



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-4722/1
BJH:cjs

2015 SENATE BILL 741

February 11, 2016 – Introduced by LAW REVISION COMMITTEE. Referred to
Committee on Senate Organization.

1 **AN ACT relating to:** revising various provisions of the statutes for the purpose
2 of making corrections and reconciling conflicts (Correction Bill).

Analysis by the Legislative Reference Bureau

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

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

3 **SECTION 1.** 5.05 (1e) (title) of the statutes is amended to read:

4 5.05 (1e) (title) ACTIONS BY THE BOARD COMMISSION.

NOTE: Replaces “board” with “commission” consistent with 2015 Wis. Act 118. Act
118 eliminates the Government Accountability Board and creates the Elections
Commission to administer ch. 5, effective 6-30-16.

5 **SECTION 2.** 5.05 (2m) (c) 7. of the statutes is amended to read:

6 5.05 (2m) (c) 7. No individual who is appointed or retained by the board
7 commission to serve as special counsel or as a special investigator is subject to
8 approval under s. 20.930.

SENATE BILL 741**SECTION 2**

NOTE: Replaces “board” with “commission” consistent with 2015 Wis. Act 118. Act 118 eliminates the Government Accountability Board and creates the Elections Commission to administer ch. 5, effective 6-30-16.

1 **SECTION 3.** 5.05 (5e) of the statutes, as affected by 2015 Wisconsin Acts 117 and
2 118, is amended to read:

3 5.05 (5e) ANNUAL REPORT. The commission shall submit an annual report under
4 s. 15.04 (1) (d) and shall include in its annual report the names and duties of all
5 individuals employed by the commission and a summary of its determinations and
6 advisory opinions issued under sub. (6a). Except as authorized or required under
7 sub. (5s) (f), the commission shall make sufficient alterations in the summaries to
8 prevent disclosing the identities of individuals or organizations involved in the
9 decisions or opinions. ~~11.1304(14)~~ The commission shall identify in its report the
10 statutory duties of the commission administrator, together with a description of the
11 manner in which those duties are being fulfilled. Notwithstanding sub. (5s) and s.
12 12.13 (5), the commission shall also specify in its report the total number of
13 investigations conducted by the commission since the last annual report and a
14 description of the nature of each investigation. The commission shall make such
15 further reports on the matters within its jurisdiction and such recommendations for
16 further legislation as it deems desirable.

NOTE: The stricken text was inserted by 2015 Wis. Act 117 but rendered without effect by the treatment by 2015 Wis. Act 118.

17 **SECTION 4.** 6.275 (1) (intro.) of the statutes, as affected by 2013 Wisconsin Act
18 148, is amended to read:

19 6.275 (1) (intro.) Except as provided in par. (f), no later than 30 days after each
20 primary and election at which a state or national office is filled or a statewide
21 referendum is held, including any special election, the municipal clerk or board of
22 election commissioners shall submit electronically a report to the ~~board~~ commission

SENATE BILL 741

1 and the county clerk or board of election commissioners of each county in which the
2 municipality is located specifying:

NOTE: Replaces “board” with “commission” consistent with 2015 Wis. Act 118. Act 118 eliminates the Government Accountability Board and creates the Elections Commission to administer ch. 6, effective 6-30-16.

3 **SECTION 5.** 6.36 (1) (b) 1. b. of the statutes is amended to read:

4 6.36 (1) (b) 1. b. No person other than an employee of the ~~board~~ commission,
5 a municipal clerk, or an election official who is authorized by a municipal clerk may
6 make a change in the list.

NOTE: Replaces “board” with “commission” consistent with 2015 Wis. Act 118. Act 118 eliminates the Government Accountability Board and creates the Elections Commission to administer ch. 6, effective 6-30-16.

7 **SECTION 6.** 6.87 (3) (b) of the statutes, as affected by 2015 Wisconsin Act 117,
8 is amended to read:

9 6.87 (3) (b) No elector may direct that a ballot be sent to the address of a
10 committee registered with the ~~board~~ ethics commission under ch. 11 unless the
11 elector permanently or temporarily resides at that address. Upon receipt of reliable
12 information that an address given by an elector is not eligible to receive ballots under
13 this subsection, the municipal clerk shall refrain from mailing or transmitting
14 ballots to that address. Whenever possible, the municipal clerk shall notify an
15 elector if his or her ballot cannot be mailed or transmitted to the address directed by
16 the elector.

NOTE: Replaces “board” with “ethics commission” consistent with 2015 Wis. Act 118. Act 118 eliminates the Government Accountability Board and creates the Ethics Commission to administer ch. 11, effective 6-30-16.

17 **SECTION 7.** 7.08 (intro.) of the statutes, as affected by 2015 Wisconsin Act 118,
18 is amended to read:

SENATE BILL 741**SECTION 7**

1 **7.08 Elections commission.** (intro.) In addition to its duties for ballot
2 arrangement under ch. 5 and date and notice requirements under ch. 10, the ~~board~~
3 commission shall:

NOTE: Replaces “board” with “commission” consistent with 2015 Wis. Act 118. Act 118 eliminates the Government Accountability Board and creates the Elections Commission to administer ch. 7, effective 6–30–16.

4 **SECTION 8.** 7.31 (3) of the statutes is amended to read:

5 **7.31 (3)** The ~~board~~ commission shall, upon application, issue certificates to
6 qualified individuals who meet the requirements to be certified as chief inspectors.
7 Each certificate shall carry an expiration date.

NOTE: Replaces “board” with “commission” consistent with 2015 Wis. Act 118. Act 118 eliminates the Government Accountability Board and creates the Elections Commission to administer ch. 7, effective 6–30–16.

8 **SECTION 9.** The treatment of 8.10 (5) of the statutes by 2015 Wisconsin Act 117
9 is not repealed by 2015 Wisconsin Act 118. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, effective 6–30–16, s. 8.10 (5) reads:

(5) Nomination papers shall be accompanied by a declaration of candidacy under s. 8.21. If a candidate has not filed a registration statement under s. 11.0202 (1) (a) at the time he or she files nomination papers, the candidate shall file the statement with the papers. A candidate for state office or municipal judge shall also file a statement of economic interests with the ethics commission under s. 19.43 (4) no later than 4:30 p.m. on the 3rd day following the last day for filing nomination papers under sub. (2) (a), or no later than 4:30 p.m. on the next business day after the last day whenever that candidate is granted an extension of time for filing nomination papers under sub. (2) (a).

10 **SECTION 10.** The treatment of 8.15 (4) (b) of the statutes by 2015 Wisconsin Act
11 117 is not repealed by 2015 Wisconsin Act 118. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, effective 6–30–16, s. 8.15 (4) (b) reads:

(b) Nomination papers shall be accompanied by a declaration of candidacy under s. 8.21. If a candidate for state or local office has not filed a registration statement under s. 11.0202 (1) (a) at the time he or she files nomination papers, the candidate shall file the statement with the papers. A candidate for state office shall also file a statement of economic interests with the ethics commission under s. 19.43 (4) no later than 4:30 p.m. on the 3rd day following the last day for filing nomination papers under sub. (1), or no later than 4:30 p.m. on the next business day after the last day whenever that candidate is granted an extension of time for filing nomination papers under sub. (1).

SENATE BILL 741

1 **SECTION 11.** 8.185 (1) of the statutes is amended to read:

2 8.185 (1) The names of candidates for president and vice president may be
3 written in, in the place provided, on the general ballot at the general election for
4 choosing the president and vice president of the United States. Write-in votes shall
5 be listed as scattering unless the person whose name is written in has a list of
6 presidential electors on file with the ~~board~~ commission in accordance with this
7 section or unless the person whose name is written in has received more than 10%
8 of the total vote cast in the ward, or in the municipality if not divided into wards.

NOTE: Replaces “board” with “commission” consistent with 2015 Wis. Act 118. Act 118 eliminates the Government Accountability Board and creates the Elections Commission to administer ch. 8, effective 6-30-16.

9 **SECTION 12.** The treatment of 8.20 (6) of the statutes by 2015 Wisconsin Act 117
10 is not repealed by 2015 Wisconsin Act 118. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, effective 6-30-16, s. 8.20 (6) reads:

(6) Nomination papers shall be accompanied by a declaration of candidacy under s. 8.21. If a candidate for state or local office has not filed a registration statement under s. 11.0202 (1) (a) at the time he or she files nomination papers, the candidate shall file the statement with the papers. A candidate for state office shall also file a statement of economic interests with the ethics commission under s. 19.43 (4) no later than 4:30 p.m. on the 3rd day following the last day for filing nomination papers under sub. (8) (a), or no later than 4:30 p.m. on the next business day after the last day whenever that candidate is granted an extension of time for filing nomination papers under sub. (8) (a).

11 **SECTION 13.** The treatment of 8.50 (3) (a) of the statutes by 2015 Wisconsin Act
12 117 is not repealed by 2015 Wisconsin Act 118. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, effective 6-30-16, s. 8.50 (3) (a) reads:

(a) Nomination papers may be circulated no sooner than the day the order for the special election is filed and shall be filed not later than 5 p.m. 28 days before the day that the special primary will or would be held, if required, except when a special election is held concurrently with the spring election or general election, the deadline for filing nomination papers shall be specified in the order and the date shall be no earlier than the date provided in s. 8.10 (2) (a) or 8.15 (1), respectively, and no later than 35 days prior to the date of the spring primary or no later than June 1 preceding the partisan primary. Nomination papers may be filed in the manner specified in s. 8.10, 8.15, or 8.20. Each candidate shall file a declaration of candidacy in the manner provided in s. 8.21 no later than the latest time provided in the order for filing nomination papers. If a candidate for state or local office has not filed a registration statement under s. 11.0202 (1) (a) at the

SENATE BILL 741**SECTION 13**

time he or she files nomination papers, the candidate shall file the statement with the papers. A candidate for state office shall also file a statement of economic interests with the ethics commission no later than the end of the 3rd day following the last day for filing nomination papers specified in the order.

1 **SECTION 14.** The treatment of 9.01 (5) (bm) of the statutes by 2015 Wisconsin
2 Act 117 is not repealed by 2015 Wisconsin Act 118. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, effective 6-30-16, s. 9.01 (5) (bm) reads:

(bm) Upon the completion of its proceedings, a board of canvassers shall deliver to the commission one copy of the minutes of the proceedings kept under par. (a). In addition, in the case of a recount of an election for state or national office, for each candidate whose name appears on the ballot for that office under the name of a political party, the board of canvassers shall deliver one copy of the minutes to the chief officer, if any, who is named in any registration statement filed under s. 11.0302 by the state committee of that political party, and in the case of a recount of an election for county office, for each candidate whose name appears on the ballot for that office under the name of a political party, the board of canvassers shall deliver one copy of the minutes to the chief officer, if any, who is named in any registration statement filed under s. 11.0302 by the county committee of that political party.

3 **SECTION 15.** 11.1113 (1) (title) and (2) (title) of the statutes are created to read:
4 11.1113 (1) (title) SOLE PROPRIETORSHIPS.
5 (2) (title) PARTNERSHIPS.

NOTE: Gives titles to all subsections in s. 11.1113 consistent with current style.

6 **SECTION 16.** 12.01 (intro.) of the statutes, as affected by 2015 Wisconsin Act
7 118, is amended to read:

8 **12.01 Definitions.** (intro.) The definitions given under s. ~~11.01~~ 11.0101 apply
9 to this chapter, except as follows:

NOTE: Corrects cross-reference. 2015 Wis. 117 repealed and recreated ch. 11 and numbered the section containing definitions for ch. 11 as s. 11.0101.

10 **SECTION 17.** 13.621 (5) of the statutes is amended to read:

11 13.621 (5) VERIFIED STATEMENTS. Any principal who or which anticipates
12 making expenditures or incurring obligations in an aggregate amount not exceeding
13 \$500 in a calendar year for the purpose of engaging in lobbying activities which are
14 not exempt under this section may so indicate on a verified statement filed with the

SENATE BILL 741

1 board. The statement shall disclose the name, address and telephone number of the
2 principal and a brief description of each cause or interest for which the principal
3 employs a lobbyist. The statement shall also disclose the name and business address
4 of any lobbyist who is employed by such principal to engage in lobbying activities
5 which are not exempt under this section. A statement filed under this subsection
6 expires at midnight on December 31 of each year, or upon revocation by the principal,
7 whichever is earlier. Any principal and any lobbyist acting on behalf of a principal
8 making such a statement is not subject to licensing under s. 13.63, registration under
9 s. 13.64, or the reporting requirements under s. 13.68, if the statement is true. The
10 statement may be revoked at any time by the principal and the principal and any
11 lobbyist employed by the principal are then subject to such requirements as of the
12 date of revocation. The statement shall be revoked no later than 10 days after the
13 date the aggregate expenditures or obligations in the calendar year for the purpose
14 of engaging in such lobbying activities exceed \$500. The fee paid under s. 13.75 (~~3~~)
15 (1g) (c) for filing a statement under this subsection shall be credited toward payment
16 of the fee under s. 13.75 (~~2~~) (1g) (b) if the fee under s. 13.75 (~~2~~) (1g) (b) is paid within
17 the same year.

NOTE: Corrects cross-references to reflect renumbering by 2015 Wis. Act 117.

18 **SECTION 18.** 13.625 (6) of the statutes is amended to read:

19 13.625 **(6)** Subsections (1) (b) and ~~(c)~~, (1m), (2), and (3) do not apply to the
20 furnishing of anything of pecuniary value by an individual who is a lobbyist or
21 principal to a relative of the individual or an individual who resides in the same
22 household as the individual, nor to the receipt of anything of pecuniary value by that
23 relative or individual residing in the same household as the individual.

NOTE: Corrects cross-reference to reflect renumbering by 2015 Wis. Act 117.

SENATE BILL 741**SECTION 19**

1 **SECTION 19.** 13.63 (1) (a) of the statutes, as affected by 2015 Wisconsin Act 118,
2 is amended to read:

3 13.63 (1) (a) An applicant for a license to act as a lobbyist may obtain an
4 application from and file the application with the commission. Except as authorized
5 under par. (am), an applicant shall include his or her social security number on the
6 application. The applicant shall, under the penalty for making false statements
7 under s. 13.69 (6m), sign the application. The applicant shall submit with the
8 application the applicable fee under s. 13.75 ~~(1) or (1m)~~ (1g) (a) or (am). Upon
9 approval of the application by the commission, the commission shall issue a license
10 to the applicant. A license issued under this paragraph entitles the licensee to
11 practice lobbying on behalf of each registered principal for whom or which an
12 authorization for that lobbyist, as required under s. 13.65, has been filed and for
13 whom or which the authorization fee under s. 13.75 (4) (1g) (d) has been paid. A
14 license issued under this paragraph shall expire on December 31 of each
15 even-numbered year.

NOTE: Corrects cross-references to reflect renumbering by 2015 Wis. Act 117.

16 **SECTION 20.** 13.67 (2) of the statutes is amended to read:

17 13.67 (2) Any person who is not a principal may, upon payment of the fee
18 prescribed under s. 13.75 ~~(5)~~ (1g) (e), register with the board an interest in any
19 legislative proposal, proposed administrative rule, budget bill subject or other topic.

NOTE: Corrects cross-reference to reflect renumbering by 2015 Wis. Act 117.

20 **SECTION 21.** 13.75 (1r) of the statutes, as created by 2015 Wisconsin Act 117,
21 is amended to read:

22 13.75 (1r) The ~~board~~ commission may accept payment under this section by
23 credit card, debit card, or other electronic payment mechanism, and may charge a

SENATE BILL 741

1 surcharge to recover the actual cost associated with the acceptance of that electronic
2 payment.

NOTE: Replaces “board” with “commission” consistent with 2015 Wis. Act 118. Act 118 eliminates the Government Accountability Board and creates the Ethics Commission to administer subch. III of ch. 13, effective 6–30–16.

3 **SECTION 22.** 15.07 (3) (bm) 2. of the statutes is repealed.

NOTE: Section 15.07 (3) (bm) 2. reads: “The environmental education board shall meet 4 times each year and may meet at other times on the call of the chairperson.” The environmental education board is eliminated effective July 1, 2017, as a result of the repeal of ss. 15.915 (6) and 36.54 by 2015 Wis. Act 55, leaving this provision without effect.

4 **SECTION 23.** 15.61 (1) (a) 5. and 6. of the statutes, as created by 2015 Wisconsin
5 Act 118, are amended to read:

6 15.61 (1) (a) 5. Two members who formerly served as county or municipal clerks
7 and who are nominated by the governor, and with the advice and consent of a
8 majority of the members of the senate confirmed. The legislative leadership of the
9 2 major political parties that received the largest number of votes for president shall
10 prepare a list of 3 individuals such that each major political party has prepared one
11 list. The governor shall choose one nominee from each list.

12 6. For each political party, other than the 2 major political parties, qualifying
13 for a separate ballot under s. 5.62 (1) (b) or (2) whose candidate for governor received
14 at least 10 percent of the vote in the most recent gubernatorial election, one member,
15 nominated by the governor from a list of 3 individuals selected by the chief officer of
16 that political party, and with the advice and consent of a majority of the members of
17 the senate confirmed.

NOTE: Inserts “and” in s. 15.61 (1) (a) 5. and a comma in s. 15.61 (1) (a) 6. for internal consistency and consistency of construction with s. 15.62 and other similar statutes. See also the next section of this bill.

18 **SECTION 24.** 15.62 (1) (a) 5. and 6. of the statutes, as created by 2015 Wisconsin
19 Act 118, are amended to read:

SENATE BILL 741**SECTION 24**

1 15.62 (1) (a) 5. Two individuals who formerly served as judges for a court of
2 record in this state, who were elected to the positions in which they served, and who
3 are nominated by the governor, and with the advice and consent of a majority of the
4 members of the senate confirmed. The legislative leadership of the 2 major political
5 parties that received the largest number of votes for president shall prepare a list of
6 3 individuals such that each major political party has prepared one list. The
7 governor shall choose one nominee from each list.

8 6. For each political party, other than the 2 major political parties, qualifying
9 for a separate ballot under s. 5.62 (1) (b) or (2) whose candidate for governor received
10 at least 10 percent of the vote in the most recent gubernatorial election, one member,
11 nominated by the governor from a list of 3 individuals selected by the chief officer of
12 that political party, and with the advice and consent of a majority of the members of
13 the senate confirmed.

NOTE: Inserts “, and” in s. 15.62 (1) (a) 5. and a comma in s. 15.62 (1) (a) 6. for
internal consistency and consistency of construction with s. 15.61 and other similar
statutes. See also the previous section of this bill.

14 **SECTION 25.** 19.49 (2g) of the statutes, as affected by 2015 Wisconsin Act 117,
15 section 2, and 2015 Wisconsin Act 118, section 12, is amended to read:

16 19.49 (2g) AUDITING. In addition to the facial examination of reports and
17 statements required under s. 11.1304 (9), the commission shall conduct an audit of
18 reports and statements which are required to be filed with it to determine whether
19 violations of ch. 11 have occurred. The commission may examine records relating to
20 matters required to be treated in such reports and statements. The commission shall
21 make official note in the file of a committee, as defined in s. 11.0101 (6), of any error
22 or other discrepancy which the commission discovers and shall inform the person
23 submitting the report or statement. The ~~board~~ commission may not audit reports,

SENATE BILL 741

1 statements, or records beyond the 3-year period for which a committee must retain
2 records under ch. 11.

NOTE: Replaces “board” with “commission” consistent with 2015 Wis. Act 118. Act 118 eliminates the Government Accountability Board and creates the Ethics Commission to administer subch. III of ch. 19, effective 6-30-16.

3 **SECTION 26.** 20.115 (1) (gb) of the statutes, as affected by 2015 Wisconsin Act
4 55, is amended to read:

5 20.115 (1) (gb) *Food, lodging, and recreation.* The amounts in the schedule for
6 the regulation of food, lodging, and recreation under chs. 93, 97 and 98. All moneys
7 received under ss. 93.06 (1r) and (1w), 93.09, 93.11, 93.12, 97.17, 97.175, 97.20, 97.21,
8 97.22, 97.24, 97.27, 97.29, 97.30 (3) (a), (b) and (c), 97.41, 97.60 to ~~97.653~~ 97.65, 97.67,
9 98.145 and 98.146 for the regulation of food, lodging, and recreation shall be credited
10 to this appropriation.

NOTE: Corrects cross-reference. There is no s. 97.653. A preliminary version of 2015 Wis. Act 55 contained a provision numbered s. 97.653. Sections 97.60 to 97.65 include all of the sections in subch. III of ch. 97.

11 **SECTION 27.** 20.370 (9) (gb) of the statutes is amended to read:

12 20.370 (9) (gb) *Education programs — program fees.* Biennially, from the
13 general fund, the amounts in the schedule for department educational activities at
14 the MacKenzie environmental center. All moneys received from fees collected under
15 s. 23.425 (2) for the use of the center shall be credited to this appropriation.

NOTE: Section 23.425 (2) is renumbered 23.425 by Section 38 of this bill.

16 **SECTION 28.** 20.505 (1) (id) (intro.) of the statutes, as affected by 2015 Wisconsin
17 Act 55, is amended to read:

18 20.505 (1) (id) *Justice information fee receipts.* (intro.) All moneys less
19 \$700,000 received from the justice information surcharge under s. 814.86 (1) for the
20 purpose of annually transferring the amounts indicated in subds. 1. to ~~7~~ 6. The
21 following amounts shall be transferred to the following appropriation accounts:

SENATE BILL 741**SECTION 28**

NOTE: 2015 Wis. Act 55 repealed s. 20.505 (1) (id) 8. and changed the cross-reference in this provision from “subds. 1. to 8.” to “subds. 1. to 7.” There is no s. 20.505 (1) (id) 7.

1 **SECTION 29.** 20.505 (4) (s) of the statutes, as affected by 2015 Wisconsin Act 55,
2 section 800c, is amended to read:

3 20.505 (4) (s) *School districts; telecommunications access, infrastructure*
4 *grants, and teacher training grants.* Biennially, from the universal service fund, the
5 amounts in the schedule to make payments to telecommunications providers under
6 contracts under s. 16.971 (13) to the extent that the amounts due are not paid from
7 the appropriation under sub. (1) (is), to make grants to school district consortia under
8 s. 16.997 (7), to make information technology infrastructure grants under s. 16.994,
9 and to make educational technology teacher training grants under s. 16.996.

NOTE: Adds “to make” for parallel structure

10 **SECTION 30.** 20.505 (4) (s) of the statutes, as affected by 2015 Wisconsin Act 55,
11 section 800d, is amended to read:

12 20.505 (4) (s) *School districts; telecommunications access and teacher training*
13 *grants.* Biennially, from the universal service fund, the amounts in the schedule to
14 make payments to telecommunications providers under contracts under s. 16.971
15 (13) to the extent that the amounts due are not paid from the appropriation under
16 sub. (1) (is), to make grants to school district consortia under s. 16.997 (7), and to
17 make educational technology teacher training grants under s. 16.996.

NOTE: Adds “to make” for parallel structure

18 **SECTION 31.** 20.510 (1) (a) of the statutes, as affected by 2015 Wisconsin Act
19 117, section 55, and 2015 Wisconsin Act 118, section 213, is amended to read:

20 20.510 (1) (a) *General program operations; general purpose revenue.*
21 Biennially, the amounts in the schedule for general program operations of the
22 commission, including the printing of forms, materials, manuals, and election laws

SENATE BILL 741

1 under s. 7.08 (1) (b), (3), and (4) ~~11.1304~~, and the training of election officials under
2 s. 5.05 (7).

NOTE: The stricken language was inserted by 2015 Wis. Act 117 but rendered without effect by the treatment by 2015 Wis. Act 118.

3 **SECTION 32.** 20.510 (1) (e) of the statutes, as affected by 2015 Wisconsin Act 117,
4 section 56, and 2015 Wisconsin Act 118, section 220, is amended to read:

5 20.510 (1) (e) *Elections administration.* The amounts in the schedule for the
6 administration of chs. 5 to 10 and 12. ~~11.0102(2)~~

NOTE: The stricken language was inserted by 2015 Wis. Act 117 but rendered without effect by the treatment by 2015 Wis. Act 118.

7 **SECTION 33.** 20.670 (1) (k) of the statutes is amended to read:

8 20.670 (1) (k) *Director of state courts and law library transfer.* All moneys
9 received from the appropriations under s. 20.680 (2) (a) to ~~(ke)~~ and ~~(4) (a) to (h)~~ (L)
10 for the purposes of the judicial council under s. 758.13.

NOTE: Corrects cross-reference. Section 20.680 (4) (a) to (h) consisted of s. 20.680 (4) (a), (g), and (h). Section 20.680 (4) (a) and (h) were repealed by 2015 Wis. Act 55. Section 20.680 (4) (g) was renumbered s. 20.680 (2) (L) by 2015 Wis. Act 55.

11 **SECTION 34.** The treatment of 20.923 (7) (intro.) of the statutes by 2015
12 Wisconsin Act 55 is not repealed by 2015 Wisconsin Act 58. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 20.923 (7) (intro.) reads:

(7) **GENERAL SENIOR EXECUTIVE POSITIONS.** The salary ranges for the director and the executive assistant of the Wisconsin Technical College System and for the secretary, deputy secretary, and assistant deputy secretary of the department of employee trust funds shall be contained in the recommendations of the administrator of the division of personnel management in the department of administration under s. 230.12 (3) (e). The board of the Wisconsin Technical College System shall set the salaries for the director and executive assistant of the Wisconsin Technical College System within the range to which the positions are assigned to recognize merit, to permit orderly salary progression, and to recognize competitive factors. The employee trust funds board shall set the salary for the secretary of the department of employee trust funds within the range to which the position is assigned to recognize merit, to permit orderly salary progression, and to recognize competitive factors. The salary of the deputy secretary of the department of employee trust funds and the salary of the assistant deputy secretary of the department of employee trust funds shall be set in accordance with subs. (8) and (9), respectively. The salary of any incumbent in the positions identified in pars. (a) and (b) may not exceed the maximum of the salary range for the group to which the position is assigned. The positions are assigned as follows:

SENATE BILL 741**SECTION 35**

1 **SECTION 35.** The treatment of 20.923 (8) of the statutes by 2015 Wisconsin Act
2 55 is not repealed by 2015 Wisconsin Act 58. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 20.923 (8) reads:

(8) DEPUTIES. Salaries for deputies appointed pursuant to ss. 13.94 (3) (b), 15.04 (2), and 551.601 (1) shall be set by the appointing authority. The salary, other than the salary of the deputy secretary of the department of employee trust funds, shall not exceed the maximum of the salary range one range below the salary range of the executive salary group to which the department or agency head is assigned. The associate director of the historical society shall be treated as an unclassified deputy for pay purposes under this subsection. The salary of the deputy director of the office of business development in the department of administration is assigned to executive salary group 2.

3 **SECTION 36.** The treatment of 20.923 (9) of the statutes by 2015 Wisconsin Act
4 55 is not repealed by 2015 Wisconsin Act 58. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 20.923 (9) reads:

(9) ASSISTANT DEPUTY SECRETARY AND EXECUTIVE ASSISTANTS. Salaries for assistant deputy secretaries and executive assistants appointed under ss. 15.05 (3) and 15.06 (4m) shall be set by the appointing authority. The salary for an assistant deputy secretary or an executive assistant appointed under s. 15.05 (3) or 15.06 (4m), other than the salary for the executive assistant to the director of the technical college system and the assistant deputy secretary of the department of employee trust funds, may not exceed the maximum of the salary range 2 ranges below the salary range for the executive salary group to which the department or agency head is assigned. The position of administrative assistant to the lieutenant governor shall be treated as are executive assistants for pay purposes under this subsection.

5 **SECTION 37.** 23.425 (1) of the statutes is repealed.

NOTE: Section 23.425 (1) reads: “The department shall seek the advice of the environmental education board on the development of environmental education programs.” The environmental education board is eliminated effective July 1, 2017, as a result of the repeal of ss. 15.915 (6) and 36.54 by 2015 Wis. Act 55, leaving this provision without effect.

6 **SECTION 38.** 23.425 (2) (a) and (b) of the statutes are renumbered 23.425 (1m)
7 and (2m), and 23.425 (2m), as renumbered, is amended to read:

8 23.425 (2m) The fees collected by the department under ~~par. (a)~~ sub. (1m) for
9 the use of the MacKenzie environmental center shall be deposited in the general fund
10 and credited to the appropriation under s. 20.370 (9) (gb).

NOTE: The repeal of s. 23.425 (1) by the previous section of this bill left s. 23.425 with only one subsection.

SENATE BILL 741

1 **SECTION 39.** The treatment of 24.62 (3) of the statutes by 2015 Wisconsin Act
2 55 is not repealed by 2015 Wisconsin Act 60. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 24.62 (3) reads:

(3) If any land purchased under s. 24.61 (2) (a) on or after July 14, 2015, or acquired in an exchange under s. 24.09 on or after July 14, 2015, was at the time of the purchase or acquisition subject to assessment or levy of a real property tax or subject to an obligation to make state or federal payments in lieu of taxes, the board shall make annual payments in lieu of property taxes from the proceeds from the sale of timber or from appropriate trust fund incomes to the appropriate local governmental unit in an amount equal to the property taxes levied on the land, or equal to the state or federal payments in lieu of taxes made with respect to the land, in the year prior to the year in which the board purchased or acquired the land.

3 **SECTION 40.** 29.89 (4) of the statutes, as affected by 2015 Wisconsin Act 31, is
4 amended to read:

5 29.89 (4) DONATIONS AUTHORIZED. A county may donate the processed venison
6 or ~~process~~ processed wild turkey meat to a food distribution service or a charitable
7 organization. The county may require that the carcasses be field dressed before
8 accepting them for processing.

NOTE: Corrects spelling.

9 **SECTION 41.** 38.04 (4) (d) of the statutes is repealed.

NOTE: Section 38.04 (4) (d) reads: “The board shall seek the advice of the environmental education board on the development of environmental education programs.” The environmental education board is eliminated effective July 1, 2017, as a result of the repeal of ss. 15.915 (6) and 36.54 by 2015 Wis. Act 55, leaving this provision without effect.

10 **SECTION 42.** 40.02 (15) (d) and (e) of the statutes are amended to read:

11 40.02 (15) (d) Contributions, benefits, and service credit with respect to
12 qualified military service, as defined in ~~38 USC~~ chapter 43 of title 38 of the United
13 States Code, taken on or after December 12, 1994, are governed by section 414 (u)
14 of the Internal Revenue Code and the federal Uniformed Services Employment and
15 Reemployment Rights Act of 1994.

SENATE BILL 741**SECTION 42**

1 (e) 1. Effective with deaths occurring on or after January 1, 2007, while a
2 participant is performing qualified military service, as defined in 38-~~USC~~ chapter 43
3 of title 38 of the United States Code, death benefits shall be calculated as though the
4 participant was a participating employee subject to par. (d) during the period or
5 periods of military service between the date that the participant left participating
6 employment to enter active military service and the date of death.

7 2. Effective with disabilities occurring on or after January 1, 2007, if a
8 participant becomes disabled while performing qualified military service, as defined
9 in 38-~~USC~~ chapter 43 of title 38 of the United States Code, to the extent permitted
10 by section 414 (u) (8) of the Internal Revenue Code, and is unable to return to
11 participating employment due to the disability incurred while performing such
12 military service, for benefit calculation purposes the participant shall be treated as
13 though the participant was a participating employee subject to par. (d) during the
14 period or periods of military service between the date that the participant left
15 participating employment to enter active military service and the date of discharge
16 from military service.

17 3. Beginning January 1, 2009, an individual receiving differential wage
18 payments while the individual is performing qualified military service, as defined in
19 38-~~USC~~ chapter 43 of title 38 of the United States Code, from an employer shall be
20 treated as employed by that employer, and the differential wage payment shall be
21 treated as compensation for purposes of applying the limits on annual additions
22 under section 415 (c) of the Internal Revenue Code. This provision shall be applied
23 to all similarly situated individuals in a reasonably equivalent manner.

NOTE: Corrects citation form.

SENATE BILL 741

1 **SECTION 43.** The treatment of 40.05 (4) (ag) 1. of the statutes by 2015 Wisconsin
2 Act 55 is not repealed by 2015 Wisconsin Act 58. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 40.05 (4) (ag) 1. reads:

1. For insured part-time employees other than employees specified in s. 40.02 (25) (b) 2., including those in project positions as defined in s. 230.27 (1), who are appointed to work less than 1,040 hours per year, an amount determined annually by the administrator of the division of personnel management in the department of administration under par. (ah).

3 **SECTION 44.** 46.27 (6r) (b) 1m. a. of the statutes, as created by 2015 Wisconsin
4 Act 55, is amended to read:

5 46.27 (6r) (b) 1m. a. A person who resided in the facility on the date of the
6 finding that a skilled nursing facility or intermediate care facility that provides care
7 to Medical Assistance recipients ~~to be~~ is an institution for mental diseases whose care
8 in the facility is disallowed for federal financial participation under Medical
9 Assistance.

NOTE: Corrects grammar.

10 **SECTION 45.** 46.272 (14) (b) 1. of the statutes, as created by 2015 Wisconsin Act
11 55, is amended to read:

12 46.272 (14) (b) 1. Medical assistance reimbursement for services a county or
13 a private nonprofit agency, ~~or~~ with which the department contracts provides under
14 this subsection shall be made from the appropriations under s. 20.435 (4) (bd) and
15 (o) and (7) (b). Payments made under sub. (13) (a) may be used as the state share for
16 purposes of Medical Assistance reimbursement.

NOTE: Deletes unnecessary language. The language for this provision was created based on identical language in s. 46.27 (11) (c) 3. Under s. 46.27 (11) (c) 3. the department may contract for services with a county, a private nonprofit agency, or an aging unit. Under s. 46.272 (14) (b) 1. the department can only contract with a county or a private nonprofit agency. The stricken language was inadvertently included in the creation of s. 46.272 (14) (b) 1.

SENATE BILL 741**SECTION 46**

1 **SECTION 46.** 46.277 (5g) (b) 1. of the statutes, as created by 2015 Wisconsin Act
2 55, is amended to read:

3 46.277 **(5g)** (b) 1. A person who resided in the facility on the date of the finding
4 that a skilled nursing facility or intermediate care facility that provides care to
5 Medical Assistance recipients ~~to be~~ is an institution for mental diseases whose care
6 in the facility is disallowed for federal financial participation under Medical
7 Assistance.

NOTE: Corrects grammar.

8 **SECTION 47.** 48.57 (3m) (a) 1. b. of the statutes, as affected by 2015 Wisconsin
9 Act 55, is amended to read:

10 48.57 **(3m)** (a) 1. b. The person is under 21 years of age, the person is a full-time
11 student in good academic standing at a secondary school or its vocational or technical
12 equivalent, an individualized education program under s. 115.787 is in effect for the
13 person, and the person is placed in the home of the kinship care relative under an
14 order under s. 48.355, 48.357, 48.365, 938.355, 938.357, or 938.365 that terminates
15 under s. 48.355 (4) (b) or 938.355 (4) (am) after the person attains 18 years of age or
16 under a voluntary transition-to-independent-living agreement under s. 48.366 (3)
17 or 938.366 (3).

NOTE: Inserts “the person” to provide parallel construction within a series.

18 **SECTION 48.** 48.57 (3n) (a) 1. b. of the statutes, as affected by 2015 Wisconsin
19 Act 55, is amended to read:

20 48.57 **(3n)** (a) 1. b. The person is under 21 years of age, the person is a full-time
21 student in good academic standing at a secondary school or its vocational or technical
22 equivalent, an individualized education program under s. 115.787 is in effect for the
23 person, and the person is placed in the home of the long-term kinship care relative

SENATE BILL 741

1 under an order under s. 48.355, 48.357, 48.365, 938.355, 938.357, or 938.365 that
2 terminates under s. 48.355 (4) (b) or 938.355 (4) (am) after the person attains 18 years
3 of age or under a voluntary transition-to-independent-living agreement under s.
4 48.366 (3) or 938.366 (3).

NOTE: Inserts “the person” to provide parallel construction within a series.

5 **SECTION 49.** 59.54 (28) (c) 4. c. of the statutes, as created by 2015 Wisconsin Act
6 55, is amended to read:

7 59.54 (28) (c) 4. c. The chairperson of the county board of supervisors, ~~or his or~~
8 ~~her designee,~~ if the county does not have a county executive or a county
9 administrator.

NOTE: Removes unnecessary repeated language contained in s. 59.54 (28) (c) 4.
(intro.).

10 **SECTION 50.** 71.07 (3y) (a) 2. of the statutes, as created by 2015 Wisconsin Act
11 55, is amended to read:

12 71.07 (3y) (a) 2. “Eligible employee” has the meaning given in s. 238.308 (1) (a).

NOTE: Corrects cross-reference. There is no s. 238.308 (1) (a). “Eligible employee”
is defined in s. 238.308 (1).

13 **SECTION 51.** 71.28 (3y) (a) 2. of the statutes, as created by 2015 Wisconsin Act
14 55, is amended to read:

15 71.28 (3y) (a) 2. “Eligible employee” has the meaning given in s. 238.308 (1) (a).

NOTE: Corrects cross-reference. There is no s. 238.308 (1) (a). “Eligible employee”
is defined in s. 238.308 (1).

16 **SECTION 52.** 71.47 (3y) (a) 2. of the statutes, as created by 2015 Wisconsin Act
17 55, is amended to read:

18 71.47 (3y) (a) 2. “Eligible employee” has the meaning given in s. 238.308 (1) (a).

NOTE: Corrects cross-reference. There is no s. 238.308 (1) (a). “Eligible employee”
is defined in s. 238.308 (1).

19 **SECTION 53.** 77.51 (10s) of the statutes is renumbered 77.51 (11c).

NOTE: Places definition in alphabetical order consistent with current style.

SENATE BILL 741**SECTION 54**

1 **SECTION 54.** 101.023 of the statutes, as affected by 2015 Wisconsin Act 29, is
2 amended to read:

3 **101.023 Commercial building code council duties.** The ~~uniform~~
4 commercial building code council shall review the rules relating to constructing,
5 altering, adding to, repairing, and maintaining public buildings and buildings that
6 are places of employment. The council shall consider and make recommendations
7 to the department pertaining to these rules and any other matters related to
8 constructing, altering, adding to, repairing, and maintaining public buildings and
9 buildings that are places of employment. In preparing rules under this chapter that
10 relate to public buildings and to buildings that are places of employment, the
11 department shall consult with the commercial building code council.

NOTE: Corrects council name. The “commercial building code council” is created
in s. 15.407 (18) (a). There is no “uniform commercial building code council.”

12 **SECTION 55.** 101.63 (1) (intro.) of the statutes, as affected by 2015 Wisconsin
13 Act 49, is amended to read:

14 **101.63 (1) (intro.)** Adopt rules which establish standards for the construction
15 and inspection of one- and 2-family dwellings and components thereof. The rules
16 shall include separate standards, established in consultation with the uniform
17 dwelling code council, that apply only to the construction and inspection of camping
18 units that are set in a fixed location in a campground for which a permit is issued
19 under s. 254.47, that contain a sleeping place, and that are used for seasonal
20 overnight camping. Where feasible, the standards used shall be those nationally
21 recognized and shall apply to the dwelling and to its electrical, heating, ventilating,
22 air conditioning and other systems, including plumbing, as defined in s. 145.01 (10).
23 No set of rules may be adopted which has not taken into account the conservation of

SENATE BILL 741

1 energy in construction and maintenance of dwellings and the costs of specific code
2 provisions to home buyers in relationship to the benefits derived from the provisions.
3 Rules promulgated under this subsection do not apply to a bed and breakfast
4 establishment, as defined under s. 254.61 (1), except that the rules apply to all of the
5 following:

NOTE: The “dwelling code council” was renamed the “uniform dwelling code council” by 2015 Wis. Act 29.

6 **SECTION 56.** 101.63 (1) (intro.) of the statutes, as affected by 2015 Wisconsin
7 Acts 49 and 55, is amended to read:

8 101.63 (1) (intro.) Adopt rules which establish standards for the construction
9 and inspection of one- and 2-family dwellings and components thereof. The rules
10 shall include separate standards, established in consultation with the uniform
11 dwelling code council, that apply only to the construction and inspection of camping
12 units that are set in a fixed location in a campground for which a permit is issued
13 under s. 254.47, that contain a sleeping place, and that are used for seasonal
14 overnight camping. Where feasible, the standards used shall be those nationally
15 recognized and shall apply to the dwelling and to its electrical, heating, ventilating,
16 air conditioning and other systems, including plumbing, as defined in s. 145.01 (10).
17 No set of rules may be adopted which has not taken into account the conservation of
18 energy in construction and maintenance of dwellings and the costs of specific code
19 provisions to home buyers in relationship to the benefits derived from the provisions.
20 Rules promulgated under this subsection do not apply to a bed and breakfast
21 establishment, as defined under s. 97.01 (1g), except that the rules apply to all of the
22 following:

NOTE: The “dwelling code council” was renamed the “uniform dwelling code council” by 2015 Wis. Act 29.

SENATE BILL 741**SECTION 57**

1 **SECTION 57.** 101.82 (1) of the statutes, as affected by 2015 Wisconsin Act 49,
2 is amended to read:

3 101.82 (1) Promulgate by rule a state electrical wiring code that establishes
4 standards for installing, repairing, and maintaining electrical wiring. The rules
5 shall include separate standards, established in consultation with the uniform
6 dwelling code council, that apply only to electrical wiring in camping units that are
7 set in a fixed location in a campground for which a permit is issued under s. 254.47,
8 that contain a sleeping place, and that are used for seasonal overnight camping.
9 Where feasible, the rules shall reflect nationally recognized standards.

NOTE: The “dwelling code council” was renamed the “uniform dwelling code council” by 2015 Wis. Act 29.

10 **SECTION 58.** 102.16 (1) (b) of the statutes, as affected by 2015 Wisconsin Act 55,
11 is amended to read:

12 102.16 (1) (b) In the case of a claim for compensation with respect to which no
13 application has been filed under s. 102.17 (1) (a) 1. or with respect to which an
14 application has been filed, but the application is not ready to be scheduled for a
15 hearing, the department may review and set aside, modify, or confirm a compromise
16 of the claim within one year after the date on which the compromise is filed with the
17 department, the date on which an award has been entered based on the compromise,
18 or the date on which an application for the ~~office~~ department to take any of those
19 actions is filed with the department.

NOTE: Inserts correct term. A draft of the amendment of this provision by Act 55 changed “department” to “office,” but that change was not retained in the final bill. This single occurrence of “office” in s. 102.16, left a reference without an antecedent.

20 **SECTION 59.** 108.04 (8) (b) of the statutes, as created by 2015 Wisconsin Act 55,
21 is amended to read:

SENATE BILL 741

1 108.04 (8) (b) There is a rebuttable presumption that an employee has failed,
2 without good cause, to accept suitable work when offered if the department
3 determines, based on a report submitted by an employing unit in accordance with s.
4 108.133 (4), that the employing unit required, as a condition of an offer of
5 employment, that the employee submit to a test for the presence of controlled
6 substances and withdrew the conditional offer after the employee either declined to
7 submit to such a test or tested positive for one or more controlled substances without
8 evidence of a valid prescription for each controlled substance for which the employee
9 tested positive. In the case of the employee declining to submit to such a test, the
10 employee shall be ineligible for benefits until the employee again qualifies for
11 benefits in accordance with the rules promulgated under this paragraph. In the case
12 of the employee testing positive in such a test without evidence of a valid
13 prescription, the employee shall be ineligible for benefits until the employee again
14 qualifies for benefits in accordance with the rules promulgated under this
15 paragraph, except that the employee may maintain his or her eligibility for benefits
16 in the same manner as is provided in s. 108.133 (3) (d). The department shall
17 promulgate rules identifying a period of ineligibility that must elapse or a
18 requalification requirement that must be satisfied, or both, in order for an employee
19 who becomes ineligible for benefits as provided in this paragraph to again qualify for
20 benefits and specifying how a claimant may overcome the presumption in this
21 paragraph. The department shall charge to the fund's balancing account any
22 benefits otherwise chargeable to the account of an employer that is subject to the
23 contribution requirements under ss. 108.17 and 108.18 whenever an employee of
24 that employer fails, without good cause, to accept suitable work as described in this
25 paragraph.

SENATE BILL 741**SECTION 59**

NOTE: Inserts missing article.

1 **SECTION 60.** 111.825 (7) of the statutes, as created by 2011 Wisconsin Act 32,
2 is amended to read:

3 111.825 (7) Notwithstanding sub. (3), if on July 1, 2015, an employee of the
4 University of Wisconsin System is assigned to a collective bargaining unit under s.
5 111.825 (2) (a), (b), (c), (g), (h), or (i), 2013 stats., or sub. (1) or (2) (a), (b), (c), (g), (h),
6 or (i) the commission shall assign the person to the corresponding collective
7 bargaining unit under sub. (1r) or (1t), whichever is appropriate. Except as
8 otherwise provided in this subchapter, the commission may not assign any other
9 persons to the collective bargaining units under sub. (1r) or (1t).

NOTE: Section 111.825 (2) (a), (b), (c), (g), (h), and (i) were renumbered effective July 1, 2015, by 2011 Wis. Act 32. The cross-reference is changed to reflect the law in effect immediately prior to the renumbering.

10 **SECTION 61.** 115.7915 (4m) (e) 2. of the statutes, as created by 2015 Wisconsin
11 Act 55, is amended to read:

12 115.7915 (4m) (e) 2. If a child who has been determined to be ineligible under
13 subd. 1. continues to attend the private school he or she attended under a scholarship
14 awarded under par. (a), for each school year the child attends the private school
15 beginning with the school year following the determination under subd. 1., the
16 department shall pay, from the appropriation under s. 20.255 (2) (az), to the private
17 school, on behalf of the child's parent or guardian, an amount equal to the
18 appropriate per pupil amount paid to a private school participating in a parental
19 choice program under s. 118.60 or 119.23 in that school year. The department shall
20 make scholarship payments under this paragraph in accordance with the payment
21 schedule specified in s. 119.23 (4) (c).

NOTE: Inserts missing article.

SENATE BILL 741

1 **SECTION 62.** 118.40 (2r) (b) 2. i. of the statutes, as created by 2015 Wisconsin
2 Act 55, is amended to read:

3 118.40 **(2r)** (b) 2. i. A requirement that the charter school governing board
4 provide the data needed by the entity under subd. 1. for purposes of making the
5 report required under sub. (3m) ~~(a) 6~~ (f).

NOTE: Corrects a cross-reference. Section 118.40 (3m) (f) relates to reports to the state superintendent by entities. Section 118.40 (3m) (f) was originally drafted as s. 118.40 (3m) (a) 6., but was renumbered s. 118.40 (3m) (f) when s. 118.40 (3m) (b) was removed from the bill that became 2015 Wis. Act 55.

6 **SECTION 63.** 118.51 (12) (a) (title) of the statutes is repealed.

NOTE: Section 118.51 (12) (a) was renumbered to s. 118.51 (12) by 2015 Wis. Act 55 without accounting for the paragraph title. Section 118.51 (12) has an existing title, rendering the paragraph title surplusage. The paragraph title has been removed from the published statutes.

7 **SECTION 64.** 118.60 (3) (ar) 4. and 5. of the statutes, as affected by 2015
8 Wisconsin Act 55, are amended to read:

9 118.60 **(3)** (ar) 4. For each school district in which private schools received
10 applications under subd. 1. that exceeded the school district's pupil participation
11 limit under sub. (2) (be), the department shall establish a waiting list in accordance
12 with the preferences required under subd. 3. b.

13 5. A private school that has accepted a pupil who resides in a school district,
14 other than an eligible school district or a 1st class city school district, under this
15 paragraph shall notify the department whenever the private school determines that
16 a pupil will not attend the private school under this paragraph. If, upon receiving
17 notice under this subdivision, the department determines that the number of pupils
18 attending private schools under this section falls below a school district's pupil
19 participation limit under sub. (2) (be), the department shall fill any available slot in

SENATE BILL 741**SECTION 64**

1 that school district with a pupil selected from the school district's waiting list
2 established under subd. 4., if such a waiting list exists.

NOTE: Corrects cross-reference. Section 118.60 (2) (be) establishes pupil participation limits. Inserts missing "list" as indicated by the use of "such a waiting list."

3 **SECTION 65.** The treatment of 119.04 (1) of the statutes by 2015 Wisconsin Act
4 55 is not repealed by 2015 Wisconsin Act 92. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 119.04 (1) reads:

(1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c), 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343, 115.345, 115.363, 115.365 (3), 115.38 (2), 115.415, 115.445, 118.001 to 118.04, 118.045, 118.06, 118.07, 118.075, 118.076, 118.10, 118.12, 118.125 to 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20, 118.223, 118.225, 118.24 (1), (2) (c) to (f), (6), (8), and (10), 118.245, 118.255, 118.258, 118.291, 118.292, 118.293, 118.30 to 118.43, 118.46, 118.50, 118.51, 118.52, 118.53, 118.55, 118.56, 120.12 (2m), (4m), (5), and (15) to (27), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35), (37), (37m), and (38), 120.137, 120.14, 120.20, 120.21 (3), and 120.25 are applicable to a 1st class city school district and board but not, unless explicitly provided in this chapter or in the terms of a contract, to the commissioner or to any school transferred to an opportunity schools and partnership program.

5 **SECTION 66.** 119.61 (1) (c) 3. of the statutes, as created by 2015 Wisconsin Act
6 55, is amended to read:

7 119.61 (1) (c) 3. The number of hours of pupil instruction offered in the school
8 building in the previous school year was less than 80 percent of the number of hours
9 of pupil instruction required to be scheduled under s. 121.02 (1) (f) 2.

NOTE: Corrects cross-reference. There is no s. 121.02 (1) (f) 2. Section 121.02 (1) (f) provides the number of hours of pupil instruction that school boards are required to schedule.

10 **SECTION 67.** 119.9003 (4) (c) of the statutes, as created by 2015 Wisconsin Act
11 55, is amended to read:

12 119.9003 (4) (c) The commissioner may enter into a lease with an education
13 operator to operate a school in a vacant or underutilized school building obtained by
14 the commissioner in the manner provided under s. 119.61 (3) (a). The commissioner
15 shall count a school operated by an education operator under this paragraph towards

SENATE BILL 741

1 the limit on schools in the opportunity schools and partnership program under s.
2 119.9002 (2) (a), but not for purposes of performance benchmarking.

NOTE: Corrects cross-reference. Section 119.9002 (2) (a) establishes the limit on schools in the opportunity schools and partnership program.

3 **SECTION 68.** 153.455 (2) of the statutes is amended to read:

4 153.455 (2) Subsection (1) does not apply to ss. 153.21 (1) and 153.60 ~~(1)~~.

NOTE: Corrects cross-reference. There is no s. 153.60 (1). Section 153.60 (intro.) and (1) were consolidated, renumbered s. 153.60, and amended by 2015 Wis. Act 55.

5 **SECTION 69.** 153.75 (1) (k) of the statutes is repealed.

NOTE: Section 153.75 (1) (k) authorized rulemaking “establishing methods and criteria for assessing health care providers under s. 153.60 (1).” 2015 Wis. Act 55 consolidated and renumbered s. 153.60 (intro.) and (1) to be s. 153.60 and amended s. 153.60, as renumbered. The amendment of s. 153.60 by Act 55 deleted the provision for the assessment of health care providers in the former s. 153.60 (1), rendering s. 153.75 (1) (k) without effect.

6 **SECTION 70.** 230.08 (2) (rm) of the statutes is repealed.

NOTE: Section 230.38 (2) (rm) reads: “Staff of the environmental education board.” The environmental education board is eliminated effective July 1, 2017, as a result of the repeal of ss. 15.915 (6) and 36.54 by 2015 Wis. Act 55, leaving this provision without effect.

7 **SECTION 71.** The treatment of 230.12 (3) (e) 2. of the statutes by 2015 Wisconsin
8 Act 55 is not repealed by 2015 Wisconsin Act 58. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 230.12 (3) (e) 2. reads:

2. The administrator, after receiving recommendations from the board of the Wisconsin Technical College System, shall submit to the joint committee on employment relations a proposal for adjusting compensation and employee benefits for the director and executive assistant of the Wisconsin Technical College System. The proposal shall include the salary ranges and adjustments to the salary ranges for the general senior executive salary groups established under s. 20.923 (7). Paragraph (b) and sub. (1) (bf) shall apply to the process for approval of all pay adjustments for such employees. The proposal as approved by the joint committee on employment relations and the governor shall be based upon a percentage of the budgeted salary base for such employees under s. 20.923 (7).

9 **SECTION 72.** The treatment of 230.26 (1) of the statutes by 2015 Wisconsin Act
10 55 is not repealed by 2015 Wisconsin Act 58. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 230.26 (1) reads:

SENATE BILL 741**SECTION 72**

(1) The director may provide by rule for selection and appointment for limited term appointments, which are provisional appointments or appointments for less than 1,040 hours per year.

1 **SECTION 73.** The treatment of 254.71 (3) of the statutes by 2015 Wisconsin Act
2 9 is not repealed by 2015 Wisconsin Act 55. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, and as renumbered from s. 254.71 (3) by 2015 Wis. Acts 9 and 55, s. 97.33 (3) (intro.) reads, effective 7-1-16:

(3) Each certificate is valid for 5 years from the date of issuance and, except as provided in s. 93.135, may be renewed by the certificate holder if he or she satisfactorily completes all of the following:

3 **SECTION 74.** The treatment of 256.01 (9) of the statutes by 2015 Wisconsin Act
4 83 is not repealed by 2015 Wisconsin Act 113. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 256.01 (9) reads:

(9) “First responder” means a person who is certified by the department as a first responder under s. 256.15 (8) (a) or is exempt under s. 256.15 (2) (b) or (c) and who, as a condition of employment or as a member of an organization that provides emergency medical care before hospitalization, provides emergency medical care to a sick, disabled or injured individual.

5 **SECTION 75.** 440.45 (1) (title) of the statutes, as created by 2015 Wisconsin Act
6 16, is repealed.

NOTE: No other subsections in section 440.45 have titles.

7 **SECTION 76.** The treatment of 450.03 (1) (e) of the statutes by 2015 Wisconsin
8 Act 3 is not repealed by 2015 Wisconsin Act 55. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 450.03 (1) (e) reads:

(e) Any person lawfully practicing within the scope of a license, permit, registration, certificate, or certification granted to provide home medical oxygen under s. 450.076, to practice professional or practical nursing or nurse–midwifery under ch. 441, to practice dentistry or dental hygiene under ch. 447, to practice medicine and surgery under ch. 448, to practice optometry under ch. 449 or to practice veterinary medicine under ch. 89, or as otherwise provided by statute.

9 **SECTION 77.** 450.16 (1) (intro.) and (b) of the statutes are consolidated,
10 renumbered 450.16 (1) and amended to read:

11 450.16 (1) ~~As used in In this section: (b) “Vending, “vending machine”~~ has the
12 meaning given under s. 450.155 (1) (L).

SENATE BILL 741

NOTE: See the next section of this bill. “As used in” is replaced with “in” and “given” is inserted for conformity with current style.

1 **SECTION 78.** 450.16 (1) (a) of the statutes is repealed.

NOTE: Removes unnecessary definition. Section 450.16 (1) (a) provides a definition of “contraceptive article” as the term is used in s. 450.16, but “contraceptive article” is not contained in s. 450.16.

2 **SECTION 79.** 632.87 (2m) (a) (intro.), 1., 2., 3. and 4. of the statutes are
3 renumbered 632.87 (2m) (intro.), (am), (b), (c) and (d), and 632.87 (2m) (b), as
4 renumbered, is amended to read:

5 632.87 **(2m)** (b) Fail to provide to persons covered by the health maintenance
6 organization or preferred provider plan, at the time vision care services or
7 procedures are needed, the opportunity to choose optometrists from the listing under
8 subd. 1. par. (am) from whom the persons may obtain covered vision care services and
9 procedures within the scope of the practice of optometry, as defined in s. 449.01 (1).

NOTE: Section 632.87 (2m) is not divided into multiple paragraphs.

10 **SECTION 80.** 632.897 (10) (a) 3. of the statutes is amended to read:

11 632.897 **(10)** (a) 3. The fact that the group member or insured does not claim
12 the child as an exemption for federal income tax purposes under 26 USC 151 (c) ~~(1)~~
13 ~~(B)~~, or as an exemption for state income tax purposes under s. 71.07 (8) (b) or under
14 the laws of another state, if a court order under s. 767.513 or the laws of another state
15 assigns responsibility for the child’s health care expenses to the group member or
16 insured.

NOTE: Corrects cross-reference. 26 USC 151 (c), which provides exemptions for dependents for federal income tax purposes, does not contain subdivisions.

17 **SECTION 81.** 751.20 of the statutes is amended to read:

18 **751.20 Transfer authority.** Notwithstanding s. 20.680 (2) (a) to ~~(ke)~~ and ~~(4)~~
19 ~~(a) to (h)~~ **(L)**, the supreme court may transfer money from the appropriations under

SENATE BILL 741**SECTION 81**

1 s. 20.680 (2) (a) to ~~(ke)~~ and ~~(4) (a) to (h)~~ (L) to the appropriation under s. 20.670 (1)
2 (k) for the purposes of the judicial council under s. 758.13.

NOTE: Corrects cross-references. Section 20.680 (4) (a) to (h) consisted of s. 20.680
(4) (a), (g), and (h). Section 20.680 (4) (a) and (h) were repealed by 2015 Wis. Act 55.
Section 20.680 (4) (g) was renumbered s. 20.680 (2) (L) by 2015 Wis. Act 55.

3 **SECTION 82.** 755.01 (4) of the statutes, as affected by 2015 Wisconsin Act 117,
4 is amended to read:

5 755.01 (4) Two or more cities, towns or villages of this state may enter into an
6 agreement under s. 66.0301 for the joint exercise of the power granted under sub. (1),
7 except that for purposes of this subsection, any agreement under s. 66.0301 shall be
8 effected by the enactment of identical ordinances by each affected city, town or
9 village. Electors of each municipality entering into the agreement shall be eligible
10 to vote for the judge of the municipal court so established. If a municipality enters
11 into an agreement with a municipality that already has a municipal court, the
12 municipalities may provide by ordinance or resolution that the judge for the existing
13 municipal court shall serve as the judge for the joint court until the end of the term
14 or until a special election is held under s. 8.50 (4) (fm). Each municipality shall adopt
15 an ordinance or bylaw under sub. (1) prior to entering into the agreement. The
16 contracting municipalities need not be contiguous and need not all be in the same
17 county. Upon entering into or discontinuing such an agreement, the contracting
18 municipalities shall each transmit a certified copy of the ordinance or bylaw effecting
19 or discontinuing the agreement to the appropriate filing officer under s. 11.0102 (1)
20 (c) and to the director of state courts. When a municipal judge is elected under this
21 subsection, candidates shall be nominated by filing nomination papers under s. 8.10
22 (6) (bm), and shall register with the filing officer specified in s. 11.0102 (1) (c).

NOTE: Inserts the correct cross-reference. 2015 Wis. Act 117 struck “11.02 (3e)”
in two places but did not insert the new cross-reference for filing officers in the second

SENATE BILL 741

instance. Section 11.0102 (1) (c), as created by 2015 Wis. Act 117, identifies the filing officer for municipal judges elected under s. 755.01 (4).

1 **SECTION 83.** 767.511 (1) (b) of the statutes is amended to read:

2 767.511 (1) (b) Ensure that the parties have stipulated which party, if either
3 is eligible, will claim each child as an exemption for federal income tax purposes
4 under 26 USC 151 (c) (1)(B), or as an exemption for state income tax purposes under
5 s. 71.07 (8) (b) or under the laws of another state. If the parties are unable to reach
6 an agreement about the tax exemption for each child, the court shall make the
7 decision in accordance with state and federal tax laws. In making its decision, the
8 court shall consider whether the parent who is assigned responsibility for the child's
9 health care expenses under s. 767.513 is covered under a health insurance policy or
10 plan, including a self-insured plan, that is not subject to s. 632.897 (10) and that
11 conditions coverage of a dependent child on whether the child is claimed by the
12 insured parent as an exemption for purposes of federal or state income taxes.

NOTE: Corrects cross-reference. 26 USC 151 (c), which provides exemptions for dependents for federal income tax purposes, does not contain subdivisions.

13 **SECTION 84.** 767.805 (4) (c) of the statutes is amended to read:

14 767.805 (4) (c) A determination as to which parent, if eligible, shall have the
15 right to claim the child as an exemption for federal tax purposes under 26 USC 151
16 (c) (1)(B), or as an exemption for state tax purposes under s. 71.07 (8) (b).

NOTE: Corrects cross-reference. 26 USC 151 (c), which provides exemptions for dependents for federal income tax purposes, does not contain subdivisions.

17 **SECTION 85.** 767.89 (3) (d) of the statutes is amended to read:

18 767.89 (3) (d) A determination as to which parent, if eligible, shall have the
19 right to claim the child as an exemption for federal tax purposes under 26 USC 151
20 (c) (1)(B), or as an exemption for state tax purposes under s. 71.07 (8) (b).

NOTE: Corrects cross-reference. 26 USC 151 (c), which provides exemptions for dependents for federal income tax purposes, is not subdivided.

SENATE BILL 741**SECTION 86**

1 **SECTION 86.** 812.30 (9) of the statutes is amended to read:

2 812.30 (9) “Need-based public assistance” means aid to families with
3 dependent children, relief funded by a relief block grant under ch. 49, relief provided
4 by counties under s. 59.53 (21), medical assistance, supplemental security income,
5 food stamps, or benefits received by veterans under s. 45.40 (1m) or under 38 USC
6 ~~501 to 562~~ 1501 to 1562.

NOTE: 38 USC 501 to 562 were renumbered 38 USC 1501 to 1562 by P.L. 102-83.

7 **SECTION 87.** 812.44 (4) (form) paragraph 2. of the statutes is amended to read:

8 812.44 (4) (form)

9 2. You receive aid to families with dependent children, relief funded by a relief
10 block grant under ch. 49, relief provided by counties under section s. 59.53 (21) of the
11 Wisconsin Statutes, medical assistance, supplemental security income, food stamps,
12 or veterans benefits based on need under 38 USC ~~501 to 562~~ 1501 to 1562 or section
13 45.351 (1) of the Wisconsin Statutes, or have received these benefits within the past
14 6 months.

NOTE: 38 USC 501 to 562 were renumbered 38 USC 1501 to 1562 by P.L. 102-83.

15 **SECTION 88.** 812.44 (5) (form) paragraph 2. of the statutes is amended to read:

16 812.44 (5) (form)

17 ... 2. I receive, am eligible for, or have within 6 months received, aid to families
18 with dependent children, relief funded by a relief block grant under ch. 49, relief
19 provided by counties under section 59.53 (21) of the Wisconsin Statutes, medical
20 assistance, supplemental security income, food stamps, or veterans benefits based
21 on need under 38 USC ~~501 to 562~~ 1501 to 1562 or section 45.351 (1) of the Wisconsin
22 Statutes.

NOTE: 38 USC 501 to 562 were renumbered 38 USC 1501 to 1562 by P.L. 102-83.

SENATE BILL 741

1 **SECTION 89.** 814.29 (1) (d) 1. of the statutes is amended to read:

2 814.29 (1) (d) 1. That the person is a recipient of means–tested public
3 assistance, including aid to families with dependent children, relief funded by a relief
4 block grant under ch. 49, relief provided by counties under s. 59.53 (21), medical
5 assistance, supplemental security income, food stamps or benefits received by
6 veterans under s. 45.40 (1m) or under 38 USC ~~501 to 562~~ 1501 to 1562.

NOTE: 38 USC 501 to 562 were renumbered 38 USC 1501 to 1562 by P.L. 102–83.

7 **SECTION 90.** 895.65 (16) (c) of the statutes, as created by 2015 Wisconsin Act
8 94, is amended to read:

9 895.65 (16) (c) The structured settlement agreement is expressly governed by
10 the laws of ~~the~~ this state.

NOTE: Inserts correct term, consistent with s. 895.65 (16) (a) and (b).

11 **SECTION 91.** The treatment of 938.355 (4m) (b) of the statutes by 2015
12 Wisconsin Act 55 is not repealed by 2015 Wisconsin Act 80. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, effective 1–1–16, s. 938.355 (4m) (b) reads:

(b) The court shall expunge the court’s record of a juvenile’s adjudication if it was the juvenile’s first adjudication based on a violation of s. 942.08 (2) (b), (c), or (d) or (3), and if the court determines that the juvenile has satisfactorily complied with the conditions of his or her dispositional order. Notwithstanding s. 938.396 (2), the court shall notify the department of corrections and the department of children and families promptly of any expungement under this paragraph.

13 **SECTION 92.** 938.50 (title) of the statutes, as affected by 2015 Wisconsin Act 55,
14 section 4703bm, is amended to read:

15 **938.50** (title) **Examination of juveniles under supervision of**
16 **department of corrections.**

NOTE: The underscored language was added by 2015 Wis. Act 55, section 4703b, effective 1–1–16, but not included in the treatment by section 4703bm. The treatment of s. 938.50 by section 4703bm should have included the underscored language.

17 **SECTION 93.** The treatment of 978.045 (1r) (intro.) of the statutes by 2015
18 Wisconsin Act 55 is not repealed by 2015 Wisconsin Act 64. Both treatments stand.

SENATE BILL 741**SECTION 93**

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 978.045 (1r) (bm) (intro.), as renumbered and amended from s. 978.045 (1r) (intro.) by 2015 Wis. Act 64, reads:

(bm) The judge may appoint an attorney as a special prosecutor at the request of a district attorney to assist the district attorney in the prosecution of persons charged with a crime, in grand jury proceedings, in proceedings under ch. 980, or in investigations. The judge may appoint an attorney as a special prosecutor only if the judge or the requesting district attorney submits an affidavit to the department of administration attesting that any of the following conditions exists:

1 **SECTION 94.** 2015 Wisconsin Act 55, section 2124s is amended by replacing
2 “71.05 (22) (dp) 1. *Deduction limits, 2000 and thereafter.* Except as” with “71.05 (22)
3 (dp) 1. Except as”.

NOTE: Section 71.05 (22) (dp) (title) was incorrectly shown in the text of 2015 Wis. Act 55 upon the renumbering of s. 71.05 (22) (dp) to 71.05 (22) (dp) 1.

4 **SECTION 95.** 2015 Wisconsin Act 55, section 3309t is amended by replacing
5 “118.52 (6) (a) 1. The school board” with “118.52 (6) (a) *Individualized education*
6 *program requirements.* The school board”.

NOTE: The number “1.” was added and the title (in italics) was omitted without being shown with strikes and underscoring. No change was intended.

7 **SECTION 96.** 2015 Wisconsin Act 89, section 52 is amended by replacing
8 “provided in par. (b)” with “provided ~~under~~ in par. (b)”.

NOTE: “In” replaced “under” without being shown with strikes and underscoring. The change was intended.

9 **SECTION 97.** 2015 Wisconsin Act 117, section 24h is amended by replacing “5.05
10 (2m) (e) 15. and 16. and (h)” with “5.05 (2m) (e) 15. and 16. and (i)”.

NOTE: The stricken statute text was incorrectly transcribed.

11 **SECTION 98.** 2015 Wisconsin Act 118, section 188 is amended by replacing
12 “19.47 (1), (2) and (4) to (10) of the statutes are created to read:” with “19.47 (1), (2)
13 and (4) to (11) of the statutes are created to read:”.

NOTE: Conforms action phrase to the subsections that were created in the text of 2015 Wis. Act 118, section 188.

14 **SECTION 99.** 2015 Wisconsin Act 118, section 192 is amended by replacing “~~this~~
15 ~~subchapter and~~” with “~~this subchapter or~~”.

SENATE BILL 741

NOTE: The stricken statute text was incorrectly transcribed.

1 **SECTION 100.** The treatment of NR 406.08 (1) of the administrative code by CR
2 13–057 is not repealed by CR 15–005. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, as required under s. 13.92 (4) (bm), s. NR 406.08 (1) reads:

(1) This section applies to actions on permits for which applications are received on or after August 1, 2015. This section does not apply to actions on applications for permits where the source commences construction, reconstruction, replacement, relocation, or modification prior to issuance of a construction permit. This section does not apply to construction permits which are subject to the notice, comment and hearing provisions of s. 293.43, 295.45, or 295.57, Stats.

3 **SECTION 101.** The treatment of NR 812.02 (2) of the administrative code by CR
4 13–099 is not repealed by CR 13–057. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, as required under s. 13.92 (4) (bm), s. NR 812.02 (2) reads:

(2) For the purposes of filling and sealing, the provisions of this chapter apply to all drillholes and wells including elevator shaft drillholes, unsuccessful or noncomplying heat exchange drillholes, mining exploration drillholes not regulated by ch. NR 132, or sub ch. III of ch. 295, Stats., and wells and drillholes not regulated by s. NR 141.25.

5 **SECTION 102. Renumbering and cross-reference changes under s. 13.92**
6 **(1) (bm) 2., stats.** Each statute listed in column A was renumbered to the statute
7 number in column B, and cross-references to the renumbered statute were changed
8 in the statutes listed in column C to agree with the renumbered statute, under
9 section 13.92 (1) (bm) 2. of the statutes:

NOTE: Confirms renumbering and corresponding cross-reference changes under s. 13.92 (1) (bm) 2.

A Statute Renumbered	B New Statute Number	C Statutes in Which Cross-References are Changed
11.01 (4m), as created by 2015 Wisconsin Act 118, effective 6–30–16	11.0101 (5m)	none

SENATE BILL 741**SECTION 102**

11.0101 (17) 1. and 2. as affected by 2015 Wisconsin Act 117	11.0101 (17) (a) and (b)	none
23.33 (2) (ir), as affected by 2015 Wisconsin Act 89, section 20, effective 3-1-16	23.33 (2) (ir) 1.	none
36.22 (6) (a), as created by 2015 Wisconsin Act 55	36.22 (6)	36.22 (17)
48.366 (3g) (a), as created by 2015 Wisconsin Act 55	48.366 (3g)	none
59.692 (1k) (a), as created by 2015 Wisconsin Act 55	59.692 (1k)	59.692 (1k) (a) 2., 59.692 (1k) (b)
66.0603 (1g) (a)	66.0603 (1g)	none
77.54 (62), as created by 2015 Wisconsin Act 60	77.54 (62m)	none
115.385 (1m), as created by 2015 Wisconsin Act 55	115.385 (1g)	none
448.981 (4) 1., 2., and 3., as created by 2015 Wisconsin Act 116	448.981 (4) (a), (b), and (c)	none

1 **SECTION 103. Effective dates.** This act takes effect on the day after
2 publication, except as follows:

3 (1) The treatment of sections 5.05 (1e) (title), (2m) (c) 7., and (5e), 6.275 (1)
4 (intro.), 6.36 (1) (b) 1. b., 6.87 (3) (b), 7.08 (intro.), 7.31 (3), 8.185 (1), 12.01 (intro.),
5 13.63 (1) (a), 13.75 (1r), 15.61 (1) (a) 5. and 6., 15.62 (1) (a) 5. and 6., 19.49 (2g), and
6 20.510 (1) (a) and (e) of the statutes takes effect on June 30, 2016.

