

# State of Wisconsin



2003 Senate Bill 564

Date of enactment: **May 27, 2004**  
Date of publication\*: **June 11, 2004**

## 2003 WISCONSIN ACT 326

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

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

**SECTION 1.** 6.35 (3) of the statutes, as affected by 2003 Wisconsin Act .... (Assembly Bill 600), is amended to read:

6.35 (3) Original registration records forms shall be maintained in the office of the municipal clerk or board of election commissioners at all times.

NOTE: 2003 Wis. Act (AB 600) inserted "records" and deleted "forms" without strikes and scores. No change was intended.

**SECTION 2.** 6.50 (7) of the statutes, as affected by 2003 Wisconsin Act .... (Assembly Bill 600), is amended to read:

6.50 (7) When an elector's registration is changed from eligible to ineligible status, the municipal clerk shall make an entry on the registration list, giving the date of and cause reason for the change.

NOTE: Deletes word inadvertently retained by 2003 Wis. Act (AB 600).

**SECTION 3.** 16.527 (7) (a) 2. of the statutes, as created by 2003 Wisconsin Act 33, is amended to read:

16.527 (7) (a) 2. A determination by the department that a refinancing is advantageous or that any of the

amounts provided under subd. 1. should be included in the refinancing shall be conclusive.

NOTE: Inserts missing word.

**SECTION 4.** 20.115 (2) (j) of the statutes, as affected by 2003 Wisconsin Act 133, section 2, is amended to read:

20.115 (2) (j) *Dog licenses, rabies control and related services.* All moneys received under ss. 95.21 (9) (c), 173.27, ~~173.40~~, and 174.09 (1) and (3), to provide dog license tags and forms under s. 174.07 (2), to perform other program responsibilities under ch. 174, to administer the rabies control program under s. 95.21, to help administer the rabies control media campaign, and to carry out activities under s. 93.07 (11) and ch. 173.

NOTE: Section 173.40 was repealed by 2003 Wis. Act 33.

**SECTION 5.** 20.245 (1) (j) of the statutes is amended to read:

20.245 (1) (j) *Self-amortizing facilities; principal repayment, interest, and rebates.* A sum sufficient from the revenues received under pars. ~~(g) and (h)~~ and (r) to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing the acquisition, construction, development, enlargement, or improvement of facilities of the historical society and to make the payments determined by the building commission under

\* Section 991.11, WISCONSIN STATUTES 2001-02 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

s. 13.488 (1) (m) that are attributable to the proceeds of obligations incurred in financing such facilities.

NOTE: Corrects cross-reference. 2003 Wis. Act 91 renumbered s. 20.245 (1) (g) to s. 20.245 (1) (r).

**SECTION 6.** 20.435 (1) (gm) of the statutes is amended to read:

20.435 (1) (gm) *Licensing, review and certifying activities; fees; supplies and services.* The amounts in the schedule for the purposes specified in ss. 146.50 (8), 250.05 (6), 252.23, 252.24, 252.245, 254.176, 254.178, 254.179, 254.20 (5) and (8), 254.31 to 254.39, 254.41, 254.47, 254.61 to ~~254.89~~ 254.88 and 255.08 (2) and ch. 69, for the purchase and distribution of medical supplies and to analyze and provide data under s. 250.04. All moneys received under ss. 146.50 (5) (f), (8) (d), 250.04 (3m), 250.05 (6), 252.23 (4) (a), 252.24 (4) (a), 252.245 (9), 254.176, 254.178, 254.181, 254.20 (5) and (8), 254.31 to 254.39, 254.41, 254.47, 254.61 to ~~254.89~~ 254.88 and 255.08 (2) (b) and ch. 69 and as reimbursement for medical supplies shall be credited to this appropriation account.

NOTE: 2003 Wis. Act 33 renumbered s. 254.89 to s. 97.24 (5) and moved the responsibilities under s. 254.89 from DHFS to DATCP.

**SECTION 7.** The treatment of 20.455 (2) (i) of the statutes by 2003 Wisconsin Act 33 is not repealed by 2003 Wisconsin Act 139. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 20.455 (2) (i) reads:

(i) *Penalty surcharge, receipts.* The amounts in the schedule for the purposes of s. 165.85 (5) (b) and for crime laboratory equipment. All moneys received from the penalty surcharge on court fines and forfeitures as allocated to this appropriation account under s. 757.05 (2) (a), and all moneys transferred under 2003 Wisconsin Act 33, sections 9201 (1p), 9210 (1p), 9215 (1) (gp), 9232 (1p), 9240 (1p), and 9241 (1p), shall be credited to this appropriation account. Moneys may be transferred from this paragraph to pars. (j), (ja), and (jb) by the secretary of administration for expenditures based upon determinations by the department of justice.

**SECTION 8.** The treatment of 20.475 (1) (i) of the statutes by 2003 Wisconsin Act 33 is not repealed by 2003 Wisconsin Act 139. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 20.475 (1) (i) reads:

(i) *Other employees.* The amounts in the schedule to reimburse Milwaukee County for the costs of clerks necessary for the prosecution of violent crime cases under s. 978.13 (1) (c), clerks providing clerical services under s. 978.13 (1) (b) to prosecutors handling cases involving felony violations under ch. 961, and clerks providing clerical services under s. 978.13 (1) (d) to prosecutors handling cases involving the unlawful possession or use of firearms. All moneys received under s. 814.86 (1m) shall be credited to this appropriation account.

**SECTION 9.** The treatment of 20.530 (1) (ja) of the statutes by 2003 Wisconsin Act 33 is not repealed by 2003 Wisconsin Act 139. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 20.505 (1) (ja), as renumbered from s. 20.530 (1) (ja) by 2003 Wis. Act 33, reads:

(ja) *Justice information systems.* The amounts in the schedule for the development and operation of automated justice information systems under s. 16.971 (9). Two-ninths of the moneys received under s. 814.86 (1) shall be credited to this appropriation account.

**SECTION 10.** The treatment of 20.505 (6) (j) (intro.) of the statutes by 2003 Wisconsin Act 33 is not repealed by 2003 Wisconsin Act 139. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 20.505 (6) (j) (intro.) reads:

(j) *Penalty surcharge receipts.* (intro.) All moneys received from the penalty surcharge under s. 757.05 (2) (b) on court fines and forfeitures and all moneys transferred under 2003 Wisconsin Act 33, sections 9201 (1p), 9210 (1p), 9215 (1) (gp), 9232 (1p), 9240 (1p), and 9241 (1p), for the purpose of transferring the following amounts to the following appropriation accounts:

**SECTION 11.** 20.924 (4) of the statutes is amended to read:

20.924 (4) In addition to the authorized building program for the historical society, the society may expend any funds which are made available from the appropriations under s. 20.245 (1) (a), ~~(g)~~, (h), (m), ~~and~~ (n), and ~~(r)~~.

NOTE: Corrects cross-reference. 2003 Wis. Act 91 renumbered s. 20.245 (1) (g) to s. 20.245 (1) (r).

**SECTION 12.** The treatment of 21.18 (3) of the statutes by 2003 Wisconsin Act 25 is not repealed by 2003 Wisconsin Act 69. Both treatments stand.

NOTE: There is no conflict of substance. The amendment of s. 21.18 (3) by 2003 Wis. Act 25 divided that provision into 3 parts, subs. (3), (4), and (5). As merged by the revisor, s. 21.18 (3), (4), and (5) read:

(3) All staff officers appointed under sub. (1), except the adjutant general whose tenure is governed by ss. 15.31 and 17.07 (5), shall hold their positions unless terminated earlier by resignation, disability, or for cause or unless federal recognition of the officer's commission under 32 USC 323 is refused or withdrawn. The governor shall remove an officer whose federal recognition is refused or withdrawn, effective on the date of the loss of federal recognition.

(4) The terms of the deputy adjutants general for army and air shall be 5 years beginning on the first day of the 7th month of the term of the adjutant general. The deputy adjutants general may be reappointed to successive terms.

(5) The adjutant general shall appoint persons to fill vacancies in positions in the military staff of the governor. Vacancies on the military staff of the governor shall be filled by appointment from officers actively serving in the national guard, except as provided in s. 15.31. Interim vacancies shall be filled by appointment by the adjutant general for the residue of the unexpired term.

**SECTION 13.** The treatment of 23.33 (4c) (b) 4. of the statutes by 2003 Wisconsin Act 30 is not repealed by 2003 Wisconsin Act 97. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 23.33 (4c) (b) 4. a., as renumbered from s. 23.33 (4c) (b) 4. by 2003 Wis. Act 97, reads:

a. In an action under this paragraph, the defendant has a defense if he or she proves by a preponderance of the evidence that the injury would have occurred even if he or she had been exercising due care and he or she had not been under the influence of an intoxicant, did not have an alcohol concentration of 0.08 or more, or did not have a detectable amount of a restricted controlled substance in his or her blood.

**SECTION 14.** 23.85 of the statutes, as affected by 2003 Wisconsin Acts 33 and 139, is amended to read:

**23.85 Statement to county board; payment to state.** Every county treasurer shall, on the first day of the annual meeting of the county board of supervisors, submit to it a verified statement of all forfeitures, costs, fees, and surcharges imposed under ch. 814 and received during the previous year. The county clerk shall deduct all expenses incurred by the county in recovering those forfeitures, costs, fees, and surcharges from the aggregate amount so received, and shall immediately certify the amount of clear proceeds of those forfeitures, costs, fees, and surcharges to the county treasurer, who shall pay the proceeds to the state as provided in s. 59.25 (3). Jail surcharges imposed under ch. 814 shall be treated separately as provided in s. 302.46.

NOTE: Deletes commas inserted by 2003 Wis. Act 33, but rendered superfluous by 2003 Wis. Act 139.

**SECTION 15.** The treatment of 29.983 (1) (e) of the statutes by 2003 Wisconsin Act 33 is not repealed by 2003 Wisconsin Act 139. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, effective 7-1-04, s. 29.983 (1) (e) reads:

(e) If any deposit is made for an offense to which this section applies, the person making the deposit shall also deposit a sufficient amount to include the wild animal protection surcharge under this section. If the deposit is forfeited, the amount of the wild animal protection surcharge shall be transmitted to the secretary of administration under par. (f). If the deposit is returned, the wild animal protection surcharge shall also be returned.

**SECTION 16.** The treatment of 29.983 (1) (f) of the statutes by 2003 Wisconsin Act 33 is not repealed by 2003 Wisconsin Act 139. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, effective 7-1-04, s. 29.983 (1) (f) reads:

(f) The clerk of the court shall collect and transmit to the county treasurer the wild animal protection surcharge and other amounts required under s. 59.40 (2) (m). The county treasurer shall then make payment to the secretary of administration as provided in s. 59.25 (3) (f) 2.

**SECTION 17.** The treatment of 29.985 (1) (c) of the statutes by 2003 Wisconsin Act 33 is not repealed by 2003 Wisconsin Act 139. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, effective 7-1-04, s. 29.985 (1) (c) reads:

(c) If any deposit is made for an offense to which this section applies, the person making the deposit shall also deposit a sufficient amount to include the fishing shelter removal surcharge under this section. If the deposit is forfeited, the amount of the fishing shelter removal surcharge shall be trans-

mitted to the secretary of administration under par. (d). If the deposit is returned, the fishing shelter removal surcharge shall also be returned.

**SECTION 18.** The treatment of 29.985 (1) (d) of the statutes by 2003 Wisconsin Act 33 is not repealed by 2003 Wisconsin Act 139. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, effective 7-1-04, s. 29.985 (1) (d) reads:

(d) The clerk of the court shall collect and transmit to the county treasurer the fishing shelter removal surcharge and other amounts required under s. 59.40 (2) (m). The county treasurer shall then make payment to the secretary of administration as provided in s. 59.25 (3) (f) 2.

**SECTION 19.** The treatment of 29.987 (1) (c) of the statutes by 2003 Wisconsin Act 33 is not repealed by 2003 Wisconsin Act 139. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, effective 7-1-04, s. 29.987 (1) (c) reads:

(c) If any deposit is made for an offense to which this section applies, the person making the deposit shall also deposit a sufficient amount to include the natural resources surcharge under this section. If the deposit is forfeited, the amount of the natural resources surcharge shall be transmitted to the secretary of administration under par. (d). If the deposit is returned, the natural resources surcharge shall also be returned.

**SECTION 20.** 29.987 (1) (d) of the statutes, as affected by 2003 Wisconsin Acts 33 and 139, is amended to read:

29.987 (1) (d) The clerk of the court shall collect and transmit to the county treasurer the natural resources surcharge and other amounts required under s. 59.40 (2) (m). The county treasurer shall then make payment to the ~~state treasurer~~ secretary of administration as provided in s. 59.25 (3) (f) 2. The secretary of administration shall deposit the amount of the natural resources surcharge in the conservation fund.

NOTE: 2003 Wis. Act 33 changed state treasurer to secretary of administration in s. 59.25 (3) (f) 2.

**SECTION 21.** The treatment of 29.989 (1) (c) of the statutes by 2003 Wisconsin Act 33 is not repealed by 2003 Wisconsin Act 139. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, effective 7-1-04, s. 29.989 (1) (c) reads:

(c) If any deposit is made for an offense to which this section applies, the person making the deposit shall also deposit a sufficient amount to include the natural resources restitution surcharge under this section. If the deposit is forfeited, the amount of the natural resources restitution surcharge shall be transmitted to the secretary of administration under par. (d). If the deposit is returned, the natural resources restitution surcharge shall also be returned.

**SECTION 22.** The treatment of 29.989 (1) (d) of the statutes by 2003 Wisconsin Act 33 is not repealed by 2003 Wisconsin Act 139. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, effective 7-1-04, s. 29.989 (1) (d) reads:

(d) The clerk of the court shall collect and transmit to the county treasurer the natural resources restitution surcharge and other amounts required under s. 59.40 (2) (m). The county

treasurer shall then make payment to the secretary of administration as provided in s. 59.25 (3) (f) 2. The secretary of administration shall deposit the amount of the natural resources restitution surcharge in the conservation fund.

**SECTION 23.** 30.12 (1m) (title) of the statutes is created to read:

30.12 (1m) (title) DUCK CREEK DRAINAGE DISTRICT STRUCTURES AND DEPOSITS.

NOTE: 2003 Wis. Act 118 inadvertently repealed the title to s. 30.12 (4m), which was renumbered s. 30.12 (1m) by Act 118.

**SECTION 24.** 30.206 (1m) (title) of the statutes is created to read:

30.206 (1m) (title) GENERAL PERMIT FOR CERTAIN UTILITY FACILITIES.

NOTE: After 2003 Wis. Act 118, the remainder of the subsections in s. 30.206 have titles.

**SECTION 25.** 30.206 (7) (title) of the statutes is created to read:

30.206 (7) (title) INAPPLICABILITY.

NOTE: After 2003 Wis. Act 118, the remainder of the subsections in s. 30.206 have titles.

**SECTION 26.** 30.209 (2) (b) of the statutes, as created by 2003 Wisconsin Act 118, is amended to read:

30.209 (2) (b) If a stay under sub. (1) (1m) (c) is in effect, the hearing examiner shall, within 30 days after receipt of the referral under sub. (1) (1m) (g), determine whether continuation of the stay is necessary to prevent significant adverse impacts or irreversible harm to the environment pending completion of the hearing. The hearing examiner shall make the determination based on the request under sub. (1) (1m) (c), any response from the applicant under sub. (1) (1m) (e), and any testimony at a public hearing or any public comments. The determination shall be made without a hearing.

NOTE: Inserts correct cross-reference.

**SECTION 27.** 30.209 (2) (c) of the statutes, as created by 2003 Wisconsin Act 118, is amended to read:

30.209 (2) (c) A hearing under this section shall be completed within 90 days after receipt of the referral of the petition under sub. (1) (1m) (g), unless all parties agree to an extension of that period. In addition, a hearing examiner may grant a one-time extension for the completion of the hearing of up to 60 days on the motion of any party and a showing of good cause demonstrating extraordinary circumstances justifying an extension.

NOTE: Inserts correct cross-reference.

**SECTION 28.** The treatment of 30.681 (2) (d) 1. of the statutes by 2003 Wisconsin Act 30 is not repealed by 2003 Wisconsin Act 97. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 30.681 (2) (d) 1. a., as renumbered from s. 30.681 (2) (d) 1. by 2003 Wis. Act 97, reads:

a. In an action under this subsection for a violation of the intoxicated boating law where the defendant was operating a

motorboat that is not a commercial motorboat, the defendant has a defense if he or she proves by a preponderance of the evidence that the injury would have occurred even if he or she had been exercising due care and he or she had not been under the influence of an intoxicant or did not have an alcohol concentration of 0.08 or more or a detectable amount of a restricted controlled substance in his or her blood.

**SECTION 29.** 40.95 (2) of the statutes, as affected by 2003 Wisconsin Act 117, is amended to read:

40.95 (2) The department is not required to administer any program that provides health insurance premium credits for the purchase of health insurance for a retired employee, or the retired employee's surviving insured dependents; for an eligible employee under s. 40.02 (25) (b) 6e., or the eligible employee's surviving insured dependents; for an employee who is laid off, but who is not on a temporary, school year, seasonal, or sessional layoff, and his or her surviving insured dependents; and for the surviving insured dependents of an employee who dies while employed by the state, if the department determines that the program does not conform to the program approved by the joint committee on employment relations under s. 230.12 (9).

NOTE: The underscored comma was deleted by 2003 Wis. Act 117 without being shown as stricken. No change was intended.

**SECTION 30.** 51.13 (5) of the statutes is amended to read:

51.13 (5) APPEAL. Any person who is aggrieved by a determination or order under this section and who is directly affected thereby may appeal to the court of appeals under s. ~~809.40~~ 809.30.

NOTE: Corrects cross-reference. Prior to the adoption of Sup. Ct. Order No. 02-01, appeals of cases under chs. 51 and 55 were made under s. 809.40 (1). Sup. Ct. Order No. 02-01 repealed s. 809.40 (1) and amended s. 809.30 to apply to chs. 51 and 55 appeals but did not treat cross-references to s. 809.40.

**SECTION 31.** 51.14 (5) of the statutes is amended to read:

51.14 (5) APPEAL. Any person who is aggrieved by a determination or order under sub. (4) and who is directly affected by the determination or order may appeal to the court of appeals under s. ~~809.40~~ 809.30.

NOTE: Corrects cross-reference. Prior to the adoption of Sup. Ct. Order No. 02-01, appeals of cases under chs. 51 and 55 were made under s. 809.40 (1). Sup. Ct. Order No. 02-01 repealed s. 809.40 (1) and amended s. 809.30 to apply to chs. 51 and 55 appeals but did not treat cross-references to s. 809.40.

**SECTION 32.** 51.20 (15) of the statutes is amended to read:

51.20 (15) APPEAL. An appeal may be taken to the court of appeals within the time period specified in s. 808.04 (3) in accordance with s. ~~809.40~~ 809.30 by the subject of the petition or the individual's guardian, by any petitioner, or by the representative of the public.

NOTE: Corrects cross-reference. Prior to the adoption of Sup. Ct. Order No. 02-01, appeals of cases under chs. 51 and

55 were made under s. 809.40 (1). Sup. Ct. Order No. 02-01 repealed s. 809.40 (1) and amended s. 809.30 to apply to ch. 51 and 55 appeals but did not treat cross-references to s. 809.40.

**SECTION 33.** 55.06 (18) of the statutes is amended to read:

55.06 (18) An appeal may be taken to the court of appeals from a final judgment or final order under this section within the time period specified in s. 808.04 (3) and in accordance with s. ~~809.40~~ 809.30 by the subject of the petition or the individual's guardian, by any petitioner, or by the representative of the public.

NOTE: Corrects cross-reference. Prior to the adoption of Sup. Ct. Order No. 02-01, appeals of cases under chs. 51 and 55 were made under s. 809.40 (1). Sup. Ct. Order No. 02-01 repealed s. 809.40 (1) and amended s. 809.30 to apply to ch. 51 and 55 appeals but did not treat cross-references to s. 809.40.

**SECTION 34.** The treatment of 59.25 (3) (f) 1. of the statutes by 2003 Wisconsin Act 33 is not repealed by 2003 Wisconsin Act 139. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, effective 7-1-04, s. 59.25 (3) (f) 1. reads:

1. Except as provided in subd. 2., transmit to the secretary of administration at the time required by law to pay the state taxes a particular statement, certified by the county treasurer's personal signature affixed or attached thereto, of all moneys received by him or her during the preceding year and which are payable to the secretary of administration for licenses, fines, forfeitures, or on any other account, and at the same time pay to the secretary of administration the amount thereof after deducting the legal fees.

**SECTION 35.** The treatment of 59.25 (3) (f) 2. of the statutes by 2003 Wisconsin Act 33 is not repealed by 2003 Wisconsin Act 139. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, effective 7-1-04, s. 59.25 (3) (f) 2. reads:

2. For all court imposed fines and forfeitures, plus costs, fees, and surcharges imposed under ch. 814, required by law to be deposited in the state treasury, transmit to the secretary of administration a statement of all moneys required by law to be paid on the actions entered during the preceding month on or before the first day of the next succeeding month, certified by the county treasurer's personal signature affixed or attached thereto, and at the same time pay to the secretary of administration the amount of the money transmitted.

**SECTION 36.** 59.25 (3) (k) of the statutes, as affected by 2003 Wisconsin Acts 33 and 139, is amended to read:

59.25 (3) (k) Forward 40% of the state forfeitures and fines, under ch. 348 to the secretary of administration for deposit in the transportation fund under s. 25.40 (1) (ig).

NOTE: The stricken comma was inserted by 2003 Wis. Act 33 but rendered superfluous by 2003 Wis. Act 139.

**SECTION 37.** 59.40 (2) (m) of the statutes, as affected by 2003 Wisconsin Acts 33 and 139, is amended to read:

59.40 (2) (m) Pay monthly to the ~~secretary of administration~~ treasurer for the use of the state the state's percentage of the costs, fees, and surcharges imposed under

ch. 814 that are required to be paid on each civil action, criminal action, and special proceeding filed during the preceding month and pay monthly to the ~~secretary of administration~~ treasurer for the use of the state the percentage of court imposed fines and forfeitures that are required by law to be deposited in the state treasury. The payments shall be made by the 15th day of the month following receipt of the payments.

NOTE: 2003 Wisconsin Act 33 replaced "secretary of administration" throughout the statutes in order to transfer certain functions from the state treasurer to the secretary or department of administration. The change was made inadvertently to this provision. In chapter 59, treasurer means the county treasurer, not the state treasurer. The stricken commas were inserted by 2003 Wis. Act 33 but rendered superfluous by 2003 Wis. Act 139.

**SECTION 38.** 60.85 (1) (h) 1. k. of the statutes, as created by 2003 Wisconsin Act .... (Assembly Bill 437), is amended to read:

60.85 (1) (h) 1. k. Costs for the removal, or containment, of lead contamination in buildings or infrastructure if the town declares that such lead contamination is a public health concern.

NOTE: Deletes unnecessary commas.

**SECTION 39.** 60.85 (1) (h) 2. c. of the statutes, as created by 2003 Wisconsin Act .... (Assembly Bill 437), is amended to read:

60.85 (1) (h) 2. c. General government operating expenses, unrelated to the planning or development of a tax incremental district.

NOTE: Deletes unnecessary comma.

**SECTION 40.** 60.85 (6) (b) 3. of the statutes, as created by 2003 Wisconsin Act .... (Assembly Bill 437), is amended to read:

60.85 (6) (b) 3. The limitations on the period during which expenditures may be made under subd. 1. do not apply to expenditures authorized by the adoption of an amendment to the project plan under sub. (3) (j), except that in no case may the total number of years during which expenditures are made exceed 7 years.

NOTE: Inserts missing word.

**SECTION 41.** 60.85 (7) (a) of the statutes, as created by 2003 Wisconsin Act .... (Assembly Bill 437), is amended to read:

60.85 (7) (a) Any person who operates for profit and is paid project costs under sub. (1) (h) 1. a., d., i. and j. in connection with the project plan for a tax incremental district shall notify the department of workforce development and the local workforce development board established under 29 USC 2832, of any positions to be filled in the county in which the town which created the tax incremental district is located during the period commencing with the date the person first performs work on the project and ending one year after receipt of its final payment of project costs. The person shall provide this notice at least 2 weeks prior to advertising the position.

NOTE: Deletes unnecessary comma.

**SECTION 42.** 60.85 (7) (b) of the statutes, as created by 2003 Wisconsin Act .... (Assembly Bill 437), is amended to read:

60.85 (7) (b) Any person who operates for profit and buys or leases property in a tax incremental district from a town for which the town incurs real property assembly costs under sub. (1) (h) 1. c. shall notify the department of workforce development and the local workforce development board established under 29 USC 2832, of any position to be filled in the county in which the town creating the tax incremental district is located within one year after the sale or commencement of the lease. The person shall provide this notice at least 2 weeks prior to advertising the position.

NOTE: Deletes unnecessary comma.

**SECTION 43.** 60.85 (10) (c) (intro.) of the statutes, as created by 2003 Wisconsin Act .... (Assembly Bill 437), is amended to read:

60.85 (10) (c) (intro.) Not later than February 15 of the year immediately following the year in which a town transmits to the department of revenue the notice required under par. (a), the town shall send to the department, on a form prescribed by the department, all of the following information that relates to the terminated tax incremental district:

NOTE: Inserts comma.

**SECTION 44.** 60.85 (10) (c) 3. of the statutes, as created by 2003 Wisconsin Act .... (Assembly Bill 437), is amended to read:

60.85 (10) (c) 3. The total amount of positive tax increments received by a the town.

NOTE: Replaces article consistent with the remainder of s. 60.85 (10) (c).

**SECTION 45.** 62.23 (7) (hg) 1. of the statutes, as created by 2003 Wisconsin Act .... (Assembly Bill 858), is amended to read:

62.23 (7) (hg) 1. In this paragraph, "amortization ordinance" means an ordinance that allows the continuance of the lawful use of a nonconforming building, premises, structure, or fixture that may be lawfully used as described under par. (h), but only for a specified period of time, after which the lawful use of such building, premises, structure, or fixture must be discontinued without the payment of just compensation.

NOTE: Corrects punctuation.

**SECTION 46.** The treatment of 66.0114 (1) (bm) of the statutes by 2003 Wisconsin Act 33 is not repealed by 2003 Wisconsin Act 139. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, effective 7-1-04, s. 66.0114 (1) (bm) reads:

(bm) The official receiving the penalties shall remit all moneys collected to the treasurer of the city, village, town sanitary district, or public inland lake protection and rehabilita-

tion district in whose behalf the sum was paid, except that all jail surcharges imposed under ch. 814 shall be remitted to the county treasurer, within 20 days after their receipt by the official. If timely remittance is not made, the treasurer may collect the payment of the officer by action, in the name of the office, and upon the official bond of the officer, with interest at the rate of 12% per year from the date on which it was due. In the case of any other costs, fees, and surcharges imposed under ch. 814, the treasurer of the city, village, town sanitary district, or public inland lake protection and rehabilitation district shall remit to the secretary of administration the amount required by law to be paid on the actions entered during the preceding month on or before the first day of the next succeeding month. The governing body of the city, village, town sanitary district, or public inland lake protection and rehabilitation district shall by ordinance designate the official to receive the penalties and the terms under which the official qualifies.

**SECTION 47.** 66.1105 (4m) (b) 4. of the statutes, as created by 2003 Wisconsin Act 126, is renumbered 66.1105 (4m) (b) 4m.

NOTE: 2003 Wis. Act 127 also created a provision numbered 66.1105 (4m) (b) 4.

**SECTION 48.** The treatment of 66.1105 (5) (a) of the statutes by 2003 Wisconsin Act 126 is not repealed by 2003 Wisconsin Act 127. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, effective 10-1-04, s. 66.1105 (5) (a) reads:

(a) Subject to sub. (8) (d), upon the creation of a tax incremental district or upon adoption of any amendment subject to par. (c), its tax incremental base shall be determined as soon as reasonably possible. The department of revenue may impose a fee of \$1,000 on a city to determine or redetermine the tax incremental base of a tax incremental district under this subsection.

**SECTION 49.** 66.1105 (7) (am) 3. of the statutes, as created by 2003 Wisconsin Act 194, is amended to read:

66.1105 (7) (am) 3. For a district that is created after September 30, 2004, about which a finding is made under sub. (4) (gm) 4. a. that not less than 50 percent, by area, of the real property within the district is a blighted area or in need of rehabilitation, 27 years after the district is created, except that the city that created the district may, subject to sub. (8) (e), request that the joint review board extend the life of the district for an additional 3 years. Along with its request for a 3-year extension, the city may provide the joint review board with an independent audit that demonstrates that the district is unable to pay off its project costs within the 27 years after the district is created. The joint review board may deny or approve a request to extend the life of the district for 3 years if the request does not include the independent audit, and the board shall approve a request to extend the life of the district for 3 years if the request includes the audit. If the joint review board extends the district's life, the district shall terminate at the earlier of the end of the extended period or the period specified in par. (a).

NOTE: Inserts missing word.

**SECTION 50.** 66.1105 (8) (c) (intro.) of the statutes, as created by 2003 Wisconsin Act 126, is amended to read:

66.1105 (8) (c) (intro.) After a city transmits to the department of revenue the notice required under par. (a), the city and the department shall agree on a date by which the city shall send to the department, on a form prescribed by the department, all of the following information that relates to the terminated tax incremental district:

NOTE: Inserts missing comma.

**SECTION 51.** The treatments of 71.05 (6) (a) 15. of the statutes by 2003 Wisconsin Act 135 is not repealed by 2003 Wisconsin Act .... (Senate Bill 261). Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, effective 7-1-04, s. 71.05 (6) (a) 15. reads:

15. The amount of the credits computed under s. 71.07 (2dd), (2de), (2di), (2dj), (2dL), (2dm), (2dr), (2ds), (2dx), (3g), (3n), (3s), (3t), (5b), and (5d) and not passed through by a partnership, limited liability company, or tax-option corporation that has added that amount to the partnership's, company's, or tax-option corporation's income under s. 71.21 (4) or 71.34 (1) (g).

**SECTION 52.** The treatment of 71.07 (3s) (c) 1. of the statutes by 2003 Wisconsin Act 99 is not repealed by 2003 Wisconsin Act .... (Assembly Bill 508). Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor s. 71.07 (3s) (c) 1. reads:

1. The credit under par. (b), including any credits carried over, may be offset only against the amount of the tax imposed upon or measured by the business operations of the claimant in which the fuel and electricity are consumed. Except as provided in subd. 7., if the credit computed is not entirely offset against taxes otherwise due, the unused balance shall be carried forward and credited against taxes otherwise due for the following 20 taxable years to the extent not offset by taxes otherwise due in all intervening years between the year in which the expense was incurred and the year in which the carry-forward credit is claimed.

**SECTION 53.** 71.08 (1) (intro.) of the statutes, as affected by 2003 Wisconsin Acts 135 and .... (Senate Bill 261), is amended to read:

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

NOTE: Deletes "and" inserted by 2003 Wis. Act 135 but rendered superfluous by 2003 Wis. Act 99.

**SECTION 54.** The treatments of 71.21 (4) of the statutes by 2003 Wisconsin Act 135 is not repealed by 2003 Wisconsin Act .... (Senate Bill 261). Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, effective 7-1-04, s. 71.21 (4) reads:

(4) Credits computed by a partnership under s. 71.07 (2dd), (2de), (2di), (2dj), (2dL), (2dm), (2ds), (2dx), (3g), (3n), (3s), (3t), and (5b) and passed through to partners shall be added to the partnership's income.

**SECTION 55.** 71.26 (2) (a) of the statutes, as affected by 2003 Wisconsin Acts 135, and .... (Senate Bill 261), is amended to read:

71.26 (2) (a) *Corporations in general.* The "net income" of a corporation means the gross income as computed under the Internal Revenue Code as modified under sub. (3) minus the amount of recapture under s. 71.28 (1di) plus the amount of credit computed under s. 71.28 (1), (3), (4), and (5); minus, as provided under s. 71.28 (3) (c) 7., the amount of the credit under s. 71.28 (3) that the taxpayer added to income under this paragraph at the time that the taxpayer first claimed the credit plus the amount of the credit computed under s. 71.28 (1dd), (1de), (1di), (1dj), (1dL), (1dm), (1ds), (1dx), (3g), and (3n), (3t), and (5b) and not passed through by a partnership, limited liability company, or tax-option corporation that has added that amount to the partnership's, limited liability company's, or tax-option corporation's income under s. 71.21 (4) or 71.34 (1) (g) plus the amount of losses from the sale or other disposition of assets the gain from which would be wholly exempt income, as defined in sub. (3) (L), if the assets were sold or otherwise disposed of at a gain and minus deductions, as computed under the Internal Revenue Code as modified under sub. (3), plus or minus, as appropriate, an amount equal to the difference between the federal basis and Wisconsin basis of any asset sold, exchanged, abandoned, or otherwise disposed of in a taxable transaction during the taxable year, except as provided in par. (b) and s. 71.45 (2) and (5).

NOTE: Deletes "and" inserted by 2003 Wis. Act 135 but rendered superfluous by 2003 Wis. Act 99. The stricken comma was inserted by 2003 Wis. Act .... (Senate Bill 261) without being shown as scored; no change was intended.

**SECTION 56.** The treatment of 71.28 (3) (c) 1. of the statutes by 2003 Wisconsin Act 99 is not repealed by 2003 Wisconsin Act .... (Assembly Bill 508). Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor s. 71.28 (3) (c) 1. reads:

1. Except as provided in subd. 7., if the credit computed under par. (b) is not entirely offset against Wisconsin income or franchise taxes otherwise due, the unused balance shall be carried forward and credited against Wisconsin income or franchise taxes otherwise due for the following 20 taxable years to the extent not offset by these taxes otherwise due in all intervening years between the year in which the expense

was incurred and the year in which the carry-forward credit is claimed.

**SECTION 57.** 71.34 (1) (g) of the statutes, as affected by 2003 Wisconsin Acts 135 and .... (Senate Bill 261) is amended to read:

71.34 (1) (g) An addition shall be made for credits computed by a tax-option corporation under s. 71.28 (1dd), (1de), (1di), (1dj), (1dL), (1dm), (1ds), (1dx), (3), (3g), and (3n), (3t), and (5b) and passed through to shareholders.

NOTE: Deletes "and" inserted by 2003 Wis. Act 135, but rendered superfluous by 2003 Wis. Act 99.

**SECTION 58.** 71.45 (2) (a) 10. of the statutes, as affected by 2003 Wisconsin Acts 135 and 2003 Wisconsin Act .... (Senate Bill 261), is amended to read:

71.45 (2) (a) 10. By adding to federal taxable income the amount of credit computed under s. 71.47 (1dd) to (1dx) and, (3n), and (5b) and not passed through by a partnership, limited liability company, or tax-option corporation that has added that amount to the partnership's, limited liability company's, or tax-option corporation's income under s. 71.21 (4) or 71.34 (1) (g) and the amount of credit computed under s. 71.47 (1), (3), (3t), (4), and (5).

NOTE: Deletes "and" inserted by 2003 Wis. Act 135 but rendered superfluous by 2003 Wis. Act (SB 261).

**SECTION 59.** The treatment of 71.47 (3) (c) 1. of the statutes by 2003 Wisconsin Act 99 is not repealed by 2003 Wisconsin Act .... (Assembly Bill 508). Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, effective 7-1-04, s. 71.47 (3) (c) 1. reads:

1. Except as provided in subd. 7., if the credit computed under par. (b) is not entirely offset against Wisconsin income or franchise taxes otherwise due, the unused balance shall be carried forward and credited against Wisconsin income or franchise taxes otherwise due for the following 20 taxable years to the extent not offset by these taxes otherwise due in all intervening years between the year in which the expense was incurred and the year in which the carry-forward credit is claimed.

**SECTION 60.** The treatment of 77.92 (4) of the statutes by 2003 Wisconsin Act 135 is not repealed by 2003 Wisconsin Act .... (Senate Bill 261). Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, effective 7-1-04, s. 71.92 (4) reads:

(4) "Net business income," with respect to a partnership, means taxable income as calculated under section 703 of the Internal Revenue Code; plus the items of income and gain under section 702 of the Internal Revenue Code, including taxable state and municipal bond interest and excluding non-taxable interest income or dividend income from federal government obligations; minus the items of loss and deduction under section 702 of the Internal Revenue Code, except items that are not deductible under s. 71.21; plus guaranteed payments to partners under section 707 (c) of the Internal Revenue Code; plus the credits claimed under s. 71.07 (2dd), (2de), (2di), (2dj), (2dL), (2dm), (2dr), (2ds), (2dx), (3g), (3n), (3s),

(3t), and (5b); and plus or minus, as appropriate, transitional adjustments, depreciation differences, and basis differences under s. 71.05 (13), (15), (16), (17), and (19); but excluding income, gain, loss, and deductions from farming. "Net business income," with respect to a natural person, estate, or trust, means profit from a trade or business for federal income tax purposes and includes net income derived as an employee as defined in section 3121 (d) (3) of the Internal Revenue Code.

**SECTION 61.** 77.9961 (1) (e) of the statutes, as created by 2003 Wisconsin Act .... (Senate Bill 324), is amended to read:

77.9961 (1) (e) The department may revoke a license issued under this subsection, if the person who holds the license fails to comply with any provision of this subchapter related to the fees imposed under this subchapter or any rule promulgated by the department related to the fees imposed under this subchapter, is delinquent with respect to taxes imposed by the department, or fails to timely file a return or report with respect to taxes imposed under chs. 71, 72, 76, 77, 78, or 139 after having been requested to file the return or report. Section 77.52 (11), as it applies to revoking a seller's permit, applies to revoking a license issued under this subsection.

NOTE: Deletes unnecessary comma.

**SECTION 62.** 100.18 (3m) of the statutes is amended to read:

100.18 (3m) It is deceptive advertising to represent the retailing of merchandise to be a selling-out or closing-out sale if the merchandise is not of a bankrupt, insolvent, assignee, liquidator, adjuster, trustee, personal representative, receiver, wholesaler, jobber, manufacturer, or of any business that is in liquidation, that is closing out, closing, or disposing of its stock, that has lost its lease or has been or is being forced out of business, or that is disposing of stock on hand because of damage by fire, water, or smoke. This subsection does not apply to any "closing-out sale" of seasonable seasonal merchandise or any merchandise having a designated model year if the person conducting the sale is continuing in business.

NOTE: Inserts correct word form.

**SECTION 63.** 100.20 (1m) of the statutes is amended to read:

100.20 (1m) It is an unfair trade method of competition in business to represent the retailing of merchandise to be a selling-out or closing-out sale if the merchandise is not of a bankrupt, insolvent, assignee, liquidator, adjuster, trustee, personal representative, receiver, wholesaler, jobber, manufacturer, or of any business that is in liquidation, that is closing out, closing, or disposing of its stock, that has lost its lease or has been or is being forced out of business, or that is disposing of stock on hand because of damage by fire, water, or smoke. This subsection does not apply to any "closing-out sale" of seasonable seasonal merchandise or any merchandise having a designated model year if the person conducting the sale is continuing in business.

NOTE: Inserts correct word form.

**SECTION 64.** The treatment of 100.261 (2) of the statutes by **2003 Wisconsin Act 33** is not repealed by **2003 Wisconsin Act 139**. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, effective 7-1-04, s. 100.261 (2) reads:

(2) If any deposit is made for a violation to which this section applies, the person making the deposit shall also deposit a sufficient amount to include the consumer protection surcharge under this section. If the deposit is forfeited, the amount of the consumer protection surcharge shall be transmitted to the secretary of administration under sub. (3). If the deposit is returned, the consumer protection surcharge shall also be returned.

**SECTION 65.** The treatment of 100.261 (3) (a) of the statutes by **2003 Wisconsin Act 33** is not repealed by **2003 Wisconsin Act 139**. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, effective 7-1-04, s. 100.261 (3) (a) reads:

(a) The clerk of court shall collect and transmit the consumer protection surcharges imposed under ch. 814 to the county treasurer under s. 59.40 (2) (m). The county treasurer shall then make payment to the secretary of administration under s. 59.25 (3) (f) 2.

**SECTION 66.** The treatment of 100.261 (3) (b) of the statutes by **2003 Wisconsin Act 33** is not repealed by **2003 Wisconsin Act 139**. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, effective 7-1-04, s. 100.261 (3) (b) reads:

(b) The secretary of administration shall deposit the consumer protection surcharges imposed under ch. 814 in the general fund and shall credit them to the appropriation account under s. 20.115 (1) (jb), subject to the limit under par. (c).

**SECTION 67.** The treatment of 102.85 (4) (c) of the statutes by **2003 Wisconsin Act 33** is not repealed by **2003 Wisconsin Act 139**. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, effective 7-1-04, s. 102.85 (4) (c) reads:

(c) If any deposit is made for an offense to which this section applies, the person making the deposit shall also deposit a sufficient amount to include the uninsured employer surcharge under this section. If the deposit is forfeited, the amount of the uninsured employer surcharge shall be transmitted to the secretary of administration under par. (d). If the deposit is returned, the uninsured employer surcharge shall also be returned.

**SECTION 68.** The treatment of 102.85 (4) (d) of the statutes by **2003 Wisconsin Act 33** is not repealed by **2003 Wisconsin Act 139**. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, effective 7-1-04, s. 102.85 (4) (d) reads:

(d) The clerk of the court shall collect and transmit to the county treasurer the uninsured employer surcharge and other amounts required under s. 59.40 (2) (m). The county treasurer shall then make payment to the secretary of administration as provided in s. 59.25 (3) (f) 2. The secretary of administration shall deposit the amount of the uninsured employer surcharge,

together with any interest thereon, in the uninsured employers fund as provided in s. 102.80 (1).

**SECTION 69.** 126.60 (title) of the statutes is amended to read:

**126.60** (title) **Contribution Contributing vegetable contractors; fund assessments.**

NOTE: Corrects error in transcribing **2001 Wis. Act 16**.

**SECTION 70.** 134.66 (1) (h) of the statutes is amended to read:

134.66 (1) (h) "School" has the meaning given in s. 118.257 (1) ~~(e)~~ (d).

NOTE: Corrects cross-reference. The definition of "school" is at s. 118.257 (1) (d).

**SECTION 71.** 145.245 (7) (b) of the statutes, as affected by **2003 Wisconsin Act 169**, is amended to read:

145.245 (7) (b) Except as provided in par. (e), costs allowable in determining grant funding under this section may not exceed the costs of rehabilitating or replacing a private sewage system by the least costly ~~method~~ method methods, except that a holding tank may not be used as the measure of the least costly method for rehabilitating or replacing a private sewage system other than a holding tank.

NOTE: The letter "s" was dropped by **2003 Wis. Act 169** without strikes or underscores. No change was intended.

**SECTION 72.** The treatment of 165.755 (1) (a) of the statutes by **2003 Wisconsin Act 33** is not repealed by **2003 Wisconsin Act 139**. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor s. 165.755 (1) (a) reads:

(a) Except as provided in par. (b), a court shall impose under ch. 814 a crime laboratories and drug law enforcement surcharge of \$7 if the court imposes a sentence, places a person on probation, or imposes a forfeiture for a violation of state law or for a violation of a municipal or county ordinance.

**SECTION 73.** The treatment of 165.755 (1) (b) of the statutes by **2003 Wisconsin Act 30** is not repealed by **2003 Wisconsin Act 139**. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor 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) (a), (am) 1., (ar), (bm), or (br) or (5) (b), 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 or a safety belt use violation under s. 347.48 (2m).

**SECTION 74.** The treatment of 165.755 (5) of the statutes by **2003 Wisconsin Act 33** is not repealed by **2003 Wisconsin Act 139**. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, effective 7-1-04, s. 165.755 (5) reads:

(5) If any deposit of bail is made for a noncriminal offense to which sub. (1) (a) applies, the person making the

deposit shall also deposit a sufficient amount to include the surcharge under sub. (1) (a) for forfeited bail. If bail is forfeited, the amount of the surcharge under sub. (1) (a) shall be transmitted monthly to the secretary of administration under this section. If bail is returned, the surcharge shall also be returned.

**SECTION 75.** The treatment of 165.755 (6) of the statutes by 2003 Wisconsin Act 33 is not repealed by 2003 Wisconsin Act 139. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, effective 7-1-04, s. 165.755 (6) reads:

(6) If an inmate in a state prison or a person sentenced to a state prison has not paid the crime laboratories and drug law enforcement surcharge under sub. (1) (a), the department shall assess and collect the amount owed from the inmate's wages or other moneys. Any amount collected shall be transmitted to the secretary of administration.

**SECTION 76.** The treatment of 165.755 (7) of the statutes by 2003 Wisconsin Act 33 is not repealed by 2003 Wisconsin Act 139. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, effective 7-1-04, s. 165.755 (7) reads:

(7) All moneys collected from crime laboratories and drug law enforcement surcharges under this section shall be deposited by the secretary of administration and used as specified in s. 20.455 (2) (kd) and (Lm).

**SECTION 77.** The treatment of 167.31 (5) (c) of the statutes by 2003 Wisconsin Act 33 is not repealed by 2003 Wisconsin Act 139. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, effective 7-1-04, s. 167.31 (5) (c) reads:

(c) If any deposit is made for an offense to which this subsection applies, the person making the deposit shall also deposit a sufficient amount to include the weapons surcharge under this subsection. If the deposit is forfeited, the amount of the weapons surcharge shall be transmitted to the secretary of administration under par. (d). If the deposit is returned, the amount of the weapons surcharge shall also be returned.

**SECTION 78.** 167.31 (5) (d) of the statutes, as affected by 2003 Wisconsin Acts 33 and 139, is amended to read:

167.31 (5) (d) The clerk of the circuit court shall collect and transmit to the county treasurer the weapons surcharge as required under s. 59.40 (2) (m). The county treasurer shall then pay the ~~state treasurer~~ secretary of administration as provided in s. 59.25 (3) (f) 2. The secretary of administration shall deposit all amounts received under this paragraph in the conservation fund to be appropriated under s. 20.370 (3) (mu).

NOTE: 2003 Wis. Act 33 changed "state treasurer" to "secretary of administration" in the second sentence, but not in the first.

**SECTION 79.** The treatment of 169.46 (1) (c) of the statutes by 2003 Wisconsin Act 33 is not repealed by 2003 Wisconsin Act 139. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, effective 7-1-04, s. 169.46 (1) (c) reads:

(c) If any deposit is made for an offense to which this subsection applies, the person making the deposit shall also deposit a sufficient amount to include the natural resources surcharge under this subsection. If the deposit is forfeited, the amount of the natural resources surcharge shall be transmitted to the secretary of administration under par. (d). If the deposit is returned, the natural resources surcharge shall also be returned.

**SECTION 80.** The treatment of 169.46 (1) (d) of the statutes by 2003 Wisconsin Act 33 is not repealed by 2003 Wisconsin Act 139. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, effective 7-1-04, s. 169.46 (1) (d) reads:

(d) The clerk of the court shall collect and transmit to the county treasurer the natural resources surcharge and other amounts required under s. 59.40 (2) (m). The county treasurer shall then make payment to the secretary of administration as provided in s. 59.25 (3) (f) 2. The secretary of administration shall deposit the amount of the natural resources surcharge in the conservation fund.

**SECTION 81.** The treatment of 169.46 (2) (c) of the statutes by 2003 Wisconsin Act 33 is not repealed by 2003 Wisconsin Act 139. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, effective 7-1-04, s. 169.46 (2) (c) reads:

(c) If any deposit is made for an offense to which this subsection applies, the person making the deposit shall also deposit a sufficient amount to include the natural resources restitution surcharge under this subsection. If the deposit is forfeited, the amount of the natural resources restitution surcharge shall be transmitted to the secretary of administration under par. (d). If the deposit is returned, the natural resources restitution surcharge shall also be returned.

**SECTION 82.** The treatment of 169.46 (2) (d) of the statutes by 2003 Wisconsin Act 33 is not repealed by 2003 Wisconsin Act 139. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, effective 7-1-04, s. 169.46 (2) (d) reads:

(d) The clerk of the court shall collect and transmit to the county treasurer the natural resources restitution surcharge and other amounts required under s. 59.40 (2) (m). The county treasurer shall then make payment to the secretary of administration as provided in s. 59.25 (3) (f) 2. The secretary of administration shall deposit the amount of the natural resources restitution surcharge in the conservation fund.

**SECTION 83.** 186.45 (3) (intro.) of the statutes, as created by 2003 Wisconsin Act 63, is amended to read:

186.45 (3) REQUIREMENTS. (intro.) A non-Wisconsin credit union that opens an office and conducts business as a credit union in this state shall do all of the following:

NOTE: Inserts missing word.

**SECTION 84.** 196.027 (1) (d) 1. of the statutes, as created by 2003 Wisconsin Act 152, is amended to read:

196.027 (1) (d) 1. The construction, installation, or otherwise putting into place of environmental control equipment in connection with an energy utility plant that, before March 30, 2004, has been used to provide service to customers.

NOTE: Inserts missing word.

**SECTION 85.** 218.0116 (1) (v) of the statutes, as created by [2003 Wisconsin Act 77](#), is amended to read:

218.0116 (1) (v) Being a manufacturer, importer, or distributor who fails or refuses to offer for sale to its same line make franchised dealers all models manufactured or distributed for the line make. The offer for sale may be subject to the manufacturer's, importer's, or distributor's plan or system for the allocation, scheduling, and delivery of such models that complies with the requirements of s. 218.0123. However, the failure to deliver any such motor vehicle shall not be considered a violation of this paragraph if the failure is due to a lack of manufacturing capacity, a strike or labor difficulty, a shortage of materials, a freight embargo, or other cause beyond the control of the manufacture, importer, or distributor. This paragraph does not prohibit reasonable requirements being imposed on dealers for the sale, marketing, or servicing of particular models.

NOTE: Inserts correct word.

**SECTION 86.** 222.0403 (4) (a) of the statutes, as created by [2003 Wisconsin Act 63](#), is amended to read:

222.0403 (4) (a) *Definition.* In this subsection, "local governmental unit" has the meaning given in s. ~~22.04-16.97~~ (7).

NOTE: Corrects cross-reference. Section 22.01 (7) was renumbered to s. 16.97 (7) by [2003 Wis. Act 33](#).

**SECTION 87.** 222.0403 (8) (a) of the statutes, as created by [2003 Wisconsin Act 63](#), is amended to read:

222.0403 (8) (a) *Liabilities secured by certain short-term federal obligations.* A liability that is secured by not less than a like amount of direct obligations of the United States which ~~that~~ will mature not more than 18 months after the date on which such liabilities to the universal bank are entered into.

NOTE: Corrects grammar.

**SECTION 88.** 230.08 (2) (c) of the statutes is amended to read:

230.08 (2) (c) The director, associate director and state historian of the historical society; and, with the approval of the board of curators and the administrator, such number of specialists as are required by the society for specific research, writing, collecting or editing projects which for a limited period of time not to exceed 2 years, renewable at the discretion of the board of curators and the administrator for an additional 2-year period, require persons with particular training or experience in a specialized phase or field of history, historical research, writing, collecting or editing, and any persons whose entire salary is paid from funds reappropriated to the society by s. 20.245 (1) (~~g~~) (r) where competitive examination is impractical.

NOTE: Corrects cross-reference. [2003 Wis. Act 91](#) renumbered s. 20.245 (1) (g) to s. 20.245 (1) (r).

**SECTION 89.** 251.12 (1) of the statutes, as affected by [2003 Wisconsin Act 158](#), is amended to read:

251.12 (1) A city health department that is established as specified in s. 251.02 (1) and (2) (a),

NOTE: Deletes incorrect comma.

**SECTION 90.** 285.60 (9) of the statutes, as created by [2003 Wisconsin Act 118](#), is amended to read:

285.60 (9) PETITIONS FOR REGISTRATION PERMITS, GENERAL PERMITS, AND EXEMPTIONS. A person may petition the department to make a determination that a type of stationary source meets the criteria for a registration permit under sub. (2g), a general permit under sub. (3), or an exemption under sub. (6). The department shall provide a written response to a petition within 30 days after receiving the petition indicating whether the type of stationary source meets the applicable criteria for a registration permit, a general permit, or an exemption. If the type of source meets the applicable criteria, the department shall, within 365 days after receiving the petition, issue the registration permit or general permit or, for an exemption, shall submit to the legislative council staff under s. 227.15 (1) in proposed form any necessary rules or take any other action that is necessary to provide the exemption.

NOTE: Inserts missing word.

**SECTION 91.** 299.83 (1) (c) of the statutes, as created by [2003 Wisconsin Act ... \(Senate Bill 61\)](#), is amended to read:

299.83 (1) (c) "Environmental performance," unless otherwise qualified, means the effects, whether regulated under chs. 29 to 31, 160, ~~and~~ or 280 to 299 or unregulated, of a facility or activity on air, water, land, natural resources, and human health.

NOTE: Inserts correct word.

**SECTION 92.** 299.83 (3) (d) 2. a. of the statutes, as created by [2003 Wisconsin Act ... \(Senate Bill 61\)](#), is amended to read:

299.83 (3) (d) 2. a. Improving the environmental performance of the applicant, with respect to each covered facility or activity, in aspects of environmental performance that are regulated under chs. 29 to 31, 160, ~~and~~ or 280 to 299.

NOTE: Inserts correct word.

**SECTION 93.** 299.83 (3) (d) 2. b. of the statutes, as created by [2003 Wisconsin Act ... \(Senate Bill 61\)](#), is amended to read:

299.83 (3) (d) 2. b. Improving the environmental performance of the applicant, with respect to each covered facility or activity, in aspects of environmental performance that are not regulated under chs. 29 to 31, 160, ~~and~~ or 280 to 299.

NOTE: Inserts correct word.

**SECTION 94.** 299.83 (4m) (f) of the statutes, as created by 2003 Wisconsin Act .... (Senate Bill 61), is amended to read:

299.83 (4m) (f) After a participant in tier I of the program implements an environmental management system that complies with sub. (3) (d) 1., the department shall conduct any inspections of the participant's covered facilities or activities that are required under chs. 29 to 31, 160, ~~and~~ or 280 to 299 at the lowest frequency permitted under those chapters, except that the department may conduct an inspection whenever it has reason to believe that a participant is out of compliance with a requirement in an approval or with an environmental requirement.

NOTE: Inserts correct word.

**SECTION 95.** 299.85 (1) (c) 1. of the statutes, as created by 2003 Wisconsin Act .... (Senate Bill 61), is amended to read:

299.85 (1) (c) 1. Chapters 29 to 31, 160, ~~and~~ or 280 to 299, a rule promulgated under one of those chapters, or a permit, license, other approval, or order issued by the department under one of those chapters.

NOTE: Inserts missing comma.

**SECTION 96.** The treatment of 299.93 (3) of the statutes by 2003 Wisconsin Act 33 is not repealed by 2003 Wisconsin Act 139. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, effective 7-1-04, s. 299.93 (3) reads:

(3) If any deposit is made for an offense to which this section applies, the person making the deposit shall also deposit a sufficient amount to include the environmental surcharge under this section. If the deposit is forfeited, the amount of the environmental surcharge shall be transmitted to the secretary of administration under sub. (4). If the deposit is returned, the environmental surcharge shall also be returned.

**SECTION 97.** The treatment of 299.93 (4) of the statutes by 2003 Wisconsin Act 33 is not repealed by 2003 Wisconsin Act 139. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, effective 7-1-04, s. 299.93 (4) reads:

(4) The clerk of the court shall collect and transmit to the county treasurer the environmental surcharge and other amounts required under s. 59.40 (2) (m). The county treasurer shall then make payment to the secretary of administration as provided in s. 59.25 (3) (f) 2. The secretary of administration shall deposit the amount of the surcharge in the environmental fund.

**SECTION 98.** 302.31 (8) of the statutes, as created by 2003 Wisconsin Act .... (Assembly Bill 390), is renumbered 302.31 (8m).

NOTE: 2003 Wis. Act 81 also created a provision numbered s. 302.31 (8).

**SECTION 99.** The treatment of 302.46 (1) (a) of the statutes by 2003 Wisconsin Act 30 is not repealed by 2003 Wisconsin Act 139. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor s. 302.46 (1) (a) reads:

(a) On or after October 1, 1987, 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) (a), (am) 1., (ar), (bm), or (br) or (5), 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 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% 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.

**SECTION 100.** The treatment of 343.10 (1) (a) of the statutes by 2003 Wisconsin Act 80 is not repealed by 2003 Wisconsin Act .... (Senate Bill 105). Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor s. 343.10 (1) (a) reads:

(a) If a person's license or operating privilege is revoked or suspended under this chapter or s. 767.303, 943.21 (3m), 943.34 (14q), or 961.50 and if the person is engaged in an occupation, including homemaking or full-time or part-time study, or a trade making it essential that he or she operate a motor vehicle, the person, after payment of the fee provided in sub. (6), may file an application with the department setting forth in detail the need for operating a motor vehicle. No person may file more than one application with respect to each revocation or suspension of the person's license or operating privilege under this chapter or s. 767.303, 943.21 (3m), 943.34 (14q), or 961.50, except that this limitation does not apply to an application to amend an occupational license restriction.

**SECTION 101.** 343.12 (6) (a) of the statutes, as created by 2003 Wisconsin Act .... (Senate Bill 350), is amended to read:

343.12 (6) (a) Notwithstanding ss. 111.321, 111.322, and 111.335, prior to the initial issuance or renewal of a school bus endorsement, the department shall conduct a background investigation of the applicant. In conducting the background investigation, the department shall obtain from the records maintained by the department of justice a criminal history search of the applicant. If the applicant has not resided in this state at ~~anytime~~ any time within the 2 years preceding the date of the search, the department shall make a good faith effort to obtain additional criminal history information from any state in which the applicant has resided during this time period ~~or~~ or from any other applicable federal or state agency. The department shall record in the applicant's file specified in s. 343.23 (2) (a) the date on which the background investigation was completed.

NOTE: Inserts correct words.

**SECTION 102.** The treatment of 346.177 (3) of the statutes by 2003 Wisconsin Act 33 is not repealed by 2003 Wisconsin Act 139. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, effective 7-1-04, s. 346.717 reads:

(3) If any deposit is made for an offense to which this section applies, the person making the deposit shall also deposit a sufficient amount to include the railroad crossing improvement surcharge under this section. If the deposit is forfeited, the amount of the railroad crossing improvement surcharge shall be transmitted to the secretary of administration under sub. (4). If the deposit is returned, the amount of the railroad crossing improvement surcharge shall also be returned.

**SECTION 103.** The treatment of 346.177 (4) of the statutes by 2003 Wisconsin Act 33 is not repealed by 2003 Wisconsin Act 139. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, effective 7-1-04, s. 346.177 (4), reads:

(4) The clerk of the circuit court shall collect and transmit to the county treasurer the railroad crossing improvement surcharge as required under s. 59.40 (2) (m). The county treasurer shall then pay the secretary of administration as provided in s. 59.25 (3) (f) 2. The secretary of administration shall deposit all amounts received under this subsection in the transportation fund to be appropriated under s. 20.395 (2) (gj).

**SECTION 104.** The treatment of 346.495 (3) of the statutes by 2003 Wisconsin Act 33 is not repealed by 2003 Wisconsin Act 139. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, effective 7-1-04, s. 346.65 (3) reads:

(3) If any deposit is made for an offense to which this section applies, the person making the deposit shall also deposit a sufficient amount to include the railroad crossing improvement surcharge under this section. If the deposit is forfeited, the amount of the railroad crossing improvement surcharge shall be transmitted to the secretary of administration under sub. (4). If the deposit is returned, the amount of the railroad crossing improvement surcharge shall also be returned.

**SECTION 105.** The treatment of 346.495 (4) of the statutes by 2003 Wisconsin Act 33 is not repealed by 2003 Wisconsin Act 139. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, effective 7-1-04, s. 346.495 (4) reads:

(4) The clerk of the circuit court shall collect and transmit to the county treasurer the railroad crossing improvement surcharge as required under s. 59.40 (2) (m). The county treasurer shall then pay the secretary of administration as provided in s. 59.25 (3) (f) 2. The secretary of administration shall deposit all amounts received under this subsection in the transportation fund to be appropriated under s. 20.395 (2) (gj).

**SECTION 106.** The treatment of 346.65 (4r) (c) of the statutes by 2003 Wisconsin Act 33 is not repealed by 2003 Wisconsin Act 139. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, effective 7-1-04, s. 346.65 (4r) (c) reads:

(c) If any deposit is made for an offense to which this subsection applies, the person making the deposit shall also deposit a sufficient amount to include the railroad crossing improvement surcharge under this subsection. If the deposit is forfeited, the amount of the railroad crossing improvement surcharge shall be transmitted to the secretary of administration under par. (d). If the deposit is returned, the amount of the

railroad crossing improvement surcharge shall also be returned.

**SECTION 107.** The treatment of 346.65 (4r) (d) of the statutes by 2003 Wisconsin Act 33 is not repealed by 2003 Wisconsin Act 139. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, effective 7-1-04, s. 346.65 (4r) (d) reads:

(d) The clerk of the circuit court shall collect and transmit to the county treasurer the railroad crossing improvement surcharge as required under s. 59.40 (2) (m). The county treasurer shall then pay the secretary of administration as provided in s. 59.25 (3) (f) 2. The secretary of administration shall deposit all amounts received under this paragraph in the transportation fund to be appropriated under s. 20.395 (2) (gj).

**SECTION 108.** The treatment of 346.655 (1) of the statutes by 2003 Wisconsin Act 30 is not repealed by 2003 Wisconsin Act 139. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor s. 346.655 (1), reads:

(1) If a court imposes a fine or a forfeiture for a violation of s. 346.63 (1) or (5), except for a first violation of s. 346.63 (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 a local ordinance in conformity therewith, or s. 346.63 (2) or (6) or 940.25, or s. 940.09 where the offense involved the use of a vehicle, it shall impose a driver improvement surcharge under ch. 814 in an amount of \$355 in addition to the fine or forfeiture, plus costs, fees, and other surcharges imposed under ch. 814.

**SECTION 109.** The treatment of 349.04 (3) of the statutes by 2003 Wisconsin Act 33 is not repealed by 2003 Wisconsin Act 139. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, effective 7-1-04, s. 349.04 (3) (d) reads:

(3) If any deposit is made for an offense to which this section applies, the person making the deposit shall also deposit a sufficient amount to include the truck driver education surcharge under this section. If the deposit is forfeited, the amount of the truck driver education surcharge shall be transmitted to the secretary of administration under sub. (4). If the deposit is returned, the amount of the truck driver education surcharge shall also be returned.

**SECTION 110.** The treatment of 349.04 (4) of the statutes by 2003 Wisconsin Act 33 is not repealed by 2003 Wisconsin Act 139. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, effective 7-1-04, s. 349.04 (4) (d) reads:

(4) The clerk of the circuit court shall collect and transmit to the county treasurer the truck driver education surcharge as required under s. 59.40 (2) (m). The county treasurer shall then pay the secretary of administration as provided in s. 59.25 (3) (f) 2. The secretary of administration shall deposit all amounts received under this subsection in the general fund to be credited to the appropriation account under s. 20.292 (1) (hm).

**SECTION 111.** The treatment of 350.101 (2) (d) of the statutes by 2003 Wisconsin Act 30 is not repealed by 2003 Wisconsin Act 97. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 350.101 (2) (d) 1., as renumbered from s. 350.101 (2) (d) by 2003 Wis. Act 97, reads:

1. In an action under this subsection, the defendant has a defense if he or she proves by a preponderance of the evidence that the injury would have occurred even if he or she had been exercising due care and he or she had not been under the influence of an intoxicant or did not have an alcohol concentration of 0.08 or more or a detectable amount of a restricted controlled substance in his or her blood.

**SECTION 112.** The treatment of 350.115 (1) (c) of the statutes by 2003 Wisconsin Act 33 is not repealed by 2003 Wisconsin Act 139. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, effective 7-1-04, s. 350.115 (1) (c) reads:

(c) If any deposit is made for an offense to which this section applies, the person making the deposit shall also deposit a sufficient amount to include the snowmobile registration restitution surcharge under this section. If the deposit is forfeited, the amount of the snowmobile registration restitution surcharge shall be transmitted to the secretary of administration under par. (d). If the deposit is returned, the snowmobile registration restitution surcharge shall also be returned.

**SECTION 113.** The treatment of 350.115 (1) (d) of the statutes by 2003 Wisconsin Act 33 is not repealed by 2003 Wisconsin Act 139. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, effective 7-1-04, s. 350.115 (1) (d) reads:

(d) The clerk of the court shall collect and transmit to the county treasurer the snowmobile registration restitution surcharge and other amounts required under s. 59.40 (2) (m). The county treasurer shall then make payment to the secretary of administration as provided in s. 59.25 (3) (f) 2.

**SECTION 114.** 440.994 (3) (form) of the statutes, as created by 2003 Wisconsin Act 150, is amended to read: 440.994 (3) (form)

WARNING TO STUDENT ATHLETE  
IF YOU SIGN THIS CONTRACT:

1) YOU MAY LOSE YOUR ELIGIBILITY TO COMPETE AS A STUDENT ATHLETE IN YOUR SPORT;

2) IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN 72 HOURS AFTER ENTERING INTO THIS CONTRACTOR CONTRACT OR BEFORE THE NEXT SCHEDULED ATHLETIC EVENT IN WHICH YOU MAY PARTICIPATE, WHICHEVER OCCURS FIRST, BOTH YOU AND YOUR ATHLETE AGENT MUST NOTIFY YOUR ATHLETIC DIRECTOR; AND

3) YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS AFTER SIGNING IT. CANCELLATION OF THIS CONTRACT MAY NOT REINSTATE YOUR ELIGIBILITY.

NOTE: Inserts correct term.

**SECTION 115.** 703.165 (2) of the statutes, as affected by 2003 Wisconsin Act .... (Assembly Bill 254), is amended to read:

703.165 (2) LIABILITY FOR ASSESSMENTS. A unit owner shall be liable for all assessments, or ~~instalments~~ installments thereof, coming due while owning a unit, including any assessments coming due during the pendency of any claim by the unit owner against the association or during any period in which the unit is not occupied by the unit owner or is leased or rented to any other person. In a voluntary grant, the grantee shall be jointly and severally liable with the grantor for all unpaid assessments against the grantor for his or her share of the common expenses up to the time of the voluntary grant for which a statement of condominium lien is recorded, without prejudice to the rights of the grantee to recover from the grantor the amounts paid by the grantee for such assessments. Liability for assessments may not be avoided by waiver of the use or enjoyment of any common element or by abandonment of the unit for which the assessments are made.

NOTE: 2003 Wis. Act (AB 254) changed the spelling of word without strikes and underscores. No change was intended.

**SECTION 116.** 703.19 (8) of the statutes, as affected by 2003 Wisconsin Act .... (Assembly Bill 254), is amended to read:

703.19 (8) PRESERVATION OF THE RIGHT OF APPEAL. The owner of each unit taken may appeal the necessity of the taking and the condemnation award made for the taking. A unit owner may appeal the necessity of the taking, and the condemnation award made for the taking, of the owner's interest in the common elements. The unit owners having an interest in the ownership of limited common elements may individually or as a group appeal the necessity of the taking or the condemnation award made for the taking of the limited common elements.

NOTE: Inserts missing articles.

**SECTION 117.** The treatment of 757.05 (1) (a) of the statutes by 2003 Wisconsin Act 30 is not repealed by 2003 Wisconsin Act 139. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor 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) (a), (am) 1., (ar), (bm), or (br) or (5), 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 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 24% 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.

**SECTION 118.** The treatment of 757.05 (1) (d) of the statutes by 2003 Wisconsin Act 33 is not repealed by 2003 Wisconsin Act 139. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, effective 7–1–04, s. 757.05 (1) (d) reads:

(d) If any deposit of bail is made for a noncriminal offense to which this subsection applies, the person making the deposit shall also deposit a sufficient amount to include the surcharge under this subsection for forfeited bail. If bail is forfeited, the amount of the surcharge shall be transmitted monthly to the secretary of administration under this subsection. If bail is returned, the surcharge shall also be returned.

**SECTION 119.** The treatment of 757.05 (2) (a) of the statutes by 2003 Wisconsin Act 33 is not repealed by 2003 Wisconsin Act 139. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor s. 757.05 (2) (a) reads:

(a) *Law enforcement training fund.* Forty–eight percent of all moneys collected from penalty surcharges under sub. (1) shall be credited to the appropriation account under s. 20.455 (2) (i) and utilized in accordance with ss. 20.455 (2) and 165.85 (5). The moneys credited to the appropriation account under s. 20.455 (2) (i), except for the moneys transferred to s. 20.455 (2) (jb), constitute the law enforcement training fund.

**SECTION 120.** 767.23 (1n) (b) 2. of the statutes, as created by 2003 Wisconsin Act 130, is amended to read:

767.23 (1n) (b) 2. If the court or circuit court commissioner finds by a preponderance of the evidence that a party has engaged in a pattern or serious incident of interspousal battery, as described under s. 940.19 or 940.20 (1m), or domestic abuse, as defined in s. 813.12 (1) (am), and makes a temporary order awarding joint or sole legal custody or periods of physical placement to the party, the court or circuit court commissioner shall comply with the requirements of s. 767.24 (6) (f) and, if appropriate, s. 767.24 (6) (g).

NOTE: Corrects citation form.

**SECTION 121.** The treatment of 786.36 (1) (intro.) of the statutes by 2003 Wisconsin Act 52 is not repealed by 2003 Wisconsin Act 65. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 786.36 (1) (intro.) reads:

(1) (intro.) Except as provided in sub. (3) or s. 301.47, any resident of this state, whether a minor or adult, upon petition to the circuit court of the county where he or she resides and upon filing a copy of the notice required under s. 786.37 (1), with proof of publication, may, if no sufficient cause is shown to the contrary, have his or her name changed or established by order of the court. Subject to sub. (1m), if the person whose name is to be changed is a minor under the age of 14 years, the petition may be made by whichever of the following is applicable:

**SECTION 122.** 786.36 (1m) (a) 2. of the statutes, as created by 2003 Wisconsin Act 65, is amended to read:

786.36(1m) (a) 2. If the nonpetitioning parent cannot be found or provided with notice, the name of a minor under 14 years of age who has 2 living parents may be changed on the petition of one parent if, in addition to meeting the filing requirements under subd. 1., the petitioning parent has made a reasonable attempt to find and

provide notice to the nonpetitioning parent, but with reasonable diligence the nonpetitioning parent cannot be found or provided with notice, and the nonpetitioning parent does not appear at the hearing or otherwise answer the petition.

NOTE: Inserts correct word.

**SECTION 123.** The treatment of 814.634 (1) (a) of the statutes by 2003 Wisconsin Acts 30 and 33 is not repealed by 2003 Wisconsin Act 139. All treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 814.85 (1) (a), as renumbered from s. 814.634 (1) (a) by 2003 Wis. Act 1239, reads:

(a) Except for an action 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 safety belt use violation under s. 347.48 (2m), the clerk of circuit court shall charge and collect a \$68 court support services surcharge from any person, including any governmental unit as defined in s. 108.02 (17), paying a fee under s. 814.61 (1) (a), (3), or (8) (am) or 814.63 (1).

**SECTION 124.** The treatment of 814.634 (1) (b) of the statutes by 2003 Wisconsin Act 33 is not repealed by 2003 Wisconsin Act 139. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 814.85 (1) (b), as renumbered from s. 814.634 (1) (b) by 2003 Wis. Act 139, reads:

(b) Notwithstanding par. (a), the clerk of circuit court shall charge and collect a \$169 court support services surcharge from any person, including any governmental unit, as defined in s. 108.02 (17), paying a fee under s. 814.61 (1) (a) or (3) or 814.62 (1) or (2), if the party paying the fee seeks the recovery of money and the amount claimed exceeds the amount under s. 799.01 (1) (d).

**SECTION 125.** The treatment of 814.634 (1) (c) of the statutes by 2003 Wisconsin Act 33 is not repealed by 2003 Wisconsin Act 139. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 814.85 (1) (c), as renumbered from s. 814.634 (1) (c) by 2003 Wis. Act 139, reads:

(c) Notwithstanding par. (a), the clerk of circuit court shall charge and collect a \$51 court support services surcharge from any person, including any governmental unit, as defined in s. 108.02 (17), paying a fee under s. 814.62 (3) (a) or (b), or paying a fee under s. 814.61 (1) (a) or (3) or 814.62 (1) or (2) if the party paying the fee seeks the recovery of money and the amount claimed is equal to or less than the amount under s. 799.01 (1) (d).

**SECTION 126.** The treatment of 814.86 (1) of the statutes, as affected by 2003 Wisconsin Acts 30 and 139, is amended to read:

814.86 (1) Except for an action 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 safety belt use violation under s. 347.48 (2m), the clerk of circuit court shall charge and collect a \$9 justice information system surcharge from any person, including any gov-

ernmental unit, as defined in s. 108.02 (17), paying a fee under s. 814.61 (1) (a), (3), or (8) (am), 814.62 (1), (2), or (3) (a) or (b), or 814.63 (1). The justice information system surcharge is in addition to the surcharge listed in [this section sub. \(1m\)](#).

NOTE: Makes reference more specific and provides consistency between s. 814.86 (1) and (1m).

**SECTION 127.** The treatment of 814.635 (1m) of the statutes by [2003 Wisconsin Act 33](#) is not repealed by [2003 Wisconsin Act 139](#). Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 814.86 (1m), as renumbered from s. 814.635 (1m) by [2003 Wis. Act 139](#), reads:

(1m) Beginning on October 1, 1995, whenever the clerk of circuit court for Milwaukee County charges and collects a surcharge under sub. (1), he or she shall also charge and collect a \$3.50 special prosecution clerks surcharge. The special prosecution clerks surcharge is in addition to the surcharge listed in sub. (1).

**SECTION 128.** 881.01 (1) (b) of the statutes, as affected by 2003 Wisconsin Act .... (Senate Bill 492), is amended to read:

881.01 (1) (b) “Fiduciary” means a personal representative, trustee, conservator, or guardian of the estate.

NOTE: Inserts missing article.

**SECTION 129.** 938.299 (6) (c) of the statutes is amended to read:

938.299 (6) (c) The court having jurisdiction over actions affecting the family shall give priority under s. 767.475 (7m) to an action brought under s. 767.45 whenever the petition filed under s. 767.45 indicates that the matter was referred by the court under par. (a).

NOTE: Inserts missing “s.”

**SECTION 130.** 939.74 (2) (c) of the statutes, as affected by 2003 Wisconsin Act .... (Senate Bill 207), is amended to read:

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

NOTE: 2003 Wis. Act (SB 207) deleted the underscored text without showing it as stricken. No change was intended.

**SECTION 131.** 949.08 (2) (em) of the statutes, as affected by [2003 Wisconsin Acts 30](#) and [97](#), is amended to read:

949.08 (2) (em) Is an adult passenger in the offender’s commercial motor vehicle, the crime involved is specified in s. 346.63 (6) or 940.25, and the passenger knew the offender was ~~0.08~~ committing that offense. This paragraph does not apply if the victim is also a victim of a crime specified in s. 940.30, 940.305, 940.31, or 948.30.

NOTE: The stricken language was inserted by [2003 Wis. Act 30](#) but rendered superfluous by [2003 Wis. Act 97](#).

**SECTION 132.** The treatment of 973.055 (2) (a) of the statutes by [2003 Wisconsin Act 33](#) is not repealed by [2003 Wisconsin Act 139](#). Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, effective 7–1–04, s. 973.055 (2) (a) reads:

(a) If the surcharge is imposed by a court of record, after the court determines the amount due, the clerk of the court shall collect and transmit the amount to the county treasurer as provided in s. 59.40 (2) (m). The county treasurer shall then make payment to the secretary of administration as provided in s. 59.25 (3) (f) 2.

**SECTION 133.** The treatment of 973.055 (2) (b) of the statutes by [2003 Wisconsin Act 33](#) is not repealed by [2003 Wisconsin Act 139](#). Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, effective 7–1–04, s. 973.055 (2) (b) reads:

(b) If the surcharge is imposed by a municipal court, after a determination by the court of the amount due, the court shall collect and transmit the amount to the treasurer of the county, city, town, or village, and that treasurer shall make payment to the secretary of administration as provided in s. 66.0114 (1) (bm).

**SECTION 134.** 974.02 (1) of the statutes is amended to read:

974.02 (1) A motion for postconviction relief other than under s. 974.06 or 974.07 (2) by the defendant in a criminal case shall be made in the time and manner provided in ~~ss. s. 809.30 and 809.40~~. An appeal by the defendant in a criminal case from a judgment of conviction or from an order denying a postconviction motion or from both shall be taken in the time and manner provided in ss. 808.04 (3); and 809.30 and 809.40. An appeal of an order or judgment on habeas corpus remanding to custody a prisoner committed for trial under s. 970.03 shall be taken under ss. 808.03 (2) and 809.50, with notice to the attorney general and the district attorney and opportunity for them to be heard.

NOTE: Corrects cross–references. Prior to the adoption of Sup. Ct. Order No. 02–01, appeals of misdemeanors were made under s. 809.40 (1) and of felonies under s. 809.30. Sup. Ct. Order No. 02–01 repealed s. 809.40 (1) and amended s. 809.30 to apply to all criminal cases but did not treat cross–references to s. 809.40.

**SECTION 135.** [2003 Wisconsin Act 97](#), section 77 is amended by replacing “939.75 (2) (b) of the statutes is amended to read:” with “939.75 (2) (b) (intro.) of the statutes is amended to read:”.

NOTE: Only s. 939.75 (2) (b) (intro.) was affected by [2003 Wis Act 97](#).

**SECTION 136.** [2003 Wisconsin Act 97](#), section 78 is amended by replacing “939.75 (3) (intro) of the statutes is amended to read:” with “939.75 (3) of the statutes is amended to read:”.

NOTE: Section 939.75 (3) is not subdivided.

**SECTION 137.** [2003 Wisconsin Act 118](#), section 16 is amended by replacing “bridges, arches, or culverts” with “bridges, arches, or culverts”.

NOTE: The comma following "bridges" was preexisting.

**SECTION 138.** 2003 Wisconsin Act 118, section 55 is amended by replacing "30.12 (1m) (c) (intro.)" with "30.12 (1m) (intro.)" in 2 places.

NOTE: Section 55 of 2003 Wis. Act 118 states "30.12 (4m) of the statutes is renumbered 30.12 (1m), and 30.12 (1m) (c) (intro.), as renumbered, is amended," but the renumbering does not result in there being a 30.12 (1m) (c) (intro.), and the text shown is that of the former 30.12 (4m) (intro.), which after renumbering 30.12 (4m) to 30.12 (1m) is 30.12 (1m) (intro.).

**SECTION 139.** 2003 Wisconsin Act 135, section 6 is amended by replacing "s. 71.28 (1), (3), (4), and (5)" with "s. 71.28 (1), (3), (4), and (5)".

NOTE: The underscored "and" was preexisting text.

**SECTION 140.** 2003 Wisconsin Act .... (Assembly Bill 323), section 30 is amended by replacing "March 31 ~~and~~ before the expiration date" with "March 31 before the expiration date ~~and~~".

NOTE: The stricken "and" was shown in the wrong location.

**SECTION 141.** 2003 Wisconsin Act 129, section 2 is amended by replacing "20.866 (2) (z) (intro.) of the statutes is amended to read:" with "20.866 (2) (z) (intro.) of the statutes, as affected by 2003 Wisconsin Act 33, is amended to read:".

NOTE: The text of s. 20.866 (2) (z) (intro.) cited in the treatment by 2003 Wisconsin Act 129, section 2, was shown as affected by 2003 Wisconsin Act 33.

**SECTION 142.** 2003 Wisconsin Act .... (Senate Bill 380), section 4 is amended by replacing "~~of foreign corporations and debt of foreign governments~~" with "~~of foreign corporations and debt of foreign governments,~~".

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

**SECTION 143.** 2003 Wisconsin Act .... (Senate Bill 218), section 25m is amended by replacing "180.1302 (1) of the statutes is amended to read:" with "180.1302 (1) (intro.) of the statutes is amended to read:".

NOTE: 2003 Wis. Act (SB 218), section 25m affects only the (intro.) provision of s. 180.1302 (1).

**SECTION 144.** 2003 Wisconsin Act .... (Assembly Bill 402), section 4 is amended by replacing "to ~~sub. subs.~~ (3); and (4), venue" with "to ~~sub. subs.~~ (3) and (4), venue".

NOTE: The stricken comma was not preexisting.

**SECTION 145.** 2003 Wisconsin Act .... (Senate Bill 60), section 1 is amended by replacing "buildings," with "buildings,".

NOTE: a comma was inserted without being underscored. The change was intended.

**SECTION 146. Effective dates.** This act takes effect on the day after publication, except as follows:

(1) The treatment of sections 23.85, 29.987 (1) (d), 59.25 (3) (k), 59.40 (2) (m), 71.08 (1) (intro.), 71.26 (2) (a), 71.34 (1) (g), 71.45 (2) (a) 10., and 167.31 (5) (d) of the statutes takes effect on July 1, 2004.

(2) The treatment of sections 66.1105 (4m) (b) 4. and (8) (c) (intro.) and 440.994 (3) (form) of the statutes takes effect on October 1, 2004.

(3) The treatment of sections 703.165 (2) and 703.19 (8) of the statutes takes effect on the first day of the 7th month beginning after publication of 2003 Wisconsin Act .... (Assembly Bill 254).

(4) The treatment of section 343.12 (6) (a) of the statutes takes effect on the first day of the 10th month beginning after publication of 2003 Wisconsin Act .... (Senate Bill 350).