a) 9. of the statutes, as affected by 2009 Wisconsin Act  
2 12, is amended to read:

3           101.123 (2) (a) 9. All enclosed places, other than those listed in subds. ~~1.~~ 1g.  
4 to 8r., that are places of employment or that are public places.

NOTE: Corrects cross-reference. Section 101.123 (2) (a) 1. was repealed by 2009  
Wis. Act 12.

5           **SECTION 64.** 101.65 (1m) of the statutes is amended to read:

6           101.65 (1m) May not issue a building permit to a person who is required to be  
7 certified under s. 101.654 unless that person, on applying for a building permit,  
8 produces a certificate of ~~financial responsibility~~ issued by the department or other  
9 evidence satisfactory to the department showing that the person is in compliance  
10 with s. 101.654.

NOTE: The stricken text was deleted and the underscored text was inserted by 2005  
Wis. Act 200, but the change was erroneously not included in the 2007-08 statutes.

11          **SECTION 65.** 101.654 (1) (a) of the statutes is amended to read:

12          101.654 (1) (a) Subject to par. (b), no person may obtain a building permit  
13 unless the person annually obtains from the department a certificate of financial  
14 responsibility showing that the person is in compliance with sub. (2), completes the  
15 continuing education requirements described under sub. (1m), and furnishes to the  
16 issuer of the permit proof of completion of those continuing education requirements.

NOTE: The underscored text was inserted by 2005 Wis. Act 200, but the change was  
erroneously not included in the 2007-08 statutes.

17          **SECTION 66.** 103.49 (1) (bj) of the statutes, as created by 2009 Wisconsin Act  
18 28, is amended to read:

19          103.49 (1) (bj) “Minor service and or maintenance work” means a project of  
20 public works that is limited to minor crack filling, chip or slurry sealing, or other  
21 minor pavement patching, not including overlays, that has a projected life span of



1 no longer than 5 years cleaning of drainage or sewer ditches or structures; or any  
2 other limited, minor work on public facilities or equipment that is routinely  
3 performed to prevent breakdown or deterioration.

NOTE: Matches the term contained in a definition to the term actually used in the statute.

4 **SECTION 67.** The treatment of 111.70 (1) (a) of the statutes by 2009 Wisconsin  
5 Act 28 is not repealed by 2009 Wisconsin Act 34. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau under s. 13.92 (2) (i) s. 111.70 (1) (a) reads:

(a) "Collective bargaining" means the performance of the mutual obligation of a municipal employer, through its officers and agents, and the representative of its municipal employees in a collective bargaining unit, to meet and confer at reasonable times, in good faith, with the intention of reaching an agreement, or to resolve questions arising under such an agreement, with respect to wages, hours and conditions of employment, and with respect to a requirement of the municipal employer for a municipal employee to perform law enforcement and fire fighting services under s. 61.66, and for a school district with respect to any matter under sub. (4) (n), except as provided in subs. (3m), (3p), and (4) (m) and (mc) and s. 40.81 (3) and except that a municipal employer shall not meet and confer with respect to any proposal to diminish or abridge the rights guaranteed to municipal employees under ch. 164. The duty to bargain, however, does not compel either party to agree to a proposal or require the making of a concession. Collective bargaining includes the reduction of any agreement reached to a written and signed document. The municipal employer shall not be required to bargain on subjects reserved to management and direction of the governmental unit except insofar as the manner of exercise of such functions affects the wages, hours, and conditions of employment of the municipal employees in a collective bargaining unit. In creating this subchapter the legislature recognizes that the municipal employer must exercise its powers and responsibilities to act for the government and good order of the jurisdiction which it serves, its commercial benefit and the health, safety, and welfare of the public to assure orderly operations and functions within its jurisdiction, subject to those rights secured to municipal employees by the constitutions of this state and of the United States and by this subchapter.

6 **SECTION 68.** 111.91 (1) (cg) of the statutes, as created by 2009 Wisconsin Act  
7 28, is amended to read:

8 111.91 (1) (cg) The representative of home care providers in the collective  
9 bargaining unit specified under s. ~~118.825~~ 111.825 (2g) may not bargain collectively  
10 with respect to any matter other than wages and fringe benefits.

NOTE: Corrects cross-reference. There is no s. 118.825 (2g). Section 111.825 (2g) relates to a collective bargaining unit for home care providers.



1           **SECTION 69.** 118.40 (2r) (f) of the statutes, as created by 2009 Wisconsin Act 28,  
2 is renumbered 118.40 (2r) (fm).

NOTE: A provision numbered s. 118.40 (2r) (f) previously existed.

3           **SECTION 70.** 134.71 (12) of the statutes is amended to read:

4           **134.71 (12) APPLICATIONS AND FORMS.** The department of agriculture, trade and  
5 consumer protection shall develop applications and other forms required under subs.  
6 (5) (intro.) and (8) (c). The department shall make the applications and forms  
7 available to counties and municipalities for distribution to pawnbrokers,  
8 secondhand article dealers, and secondhand jewelry dealers at no cost. The  
9 department may make the applications and forms available to counties and  
10 municipalities by placing the applications and forms on ~~an Internet~~ a Web site.

11           **SECTION 71.** 139.11 (4) (b) 2. of the statutes is amended to read:

12           **139.11 (4) (b) 2.** A current and regularly updated list, made available on paper  
13 and on the department's Internet Web site, of permit holders that minimally includes  
14 detailed information on the name, address, contact person, and date of permit  
15 issuance for every manufacturer's and rectifier's permit issued under s. 125.52,  
16 winery permit issued under s. 125.53, direct wine shipper's permit issued under s.  
17 125.535, wholesaler's permit issued under s. 125.54, and out-of-state shipper's  
18 permit issued under s. 125.58.

19           **SECTION 72.** 146.82 (2) (a) 18m. of the statutes, as affected by 2009 Wisconsin  
20 Act 28, is amended to read:

21           **146.82 (2) (a) 18m.** If the subject of the patient health care records is a child  
22 or juvenile who has been placed in a foster home, group home, residential care center  
23 for children and youth, or juvenile correctional facility, including a placement under  
24 s. 48.205, 48.21, 938.205, or 938.21, or for whom placement in a foster home, group

1 home, residential care center for children and youth, or juvenile correctional facility  
 2 is recommended under s. 48.33 (4), 48.425 (1) (g), 48.837 (4) (c), or 938.33 (3) or (4),  
 3 to an agency directed by a court to prepare a court report under s. 48.33 (1), 48.424  
 4 (4) (b), 48.425 (3), 48.831 (2), 48.837 (4) (c), or 938.33 (1), to an agency responsible for  
 5 preparing a court report under s. 48.365 (2g), 48.425 (1), 48.831 (2), 48.837 (4) (c), or  
 6 938.365 (2g), to an agency responsible for preparing a permanency plan under s.  
 7 48.355 (2e), 48.38, 48.43 (1) (c) or (5) (c), 48.63 (4) or (5) (c), 48.831 (4) (e), 938.355 (2e),  
 8 or 938.38 regarding the child or juvenile, or to an agency that placed the child or  
 9 juvenile or arranged for the placement of the child or juvenile in any of those  
 10 placements and, by any of those agencies, to any other of those agencies and, by the  
 11 agency that placed the child or juvenile or arranged for the placement of the child or  
 12 juvenile in any of those placements, to the foster parent of the child or juvenile or the  
 13 operator of the group home, residential care center for children and youth, or juvenile  
 14 correctional facility in which the child or juvenile is placed, as provided in s. 48.371  
 15 or 938.371.

S  
 NOTE: Inserts missing comma. ✓

16 **SECTION 73.** The treatment of 165.755 (1) (b) of the statutes by 2009 Wisconsin  
 17 Act 12 is not repealed by 2009 Wisconsin Act 28. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference  
 bureau under s. 13.92 (2) (i), effective 7-5-10, s. 165.755 (1) (b) reads:  
 ✓

(b) A court may not impose the crime laboratories and drug law enforcement surcharge under par. (a) for a violation of s. 101.123 (2) or (2m), for a financial responsibility violation under s. 344.62 (2), for a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the violation, or for a violation of a state law or municipal or county ordinance involving a nonmoving traffic violation, a violation under s. 343.51 (1m) (b), or a safety belt use violation under s. 347.48 (2m).  
 ✓

18 **SECTION 74.** 196.374 (3) (b) 2. (intro.) of the statutes is amended to read:

1           196.374 (3) (b) 2. (intro.) The commission shall require each energy utility to  
 2 spend 1.2 percent of its annual operating revenues to fund the utility's programs  
 3 under sub. (2) (b) 1., the utility's ordered programs, the utility's share of the statewide  
 4 energy efficiency and renewable resource programs under sub. (2) (a) 1., and the  
 5 utility's share, as determined by the commission under ~~sub. (3) (b)~~ subd. 4., of the  
 6 costs incurred by the commission in administering this section. Subject to approval  
 7 under subd. 3., the commission may require each energy utility to spend a larger  
 8 percentage of its annual operating revenues to fund these programs and costs. The  
 9 commission may make such a requirement based on the commission's consideration  
 10 of all of the following:

NOTE: Corrects citation form.

11           **SECTION 75.** 196.497 (11) (b) of the statutes is amended to read:

12           196.497 (11) (b) *Referral to standing committees.* Each presiding officer shall  
 13 refer the technical revision to one standing committee within 7 working days after  
 14 the day on which the revision is received unless the revision is received on or after  
 15 November 1 of an even-numbered year. If a revision is received on or after November  
 16 1 of an even-numbered year, each presiding officer shall refer the revision to one  
 17 standing committee within 7 days after the first day of the next regular session of the  
 18 legislature. Each presiding officer shall cause a statement to appear in the journal  
 19 of the appropriate house that a technical revision to an agreement approved under  
 20 sub. ~~(6)~~ (10) is submitted for review.

(3) NOTE: Corrects cross-reference. (6) Drafting records for Chapter ~~10~~ of the Laws of  
 1982 show that the current sub. (10) was numbered sub. (6) in an early draft and the  
 cross-reference in sub. (11) (b) was not adjusted to reflect the later change.

Approval of agreements is provided for ins. 196.497(10).  
 Section 196.497(6) relates to monitoring Federal activity.  
 ✓

1981

21           **SECTION 76.** 251.07 of the statutes, as created by 2007 Wisconsin Act 130, is  
 22 amended to read:

1           **251.07 Certain physicians; state agency status.** A physician who is not an  
 2 employee of the local health department and who provides services, without  
 3 compensation, for those programs and services provided by a local health  
 4 department that require medical oversight is, for the provision of the services he or  
 5 she provides, a state agent of the department of health and family services for the  
 6 purposes of ss. 165.25 (6), 893.82 (3), and 895.46.

NOTE: 2007 Wis. Act 20, section 9121 (6) (a) directed that wherever "health and family services" appeared in the statutes it be replaced with "health services". *As affected by the acts of 2007* ←

7 ✓ **SECTION 77.** 252.15 (2) (a) 1. of the statutes is amended to read:

8           252.15 (2) (a) 1. Except as provided in subd. 1g., a health care provider who  
 9 procures, processes, distributes or uses a human body part or human tissue that is  
 10 the subject of an anatomical gift under s. 157.06 shall, without obtaining consent to  
 11 the testing, test for the presence of HIV, antigen or nonantigenic products of HIV or  
 12 an antibody to HIV in order to assure medical acceptability of the gift for the purpose  
 13 intended. The health care provider shall use as a test for the presence of HIV, antigen  
 14 or nonantigenic products of HIV or an antibody to HIV a test or series of tests that  
 15 the state epidemiologist finds medically significant and sufficiently reliable to detect  
 16 the presence of HIV, antigen or nonantigenic products of HIV or an antibody to HIV.  
 17 If the validated test result of the donor from the test or series of tests performed is  
 18 positive, the human body part or human tissue donated for use or proposed for  
 19 donation may not be used.

NOTE: Adds missing "s."

20           **SECTION 78.** 253.16 (1) of the statutes, as affected by 2009 Wisconsin Act 28,  
 21 section 3410, is amended to read:

22 **253.16** (1) In this subsection section, "infant" means a child from birth to 12  
 23 months of age.

PLAIN

NOTE: Inserts correct cross-reference.

1 SECTION 79. 281.346 (2) (e) 1r. of the statutes, as created by 2009 Wisconsin Act  
2 28, is amended to read:

3 281.346 (2) (e) 1r. The baseline for a withdrawal not covered by subd. 1. ~~or~~ 1g.  
4 or 1m. is zero.

NOTE: Inserts correct cross-reference. Section 281.346 (2) (e) 1. was repealed by 2009 Wis. Act 28. Drafting records indicate subd. 1m. was to be included in the cross-reference. Section 281.346 (2) (e) 1g. provides for the determination of the baseline for a preexisting withdrawal if s. 281.346 (2) (e) 1m. does not apply. If subd. 1r. does not reference subd. 1m., subs. 1m. and 1r. conflict.

5 SECTION 80. 281.346 (5e) (c) 1m. of the statutes, as created by 2009 Wisconsin  
6 Act 28, is amended to read:

7 281.346 (5e) (c) 1m. Beginning on the December 8, 2011, the department may  
8 not approve a water supply service area plan under s. 281.348 that provides for  
9 increasing, after December 7, 2021, the amount of a withdrawal that is covered under  
10 an individual permit issued under sub. (5) and after the increase the withdrawal  
11 would equal 1,000,000 or more gallons per day for any 30 consecutive days over the  
12 withdrawal amount as of the beginning of the current permit term or the date that  
13 the department issued a modified permit for the withdrawal if the modification was  
14 subject to the state decision-making standard under sub. (5m) or the compact  
15 decision-making standard under sub. (6), whichever is later, and if subd. 2m. does  
16 not apply, unless the increased withdrawal meets the state decision-making  
17 standard under sub. (5m).

NOTE: Deletes unnecessary word.

18 SECTION 81. 285.69 (2m) (b) of the statutes, as affected by 2009 Wisconsin Act  
19 28, section 2642, is renumbered 285.69 (2m) (b).

NOTE: Confirms renumbering by the legislative reference bureau under s. 13.92 (1) (b) 2. 2009 Wis. Act 28, s. 2643, also created a provision numbered s. 285.69 (2m) (b).

✓

1           **SECTION 82.** 302.113 (9) (c) of the statutes, as affected by 2009 Wisconsin Act  
2 28, is amended to read:

3           302.113 (9) (c) A person who is subsequently released to extended supervision  
4 after service of the period of time specified by the order under par. (am) is subject to  
5 all conditions and rules under ~~subs.~~ sub. (7) and, if applicable, sub. (7m) until the  
6 expiration of the remaining extended supervision portion of the bifurcated sentence  
7 or until the department discharges the person under s. 973.01 (4m), whichever is  
8 appropriate. The remaining extended supervision portion of the bifurcated sentence  
9 is the total length of the bifurcated sentence, less the time served by the person in  
10 confinement under the bifurcated sentence before release to extended supervision  
11 under sub. (2) and less all time served in confinement for previous revocations of  
12 extended supervision under the bifurcated sentence.

NOTE: Corrects citation form.

13           **SECTION 83.** The treatment of 302.46 (1) (a) of the statutes by 2009 Wisconsin  
14 Act 12 is not repealed by 2009 Wisconsin Act 28. Both treatments stand.

✓  
✓

NOTE: There is no conflict of substance. As merged by the legislative reference bureau under s. 13.92 (2) (i), effective 7-5-10, s. 302.46 (1) (a) reads:

✓

(a) If a court imposes a fine or forfeiture for a violation of state law or for a violation of a municipal or county ordinance except for a violation of s. 101.123 (2) or (2m), for a financial responsibility violation under s. 344.62 (2), or for a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the violation, or for a violation of state laws or municipal or county ordinances involving nonmoving traffic violations, violations under s. 343.51 (1m) (b), or safety belt use violations under s. 347.48 (2m), the court, in addition, shall impose a jail surcharge under ch. 814 in an amount of 1 percent of the fine or forfeiture imposed or \$10, whichever is greater. If multiple offenses are involved, the court shall determine the jail surcharge on the basis of each fine or forfeiture. If a fine or forfeiture is suspended in whole or in part, the court shall reduce the jail surcharge in proportion to the suspension.

15           **SECTION 84.** 304.06 (1) (bg) 2. h. of the statutes, as created by 2009 Wisconsin  
16 Act 28, is amended to read:

✓

✓

1 304.06 (1) (bg) 2. h. A person who is serving a sentence related to school safety,  
2 as defined in s. 939.22 (20s).

NOTE: Inserts missing word.

3 SECTION 85. 322.0767 (1) (a) of the statutes, as created by 2009 Wisconsin Act

4 200, is amended to read:

5 322.0767 (1) (a) If a person subject to a general court-martial is found to lack  
6 substantial mental capacity to understand the proceedings or assist in his or own  
7 defense and the military judge determined that the person is likely to become  
8 competent within the period specified under s. 971.14 (5) (a), the court-martial  
9 convening authority for the person shall commit the person to the custody of the  
10 department of health and family services under s. 971.14 (5). If the military judge  
11 determines that the defendant is not likely to become competent in the time period  
12 specified under s. 971.14 (5), the military judge shall suspend or terminate the  
13 general court-martial.

STET:  
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NOTE: 2007 Wis. Act 20, section 9121 (6) (a) directed that wherever "health and family services" appeared in the statutes it be replaced with "health services".

as affected by the acts of 2007

14 SECTION 86. 343.05 (4) (b) 3. of the statutes is amended to read:

15 343.05 (4) (b) 3. Any nonresident of the United States who holds an  
16 international driving permit or a valid operator's license issued by West Germany,  
17 Mexico, or Switzerland or by any other nation having a reciprocal agreement with  
18 the United States concerning driving privileges.

NOTE: Updates name.

19 SECTION 87. 343.307 (1) (intro.) of the statutes is amended to read:

20 343.307 (1) (intro.) The court shall count the following to determine the length  
21 of a revocation under s. 343.30 (1q) (b) and to determine the penalty under s. ss.  
22 114.09 (2) and 346.65 (2):

NOTE: Corrects citation form.

1           **SECTION 88.** 346.58 (2) of the statutes is amended to read:

2           346.58 (2) In addition to complying with other speed restrictions imposed by  
3 law, no person may drive any vehicle equipped with metal tires or solid rubber tires  
4 at a speed in excess of 15 miles per hour.

NOTE: Inserts missing word.

5           **SECTION 89.** 346.70 (3m) (a) of the statutes is amended to read:

6           346.70 (3m) (a) The department may require any operator, occupant or owner  
7 of a vehicle involved in an accident of which report must be made as provided in ~~s.~~  
8 346.70 this section to file supplemental reports whenever the original report is  
9 insufficient in the opinion of the department and may require witnesses of accidents  
10 to render reports to the department.

NOTE: Corrects citation form.

11           **SECTION 90.** 440.03 (9) (a) 2. of the statutes, as affected by 2007 Wisconsin Act  
12 20, is amended to read:

13           440.03 (9) (a) 2. Not later than January 31 of each odd-numbered year,  
14 adjusting for the succeeding fiscal biennium each fee for an initial credential for  
15 which an examination is not required, for a reciprocal credential, and, subject to s.  
16 440.08 (2) (a), for a credential renewal, if e an adjustment is necessary to reflect the  
17 approximate administrative and enforcement costs of the department that are  
18 attributable to the regulation of the particular occupation or business during the  
19 period in which the initial or reciprocal credential or credential renewal is in effect  
20 and, for purposes of each fee for a credential renewal, to reflect an estimate of any  
21 additional moneys available for the department's general program operations as a  
22 result of appropriation transfers that have been or are estimated to be made under



1 s. 20.165 (1) (i) during the fiscal biennium in progress at the time of the deadline for  
 2 an adjustment under this subdivision or during the fiscal biennium beginning on the  
 3 July 1 immediately following the deadline for an adjustment under this subdivision.

NOTE: Deletes a letter that was inadvertently not stricken by 2007 Act 20.

4 **SECTION 91.** 440.03 (9) (d) of the statutes is amended to read:  
 5 440.03 (9) (d) Not later than 14 days after completing proposed fee adjustments  
 6 under par. (a), the department shall send a report detailing the proposed fee  
 7 adjustments to the cochairpersons of the joint committee on finance. If, within 14  
 8 working days after the date that the department submits the report, the  
 9 cochairpersons of the committee notify the secretary that the committee has  
 10 scheduled a meeting for the purpose of reviewing the proposed adjustments, the  
 11 department may not impose the fee adjustments until the committee approves the  
 12 report. If the cochairpersons of the committee do not notify the secretary, the  
 13 department shall notify credential holders of the fee adjustments by posting the fee  
 14 adjustments on the department's Internet Web site and in credential renewal notices  
 15 sent to affected credential holders under s. 440.08 (1).

NOTE: Makes terminology consistent through out the statutes.

16 ✓ **SECTION 92.** 447.04 (1) (b) 2. of the statutes, as affected by 2007 Wisconsin Act  
 17 104, is amended to read:

created

18 447.04 (1) (b) 2. Submits evidence satisfactory to the examining board that the  
 19 person has current proficiency in cardiopulmonary resuscitation, including the use  
 20 of an automated external defibrillator achieved through instruction provided by an  
 21 individual, organization, or institution of higher education qualified to provide such  
 22 instruction. The examining board shall consult with the department of health and

*As affected by the acts of 2007*

1 family services to determine whether an individual, organization, or institution of  
2 higher education is qualified to provide instruction under this subdivision.

NOTE: 2007 Wis. Act 20, section 9121 (6) (a) directed that wherever "health and family services" appeared in the statutes it be replaced with "health services".

3 SECTION 93. 448.65 (2) (a) of the statutes, as affected by 2007 Wisconsin Act 20,  
4 is amended to read:

5 **448.65** (2) (a) The renewal fee determined by the department under s. 440.03  
6 (9) (a).

PLAIN

NOTE: Inserts missing "s."

7 SECTION 94. 450.095 (2) 1., 2. and 3. of the statutes, as created by 2009  
8 Wisconsin Act 28, are renumbered 450.095 (2) (a), (b) and (c).

NOTE: Conforms numbering to current style.

9 SECTION 95. 560.125 (4) (c) (intro.) of the statutes is amended to read:  
10 560.125 (4) (c) Subject to par. (d), the department may make grants under this  
11 section from July 1, 2007, to June 30, 2011, of 50 percent of the eligible costs for a  
12 total of not more than the following number of idling reduction units per applicant:

NOTE: Corrects punctuation.

13 SECTION 96. 560.139 (4) of the statutes, as created by 2009 Wisconsin Act 28,  
14 is amended to read:

15 560.139 (4) ORIGINATION FEE. The department may charge the recipient of a  
16 grant or loan under sub. (1) (a), ~~(2), or (3)~~ an origination fee of not more than 2 percent  
17 of the grant or loan amount if the grant or loan equals or exceeds \$100,000. The  
18 department shall deposit all origination fees collected under this subsection into the  
19 appropriation account under s. 20.143 (1) (gm).

NOTE: Section 560.139 (2) and (3) were repealed by 2009 Wis. Act 28.

20 SECTION 97. 560.205 (2) of the statutes, as affected by 2009 Wisconsin Act 2,  
21 is amended to read:

1            560.205 (2) EARLY STAGE SEED INVESTMENT TAX CREDITS. The department shall  
 2 implement a program to certify investment fund managers for purposes of ss. 71.07  
 3 (5b), 71.28 (5b), 71.47 (5b), and 76.638. An investment fund manager desiring  
 4 certification shall submit an application to the department. The investment fund  
 5 manager shall specify in the application the investment amount that the manager  
 6 wishes to raise and the department may certify the manager and determine the  
 7 amount that qualifies for purposes of ss. 71.07 (5b), 71.28 (5b), 71.47 (5b), and 76.638.  
 8 In determining whether to certify an investment fund manager, the department  
 9 shall consider the investment fund manager's experience in managing venture  
 10 capital funds, the past performance of investment funds managed by the applicant,  
 11 the expected level of investment in the investment fund to be managed by the  
 12 applicant, and any other relevant factors. The department may certify only  
 13 investment fund managers that commit to consider placing investments in  
 14 businesses certified under sub. (1).

NOTE: Deletes unnecessary comma.

15            **SECTION 98.** 560.205 (3) (a) of the statutes is amended to read:

16            560.205 (3) (a) *List of certified businesses and investment fund managers.* The  
 17 department shall maintain a list of businesses certified under sub. (1) and  
 18 investment fund managers certified under sub. (2) and shall permit public access to  
 19 the lists through the department's Internet website Web site.

PLAIN

NOTE: Makes terminology consistent through out the statutes.

Corrects spelling

20            **SECTION 99.** 560.208 of the statutes, as created by 2009 Wisconsin Act 28, is  
 21 renumbered 560.2085. ✓

NOTE: Confirms renumbering by the legislative reference bureau under s. 13.92  
(1) (bm) 2. 2009 Wis. Act 2 also created a provision numbered s. 560.208. ✓



1 SECTION 100. 560.304 of the statutes, as created by 2009 Wisconsin Act 28, is  
2 amended to read:

3 560.304 Forward innovation fund. The department may award a grant or  
4 make a loan to an eligible recipient from the appropriations under s. 20.143 (1) (fi),  
5 (gm), and (io). The department shall consult with the board prior to awarding a grant  
6 or making a loan under this section.

NOTE: Inserts missing comma.

7 SECTION 101. 632.835 (2) (bg) 2. of the statutes is amended to read:

8 632.835 (2) (bg) 2. The insurer includes on its explanation of benefits form a  
9 statement that the insured may have a right to an independent review after the  
10 internal grievance process and that an insured may be entitled to expedited  
11 independent review with respect to an urgent matter. The statement shall also  
12 include a reference to the section of the policy or certificate that contains the  
13 description of the independent review procedure as required under subd. 1. The  
14 statement shall provide a toll-free telephone number and website Web site, if  
15 appropriate, where consumers may obtain additional information regarding  
16 internal grievance and independent review processes.

NOTE: Makes terminology consistent through out the statutes.

Corrects spelling

17 SECTION 102. 632.835 (2) (bg) ~~3.~~ of the statutes is amended to read:

18 ~~632.835 (2) (bg) 3. For any adverse determination of experimental treatment~~  
19 ~~determination~~ for which an explanation of benefits is not provided to the insured, the  
20 insurer provides a notice that the insured may have a right to an independent review  
21 after the internal grievance process and that an insured may be entitled to expedited,  
22 independent review with respect to an urgent matter. The notice shall also include  
23 a reference to the section of the policy or certificate that contains the description of

coverage denial

as affected by 2009 Wisconsin Act 28

1 the independent review procedure as required under subd. 1. The notice shall  
2 provide a toll-free telephone number and website Web site, if appropriate, where  
3 consumers may obtain additional information regarding internal grievance and  
4 independent review processes.

NOTE: ~~Makes terminology consistent through out the statutes.~~

*corrects spelling*

5 **SECTION 103.** The treatment of 757.05 (1) (a) of the statutes by 2009 Wisconsin  
6 Act 12 is not repealed by 2009 Wisconsin Act 28. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau under s. 13.92 (2) (i), effective 7-5-10, s. 757.05 (1) (a) reads:

(a) Whenever a court imposes a fine or forfeiture for a violation of state law or for a violation of a municipal or county ordinance except for a violation of s. 101.123 (2) or (2m), for a financial responsibility violation under s. 344.62 (2), or for a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the violation, or for a violation of state laws or municipal or county ordinances involving nonmoving traffic violations, violations under s. 343.51 (1m) (b), or safety belt use violations under s. 347.48 (2m), there shall be imposed in addition a penalty surcharge under ch. 814 in an amount of 26 percent of the fine or forfeiture imposed. If multiple offenses are involved, the penalty surcharge shall be based upon the total fine or forfeiture for all offenses. When a fine or forfeiture is suspended in whole or in part, the penalty surcharge shall be reduced in proportion to the suspension.

7 **SECTION 104.** 801.17 (3) (c) of the statutes is amended to read:

8 801.17 (3) (c) Users shall register through the electronic filing system website  
9 Web site by executing a user agreement governing the terms of use of the electronic  
10 filing system. To register, users must have the capability to produce, file, and receive  
11 electronic documents meeting the technical requirements of the electronic filing  
12 system. By registering, users agree to electronically file all documents to the extent  
13 the electronic filing system can accept them.

NOTE: ~~Makes terminology consistent through out the statutes.~~

*Corrects = spelling*

14 **SECTION 105.** 801.17 (5) (a) of the statutes is amended to read:

15 801.17 (5) (a) If the clerk of court accepts an initiating document for filing, the  
16 clerk of court shall assign a case number and authenticate the document as provided

1 in sub. (10). The electronic filing system shall send a notice to the filer that the filing  
2 has been accepted and is available through the electronic filing system ~~website~~ Web  
3 site.

NOTE: Makes terminology consistent through out the statutes.

Corrects  
= Spelling @

4 **SECTION 106.** 801.17 (11) (b) of the statutes is amended to read:

5 801.17 (11) (b) Notaries public who hold valid appointments under ch. 137 may  
6 register with the electronic filing system for authorization to notarize electronically  
7 filed documents. To register, notaries must be able to meet the technical  
8 requirements of the electronic filing system. Upon receipt of a properly executed  
9 notary agreement, the electronic filing system shall assign to the notary a  
10 confidential electronic signature and seal. The notary signature and seal shall be  
11 used only by the notary to whom it is assigned. Upon learning that the  
12 confidentiality of the signature and seal have been inadvertently or improperly  
13 disclosed, the notary shall immediately report that fact through the electronic filing  
14 system ~~website~~ Web site.

NOTE: Makes terminology consistent through out the statutes.

Corrects  
= Spelling -

15 **SECTION 107.** 803.01 (3) (b) 2. and 3. of the statutes are amended to read:

2.

16 803.01 (3) (b) 1. a. When the plaintiff is a minor 14 years of age or over, the  
17 guardian ad litem shall be appointed upon the plaintiff's application or upon the  
18 state's application under s. 767.407 (1) (c); or if the plaintiff is under that age or is  
19 adjudicated incompetent or alleged to be incompetent, upon application of the  
20 plaintiff's guardian or of a relative or friend or upon application of the state under  
21 s. 767.407 (1) (c). If the application is made by a relative, a friend, or the state, notice  
22 thereof must first be given to the guardian if the plaintiff has one in this state; if the  
23 plaintiff has none, then to the person with whom the minor or individual adjudicated

1 incompetent resides or who has the minor or individual adjudicated incompetent in  
2 custody.

3 (b) When the defendant is a minor 14 years of age or over, the guardian ad litem  
4 shall be appointed upon the defendant's application made within 20 days after the  
5 service of the summons or other original process; if the defendant is under that age  
6 or neglects to so apply or is adjudicated incompetent or alleged to be incompetent,  
7 then upon the court's own motion or upon the application of any other party or any  
8 relative or friend or the defendant's guardian upon such notice of the application as  
9 the court directs or approves.

NOTE: Prior to the repeal and recreation of s. 803.01 by Supreme Court Order, 67  
Wis. 2d 585, 638 (1975), an introductory provision supplied a verb for what became s.  
803.01 (3) (b) 2. and 3. after the repeal and recreation. The repeal and recreation left  
subs. 2. and 3. without a verb, which is restored by this bill. This change is made at the  
request of the Supreme Court. ~~See also the next section of this bill.~~

10 SECTION 108. Subchapter III (title) of chapter 809 of the statutes, as affected  
11 by 2009 Wisconsin Act 26, is amended to read:

12 CHAPTER 809  
13 SUBCHAPTER III

14 APPEAL PROCEDURE IN COURT OF APPEALS IN S. 971.17 PROCEEDINGS,  
15 AND IN CRIMINAL AND CH. 48, 51, 55,, 938, AND 980 CASES

NOTE: Deletes unnecessary comma.

16 SECTION 109. 809.30 (title) of the statutes is amended to read:

17 809.30 Rule (Appeals in s. 971.17 proceedings and in criminal, ch. 48, 51,  
18 55,, 938, and 980 cases).

NOTE: Deletes unnecessary comma.

19 SECTION 110. 809.30 (1) (a) of the statutes, as affected by 2009 Wisconsin Act

20 (24), is amended to read:

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(title)

[precedes 809.30]

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As affected by  
2009 Wisconsin Act 26.

1 809.30 (1) (a) "Final adjudication" means the entry of a final judgment or order  
2 by the circuit court in a s. 971.17 proceeding, in a criminal case, or in a ch. 48, 51, 55,  
3 938, or 980 case, other than a termination of parental rights case under s. 48.43 or  
4 a parental consent to abortion case under s. 48.375 (7).

26 NOTE: Deletes unnecessary comma.

5 SECTION 111. 809.30 (1) (e) of the statutes, as affected by 2009 Wisconsin Act  
6 24, is amended to read:

7 809.30 (1) (e) "Prosecutor" means a district attorney, corporation counsel, or  
8 other attorney authorized by law to represent the state in a criminal case, a  
9 proceeding under s. 971.17, or a case under ch. 48, 51, 55, 938, or 980.

NOTE: Deletes unnecessary comma.

10 SECTION 112. The treatment of 814.63 (1) (c) of the statutes by 2009 Wisconsin  
11 Act 12 is not repealed by 2009 Wisconsin Act 28. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference  
bureau under s. 13.92 (2) (i), effective 7-5-10, s. 757.05 (1) (a) reads:

814.63(1)  
(c)

(c) This subsection does not apply to an action for a violation of s. 101.123 (2) or  
(2m), for a financial responsibility violation under s. 344.62 (2), for a first violation of s.  
23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who  
committed the violation had a blood alcohol concentration of 0.08 or more but less than  
0.1 at the time of the violation, or for a violation under s. 343.51 (1m) (b) or a safety belt  
use violation under s. 347.48 (2m).

12 SECTION 113. 846.35 (6) of the statutes, as affected by 2009 Wisconsin Act 28,  
13 is amended to read:

14 846.35 (6) PENALTIES. If a plaintiff fails to provide a notice under ~~par.~~ sub. (1)  
15 (a) in accordance with ~~par.~~ sub. (1) (a) and (b), or fails to comply with sub. (5), the  
16 court shall award the tenant to whom the notice should have been given or who  
17 should not have been named as a defendant \$250 in damages, plus reasonable  
18 attorney fees. A tenant may not recover under this paragraph for more than one  
19 notice violation.



NOTE: Inserts a missing word and corrects cross-references. Section 846.35 (6) was renumbered from s. 846.35 (1) (c) by 2009 Wis. Act 28, but the cross-references were not adjusted accordingly.



1           **SECTION 114.** 895.04 (2) of the statutes, as affected by 2009 Wisconsin Act 28,  
2 is amended to read:

3           895.04 (2) If the deceased leaves surviving a spouse or domestic partner under  
4 ~~ch. 770, and domestic partner under s. 770.05,~~ and minor children under 18 years of  
5 age with whose support the deceased was legally charged, the court before whom the  
6 action is pending, or if no action is pending, any court of record, in recognition of the  
7 duty and responsibility of a parent to support minor children, shall determine the  
8 amount, if any, to be set aside for the protection of such children after considering the  
9 age of such children, the amount involved, the capacity and integrity of the surviving  
10 spouse or surviving domestic partner, and any other facts or information it may have  
11 or receive, and such amount may be impressed by creation of an appropriate lien in  
12 favor of such children or otherwise protected as circumstances may warrant, but  
13 such amount shall not be in excess of 50% of the net amount received after deduction  
14 of costs of collection. If there are no such surviving minor children, the amount  
15 recovered shall belong and be paid to the spouse or domestic partner of the deceased;  
16 if no spouse or domestic partner survives, to the deceased's lineal heirs as determined  
17 by s. 852.01; if no lineal heirs survive, to the deceased's brothers and sisters. If any  
18 such relative dies before judgment in the action, the relative next in order shall be  
19 entitled to recover for the wrongful death. A surviving nonresident alien spouse or  
20 a nonresident alien domestic partner under ch. 770 and minor children shall be  
21 entitled to the benefits of this section. In cases subject to s. 102.29 this subsection  
22 shall apply only to the surviving spouse's or surviving domestic partner's interest in  
23 the amount recovered. If the amount allocated to any child under this subsection is

1 less than \$10,000, s. 807.10 may be applied. Every settlement in wrongful death  
2 cases in which the deceased leaves minor children under 18 years of age shall be void  
3 unless approved by a court of record authorized to act hereunder.

NOTE: Deletes redundant provision. Drafting records show the stricken language was to be replaced by "or domestic partner under ch. 770," but was inadvertently retained.

4 **SECTION 115.** 939.22 (8) of the statutes is renumbered 939.22 (9r). X

NOTE: Places definition in alphabetical order.

5 **SECTION 116.** 949.06 (1m) (a) of the statutes, as affected by 2009 Wisconsin Act  
6 28, section 3359, is amended to read:

7 949.06 (1m) (a) In this subsection, "family member" means any spouse,  
8 domestic partner under ~~s. 770.05~~ ch. 770, parent, grandparent, stepparent, child,  
9 stepchild, adopted child, grandchild, foster child, brother, sister, half brother, half  
10 sister, aunt, uncle, nephew, niece, or parent or sibling of spouse or of a domestic  
11 partner under ch. 770.

NOTE: 2009 Wisconsin Act 28, section 3359, amended s. 949.06 (1m) (a), as affected by 2009 Wisconsin Act 28, section 3358. Section 3358 inserted the phrase "domestic partner under ch. 770." Section 3359 changed "ch. 770" to "s. 770.05" without strikes and and scores. No change was intended.

12 **SECTION 117.** 971.23 (9) (b) of the statutes is amended to read:

13 971.23 (9) (b) Notwithstanding sub. (1) (e) or (2m) (am), if either party intends  
14 to submit deoxyribonucleic acid profile evidence at a trial to prove or disprove the  
15 identity of a person, the party seeking to introduce the evidence shall notify the other  
16 party of the intent to introduce the evidence in writing by mail at least 45 days before  
17 the date set for trial; and shall provide the other party, within 15 days of request, the  
18 material identified under sub. (1) (e), or ~~par.~~ sub. (2m) (am), whichever is  
19 appropriate, that relates to the evidence.

NOTE: Corrects citation form.

20 **SECTION 118.** 985.01 (1m) of the statutes is amended to read:

1 985.01 (1m) "Insertion," when used to indicate the publication of a legal notice  
2 more than one time, means once each week for consecutive weeks, the last of which  
3 shall be at least one week before the act or event, unless otherwise specified by law.

NOTE: Inserts missing comma.

4 ✓ SECTION 119. 2009 Wisconsin Act 1, section 4<sup>e</sup> is amended by replacing  
5 "governor may," with "governor may,".

NOTE: The comma was previously existing.

6 ✓ SECTION 120. 2009 Wisconsin Act 2, section 416<sup>e</sup> is amended by replacing  
7 sale of tangible personal property and items with sale of tangible personal property, and items".  
*quotation mark stays*

*quotation mark stays* NOTE: A comma was deleted without being shown as stricken. The change was intended.

8 ✓ SECTION 121. 2009 Wisconsin Act 2, section 709<sup>e</sup> is amended by replacing "loan  
9 originator, or mortgage broker" with "loan originator or mortgage broker".

NOTE: An underscored comma was erroneously inserted in stricken text.

10 ✓ SECTION 122. 2009 Wisconsin Act 11, sections 21, 31<sup>e</sup> and 41 are amended by  
11 replacing "a percentage, as determined by the department of commerce, not to  
12 exceed 100 percent, of" with "a percentage, as determined by the department of  
13 commerce, not to exceed 100 percent, of."

NOTE: Language was inserted by 2009 Wis. Act 11 without scoring. The change was intended.

14 ✓ SECTION 123. 2009 Wisconsin Act 11, section 44<sup>e</sup> is amended by replacing "his  
15 or her work, or that the employee" with "his or her work, or that the employee".

NOTE: Previously existing text was underscored by 2009 Wis. Act 11. No change was intended.

16 ✓ SECTION 124. 2009 Wisconsin Act 28, section 120b<sup>e</sup> is amended by replacing  
17 "16.957 (2) (a) (intro.) of the statutes is renumbered 16.957 (2) (a) and amended to  
18 read:" with "16.957 (2) (a) (intro.) of the statutes is renumbered 16.957 (2) (a) and  
19 amended to read:".

NOTE: Clarifies action phrase. No renumbering actually occurred. The provision remained introductory to s. 16.957 (2) (a) 1. to 4.

1 SECTION 125. 2009 Wisconsin Act 28, section 168m<sup>e</sup> is amended by replacing  
2 "subdivision during a fiscal year may not exceed" with "subdivision during a fiscal  
3 year may not exceed".

NOTE: 2009 Wis. Act 28 inserted text with <sup>out</sup> showing it as underscored. The change was intended.

4 SECTION 126. 2009 Wisconsin Act 28, section 199<sup>e</sup> is amended by replacing  
5 "(10q), 2009" with "(10q), ~~and~~ 2009".

NOTE: 2009 Wis. Act 28 deleted text without showing it as stricken. The change was intended.

6 SECTION 127. 2009 Wisconsin Act 28, section 276<sup>e</sup> is amended by replacing  
7 "Resource aids ~~county sustainable forestry and county forest administration~~  
8 ~~grants.~~" with "Resource aids ~~urban forestry,~~ county sustainable forestry, and  
9 county forest administration grants."

NOTE: 2009 Wis. Act 28 deleted text without showing it as stricken. The change was intended.

10 SECTION 128. 2009 Wisconsin Act 28, section 989f<sup>e</sup> is amended by replacing  
11 "\$2,215,200" with "\$2,125,200".

NOTE: A number was transposed in text stricken by 2009 Wis. Act 28.

12 SECTION 129. 2009 Wisconsin Act 28, section 710<sup>e</sup> is amended by replacing  
13 "each high hazard dam" with "each large high hazard dam".

NOTE: 2009 Wis. Act 28 deleted text without showing it as stricken. The change was intended.

14 SECTION 130. 2009 Wisconsin Act 28, section 1062b<sup>e</sup> is repealed.

NOTE: The provision showed text as stricken in s. 48.67 (4), as created by 2009 Wis. Act 28, that did not exist and contained no other changes to s. 48.67 (4), and thus had no effect.

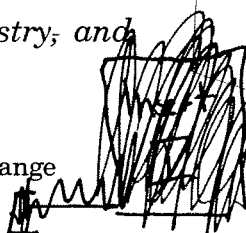
15 SECTION 131. 2009 Wisconsin Act 29, section 4<sup>e</sup> is amended by replacing  
16 "461.02 (1) (b) of the statutes, as created by 2007 Wisconsin Act 189, is created to  
17 read:" with "461.02 (1) (b) of the statutes is created to read:".

move this material to 47-11 as shown

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move



*(move continued)*  
*move this material to 47-11, as shown, BJH:.....*

NOTE: The provision was not previously created by 2007 Wis. Act 189.

1

**SECTION 132.** 2009 Wisconsin Act 29, section 5, is amended by replacing “under

2

s. 440.03 (9) (a), that” with “under s. 440.03 (9) (a), that”.

NOTE: 2009 Wis. Act 29 inserted a comma without showing it as underscored. The change was intended.

Insert 1

**SECTION 133.** 2009 Wisconsin Act 28, section 1481m, is amended by replacing

“mechanic, or truck driver” with “mechanic, or truck driver”.

NOTE: 2009 Wis. Act 28 inserted a comma without showing it as underscored. The change was intended.

Insert 3

**SECTION 134.** 2009 Wisconsin Act 28, section 1852m, is amended by replacing

6

“0.50 percent” with “0.5% 0.50 percent”.

NOTE: 2009 Wis. Act 28 replaced “5%” with “0.50 percent” without strikes and scores. The change was intended.

*LPS: this is a zero*

*material moved from 47-9 and 47-10 and note*

**SECTION 135.** 2009 Wisconsin Act 28, section 2017, is amended by replacing

8

“thereof of the seed” with “thereof of the seed”.

NOTE: 2009 Wis. Act 28 inserted “of the seed” without showing it as underscored. The change was intended.

**SECTION 136.** 2009 Wisconsin Act 28, section 2042, is amended by replacing

10

“\$60 \$100,” with “\$60 \$100,”.

*PLAIN*

NOTE: A previously existing comma was underscored. No change was intended.

**SECTION 137.** 2009 Wisconsin Act 28, section 2254, is amended by replacing

12

“the office or department of health services” with “the office or department of health

13

services”.

NOTE: 2009 Wis. Act 28 inserted “or department of health services” without showing it as underscored. The change was intended.

**SECTION 138.** 2009 Wisconsin Act 28, section 2578qx, is amended by replacing

15

“~~effective date, whichever is later and~~” with “~~effective date, whichever is later, and~~”.

NOTE: A comma was deleted without being shown as stricken. The change was intended.

**SECTION 139.** 2009 Wisconsin Act 28, section 2578qz, is amended by replacing

17

“~~compact’s effective date or the date~~” with “~~compact’s effective date, or the date~~”.

*2578qz*

*material moved to 47-11 as shown*

Material moved from 46-14 & 46-15 and note

Move to 46-3, as shown

NOTE: A comma was deleted without being shown as stricken. The change was intended.

1 SECTION 140. 2009 Wisconsin Act 28, section 2578sb<sub>1</sub> is amended by replacing  
2 "over the baseline or over" with "over the baseline or over".

NOTE: 2009 Wis. Act 28 inserted "over" without showing it as underscored. The change was intended.

3 SECTION 141. 2009 Wisconsin Act 28, section 2945<sub>1</sub> is amended by replacing "42  
4 CFR 73" with "42 ~~CR~~ CFR 73".

MOVE

NOTE: 2009 Wis. Act 28 replaced "CR" with "CFR" without strikes and scores. The change was intended.

5 SECTION 142. 2009 Wisconsin Act 28, section 2683d<sub>1</sub> is amended by replacing  
6 "301.26 (7) (a) (intro.)" with "301.26 (7) (a)" in 2 places.

and by replacing "301.26 (7) (a) (intro.)" with "301.26 (7) (a)"

NOTE: Section 301.26 (7) (a) is not subdivided. 2009 Wisconsin Act 28 amends all of s. 301.26 (7) (a).

Material moved from 45-15 to 46-1 (and note)

7 SECTION 143. 2009 Wisconsin Act 28, section 3050<sub>1</sub> is amended by replacing  
8 "department board" with "department board".

NOTE: The last letter in a stricken word was inadvertently not stricken.

9 SECTION 144. 2009 Wisconsin Act 28, section 1080d<sub>1</sub> is amended by replacing  
10 "treatment foster home " with "treatment foster home".

NOTE: The last letter in a stricken word was inadvertently not stricken.

11 SECTION 145. **Effective dates.** This act takes effect on the day after  
12 publication, except as follows:

13 (1) The treatments of sections 38.24 (8) (b), 66.0903 (1) (dr), 66.0904 (1) (fm),  
14 103.49 (1) (bj), and 285.69 (2m) (b) of the statutes take effect on January 1, 2010.

15 (2) The treatment of section 15.145 (5) (intro.) of the statutes takes effect on  
16 January 4, 2010, or on the day after publication, whichever is later.

17 (3) The treatment of sections 77.51 (11m) and 101.123 (2) (a) 9. of the statutes  
18 take effect on July 5, 2010.

or on the day after publication, whichever is later

(use 2x)

1 (4) The treatments of sections 62.23 (7) (i) (intro.), 146.82 (2) (a) 18m. and  
2 949.06 (1m) (a) of the statutes take effect on the date stated in the notice provided  
3 by the secretary of children and families and published in the Wisconsin  
4 Administrative Register under section 48.62 (9) of the statutes.

or on  
the day  
after  
publication,  
whichever is  
later

end INS BILL

**2009-2010 DRAFTING INSERT**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-3744/P1insA

.....

51 ✓ *deleted*  
~~51 ✓~~

1

2           **Insert 1**

3           **SECTION 1.** 2009 Wisconsin Act 28, section 1543cc, is amended by replacing  
4           “subd. 33., per beneficiary by the married” with “~~subdivision~~ subd. 33., per  
5           beneficiary by the married”.

NOTE: 2009 Wis. Act 28 replaced “subdivision” with “subd.” without strikes and  
underscores. The change was intended.

6           **SECTION 2.** 2009 Wisconsin Act 28, section 1543cg, is amended by replacing  
7           “subd. 32., per beneficiary by the married” with “~~subdivision~~ subd. 32., per  
8           beneficiary by the married”.

NOTE: 2009 Wis. Act 28 replaced “subdivision” with “subd.” without strikes and  
underscores. The change was intended.

9           **Insert 2**

10           **SECTION 3.** 71.47 (4) (ad) 1., 2., 3. and (am) of the statutes, as affected by 2009  
11           Wisconsin Act 2, are amended to read:

12           71.47 (4) (ad) 1. Except as provided in subs. 2. and 3., any corporation may  
13           credit against taxes otherwise due under this chapter an amount equal to 5 percent  
14           of the amount obtained by subtracting from the corporation’s qualified research  
15           expenses, as defined in section 41 of the Internal Revenue Code, except that  
16           “qualified research expenses” includes only expenses incurred by the claimant,  
17           incurred for research conducted in this state for the taxable year, except that a  
18           taxpayer may elect the alternative computation under section 41 (c) (4) of the  
19           Internal Revenue Code and that election applies until the department permits its  
20           revocation, except as provided in par. (af), and except that “qualified research  
21           expenses” does not include compensation used in computing the credit under subs.



1 (1dj) and (1dx), the corporation's base amount, as defined in section 41 (c) of the  
2 Internal Revenue Code, except that gross receipts used in calculating the base  
3 amount means gross receipts from sales attributable to Wisconsin under s. 71.25 (9)  
4 (b) 1. and 2., (df) 1. and 2., (dh) 1., 2., and 3., (dj) 1., and (dk) 1. Section 41 (h) of the  
5 Internal Revenue Code does not apply to the credit under this paragraph.

6 2. For taxable years beginning after June 30, 2007, any corporation may credit  
7 against taxes otherwise due under this chapter an amount equal to 10 percent of the  
8 amount obtained by subtracting from the corporation's qualified research expenses,  
9 as defined in section 41 of the Internal Revenue Code, except that "qualified research  
10 expenses" includes only expenses incurred by the claimant for research related to  
11 designing internal combustion engines for vehicles, including expenses related to  
12 designing vehicles that are powered by such engines and improving production  
13 processes for such engines and vehicles, incurred for research conducted in this state  
14 for the taxable year, except that a taxpayer may elect the alternative computation  
15 under section 41 (c) (4) of the Internal Revenue Code and that election applies until  
16 the department permits its revocation, except as provided in par. (af), and except that  
17 "qualified research expenses" does not include compensation used in computing the  
18 credit under subs. (1dj) and (1dx), the corporation's base amount, as defined in  
19 section 41 (c) of the Internal Revenue Code, except that gross receipts used in  
20 calculating the base amount means gross receipts from sales attributable to  
21 Wisconsin under s. 71.25 (9) (b) 1. and 2., (df) 1. and 2., (dh) 1., 2., and 3., (dj) 1., and  
22 (dk) 1. Section 41 (h) of the Internal Revenue Code does not apply to the credit under  
23 this paragraph.

24 3. For taxable years beginning after June 30, 2007, any corporation may credit  
25 against taxes otherwise due under this chapter an amount equal to 10 percent of the

1 amount obtained by subtracting from the corporation's qualified research expenses,  
2 as defined in section 41 of the Internal Revenue Code, except that "qualified research  
3 expenses" includes only expenses incurred by the claimant for research related to the  
4 design and manufacturing of energy efficient lighting systems, building automation  
5 and control systems, or automotive batteries for use in hybrid-electric vehicles, that  
6 reduce the demand for natural gas or electricity or improve the efficiency of its use,  
7 incurred for research conducted in this state for the taxable year, except that a  
8 taxpayer may elect the alternative computation under section 41 (c) (4) of the  
9 Internal Revenue Code and that election applies until the department permits its  
10 revocation, except as provided in par. (af), and except that "qualified research  
11 expenses" does not include compensation used in computing the credit under subs.  
12 (1dj) and (1dx), the corporation's base amount, as defined in section 41 (c) of the  
13 Internal Revenue Code, except that gross receipts used in calculating the base  
14 amount means gross receipts from sales attributable to Wisconsin under s. 71.25 (9)  
15 (b) 1. and 2., (df) 1. and 2., (dh) 1., 2., and 3., (dj) ~~1.~~, and (dk) ~~1.~~ Section 41 (h) of the  
16 Internal Revenue Code does not apply to the credit under this paragraph.

17 (am) *Development zone additional research credit.* In addition to the credit  
18 under par. (ad), any corporation may credit against taxes otherwise due under this  
19 chapter an amount equal to 5 percent of the amount obtained by subtracting from  
20 the corporation's qualified research expenses, as defined in section 41 of the Internal  
21 Revenue Code, except that "qualified research expenses" include only expenses  
22 incurred by the claimant in a development zone under subch. VI of ch. 560, except  
23 that a taxpayer may elect the alternative computation under section 41 (c) (4) of the  
24 Internal Revenue Code and that election applies until the department permits its  
25 revocation and except that "qualified research expenses" do not include

1 compensation used in computing the credit under sub. (1dj) nor research expenses  
 2 incurred before the claimant is certified for tax benefits under s. 560.765 (3), the  
 3 corporation’s base amount, as defined in section 41 (c) of the Internal Revenue Code,  
 4 in a development zone, except that gross receipts used in calculating the base amount  
 5 means gross receipts from sales attributable to Wisconsin under s. 71.25 (9) (b) 1. and  
 6 2., (df) 1. and 2., (dh) 1., 2., and 3., (dj) ~~1.~~, and (dk) ~~1.~~ and research expenses used in  
 7 calculating the base amount include research expenses incurred before the claimant  
 8 is certified for tax benefits under s. 560.765 (3), in a development zone, if the claimant  
 9 submits with the claimant’s return a copy of the claimant’s certification for tax  
 10 benefits under s. 560.765 (3) and a statement from the department of commerce  
 11 verifying the claimant’s qualified research expenses for research conducted  
 12 exclusively in a development zone. The rules under s. 73.03 (35) apply to the credit  
 13 under this paragraph. The rules under sub. (1di) (f) and (g) as they apply to the credit  
 14 under that subsection apply to claims under this paragraph. Section 41 (h) of the  
 15 Internal Revenue Code does not apply to the credit under this paragraph. No credit  
 16 may be claimed under this paragraph for taxable years that begin on January 1,  
 17 1998, or thereafter. Credits under this paragraph for taxable years that begin before  
 18 January 1, 1998, may be carried forward to taxable years that begin on January 1,  
 19 1998, or thereafter.

NOTE: Section 71.25 (9) (dj) 1. and (dk) 1. are renumbered s. 71.25 (9) (dj) and (dk)  
 by this bill.

20 **Insert 3**

21 **SECTION 4.** 2009 Wisconsin Act 28, section 1840g, is amended by replacing “s.  
 22 77.52 (1) (b) ~~or~~” with “s. 77.52 (1) (b), ~~or~~”.

NOTE: 2009 Wis. Act 28 deleted a comma without showing it as stricken. The  
 change was intended.

1           **Insert 4**

2           **SECTION 5.** 20.370 (2) (bh) of the statutes, as affected by 2009 Wisconsin Act  
3 28, is amended to read:

4           20.370 (2) (bh) *Air management — state permit sources.* The amounts in the  
5 schedule for purposes related to stationary sources of air contaminants for which an  
6 operation permit is required under s. 285.60 but not under the federal clean air act  
7 as specified in s. 285.69 (2m) (~~b~~) (bm). All moneys received from fees imposed under  
8 s. 285.69 (2m) shall be credited to this appropriation account.

NOTE: 2009 Wis. Act 28 numbered 2 provisions as s. 285.69 (2) (b). The provision related to “purposes related to stationary sources of air contaminants for which an operation permit is required under s. 285.60 but not under the federal clean air act” is renumbered to s. 285.69 (2) (bm) by this bill.