



State of Wisconsin  
2009 - 2010 LEGISLATURE

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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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1 AN ACT **to repeal** 16.52 (intro.) (except 16.52 (title)), 70.32 (2r) (a) and (b) and  
2 92.04 (2) (c); **to renumber** 30.26 (2) (a) 3., 30.26 (5), 71.25 (9) (dj) 1., 71.25 (9)  
3 (dk) 1., 71.27 (7) (b), 77.51 (1j), 77.51 (11m), 118.40 (2r) (f), 285.69 (2m) (b),  
4 450.095 (2) 1., 2. and 3., 560.208 and 939.22 (8); **to renumber and amend**  
5 70.32 (2r) (c); **to amend** 15.145 (5) (intro.), 16.505 (1) (intro.), 16.52 (1), (2), (3)  
6 and (12), 16.52 (7), 20.370 (2) (bh), 20.395 (5) (cg), 20.435 (8) (i), 23.09 (2m) (b),  
7 24.14 (2), 29.559 (1) (c), 29.971 (11m) (b), 36.60 (8) (g) 4., 36.61 (4) (intro.), 38.24  
8 (8) (b), 46.2898 (7), 46.71 (1) (intro.), 49.153 (2), 49.26 (1) (hr), 50.065 (2m) (a)  
9 1., 51.14 (7), 51.42 (3) (as) 1g., 62.23 (7) (i) (intro.), 66.0137 (5) (b), 66.0903 (1)  
10 (dr), 66.0904 (1) (fm), 69.01 (6r), 71.05 (24) (a) 4., 71.07 (8r) (c) 3., 71.255 (1) (e),  
11 71.255 (4) (b) 2., 71.28 (4) (ad) 1., 2. and 3. and (am) 1., 71.47 (4) (ad) 1., 2., 3.  
12 and (am), 71.80 (24), 76.80 (3), 77.51 (3pm), 77.522 (1) (a) 2. c., 77.53 (18), 77.61  
13 (2) (b), 84.013 (2) (a), 91.86 (3) (a) (intro.), 101.123 (2) (a) 9., 101.65 (1m), 101.654  
14 (1) (a), 103.49 (1) (bj), 111.91 (1) (cg), 146.82 (2) (a) 18m., 196.374 (3) (b) 2.  
15 (intro.), 196.497 (11) (b), 251.07, 252.15 (2) (a) 1., 253.16 (1), 281.346 (2) (e) 1r.,

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1 281.346 (5e) (c) 1m., 302.113 (9) (c), 304.06 (1) (bg) 2. h., 322.0767 (1) (a), 343.05  
2 (4) (b) 3., 343.307 (1) (intro.), 346.58 (2), 346.70 (3m) (a), 440.03 (9) (a) 2., 447.04  
3 (1) (b) 2., 448.65 (2) (a), 560.139 (4), 560.205 (2), 560.205 (3) (a), 560.304,  
4 632.835 (2) (bg) 2., 632.835 (2) (bg) 3., 801.17 (3) (c), 801.17 (5) (a), 801.17 (11)  
5 (b), 803.01 (3) (b) 2. and 3., subchapter III (title) of chapter 809 [precedes  
6 809.30], 809.30 (title), 809.30 (1) (a), 809.30 (1) (e), 846.35 (6), 895.04 (2), 949.06  
7 (1m) (a), 971.23 (9) (b) and 985.01 (1m) of the statutes; and **to affect** 2009

8 Wisconsin Act 1, section 4, 2009 Wisconsin Act 2, section 416, 2009 Wisconsin  
9 Act 2, section 709, 2009 Wisconsin Act 11, sections 21, 31 and 41, 2009  
10 Wisconsin Act 11, section 44, 2009 Wisconsin Act 28, section 120b, 2009  
11 Wisconsin Act 28, section 168m, 2009 Wisconsin Act 28, section 199, 2009  
12 Wisconsin Act 28, section 276, 2009 Wisconsin Act 28, section 710, 2009  
13 Wisconsin Act 28, section 989f, 2009 Wisconsin Act 28, section 1062b, 2009  
14 Wisconsin Act 28, section 1080d, 2009 Wisconsin Act 28, section 1481m, 2009  
15 Wisconsin Act 28, section 1543cc, 2009 Wisconsin Act 28, section 1543cg, 2009  
16 Wisconsin Act 28, section 1840g, 2009 Wisconsin Act 28, section 1852m, 2009  
17 Wisconsin Act 28, section 2017, 2009 Wisconsin Act 28, section 2042, 2009  
18 Wisconsin Act 28, section 2254, 2009 Wisconsin Act 28, section 2578qx, 2009  
19 Wisconsin Act 28, section 2578qz, 2009 Wisconsin Act 28, section 2578sb, 2009  
20 Wisconsin Act 28, section 2683d, 2009 Wisconsin Act 28, section 2945, 2009  
21 Wisconsin Act 28, section 3050, 2009 Wisconsin Act 29, section 4 and 2009

22 Wisconsin Act 29, section 5; **relating to:** repealing, consolidating,  
23 renumbering, amending, and revising various provisions of the statutes for the  
24 purpose of correcting errors, supplying omissions, correcting and clarifying  
25 references, eliminating defects, anachronisms, conflicts, ambiguities, and

1           obsolete provisions, reconciling conflicts, and repelling unintended repeals  
2           (Correction Bill).

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***Analysis by the Legislative Reference Bureau***

This correction bill was 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.

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

3           **SECTION 1.** 15.145 (5) (intro.) of the statutes, as created by 2009 Wisconsin Act  
4           28, is amended to read:

5           15.145 (5) COUNCIL ON OFFENDER REENTRY. (intro.) There is created a council on  
6           offender reentry which is attached to the department of corrections under s. 15.03,  
7           which shall have the duties, responsibilities, and powers set forth under s. 301.095.  
8           The council shall consist of 22 members, and the appointed members shall serve for  
9           2-year terms and may be appointed for a maximum of 2 consecutive terms. The  
10          chairperson of the council shall be the secretary of corrections or the reentry director,  
11          as decided by the secretary of corrections. The chairperson may appoint  
12          subcommittees and the council shall meet no less frequently than 4 times per year  
13          at a date and location to be determined by the chairperson. Members of the council  
14          shall include the secretary of corrections, or his or her designee; the secretary of  
15          workforce development, or his or her designee; the secretary of health services, or his  
16          or her designee; the secretary of children and families, or his or her designee; the  
17          secretary of commerce, or his or her designee; the secretary of transportation, or his  
18          or her designee; the attorney general, or his or her designee; the chairperson of the  
19          parole commission, or his or her designee; the state superintendent of ~~the~~

19



1 ~~department of~~ public instruction; the reentry director as appointed by the secretary  
 2 of corrections; a current or former judge, as appointed by the director of state courts;  
 3 an individual who has been previously convicted of, and incarcerated for, a crime in  
 4 Wisconsin, as appointed by the secretary of corrections; and the following persons,  
 5 as appointed by the governor:

NOTE: Inserts missing text. Drafting records indicate the council is to meet 4 times  
 per year. ~~██████████~~ <sup>corrects the title of the state superintendent</sup>  
<sub>of public instruction.</sub>

6 SECTION 2. 16.505 (1) (intro.) of the statutes, as affected by 2009 Wisconsin Act  
 7 28, is amended to read:

8 16.505 (1) (intro.) Except as provided in subs. (2), ~~(2e)~~, (2m), (2n), and (2p), no  
 9 position, as defined in s. 230.03 (11), regardless of funding source or type, may be  
 10 created or abolished unless authorized by one of the following:

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

11 SECTION 3. 16.52 (intro.) (except 16.52 (title)) of the statutes is repealed.

NOTE: The (intro.) provision is applicable to only 4 of the subsections in s. 16.52.  
 Those subsections are amended by the next section of this bill to include the (intro.)  
 language.

12 SECTION 4. 16.52 (1), (2), (3) and (12) of the statutes are amended to read:

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

18 (2) REVENUE ACCOUNTS. ~~Place~~ The department shall place revenue estimates  
 19 on the books of accounts and credit actual receipts against them as of the last day of  
 20 each quarter. Except as provided in s. 20.002 (2), any receipts applying to a prior  
 21 fiscal year received between the day after the date for closing of books specified by

1 the secretary under sub. (5) (a) and the next succeeding such date specified by the  
2 secretary shall be credited by the secretary to the fiscal year following the year to  
3 which the receipts apply. Except in the case of program revenue and continuing  
4 appropriations, any refund of a disbursement to a general purpose revenue  
5 appropriation, applicable to any prior fiscal year, received between these dates may  
6 not be credited to any appropriation but shall be considered as a nonappropriated  
7 receipt. General purpose revenue (GPR) earned, as defined in s. 20.001 (4) is not  
8 available for expenditure, whether or not applied to the fiscal year in which received.

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

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

NOTE: See the previous section of this bill.

19 SECTION 5. 16.52 (7) of the statutes, as affected by 2009 Wisconsin Act 28, is  
20 amended to read:

21 16.52 (7) PETTY CASH ACCOUNT. ~~Petty cash account.~~ With the approval of the  
22 secretary, each agency that is authorized to maintain a contingent fund under s.  
23 20.920 may establish a petty cash account from its contingent fund. The procedure  
24 for operation and maintenance of petty cash accounts and the character of

1 expenditures therefrom shall be prescribed by the secretary. In this subsection,  
2 “agency” means an office, department, independent agency, institution of higher  
3 education, association, society, or other body in state government created or  
4 authorized to be created by the constitution or any law, that is entitled to expend  
5 moneys appropriated by law, including the legislature and the courts, but not  
6 including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch.  
7 52, 231, 233, 234, 237, or 279.

NOTE: Removes repeated title.

8 **SECTION 6.** The treatment of 20.143 (3) (j) of the statutes by 2007 Wisconsin Act  
9 225 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, 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.

10 **SECTION 7.** 20.370 (2) (bh) of the statutes, as affected by 2009 Wisconsin Act  
11 28, is amended to read:

12 20.370 (2) (bh) *Air management — state permit sources.* The amounts in the  
13 schedule for purposes related to stationary sources of air contaminants for which an  
14 operation permit is required under s. 285.60 but not under the federal clean air act  
15 as specified in s. 285.69 (2m) (~~b~~) (bm). All moneys received from fees imposed under  
16 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.

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

3           20.395 (5) (cg) *Convenience fees, state funds.* From the general fund, all moneys  
4 received from convenience fees authorized under s. 85.14 (1) (a) for the purpose of  
5 paying charges assessed against the department under s. 85.14 (1) (b) and charges  
6 associated with the acceptance of payment by credit card, debit card, ~~and~~ or other  
7 electronic payment mechanism.

NOTE: Corrects grammar.

8           **SECTION 9.** 20.435 (8) (i) of the statutes, as affected by 2009 Wisconsin Act 28,  
9 is amended to read:

10           20.435 (8) (i) *Gifts and grants.* All moneys received ~~for~~ from gifts, grants,  
11 bequests, and trust funds that are not appropriated under sub. (1), (2), (4), (5), (6),  
12 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.

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

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

NOTE: Inserts missing word.

19           **SECTION 11.** 24.14 (2) of the statutes is amended to read:

20           24.14 (2) Any person who has purchased from the United States or entered any  
21 subject lands prior to the execution of ~~Unites~~ United States patents to this state for  
22 the subject lands, may whenever those entries have been canceled by the United

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

NOTE: Corrects spelling.

10 **SECTION 12.** 29.559 (1) (c) of the statutes is amended to read:

11 29.559 (1) (c) Any person, including the department, who issues a wild turkey  
12 hunting tag under s. 29.164 (4) (b) or a sturgeon hook and line tag under s. 29.2285  
13 (3) (b) shall collect, in addition to the statutory fee, ~~and~~ an issuing fee for each tag  
14 that the person is issued. A person appointed under s. 29.024 (6) (a) 2., 3., or 4. may  
15 retain 15 cents for each issuing fee of each tag to compensate for services in issuing  
16 the tag.

NOTE: Inserts correct word.

17 **SECTION 13.** 29.971 (11m) (b) of the statutes is amended to read:

18 29.971 (11m) (b) Except as provided under par. (a), for the violation of any  
19 provision of this chapter ~~or any~~ relating to bear hunting, to the activities specified  
20 in s. 29.184 (3) (br) 1. to 3. or to the validation of a bear carcass tag or registration  
21 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.



1           **SECTION 14.** 30.26 (2) (a) 3. of the statutes, as created by 2009 Wisconsin Act  
2 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.

3           **SECTION 15.** 30.26 (5) of the statutes, as created by 2009 Wisconsin Act 32, is  
4 renumbered 30.26 (5m), and 30.26 (5m) (a) 1., as renumbered, is amended to read:

5           30.26 (5m) (a) 1. The department may authorize the removal of natural  
6 obstructions from the portion of the river specified in sub. (2) (a) ~~3~~. 3m. a. if needed  
7 for the protection or growth of wild rice.

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 (5). Changes a  
cross-reference to reflect the fact that s. 30.26 (2) (a) 3. is renumbered to s. 30.26 (2) (a)  
3m. by this bill.

8           **SECTION 16.** 36.60 (8) (g) 4. of the statutes, as created by 2009 Wisconsin Act  
9 28, is amended to read:

10           36.60 (8) (g) 4. Strengthening coordination and maintenance of rural services  
11 and the delivery system.

NOTE: Inserts missing article.

12           **SECTION 17.** 36.61 (4) (intro.) of the statutes, as affected by 2009 Wisconsin Act  
13 28, is amended to read:

14           36.61 (4) LOAN REPAYMENT. (intro.) Principal and interest due on loans,  
15 exclusive of any penalties, may be repaid by the † board at the following rate:

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

16           **SECTION 18.** 38.24 (8) (b) of the statutes, as affected by 2009 Wisconsin Act 28,  
17 is amended to read:

18           38.24 (8) (b) Except as provided in par. (bg), the district board shall grant full  
19 remission of the fees charged under sub. (1m) (a) to (c) for 128 credits or 8 semesters,  
20 whichever is longer, less the number of credits or semesters for which the person

1 received remission of fees from any other district board under this subsection and  
2 from the Board of Regents under s. ~~38.27~~ 36.27 (3p) and less the amount of any fees  
3 paid under 10 USC 2107 (c), 38 USC 3104 (a) (7) (A), or 38 USC 3313, to any student  
4 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).

5 **SECTION 19.** 46.2898 (7) of the statutes, as created by 2009 Wisconsin Act 28,  
6 is amended to read:

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

NOTE: Corrects cross-reference. 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.

11 **SECTION 20.** 46.71 (1) (intro.) of the statutes, as affected by 2009 Wisconsin Act  
12 28, is amended to read:

13 46.71 (1) (intro.) From the appropriation account under s. 20.435 (5) (km), ~~and~~  
14 the department shall, for the development of new drug abuse prevention, treatment  
15 and education programs that are culturally specific with respect to American  
16 Indians or to supplement like existing programs, allocate a total of not more than  
17 \$500,000 in each fiscal year to all the elected governing bodies of federally recognized  
18 American Indian tribes or bands that submit to the department plans, approved by  
19 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.

20 **SECTION 21.** 49.153 (2) of the statutes is amended to read:

1           49.153 (2) RULES. The department shall promulgate rules that establish  
2 procedures for the notice and explanation under sub. (1) and that define “reasonable  
3 attempts” for the purpose of sub. (1) ~~(b)~~ (am) and “reasonable time” for the purpose  
4 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.

5           **SECTION 22.** 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 23.** 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 24.** 51.14 (7) of the statutes is amended to read:

18           51.14 (7) LISTING OF MENTAL HEALTH REVIEW OFFICERS. The department shall  
19 compile a list that specifies the mental health review officers in each county, post the  
20 list on the department’s website Web site, and update the list as necessary.

NOTE: Corrects spelling.

1           **SECTION 25.** 51.42 (3) (as) 1g. of the statutes, as created by 2009 Wisconsin Act  
2 28, is amended to read:

3           51.42 (3) (as) 1g. In this paragraph, “county department” means a county  
4 department of community programs.

NOTE: Inserts missing article.

5           **SECTION 26.** 62.23 (7) (i) (intro.) of the statutes, as affected by 2009 Wisconsin  
6 Act 28, section 1457, is amended to read:

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

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

13           **SECTION 27.** 66.0137 (5) (b) of the statutes, as affected by 2009 Wisconsin Act  
14 28, is amended to read:

15           66.0137 (5) (b) The state or a local governmental unit may provide for the  
16 payment of premiums for hospital, surgical and other health and accident insurance  
17 and life insurance for employees and officers, their spouses and dependent children,  
18 and their domestic ~~partner~~ partners under ch. 770 and dependent children. A local  
19 governmental unit may also provide for the payment of premiums for hospital and  
20 surgical care for its retired employees. In addition, a local governmental unit may,  
21 by ordinance or resolution, elect to offer to all of its employees a health care coverage  
22 plan through a program offered by the group insurance board under ch. 40. A local

1 governmental unit that elects to participate under s. 40.51 (7) is subject to the  
2 applicable sections of ch. 40 instead of this subsection.

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

3 **SECTION 28.** 66.0903 (1) (dr) of the statutes, as created by 2009 Wisconsin Act  
4 28, is amended to read:

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

12 **SECTION 29.** 66.0904 (1) (fm) of the statutes, as created by 2009 Wisconsin Act  
13 28, is amended to read:

14 66.0904 (1) (fm) “Minor service ~~and~~ or maintenance work” means a publicly  
15 funded private construction project that is limited to minor crack filling, chip or  
16 slurry sealing, or other minor pavement patching, not including overlays, that has  
17 a projected life span of no longer than 5 years; the depositing of gravel on an existing  
18 gravel road applied solely to maintain the road; road shoulder maintenance; cleaning  
19 of drainage or sewer ditches or structures; or any other limited, minor work on  
20 private facilities or equipment that is routinely performed to prevent breakdown or  
21 deterioration.

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

1           **SECTION 30.** 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 31.** 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.

6           **SECTION 32.** 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 provision relating to use value assessment  
as requested by the Department of Revenue.

12           **SECTION 33.** 71.05 (24) (a) 4. of the statutes, as created by 2009 Wisconsin Act  
13 28, is amended to read:

14           71.05 (24) (a) 4. "Qualified new business venture" means a business certified  
15 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.

16           **SECTION 34.** 71.07 (8r) (c) 3. of the statutes, as created by 2009 Wisconsin Act  
17 28, is amended to read:

18           71.07 (8r) (c) 3. Along with a claimant's income tax return, a claimant shall  
19 submit to the department a certificate of eligibility provided under s. 93.53 (5) (b) or  
20 (c).

NOTE: Inserts missing article.

1           **SECTION 35.** 71.25 (9) (dj) 1. of the statutes, as created by 2009 Wisconsin Act  
2           2, 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.

3           **SECTION 36.** 71.25 (9) (dk) 1. of the statutes, as created by 2009 Wisconsin Act  
4           2, 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.

5           **SECTION 37.** 71.255 (1) (e) of the statutes, as created by 2009 Wisconsin Act 2,  
6           is amended to read:

7           71.255 (1) (e) “Corporation” means any corporation, as defined in s. 71.22 (1k),  
8           wherever located, which if it were doing business in this state would be subject to this  
9           chapter. “Corporation” does not include a tax-option corporation.

NOTE: Inserts missing quotation mark.

10          **SECTION 38.** 71.255 (4) (b) 2. of the statutes, as created by 2009 Wisconsin Act  
11          2, is amended to read:

12          71.255 (4) (b) 2. Add any apportionable expense or loss of a distinct business  
13          activity conducted within and outside the state wholly by the member, expense or  
14          loss from a business conducted wholly by the member entirely within this state, the  
15          member’s nonbusiness expense or loss, its loss allocated or apportioned in an earlier  
16          year required to be taken into account as state source loss during the taxable year,  
17          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.

18          **SECTION 39.** 71.27 (7) (b) of the statutes, as created by 2009 Wisconsin Act 28,  
19          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.

1           **SECTION 40.** 71.28 (4) (ad) 1., 2. and 3. and (am) 1. of the statutes, as affected  
2 by 2009 Wisconsin Act 2, are amended to read:

3           71.28 (4) (ad) 1. Except as provided in subds. 2. and 3., any corporation may  
4 credit against taxes otherwise due under this chapter an amount equal to 5 percent  
5 of the amount obtained by subtracting from the corporation's qualified research  
6 expenses, as defined in section 41 of the Internal Revenue Code, except that  
7 "qualified research expenses" includes only expenses incurred by the claimant,  
8 incurred for research conducted in this state for the taxable year, except that a  
9 taxpayer may elect the alternative computation under section 41 (c) (4) of the  
10 Internal Revenue Code and that election applies until the department permits its  
11 revocation, except as provided in par. (af), and except that "qualified research  
12 expenses" does not include compensation used in computing the credit under subs.  
13 (1dj) and (1dx), the corporation's base amount, as defined in section 41 (c) of the  
14 Internal Revenue Code, except that gross receipts used in calculating the base  
15 amount means gross receipts from sales attributable to Wisconsin under s. 71.25 (9)  
16 (b) 1. and 2., (df) 1. and 2., (dh) 1., 2., and 3., (dj) 1., and (dk) 1. Section 41 (h) of the  
17 Internal Revenue Code does not apply to the credit under this paragraph.

18           2. For taxable years beginning after June 30, 2007, any corporation may credit  
19 against taxes otherwise due under this chapter an amount equal to 10 percent of the  
20 amount obtained by subtracting from the corporation's qualified research expenses,  
21 as defined in section 41 of the Internal Revenue Code, except that "qualified research  
22 expenses" includes only expenses incurred by the claimant for research related to  
23 designing internal combustion engines for vehicles, including expenses related to



1 designing vehicles that are powered by such engines and improving production  
2 processes for such engines and vehicles, incurred for research conducted in this state  
3 for the taxable year, except that a taxpayer may elect the alternative computation  
4 under section 41 (c) (4) of the Internal Revenue Code and that election applies until  
5 the department permits its revocation, except as provided in par. (af), and except that  
6 “qualified research expenses” does not include compensation used in computing the  
7 credit under subs. (1dj) and (1dx), the corporation’s base amount, as defined in  
8 section 41 (c) of the Internal Revenue Code, except that gross receipts used in  
9 calculating the base amount means gross receipts from sales attributable to  
10 Wisconsin under s. 71.25 (9) (b) 1. and 2., (df) 1. and 2., (dh) 1., 2., and 3., (dj) ~~1.~~, and  
11 (dk) ~~1.~~ Section 41 (h) of the Internal Revenue Code does not apply to the credit under  
12 this paragraph.

13 3. For taxable years beginning after June 30, 2007, any corporation may credit  
14 against taxes otherwise due under this chapter an amount equal to 10 percent of the  
15 amount obtained by subtracting from the corporation’s qualified research expenses,  
16 as defined in section 41 of the Internal Revenue Code, except that “qualified research  
17 expenses” includes only expenses incurred by the claimant for research related to the  
18 design and manufacturing of energy efficient lighting systems, building automation  
19 and control systems, or automotive batteries for use in hybrid-electric vehicles, that  
20 reduce the demand for natural gas or electricity or improve the efficiency of its use,  
21 incurred for research conducted in this state for the taxable year, except that a  
22 taxpayer may elect the alternative computation under section 41 (c) (4) of the  
23 Internal Revenue Code and that election applies until the department permits its  
24 revocation, except as provided in par. (af), and except that “qualified research  
25 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 (am) 1. In addition to the credit under par. (ad), any corporation may credit  
7 against taxes otherwise due under this chapter an amount equal to 5 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" include only expenses incurred by the claimant in a development zone  
11 under subch. VI of ch. 560, except that a taxpayer may elect the alternative  
12 computation under section 41 (c) (4) of the Internal Revenue Code and that election  
13 applies until the department permits its revocation and except that "qualified  
14 research expenses" do not include compensation used in computing the credit under  
15 sub. (1dj) nor research expenses incurred before the claimant is certified for tax  
16 benefits under s. 560.765 (3), the corporation's base amount, as defined in section 41  
17 (c) of the Internal Revenue Code, in a development zone, except that gross receipts  
18 used in calculating the base amount means gross receipts from sales attributable to  
19 Wisconsin under s. 71.25 (9) (b) 1. and 2., (df) 1. and 2., (dh) 1., 2., and 3., (dj) ~~1.~~, and

20 (dk) ~~1.~~ and research expenses used in calculating the base amount include research  
21 expenses incurred before the claimant is certified for tax benefits under s. 560.765  
22 (3), in a development zone, if the claimant submits with the claimant's return a copy  
23 of the claimant's certification for tax benefits under s. 560.765 (3) and a statement  
24 from the department of commerce verifying the claimant's qualified research  
25 expenses for research conducted exclusively in a development zone. The rules under

1 s. 73.03 (35) apply to the credit under this subdivision. The rules under sub. (1di)  
2 (f) and (g) as they apply to the credit under that subsection apply to claims under this  
3 subdivision. Section 41 (h) of the Internal Revenue Code does not apply to the credit  
4 under this subdivision.

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

5 **SECTION 41.** 71.47 (4) (ad) 1., 2. <sup>and</sup> 3. and (am) of the statutes, as affected by 2009  
6 Wisconsin Act 2, are amended to read:

7 71.47 (4) (ad) 1. Except as provided in subs. 2. and 3., any corporation may  
8 credit against taxes otherwise due under this chapter an amount equal to 5 percent  
9 of the amount obtained by subtracting from the corporation's qualified research  
10 expenses, as defined in section 41 of the Internal Revenue Code, except that  
11 "qualified research expenses" includes only expenses incurred by the claimant,  
12 incurred for research conducted in this state for the taxable year, except that a  
13 taxpayer may elect the alternative computation under section 41 (c) (4) of the  
14 Internal Revenue Code and that election applies until the department permits its  
15 revocation, except as provided in par. (af), and except that "qualified research  
16 expenses" does not include compensation used in computing the credit under subs.  
17 (1dj) and (1dx), the corporation's base amount, as defined in section 41 (c) of the  
18 Internal Revenue Code, except that gross receipts used in calculating the base  
19 amount means gross receipts from sales attributable to Wisconsin under s. 71.25 (9)  
20 (b) 1. and 2., (df) 1. and 2., (dh) 1., 2., and 3., (dj) ~~1.~~, and (dk) ~~1.~~ Section 41 (h) of the  
21 Internal Revenue Code does not apply to the credit under this paragraph.

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

17 3. For taxable years beginning after June 30, 2007, any corporation may credit  
18 against taxes otherwise due under this chapter an amount equal to 10 percent of the  
19 amount obtained by subtracting from the corporation's qualified research expenses,  
20 as defined in section 41 of the Internal Revenue Code, except that "qualified research  
21 expenses" includes only expenses incurred by the claimant for research related to the  
22 design and manufacturing of energy efficient lighting systems, building automation  
23 and control systems, or automotive batteries for use in hybrid-electric vehicles, that  
24 reduce the demand for natural gas or electricity or improve the efficiency of its use,  
25 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 (am) *Development zone additional research credit.* In addition to the credit  
11 under par. (ad), any corporation may credit against taxes otherwise due under this  
12 chapter an amount equal to 5 percent of the amount obtained by subtracting from  
13 the corporation’s qualified research expenses, as defined in section 41 of the Internal  
14 Revenue Code, except that “qualified research expenses” include only expenses  
15 incurred by the claimant in a development zone under subch. VI of ch. 560, except  
16 that a taxpayer may elect the alternative computation under section 41 (c) (4) of the  
17 Internal Revenue Code and that election applies until the department permits its  
18 revocation and except that “qualified research expenses” do not include  
19 compensation used in computing the credit under sub. (1dj) nor research expenses  
20 incurred before the claimant is certified for tax benefits under s. 560.765 (3), the  
21 corporation’s base amount, as defined in section 41 (c) of the Internal Revenue Code,  
22 in a development zone, except that gross receipts used in calculating the base amount  
23 means gross receipts from sales attributable to Wisconsin under s. 71.25 (9) (b) 1. and  
24 2., (df) 1. and 2., (dh) 1., 2., and 3., (dj) ~~1.~~, and (dk) ~~1.~~ <sup>Strike period</sup> and research expenses used in  
25 calculating the base amount include research expenses incurred before the claimant

1 is certified for tax benefits under s. 560.765 (3), in a development zone, if the claimant  
 2 submits with the claimant's return a copy of the claimant's certification for tax  
 3 benefits under s. 560.765 (3) and a statement from the department of commerce  
 4 verifying the claimant's qualified research expenses for research conducted  
 5 exclusively in a development zone. The rules under s. 73.03 (35) apply to the credit  
 6 under this paragraph. The rules under sub. (1d) (f) and (g) as they apply to the credit  
 7 under that subsection apply to claims under this paragraph. Section 41 (h) of the  
 8 Internal Revenue Code does not apply to the credit under this paragraph. No credit  
 9 may be claimed under this paragraph for taxable years that begin on January 1,  
 10 1998, or thereafter. Credits under this paragraph for taxable years that begin before  
 11 January 1, 1998, may be carried forward to taxable years that begin on January 1,  
 12 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.

13 **SECTION 42.** 71.80 (24) of the statutes, as created by 2009 Wisconsin Act 28, is  
 14 amended to read:

15 71.80 (24) THROWBACK TRANSITION. For persons subject to tax under this  
 16 chapter whose sales factor includes sales under s. 71.04 (7) (a) or 71.25 (9) (a), ~~(d)~~  
 17 ~~3., or (d)~~ <sup>strike comma</sup> 4., the department shall deem timely paid the estimated tax payments  
 18 attributable to the difference between the person's tax liability for the taxable year  
 19 and the person's tax liability for the taxable year computed under ch. 71, 2007 stats.,  
 20 for installments that become due during the period beginning on January 1, 2009,  
 21 and ending on July 1, 2009, provided that such estimated tax payments are paid by  
 22 the next installment due date that follows in sequence following July 1, 2009.  
 23 However, if the next installment due date that follows in sequence following July 1,

1 2009, is less than 45 days after July 1, 2009, such estimated tax payments, in  
2 addition to the payment due less than 45 days after July 1, 2009, shall be deemed  
3 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.

4 **SECTION 43.** 76.80 (3) of the statutes is amended to read:

5 76.80 (3) "Telecommunications services" means the transmission of voice,  
6 video, facsimile or data messages, including telegraph messages, except that  
7 "telecommunications services" does not include e video service, as defined in s.  
8 66.0420 (2) (y), radio, one-way radio paging or transmitting messages incidental to  
9 transient occupancy in hotels, as defined in s. 254.61 (3).

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

10 **SECTION 44.** 77.51 (1j) of the statutes, as created by 2007 Wisconsin Act 20, is  
11 renumbered 77.51 (1fr).

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

12 **SECTION 45.** 77.51 (3pm) of the statutes, as created by 2009 Wisconsin Act 2,  
13 is amended to read:

14 77.51 (3pm) "Durable medical equipment" means equipment, including the  
15 repair parts and replacement parts for the equipment, that is primarily and  
16 customarily used for a medical purpose related to a person; that can withstand  
17 repeated use; that is not generally useful to a person who is not ill or injured; and that  
18 is not placed in or worn on the body. "Durable medical equipment" does not include  
19 mobility-enhancing equipment.

NOTE: Inserts missing comma.

20 **SECTION 46.** 77.51 (11m) of the statutes, as affected by 2009 Wisconsin Act 12,  
21 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 (1m).

1 SECTION 47. 77.522 (1) (a) 2. c. of the statutes, as created by 2009 Wisconsin  
2 Act 2, is amended to read:

3 77.522 (1) (a) 2. c. Aircraft that is ~~are~~ operated by air carriers that are  
4 authorized by the federal government or a foreign authority to carry persons or  
5 property in interstate or foreign commerce.

NOTE: Inserts correct word for subject-verb agreement.

6 SECTION 48. 77.53 (18) of the statutes, as affected by 2009 Wisconsin Act 2, is  
7 amended to read:

8 77.53 (18) This section does not apply to the storage, use or other consumption  
9 in this state of household goods or items, property, or goods under s. 77.52 (1) (b), (c),  
10 or (d) for personal use or to aircraft, motor vehicles, boats, snowmobiles, mobile  
11 homes, manufactured homes, as defined in s. 101.91 (2), recreational vehicles, as  
12 defined in s. 340.01 (48r), trailers, semitrailers, and all-terrain vehicles, for personal  
13 use, purchased by a nondomiciliary of this state outside this state, as determined  
14 under s. 77.522, 90 days or more before bringing the goods, items, property of goods,  
15 or property into this state in connection with a change of domicile to this state.

NOTE: 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. 77.52 (1) (b), (c), or (d)."

16 SECTION 49. 77.61 (2) (b) of the statutes, as created by 2009 Wisconsin Act 2,  
17 is amended to read:

18 77.61 (2) (b) A certified service provider who has contracted with a seller, and  
19 filed an application, to collect and remit sales and use taxes imposed under this  
20 subchapter on behalf of the seller shall submit a surety bond to the department to  
21 guarantee the payment of sales and use taxes, including any penalty and interest on  
22 such payment. The department shall approve the form and contents of a bond

PLAIN

Deletes repeated word.

strike



1 submitted under this paragraph and shall determine the amount of such bond. The  
2 surety bond shall be submitted to the department within 60 days after the date on  
3 which the department notifies the certified service provider that the certified service  
4 provider is registered to collect sales and use taxes imposed under this subchapter.  
5 If the department determines, with ~~regards~~ regard to any one certified service  
6 provider, that no bond is necessary to protect the tax revenues of this state, the  
7 secretary of revenue or the secretary's designee may waive the requirements under  
8 this paragraph with regard to that certified service provider. Any bond submitted  
9 under this paragraph shall remain in force until the secretary of revenue or the  
10 secretary's designee releases the liability under the bond.

NOTE: Inserts correct word form.

11 **SECTION 50.** 84.013 (2) (a) of the statutes, as affected by 2009 Wisconsin Act 28,  
12 is amended to read:

13 84.013 (2) (a) Subject to ss. 84.555 and 86.255, major highway projects shall  
14 be funded from the appropriations under ss. 20.395 (3) (bq) to (bx) and ~~(t)~~ (ct) and (4)  
15 (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).

16 **SECTION 51.** 91.86 (3) (a) (intro.) of the statutes, as affected by 2009 Wisconsin  
17 Act 28, is amended to read:

18 91.86 (3) (a) (intro.) The department may not approve a petition requesting  
19 that it designate an area as an agricultural ~~enterprising~~ enterprise area unless the  
20 petition contains all of the following:

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

21 **SECTION 52.** 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) *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.

1           **SECTION 53.** 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.~~ to  
4 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 54.** 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 55.** 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 56.** 103.49 (1) (bj) of the statutes, as created by 2009 Wisconsin Act  
18 28, is amended to read:

1           103.49 (1) (bj) "Minor service ~~and~~ or maintenance work" means a project of  
2 public works that is limited to minor crack filling, chip or slurry sealing, or other  
3 minor pavement patching, not including overlays, that has a projected life span of  
4 no longer than 5 years cleaning of drainage or sewer ditches or structures; or any  
5 other limited, minor work on public facilities or equipment that is routinely  
6 performed to prevent breakdown or deterioration.

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

7           **SECTION 57.** 111.91 (1) (cg) of the statutes, as created by 2009 Wisconsin Act  
8 28, is amended to read:

9           111.91 (1) (cg) The representative of home care providers in the collective  
10 bargaining unit specified under s. ~~118.825~~ 111.825 (2g) may not bargain collectively  
11 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.

12           **SECTION 58.** 118.40 (2r) (f) of the statutes, as created by 2009 Wisconsin Act 28,  
13 is renumbered 118.40 (2r) (fm).

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

14           **SECTION 59.** 146.82 (2) (a) 18m. of the statutes, as affected by 2009 Wisconsin  
15 Act 28, is amended to read:

16           146.82 (2) (a) 18m. If the subject of the patient health care records is a child  
17 or juvenile who has been placed in a foster home, group home, residential care center  
18 for children and youth, or juvenile correctional facility, including a placement under  
19 s. 48.205, 48.21, 938.205, or 938.21, or for whom placement in a foster home, group  
20 home, residential care center for children and youth, or juvenile correctional facility  
21 is recommended under s. 48.33 (4), 48.425 (1) (g), 48.837 (4) (c), or 938.33 (3) or (4),  
22 to an agency directed by a court to prepare a court report under s. 48.33 (1), 48.424

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

NOTE: Inserts missing commas.

13 **SECTION 60.** The treatment of 165.755 (1) (b) 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. 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).

15 **SECTION 61.** 196.374 (3) (b) 2. (intro.) of the statutes is amended to read:

16 196.374 (3) (b) 2. (intro.) The commission shall require each energy utility to  
17 spend 1.2 percent of its annual operating revenues to fund the utility's programs  
18 under sub. (2) (b) 1., the utility's ordered programs, the utility's share of the statewide  
19 energy efficiency and renewable resource programs under sub. (2) (a) 1., and the

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

NOTE: Corrects citation form.

7 **SECTION 62.** 196.497 (11) (b) of the statutes is amended to read:

8 196.497 (11) (b) *Referral to standing committees.* Each presiding officer shall  
9 refer the technical revision to one standing committee within 7 working days after  
10 the day on which the revision is received unless the revision is received on or after  
11 November 1 of an even-numbered year. If a revision is received on or after November  
12 1 of an even-numbered year, each presiding officer shall refer the revision to one  
13 standing committee within 7 days after the first day of the next regular session of the  
14 legislature. Each presiding officer shall cause a statement to appear in the journal  
15 of the appropriate house that a technical revision to an agreement approved under  
16 sub. ~~(6)~~ (10) is submitted for review.

NOTE: Corrects cross-reference. Approval of agreements is provided for in s.  
196.497 (10). Section 196.497 (6) relates to monitoring federal activity. Drafting records  
for Chapter 62 of the Laws of 1981 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.

17 **SECTION 63.** 251.07 of the statutes, as created by 2007 Wisconsin Act 130, is  
18 amended to read:

19 **251.07 Certain physicians; state agency status.** A physician who is not an  
20 employee of the local health department and who provides services, without  
21 compensation, for those programs and services provided by a local health

1 department that require medical oversight is, for the provision of the services he or  
2 she provides, a state agent of the department of health ~~and family~~ services for the  
3 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, as affected by the acts of 2007, it be replaced with "health services."

4 **SECTION 64.** 252.15 (2) (a) 1. of the statutes is amended to read:

5 252.15 (2) (a) 1. Except as provided in subd. 1g., a health care provider who  
6 procures, processes, distributes or uses a human body part or human tissue that is  
7 the subject of an anatomical gift under s. 157.06 shall, without obtaining consent to  
8 the testing, test for the presence of HIV, antigen or nonantigenic products of HIV or  
9 an antibody to HIV in order to assure medical acceptability of the gift for the purpose  
10 intended. The health care provider shall use as a test for the presence of HIV, antigen  
11 or nonantigenic products of HIV or an antibody to HIV a test or series of tests that  
12 the state epidemiologist finds medically significant and sufficiently reliable to detect  
13 the presence of HIV, antigen or nonantigenic products of HIV or an antibody to HIV.  
14 If the validated test result of the donor from the test or series of tests performed is  
15 positive, the human body part or human tissue donated for use or proposed for  
16 donation may not be used.

NOTE: Adds missing "s."

17 **SECTION 65.** 253.16 (1) of the statutes, as affected by 2009 Wisconsin Act 28,  
18 section 3410, is amended to read:

19 253.16 (1) In this ~~subsection~~ section, "infant" means a child from birth to 12  
20 months of age.

NOTE: Inserts correct cross-reference.

1           **SECTION 66.** 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., subds. 1m. and 1r. conflict.

5           **SECTION 67.** 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 68.** 285.69 (2m) (b) of the statutes, as affected by 2009 Wisconsin Act  
19 28, section 2642, is renumbered 285.69 (2m) (bm).

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

1           **SECTION 69.** 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 ~~sub.~~ 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 70.** 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 71.** 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 72.** 322.0767 (1) (a) of the statutes, as created by 2007 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.

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

14           **SECTION 73.** 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 74.** 343.307 (1) (intro.) of the statutes is amended to read:

1           343.307 (1) (intro.) The court shall count the following to determine the length  
2 of a revocation under s. 343.30 (1q) (b) and to determine the penalty under ~~s.~~ ss.  
3 114.09 (2) and 346.65 (2):

NOTE: Corrects citation form.

4           **SECTION 75.** 346.58 (2) of the statutes is amended to read:

5           346.58 (2) In addition to complying with other speed restrictions imposed by  
6 law, no person may drive any vehicle equipped with metal tires or solid rubber tires  
7 at a speed in excess of 15 miles per hour.

NOTE: Inserts missing word.

8           **SECTION 76.** 346.70 (3m) (a) of the statutes is amended to read:

9           346.70 (3m) (a) The department may require any operator, occupant or owner  
10 of a vehicle involved in an accident of which report must be made as provided in ~~s.~~  
11 ~~346.70~~ this section to file supplemental reports whenever the original report is  
12 insufficient in the opinion of the department and may require witnesses of accidents  
13 to render reports to the department.

NOTE: Corrects citation form.

14           **SECTION 77.** 440.03 (9) (a) 2. of the statutes, as affected by 2007 Wisconsin Act  
15 20, is amended to read:

16           440.03 (9) (a) 2. Not later than January 31 of each odd-numbered year,  
17 adjusting for the succeeding fiscal biennium each fee for an initial credential for  
18 which an examination is not required, for a reciprocal credential, and, subject to s.  
19 440.08 (2) (a), for a credential renewal, if e an adjustment is necessary to reflect the  
20 approximate administrative and enforcement costs of the department that are  
21 attributable to the regulation of the particular occupation or business during the  
22 period in which the initial or reciprocal credential or credential renewal is in effect

1 and, for purposes of each fee for a credential renewal, to reflect an estimate of any  
2 additional moneys available for the department's general program operations as a  
3 result of appropriation transfers that have been or are estimated to be made under  
4 s. 20.165 (1) (i) during the fiscal biennium in progress at the time of the deadline for  
5 an adjustment under this subdivision or during the fiscal biennium beginning on the  
6 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.

7 **SECTION 78.** 447.04 (1) (b) 2. of the statutes, as created by 2007 Wisconsin Act  
8 104, is amended to read:

9 447.04 (1) (b) 2. Submits evidence satisfactory to the examining board that the  
10 person has current proficiency in cardiopulmonary resuscitation, including the use  
11 of an automated external defibrillator achieved through instruction provided by an  
12 individual, organization, or institution of higher education qualified to provide such  
13 instruction. The examining board shall consult with the department of health and  
14 family services to determine whether an individual, organization, or institution of  
15 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, as affected by the acts of 2007, it be replaced with "health services."

16 **SECTION 79.** 448.65 (2) (a) of the statutes, as affected by 2007 Wisconsin Act 20,  
17 is amended to read:

18 448.65 (2) (a) The renewal fee determined by the department under s. 440.03  
19 (9) (a).

NOTE: Inserts missing "s."

20 **SECTION 80.** 450.095 (2) 1., 2. and 3. of the statutes, as created by 2009  
21 Wisconsin Act 28, are renumbered 450.095 (2) (a), (b) and (c).

NOTE: Conforms numbering to current style.

1           **SECTION 81.** 560.139 (4) of the statutes, as created by 2009 Wisconsin Act 28,  
2 is amended to read:

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

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

8           **SECTION 82.** 560.205 (2) of the statutes, as affected by 2009 Wisconsin Act 2,  
9 is amended to read:

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

NOTE: Deletes unnecessary comma.

1           **SECTION 83.** 560.205 (3) (a) of the statutes is amended to read:

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

NOTE: Corrects spelling.

6           **SECTION 84.** 560.208 of the statutes, as created by 2009 Wisconsin Act 28, is  
7 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.

8           **SECTION 85.** 560.304 of the statutes, as created by 2009 Wisconsin Act 28, is  
9 amended to read:

10           **560.304 Forward innovation fund.** The department may award a grant or  
11 make a loan to an eligible recipient from the appropriations under s. 20.143 (1) (fi),  
12 (gm), and (io). The department shall consult with the board prior to awarding a grant  
13 or making a loan under this section.

NOTE: Inserts missing comma.

14           **SECTION 86.** 632.835 (2) (bg) 2. of the statutes is amended to read:

15           632.835 (2) (bg) 2. The insurer includes on its explanation of benefits form a  
16 statement that the insured may have a right to an independent review after the  
17 internal grievance process and that an insured may be entitled to expedited  
18 independent review with respect to an urgent matter. The statement shall also  
19 include a reference to the section of the policy or certificate that contains the  
20 description of the independent review procedure as required under subd. 1. The  
21 statement shall provide a toll-free telephone number and website Web site, if

1 appropriate, where consumers may obtain additional information regarding  
2 internal grievance and independent review processes.

NOTE: Corrects spelling.

3 **SECTION 87.** 632.835 (2) (bg) 3. of the statutes, as affected by 2009 Wisconsin  
4 Act 28, is amended to read:

5 632.835 (2) (bg) 3. For any coverage denial determination for which an  
6 explanation of benefits is not provided to the insured, the insurer provides a notice  
7 that the insured may have a right to an independent review after the internal  
8 grievance process and that an insured may be entitled to expedited, independent  
9 review with respect to an urgent matter. The notice shall also include a reference to  
10 the section of the policy or certificate that contains the description of the independent  
11 review procedure as required under subd. 1. The notice shall provide a toll-free  
12 telephone number and website Web site, if appropriate, where consumers may obtain  
13 additional information regarding internal grievance and independent review  
14 processes.

NOTE: Corrects spelling.

15 **SECTION 88.** The treatment of 757.05 (1) (a) of the statutes by 2009 Wisconsin  
16 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.

1           **SECTION 89.** 801.17 (3) (c) of the statutes is amended to read:

2           801.17 (3) (c) Users shall register through the electronic filing system ~~website~~  
3           Web site by executing a user agreement governing the terms of use of the electronic  
4           filing system. To register, users must have the capability to produce, file, and receive  
5           electronic documents meeting the technical requirements of the electronic filing  
6           system. By registering, users agree to electronically file all documents to the extent  
7           the electronic filing system can accept them.

NOTE: Corrects spelling.

8           **SECTION 90.** 801.17 (5) (a) of the statutes is amended to read:

9           801.17 (5) (a) If the clerk of court accepts an initiating document for filing, the  
10          clerk of court shall assign a case number and authenticate the document as provided  
11          in sub. (10). The electronic filing system shall send a notice to the filer that the filing  
12          has been accepted and is available through the electronic filing system ~~website~~ Web  
13          site.

NOTE: Corrects spelling.

14          **SECTION 91.** 801.17 (11) (b) of the statutes is amended to read:

15          801.17 (11) (b) Notaries public who hold valid appointments under ch. 137 may  
16          register with the electronic filing system for authorization to notarize electronically  
17          filed documents. To register, notaries must be able to meet the technical  
18          requirements of the electronic filing system. Upon receipt of a properly executed  
19          notary agreement, the electronic filing system shall assign to the notary a  
20          confidential electronic signature and seal. The notary signature and seal shall be  
21          used only by the notary to whom it is assigned. Upon learning that the  
22          confidentiality of the signature and seal have been inadvertently or improperly

1 disclosed, the notary shall immediately report that fact through the electronic filing  
2 system ~~website~~ Web site.

NOTE: Corrects spelling.

3 **SECTION 92.** 803.01 (3) (b) 2. and 3. of the statutes are amended to read:

4 803.01 (3) (b) 2. When the plaintiff is a minor 14 years of age or over, the  
5 guardian ad litem shall be appointed upon the plaintiff's application or upon the  
6 state's application under s. 767.407 (1) (c); or if the plaintiff is under that age or is  
7 adjudicated incompetent or alleged to be incompetent, upon application of the  
8 plaintiff's guardian or of a relative or friend or upon application of the state under  
9 s. 767.407 (1) (c). If the application is made by a relative, a friend, or the state, notice  
10 thereof must first be given to the guardian if the plaintiff has one in this state; if the  
11 plaintiff has none, then to the person with whom the minor or individual adjudicated  
12 incompetent resides or who has the minor or individual adjudicated incompetent in  
13 custody.

14 3. When the defendant is a minor 14 years of age or over, the guardian ad litem  
15 shall be appointed upon the defendant's application made within 20 days after the  
16 service of the summons or other original process; if the defendant is under that age  
17 or neglects to so apply or is adjudicated incompetent or alleged to be incompetent,  
18 then upon the court's own motion or upon the application of any other party or any  
19 relative or friend or the defendant's guardian upon such notice of the application as  
20 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  
subds. 2. and 3. without a verb, which is restored by this bill. This change is made at the  
request of the Supreme Court.



1 SECTION 93. Subchapter III (title) of chapter 809 [precedes 809.30] of the  
2 statutes, as affected by 2009 Wisconsin Act 26, is amended to read:

3 CHAPTER 809

4 SUBCHAPTER III

5 APPEAL PROCEDURE IN COURT OF  
6 APPEALS IN S. 971.17 PROCEEDINGS  
7 AND IN CRIMINAL AND CH. 48, 51,  
8 55,, 938, AND 980 CASES

NOTE: Deletes unnecessary comma.

9 SECTION 94. 809.30 (title) of the statutes, as affected by 2009 Wisconsin Act 26,  
10 is amended to read:

11 809.30 (title) Rule (Appeals in s. 971.17 proceedings and in criminal, ch.  
12 48, 51, 55,, 938, and 980 cases).

NOTE: Deletes unnecessary comma.

13 SECTION 95. 809.30 (1) (a) of the statutes, as affected by 2009 Wisconsin Act 26,  
14 is amended to read:

15 809.30 (1) (a) "Final adjudication" means the entry of a final judgment or order  
16 by the circuit court in a s. 971.17 proceeding, in a criminal case, or in a ch. 48, 51, 55,,  
17 938, or 980 case, other than a termination of parental rights case under s. 48.43 or  
18 a parental consent to abortion case under s. 48.375 (7).

NOTE: Deletes unnecessary comma.

19 SECTION 96. 809.30 (1) (e) of the statutes, as affected by 2009 Wisconsin Act 26,  
20 is amended to read:

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

NOTE: Deletes unnecessary comma.

4           **SECTION 97.** The treatment of 814.63 (1) (c) of the statutes by 2009 Wisconsin  
5 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. 814.63 (1) (c) reads:

(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).

6           **SECTION 98.** 846.35 (6) of the statutes, as affected by 2009 Wisconsin Act 28,  
7 is amended to read:

8           846.35 (6) PENALTIES. If a plaintiff fails to provide a notice under ~~par.~~ sub. (1)  
9 (a) in accordance with ~~pars.~~ sub. (1) (a) and (b), or fails to comply with sub. (5), the  
10 court shall award the tenant to whom the notice should have been given or who  
11 should not have been named as a defendant \$250 in damages, plus reasonable  
12 attorney fees. A tenant may not recover under this paragraph for more than one  
13 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.

14           **SECTION 99.** 895.04 (2) of the statutes, as affected by 2009 Wisconsin Act 28,  
15 is amended to read:

16           895.04 (2) If the deceased leaves surviving a spouse or domestic partner under  
17 ch. 770, ~~and domestic partner under s. 770.05~~, and minor children under 18 years of  
18 age with whose support the deceased was legally charged, the court before whom the

1 action is pending, or if no action is pending, any court of record, in recognition of the  
2 duty and responsibility of a parent to support minor children, shall determine the  
3 amount, if any, to be set aside for the protection of such children after considering the  
4 age of such children, the amount involved, the capacity and integrity of the surviving  
5 spouse or surviving domestic partner, and any other facts or information it may have  
6 or receive, and such amount may be impressed by creation of an appropriate lien in  
7 favor of such children or otherwise protected as circumstances may warrant, but  
8 such amount shall not be in excess of 50% of the net amount received after deduction  
9 of costs of collection. If there are no such surviving minor children, the amount  
10 recovered shall belong and be paid to the spouse or domestic partner of the deceased;  
11 if no spouse or domestic partner survives, to the deceased's lineal heirs as determined  
12 by s. 852.01; if no lineal heirs survive, to the deceased's brothers and sisters. If any  
13 such relative dies before judgment in the action, the relative next in order shall be  
14 entitled to recover for the wrongful death. A surviving nonresident alien spouse or  
15 a nonresident alien domestic partner under ch. 770 and minor children shall be  
16 entitled to the benefits of this section. In cases subject to s. 102.29 this subsection  
17 shall apply only to the surviving spouse's or surviving domestic partner's interest in  
18 the amount recovered. If the amount allocated to any child under this subsection is  
19 less than \$10,000, s. 807.10 may be applied. Every settlement in wrongful death  
20 cases in which the deceased leaves minor children under 18 years of age shall be void  
21 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.

22 **SECTION 100.** 939.22 (8) of the statutes is renumbered 939.22 (9r).

NOTE: Places definition in alphabetical order.

1           **SECTION 101.** 949.06 (1m) (a) of the statutes, as affected by 2009 Wisconsin Act  
2 28, section 3359, is amended to read:

3           949.06 (1m) (a) In this subsection, "family member" means any spouse,  
4 domestic partner under ~~s. 770.05~~ ch. 770, parent, grandparent, stepparent, child,  
5 stepchild, adopted child, grandchild, foster child, brother, sister, half brother, half  
6 sister, aunt, uncle, nephew, niece, or parent or sibling of spouse or of a domestic  
7 partner under ch. 770.

NOTE: 2009 Wis. Act 28, section 3359, amended s. 949.06 (1m) (a), as affected by  
2009 Wis. 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.

8           **SECTION 102.** 971.23 (9) (b) of the statutes is amended to read:

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

NOTE: Corrects citation form. ~~of the unnecessary comma~~

Deletes  
unnecessary  
comma.

16           **SECTION 103.** 985.01 (1m) of the statutes is amended to read:

17           985.01 (1m) "Insertion," when used to indicate the publication of a legal notice  
18 more than one time, means once each week for consecutive weeks, the last of which  
19 shall be at least one week before the act or event, unless otherwise specified by law.

NOTE: Inserts missing comma.

20           **SECTION 104.** 2009 Wisconsin Act 1, section 4 is amended by replacing  
21 "governor may," with "governor may,".

NOTE: The comma was previously existing.

1           **SECTION 105.** 2009 Wisconsin Act 2, section 416 is amended by replacing “sale  
2 of tangible personal property and items” with “sale of tangible personal property, and  
3 items”.

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

4           **SECTION 106.** 2009 Wisconsin Act 2, section 709 is amended by replacing “~~loan~~  
5 ~~originator, or mortgage broker~~” with “~~loan originator or mortgage broker~~”.

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

6           **SECTION 107.** 2009 Wisconsin Act 11, sections 21, 31 and 41 are amended by  
7 replacing “a percentage, as determined by the department of commerce, not to  
8 exceed 100 percent, of” with “a percentage, as determined by the department of  
9 commerce, not to exceed 100 percent, of”

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

10           **SECTION 108.** 2009 Wisconsin Act 11, section 44 is amended by replacing “his  
11 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.

12           **SECTION 109.** 2009 Wisconsin Act 28, section 120b is amended by replacing  
13 “16.957 (2) (a) (intro.) of the statutes is renumbered 16.957 (2) (a) and amended to  
14 read:” with “16.957 (2) (a) (intro.) of the statutes is amended to read:”.

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

15           **SECTION 110.** 2009 Wisconsin Act 28, section 168m is amended by replacing  
16 “subdivision during a fiscal year may not exceed” with “subdivision during a fiscal  
17 year may not exceed”.

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

1           **SECTION 111.** 2009 Wisconsin Act 28, section 199 is amended by replacing  
2           “(10q), 2009” with “(10q), ~~and~~ 2009”.

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

3           **SECTION 112.** 2009 Wisconsin Act 28, section 276 is amended by replacing  
4           “*Resource aids — county sustainable forestry and county forest administration*  
5           *grants.*” with “*Resource aids — ~~urban forestry,~~ county sustainable forestry, and*  
6           *county forest administration grants.*”.

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

7           **SECTION 113.** 2009 Wisconsin Act 28, section 710 is amended by replacing “each  
8           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.

9           **SECTION 114.** 2009 Wisconsin Act 28, section 989f is amended by replacing  
10           “~~\$2,215,200~~” with “~~\$2,125,200~~”.

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

11           **SECTION 115.** 2009 Wisconsin Act 28, section 1062b 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.

12           **SECTION 116.** 2009 Wisconsin Act 28, section 1080d is amended by replacing  
13           “~~treatment foster home~~” with “~~treatment foster home~~”.

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

14           **SECTION 117.** 2009 Wisconsin Act 28, section 1481m is amended by replacing  
15           “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.

1           **SECTION 118.** 2009 Wisconsin Act 28, section 1543cc<sup>e</sup> is amended by replacing  
2           “subd. 33., per beneficiary by the married” with “~~subdivision~~ subd. 33., per  
3           beneficiary by the married”.

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

4           **SECTION 119.** 2009 Wisconsin Act 28, section 1543cg<sup>e</sup> is amended by replacing  
5           “subd. 32., per beneficiary by the married” with “~~subdivision~~ subd. 32., per  
6           beneficiary by the married”.

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

7           **SECTION 120.** 2009 Wisconsin Act 28, section 1840g<sup>e</sup> is amended by replacing  
8           “s. 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.

9           **SECTION 121.** 2009 Wisconsin Act 28, section 1852m is amended by replacing  
10          “0.5 percent” with “~~0.5%~~ 0.5 percent”.

NOTE: 2009 Wis. Act 28 replaced “0.5%” with “0.5 percent” without strikes and  
scores. The change was intended.

11          **SECTION 122.** 2009 Wisconsin Act 28, section 2017 is amended by replacing  
12          “~~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.

13          **SECTION 123.** 2009 Wisconsin Act 28, section 2042 is amended by replacing  
14          “\$60 \$100.” with “\$60 \$100.”.

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

15          **SECTION 124.** 2009 Wisconsin Act 28, section 2254 is amended by replacing “the  
16          office or department of health services” with “the office or department of health  
17          services”.

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

1           **SECTION 125.** 2009 Wisconsin Act 28, section 2578qx is amended by replacing  
2           “~~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.

3           **SECTION 126.** 2009 Wisconsin Act 28, section 2578qz is amended by replacing  
4           “~~compact’s effective date or the date~~” with “~~compact’s effective date, or the date~~”.

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

5           **SECTION 127.** 2009 Wisconsin Act 28, section 2578sb is amended by replacing  
6           “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.

7           **SECTION 128.** 2009 Wisconsin Act 28, section 2683d is amended by replacing  
8           “301.26 (7) (a) (intro.)” with “301.26 (7) (a)” and by replacing “301.26 (7) (a) (intro.)”  
9           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).

10           **SECTION 129.** 2009 Wisconsin Act 28, section 2945 is amended by replacing “42  
11           CFR 73” with “42 ~~CR~~ CFR 73”.

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

12           **SECTION 130.** 2009 Wisconsin Act 28, section 3050 is amended by replacing  
13           “~~department board~~” with “~~department board~~”.

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

14           **SECTION 131.** 2009 Wisconsin Act 29, section 4 is amended by replacing “461.02  
15           (1) (b) of the statutes, as created by 2007 Wisconsin Act 189, is created to read:” with  
16           “461.02 (1) (b) of the statutes is created to read:”.

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

17           **SECTION 132.** 2009 Wisconsin Act 29, section 5 is amended by replacing “under  
18           s. 440.03 (9) (a), that” with “under s. 440.03 (9) (a), that”.

*[Handwritten notes and scribbles at the bottom of the page, including a large scribble on the left margin and a note at the bottom: "SECTION 132. 2009 Wisconsin Act 29, section 5 is amended by replacing 'under s. 440.03 (9) (a), that' with 'under s. 440.03 (9) (a), that'."]*



