

State of Wisconsin



2005 Senate Bill 540

Date of enactment: **March 30, 2006**

Date of publication*: **April 12, 2006**

2005 WISCONSIN ACT 254

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. 14.16 (12) of the statutes, as created by [2003 Wisconsin Act 147](#), is renumbered 14.16 (12m).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). [2003 Wis. Acts 137](#) and [147](#) both created provisions numbered s. 14.16 (12).

SECTION 2. 20.455 (2) (kq) of the statutes, as affected by [2005 Wisconsin Act 25](#), section [416g](#), is amended to read:

20.455 (2) (kq) *County law enforcement services.* The amounts in the schedule to provide grants to counties under s. 165.89. All moneys transferred from the appropriation account under ~~sub. s. 20.505~~ (8) (hm) 15d. shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year shall revert to the appropriation account under s. 20.505 (8) (hm).

NOTE: [2005 Wis. Act 25](#), s. [416g](#), renumbered s. 20.505 (6) (kq) to 20.455 (2) (kq) but did not amend the cross-reference to 20.505 (8) (hm) 15d. accordingly.

SECTION 3. The treatment of s. 20.485 (2) (q) of the statutes by [2005 Wisconsin Act 22](#) is not repealed by [2005 Wisconsin Act 25](#). Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 20.485 (2) (dm), as renumbered from s. 20.485 (2) (q) by [2005 Wis. Act 25](#), reads:

(dm) *Military funeral honors.* Biennially, from the general fund, the amounts in the schedule to provide military funeral honors for veterans under s. 45.60.

SECTION 4. 20.485 (2) (yn) of the statutes, as affected by [2005 Wisconsin Act 22](#), is amended to read:

20.485 (2) (yn) *Veterans trust fund loans and expenses.* Biennially, the amounts in the schedule for the purpose of providing loans under s. 45.42 and for the payment of expenses and other payments as a consequence of being a mortgagee or owner under home improvement loans made under s. 45.79 (7) (c), 1997 stats., or under s. 45.351 (2), 1995 stats., s. 45.352, 1971 stats., ~~s. 45.356, 2003 stats.~~ s. 45.80, 1989 stats., and s. 45.42. All moneys received under ~~ss. 45.37 (7) (c) and 45.42 (8) (a) and (b) and 45.37 (7) (e)~~ for the purpose of providing loans under the personal loan program under s. 45.42 shall be credited to this appropriation account. All payments of interest and repayments of principal for loans made under s. 45.351 (2), 1995 stats., s. 45.352, 1971 stats., ~~s. 45.80, 1989 stats.,~~ s. 45.356, and ~~2003 stats.,~~ s. 45.79 (7) (c), 1997 stats., ~~s. 45.80, 1989 stats., and s. 45.42~~ shall revert to the veterans trust fund.

NOTE: Prior to Act 22, s. 20.485 (2) (yn) contained 4 cross-references to s. 45.356. Act 22 amended 3 of these cross-references to reflect the fact that the act substantively recreated s. 45.356 as s. 45.42. However, Act 22 inadvertently left one cross-reference unamended and incompletely

* Section 991.11, WISCONSIN STATUTES 2003-04 : 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].

amended another. In each case, the cross-reference should have been amended to cite both s. 45.356, 2003 stats., and s. 45.42, so that in these places the provision would continue to refer to loans made prior to Act 22, under s. 45.356, and would also refer to post Act 22 loans made under new s. 45.42. Cross-references are placed in numerical order.

SECTION 5. 36.34 (1) (c) 2. b. of the statutes, as affected by 2005 Wisconsin Act 25, is amended to read:

36.34 (1) (c) 2. b. The appropriation for the first fiscal year of the next biennium shall be the result obtained by increasing, to the nearest \$100, the base amount by the average of the percentage increases determined under subd. ~~2a.~~ 2. a., except that, if the undergraduate academic fees for the next academic year are estimated to decrease or not change from the undergraduate academic fees charged for the current academic year at each institution specified in subd. ~~2a.~~ 2. a., the appropriation shall be the base amount.

NOTE: Reinserts period deleted by 2005 Wis. Act 25 without being stricken. No change was intended. There is no s. 36.34 (1) (c) 2a. See also the note to the treatment of s. 36.34 (1) (c) 2bm. by this bill.

SECTION 6. 36.34 (1) (c) 2am. of the statutes, as created by 2005 Wisconsin Act 25, is renumbered 36.34 (1) (c) 2. am.

NOTE: Conforms renumbering by the revisor under s. 13.93 (1) (b). Inserts period to correct numbering consistent with the error in the treatment of s. 36.34 (1) (c) 2. b. in 2005 Wis. Act 25 and the correction of that error by this bill. See also the note to the treatment of s. 36.34 (1) (c) 2bm. by this bill.

SECTION 7. 36.34 (1) (c) 2bm. of the statutes, as created by 2005 Wisconsin Act 25, is renumbered 36.34 (1) (c) 2. bm. and amended to read:

36.34 (1) (c) 2. bm. The appropriation for the 2nd fiscal year of the next biennium shall be the result obtained by increasing, to the nearest \$100, the base amount by the average of the percentage increases determined under subd. ~~2am.~~ 2. am., except that, if the undergraduate academic fees for the academic year after the next academic year are estimated to decrease or not change from the estimated undergraduate academic fees charged for the next academic year at each institution specified under subd. ~~2am.~~ 2. am., the appropriation shall be the base amount.

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). Inserts period to correct numbering consistent with the error in the treatment of s. 36.34 (1) (c) 2. b. in 2005 Wis. Act 25 and the correction of that error by this bill. Section 36.34 (1) (c) 2. provides the steps the board of regents must follow to calculate the amounts to be appropriated under s. 20.285 (4) (dd). Sections 36.34 (1) (c) 2am. and 2bm., as created by Act 25, are additional steps in the process and are logically placed with the provision as renumbered. As affected by 2005 Wis. Act 25 and this bill, s. 36.34 (1) (c) 2. reads:

2. Beginning in 2007, biennially, by February 1, the board shall calculate the amounts to be appropriated under s. 20.285 (4) (dd) for the next biennium as follows:

a. The board shall determine the percentage by which the undergraduate academic fees that will be charged for the next academic year at each institution within the University of Wisconsin System, as estimated by the board, will increase or

decrease from the undergraduate academic fees charged for the current academic year.

am. The board shall determine the percentage by which the undergraduate academic fees that will be charged for the academic year after the next academic year at each institution within the University of Wisconsin System, as estimated by the board, will increase or decrease from the estimated undergraduate fees that will be charged for the next academic year.

b. The appropriation for the first fiscal year of the next biennium shall be the result obtained by increasing, to the nearest \$100, the base amount by the average of the percentage increases determined under subd. 2. a., except that, if the undergraduate academic fees for the next academic year are estimated to decrease or not change from the undergraduate academic fees charged for the current academic year at each institution specified in subd. 2. a., the appropriation shall be the base amount.

bm. The appropriation for the 2nd fiscal year of the next biennium shall be the result obtained by increasing, to the nearest \$100, the base amount by the average of the percentage increases determined under subd. 2. am., except that, if the undergraduate academic fees for the academic year after the next academic year are estimated to decrease or not change from the estimated undergraduate academic fees charged for the next academic year at each institution specified under subd. 2. am., the appropriation shall be the base amount.

SECTION 8. 41.17 (5) of the statutes, as affected by 2005 Wisconsin Act 25, is amended to read:

41.17 (5) FUNDING SOURCE. Subject to the 50% limitation under s. 20.380 (1) (b) and the proportional expenditure requirements under s. 20.380 (1) (b) and (kg), the department shall expend, from the appropriations under s. 20.380 (1) (b), (kg), and ~~(v)~~ (w), at least \$1,130,000 in the aggregate in each fiscal year in joint effort marketing funds under this section.

NOTE: Corrects cross-reference. There is no s. 20.380 (1) (v). Section 20.380 (1) (w) was numbered s. 20.380 (1) (v) in 2005 Assembly Bill 100, as originally introduced, and was subsequently renumbered by Assembly Substitute Amendment 1, but the substitute amendment did not amend the cross-reference in this provision accordingly.

SECTION 9. 46.07 of the statutes, as affected by 2005 Wisconsin Act 25, is amended to read:

46.07 Property of patients or residents. All money including wages and other property delivered to an officer or employee of any institution for the benefit of a patient or resident shall immediately be delivered to the steward, who shall enter the money upon the steward's books to the credit of the patient or resident. The property shall be used only under the direction and with the approval of the superintendent and for the crime victim and witness assistance surcharge under s. 973.045 (4), the delinquency victim and witness assistance surcharge under s. 938.34 (8d) (c), the deoxyribonucleic acid analysis surcharge under s. 973.046, the drug offender diversion surcharge under s. 973.043, or the benefit of the patient or resident. If the money remains uncalled for for one year after the patient's or resident's death or departure from the institution, the superintendent shall deposit the money in the general fund. If any patient or resident leaves property, other than money, uncalled for at an

institution for one year, the superintendent shall sell the property, and the proceeds shall be deposited in the general fund. If any person satisfies the department, within 5 years after the deposit, of his or her right to the deposit, the department shall direct the department of administration to draw its warrant in favor of the claimant and it shall charge the same to the appropriation made by s. 20.913 (3) (c).

NOTE: Adds inadvertently omitted word. Section 46.07 was amended by 2005 Wis. Act 25 for the purpose of inserting the reference to the drug offender diversion surcharge under s. 973.043. Other changes were intended only to conform the provision to current style. Thus, "the same" was replaced with "the money" in two places. Similarly, "forthwith" should have been replaced by "immediately," but instead was simply deleted. No substantive change was intended.

SECTION 10. 46.283 (2) (b) (intro.) of the statutes, as affected by 2005 Wisconsin Act 25, is amended to read:

46.283 (2) (b) (intro.) After June 30, 2001, the department shall contract with the entities specified under s. 46.281 (1) (d) 1. and may, if the applicable review conditions under s. ~~48.281~~ 46.281 (1) (e) 2. are satisfied, in addition to contracting with these entities, contract to operate a resource center with counties, family care districts, or the governing body of a tribe or band or the Great Lakes Inter-Tribal Council, Inc., under a joint application of any of these, or with a private nonprofit organization if the department determines that the organization has no significant connection to an entity that operates a care management organization and if any of the following applies:

NOTE: Corrects cross-reference. There is no s. 48.281 (1) (e) 2. Section 46.281 (1) (e) 2. provides for joint committee on finance review of contracts with entities specified under s. 46.281 (1) (d).

SECTION 11. 49.175 (1) (intro.) of the statutes, as affected by 2005 Wisconsin Act 25, is amended to read:

49.175 (1) ALLOCATION OF FUNDS. (intro.) Except as provided in sub. (2), within the limits of the appropriations under s. 20.445 (3) (a), (cm), (dz), ~~(jm)~~, (k), (kx), (L), (mc), (md), (me), and (s), the department shall allocate the following amounts for the following purposes:

NOTE: There is no s. 20.445 (3) (jm). The underscored comma was deleted by 2005 Wis. Act 25 without being stricken, but no change was intended.

SECTION 12. 49.45 (6tw) of the statutes, as affected by 2005 Wisconsin Act 25, section 2509, is amended to read:

49.45 (6tw) PAYMENTS TO CITY HEALTH DEPARTMENTS. From the appropriation account under s. 20.435 (7) (b), the department may make payments to local health departments, as defined under s. ~~250.02~~ 250.01 (4) (a) 3. Payment under this subsection to such a local health department may not exceed on an annualized basis payment made by the department to the local health department under s. 49.45 (6t), 2003 stats., for services provided by the local health department in 2002.

NOTE: "Local health department" is defined under s. 250.01 (4) (a) 3. There is no 250.02 (4) (a) 3.

SECTION 13. 49.497 (1m) (a) of the statutes, as created by 2005 Wisconsin Act 25, is amended to read:

49.497 (1m) (a) If, after notice that an incorrect payment was made, a recipient, or parent of a minor recipient, who is liable for repayment of an incorrect payment fails to repay the incorrect payment or enter into, or comply with, an agreement for repayment, the department may bring an action to enforce the liability or may issue an order to compel payment of the liability. Any person aggrieved by an order issued by the department under this paragraph may appeal the order as a contested case under ch. 227 by filing with the department a request for a hearing within 30 days after the date of the order. The only issue at the hearing shall be the determination by the department that the person has not repaid the incorrect payment or entered into, or complied with, an agreement for repayment. If, after notice that an incorrect payment was made, a recipient, or parent of a minor recipient, who is liable for repayment of an incorrect payment fails to repay the incorrect payment or enter into, or comply with, an agreement for repayment, the department may bring an action to enforce the liability or may issue an order to compel payment of the liability. Any person aggrieved by an order issued by the department under this paragraph may appeal the order as a contested case under ch. 227 by filing with the department a request for a hearing within 30 days after the date of the order. The only issue at hearing shall be the determination by the department that the person has not repaid the incorrect payment or entered into, or complied with, an agreement for repayment.

NOTE: Inserts missing article.

SECTION 14. 66.0203 (7) (a) of the statutes is amended to read:

66.0203 (7) (a) No action to contest the validity of an incorporation on any grounds, whether procedural or jurisdictional, may be commenced after 60 days from the date of issuance of the ~~charter~~ certificate of incorporation by the secretary of state.

NOTE: Makes language consistent with s. 66.0211 (5), under which, upon approval of a referendum for incorporation, a "certificate of incorporation" is issued by the secretary of state. The statutes contain no provision providing for the issuance of a "charter of incorporation."

SECTION 15. 66.0216 (6) of the statutes, as created by 2005 Wisconsin Act 25, is amended to read:

66.0216 (6) ACTION. No action to contest the validity of an incorporation under this section on any grounds, whether procedural or jurisdictional, may be commenced after 60 days from the date of issuance of the ~~charter~~ certificate of incorporation by the secretary of state. In any such action, the burden of proof as to all issues is upon the person bringing the action to show that the incorporation is not valid. An action contesting an incorporation shall be given preference in the circuit court

NOTE: Makes language consistent with s. 66.0216 (5), under which, upon approval of a referendum for incorpora-

tion, a "certificate of incorporation" is issued by the secretary of state. The statutes contain no provision providing for the issuance of a "charter of incorporation."

SECTION 16. 70.27 (3) (a) of the statutes, as affected by 2005 Wisconsin Act 41, is amended to read:

70.27 (3) (a) Reference to any land, as it appears on a recorded assessor's plat is deemed sufficient for purposes of assessment and taxation. Conveyance may be made by reference to such plat and shall be as effective to pass title to the land so described as it would be if the same premises had been described by metes and bounds. Such plat or record thereof shall be received in evidence in all courts and places as correctly describing the several parcels of land therein designated. After an assessor's plat has been made and recorded with the register of deeds as provided by this section, all conveyances of lands included in such assessor's plat shall be by reference to such plat. Any instrument dated and acknowledged after September 1, 1955, purporting to convey, mortgage, or otherwise give notice ~~on~~ of an interest in land that is within or part of an assessor's plat shall describe the affected land by the name of the assessor's plat, lot, block, or outlot.

NOTE: Inserts correct term.

SECTION 17. 71.05 (6) (b) 28. (intro.) of the statutes, as affected by 2005 Wisconsin Acts 22 and 25, is amended to read:

71.05 (6) (b) 28. (intro.) An amount paid by a claimant for tuition expenses for a student who is the claimant or who is the claimant's child and the claimant's dependent who is claimed under section 151 (c) of the Internal Revenue Code, to attend any university, college, technical college or a school approved under s. ~~39.90~~ 38.50, that is located in Wisconsin or to attend a public vocational school or public institution of higher education in Minnesota under the Minnesota-Wisconsin reciprocity agreement under s. 39.47, calculated as follows:

NOTE: The stricken "39.90" was inserted by 2005 Wis. Act 22, and "38.50" was inserted by 2005 Wis. Act 25. Act 25 renumbered s. 39.90 to s. 38.50.

SECTION 18. 71.07 (10) of the statutes, as affected by 2005 Wisconsin Act 25, is amended to read:

71.07 (10) CREDITS NOT ALLOWED. The credits under s. 71.28 (4) and (5) may not be claimed by partners, including partners of a publicly traded partnership treated as a corporation under s. 71.22 (1k), members of a limited liability company, including members of a limited liability company treated as a corporation under s. ~~77.22~~ 71.22 (1k), or shareholders of a tax-option corporation.

NOTE: Corrects cross-reference. There is no s. 77.22 (1k). Section 71.22 (1k) provides a definition of corporation that includes limited liability companies treated as corporations under the internal revenue code.

SECTION 19. 71.775 (4) (b) 2. of the statutes, as created by 2005 Wisconsin Act 25, is amended to read:

71.775 (4) (b) 2. A pass-through entity that pays the tax withheld under sub. (2) as provided under subd. 1. is

not subject to an underpayment of estimated tax under s. 71.09 or 71.29, if 90 percent of the tax that is due for the current taxable year is paid by the unextended due date or if 100 percent of the tax that is due for the taxable year immediately preceding the current taxable year is paid by the unextended due date and the taxable year immediately preceding the current taxable year was a 12-month period. Interest at the rate of 12 percent shall be imposed on the unpaid amount of the tax withheld under sub. (2) during any extension period and interest at the rate of 18 percent shall be imposed on the unpaid amount of the tax withheld under sub. (2) for the period beginning with the extended due date and ending with the date that the unpaid amount is paid in full.

NOTE: Inserts missing word consistent with the remainder of the provision and other statutes.

SECTION 20. 71.93 (1) (a) 1. of the statutes, as affected by 2005 Wisconsin Act 25, is amended to read:

71.93 (1) (a) 1. An amount owed to a state agency, if the amount has been reduced to a judgment or if the state agency has provided the debtor reasonable notice and an opportunity to be heard with ~~regards~~ regard to the amount owed.

NOTE: Replaces word consistent with usage of the term throughout the statutes.

SECTION 21. 71.935 (1) (a) of the statutes is amended to read:

71.935 (1) (a) "Debt" means a parking citation of at least \$20 that is unpaid and for which there has been no court appearance by the date specified in the citation or, if no date is specified, that is unpaid for at least 28 days; an unpaid fine, fee, restitution or forfeiture of at least \$20; and any other debt that is at least \$20, except debt related to property taxes, if the debt has been reduced to a judgment or the municipality or county to which the debt is owed has provided the debtor reasonable notice and an opportunity to be heard with ~~regards~~ regard to the debt.

NOTE: Replaces word consistent with usage of the term throughout the statutes.

SECTION 22. 79.02 (3) (c) 1. of the statutes is amended to read::

79.02 (3) (c) 1. In November 2003, the total amount of the payments to each municipality and county under ss. 79.03, 79.04, and 79.06 to be paid from the appropriation account under s. 20.835 (1) (t), 2003 stats., shall equal \$230,000,000 and shall be applied to the payments in the manner determined by the department of revenue.

NOTE: Section 20.835 (1) (t) was repealed by 2003 Wis. Act 33, eff. 7-1-2005.

SECTION 23. 79.02 (3) (c) 2. of the statutes is amended to read:

79.02 (3) (c) 2. In November 2003, the total amount of the payments to each municipality and county under ss. 79.03, 79.04, and 79.06 to be paid from the appropriation account under s. 20.835 (1) (u), 2003 stats., shall equal \$17,600,000 and shall be applied to the payments in the manner determined by the department of revenue.

NOTE: Section 20.835 (1) (u) was repealed by [2003 Wis. Act 33](#), eff. 7-1-2005.

SECTION 24. 79.02 (3) (d) 1. of the statutes is amended to read:

79.02 (3) (d) 1. In November 2004, the total amount of the payments to each municipality under s. 79.035 to be paid from the appropriation account under s. 20.835 (1) (t), 2003 stats., shall equal \$170,000,000 and shall be applied to the payments in the manner determined by the department of revenue.

NOTE: Section 20.835 (1) (t) was repealed by [2003 Wis. Act 33](#), eff. 7-1-2005.

SECTION 25. 79.02 (3) (d) 2. of the statutes is amended to read:

79.02 (3) (d) 2. In November 2004, the total amount of the payments to each municipality under s. 79.035 to be paid from the appropriation account under s. 20.835 (1) (u), 2003 stats., shall equal \$20,000,000 and shall be applied to the payments in the manner determined by the department of revenue.

NOTE: Section 20.835 (1) (u) was repealed by [2003 Wis. Act 33](#), eff. 7-1-2005.

SECTION 26. 79.03 (3) (a) of the statutes is amended to read:

79.03 (3) (a) The amount in the shared revenue account for municipalities and the amount in the shared revenue account for counties, less the payments under sub. (2) and s. 79.04, and, for the distribution in 2003, the amount appropriated under s. 20.835 (1) (m), (t), and (u), 2003 stats., shall be allocated to each municipality and county respectively in proportion to its entitlement. In this paragraph, "entitlement" means the product of aidable revenues and tax base weight.

NOTE: Section 20.835 (1) (m) was repealed by [2003 Wis. Act 33](#), eff. 7-1-2004, and s. 20.835 (1) (t) and (u) were repealed by [Act 33](#), eff. 7-1-2005. All three statutes appeared in the printed 2003 statute volumes.

SECTION 27. 79.03 (4) of the statutes is amended to read:

79.03 (4) In 1991, the total amount to be distributed under ss. 79.03, 79.04, and 79.06 from s. 20.835 (1) (d) is \$869,000,000. In 1992, the total amount to be distributed under ss. 79.03, 79.04, and 79.06 from s. 20.835 (1) (d) is \$885,961,300. In 1993, the total amount to be distributed under ss. 79.03, 79.04, and 79.06 from s. 20.835 (1) (d) is \$903,680,500. In 1994, the total amounts to be distributed under this section and ss. 79.04 and 79.06 from s. 20.835 (1) (d) are \$746,547,500 to municipalities and \$168,981,800 to counties. Beginning in 1995 and ending in 2001, the total amounts to be distributed under ss. 79.03, 79.04, and 79.06 from s. 20.835 (1) (d) are \$761,478,000 to municipalities and \$168,981,800 to counties. In 2002, the total amounts to be distributed under ss. 79.03, 79.04, and 79.06 from ~~ss. s. 20.855 (4) (rb), 2001 stats., and s. 20.835 (1) (d) and 20.855 (4) (rb), 2001 stats.,~~ are \$769,092,800 to municipalities and \$170,671,600 to counties. In 2003, the total amounts to be distributed under ss. 79.03, 79.04, and 79.06 from s.

20.835 (1) ~~(d)~~, (m), (t), and (u), 2003 stats., and s. 20.835 (1) ~~(d)~~ are \$776,783,700 to municipalities, less the reductions under s. 79.02 (3) (c) 3., and \$172,378,300 to counties, less the reductions under s. 79.02 (3) (c) 3.

NOTE: Changes order of citations in conformity with current style. Section 20.835 (1) (m) was repealed by [2003 Wis. Act 33](#), eff. 7-1-2004, and s. 20.835 (1) (t) and (u) were repealed by [Act 33](#), eff. 7-1-2005. All three statutes appeared in the printed 2003 statute volumes.

SECTION 28. 79.04 (1) (a) of the statutes is amended to read:

79.04 (1) (a) An amount from the shared revenue account or, for the distribution in 2003, from the appropriation under s. 20.835 (1) (t), 2003 stats., determined by multiplying by 3 mills in the case of a town, and 6 mills in the case of a city or village, the first \$125,000,000 of the amount shown in the account, plus leased property, of each public utility except qualified wholesale electric companies, as defined in s. 76.28 (1) (gm), on December 31 of the preceding year for "production plant, exclusive of land," "general structures," and "substations," in the case of light, heat and power companies, electric cooperatives or municipal electric companies, for all property within a municipality in accordance with the system of accounts established by the public service commission or rural electrification administration, less depreciation thereon as determined by the department of revenue and less the value of treatment plant and pollution abatement equipment, as defined under s. 70.11 (21) (a), as determined by the department of revenue plus an amount from the shared revenue account or, for the distribution in 2003, from the appropriation under s. 20.835 (1) (t), 2003 stats., determined by multiplying by 3 mills in the case of a town, and 6 mills in the case of a city or village, of the first \$125,000,000 of the total original cost of production plant, general structures, and substations less depreciation, land and approved waste treatment facilities of each qualified wholesale electric company, as defined in s. 76.28 (1) (gm), as reported to the department of revenue of all property within the municipality. The total of amounts, as depreciated, from the accounts of all public utilities for the same production plant is also limited to not more than \$125,000,000. The amount distributable to a municipality under this subsection and sub. (6) in any year shall not exceed \$300 times the population of the municipality.

NOTE: Section 20.835 (1) (t) was repealed by [2003 Wis. Act 33](#), eff. 7-1-2005.

SECTION 29. 79.04 (2) (a) of the statutes is amended to read:

79.04 (2) (a) Annually, except for production plants that begin operation after December 31, 2003, or begin operation as a repowered production plant after December 31, 2003, the department of administration, upon certification by the department of revenue, shall distribute from the shared revenue account or, for the distribution in 2003, from the appropriation under s. 20.835 (1) (t),

2003 stats., to any county having within its boundaries a production plant, general structure, or substation, used by a light, heat or power company assessed under s. 76.28 (2) or 76.29 (2), except property described in s. 66.0813 unless the production plant or substation is owned or operated by a local governmental unit that is located outside of the municipality in which the production plant or substation is located, or by an electric cooperative assessed under ss. 76.07 and 76.48, respectively, or by a municipal electric company under s. 66.0825 an amount determined by multiplying by 6 mills in the case of property in a town and by 3 mills in the case of property in a city or village the first \$125,000,000 of the amount shown in the account, plus leased property, of each public utility except qualified wholesale electric companies, as defined in s. 76.28 (1) (gm), on December 31 of the preceding year for “production plant, exclusive of land,” “general structures,” and “substations,” in the case of light, heat and power companies, electric cooperatives or municipal electric companies, for all property within the municipality in accordance with the system of accounts established by the public service commission or rural electrification administration, less depreciation thereon as determined by the department of revenue and less the value of treatment plant and pollution abatement equipment, as defined under s. 70.11 (21) (a), as determined by the department of revenue plus an amount from the shared revenue account or, for the distribution in 2003, from the appropriation under s. 20.835 (1) (t), 2003 stats., determined by multiplying by 6 mills in the case of property in a town, and 3 mills in the case of property in a city or village, of the total original cost of production plant, general structures, and substations less depreciation, land and approved waste treatment facilities of each qualified wholesale electric company, as defined in s. 76.28 (1) (gm), as reported to the department of revenue of all property within the municipality. The total of amounts, as depreciated, from the accounts of all public utilities for the same production plant is also limited to not more than \$125,000,000. The amount distributable to a county under this subsection and sub. (6) in any year shall not exceed \$100 times the population of the county.

NOTE: Section 20.835 (1) (t) was repealed by 2003 Wis.

Act 33, eff. 7-1-2005.

SECTION 30. 100.53 (1) (a) of the statutes, as created by 2005 Wisconsin Act 25, is amended to read:

100.53 (1) (a) “Rental company” has the meaning given in s. 344.51 (4) (1g) (c).

NOTE: Corrects cross-reference. There is no s. 344.51

(1). “Rental company” is defined at s. 344.51 (1g) (c).

SECTION 31. 182.028 of the statutes, as affected by 2005 Wisconsin Acts 22 and 25, is amended to read:

182.028 School corporations. Any corporation formed for the establishment and maintenance of schools, academies, seminaries, colleges or universities or for the cultivation and practice of music shall have

power to enact bylaws for the protection of its property, and provide fines as liquidated damages upon its members and patrons for violating the bylaws, and may collect the same in tort actions, and to prescribe and regulate the courses of instruction therein, and to confer such degrees and grant such diplomas as are usually conferred by similar institutions or as shall be appropriate to the courses of instruction prescribed, except that no corporation shall operate or advertise a school that is subject to s. ~~39.90~~(7) 38.50 (10) without complying with the requirements of s. ~~39.90~~ 38.50. Any stockholder may transfer his or her stock to the corporation for its use; and if the written transfer so provides the stock shall be perpetually held by the board of directors with all the rights of a stockholder, including the right to vote.

NOTE: The stricken “39.90 (7)” and “39.90” were inserted by 2005 Wis. Act 22, and “38.50 (10)” and “38.50” were inserted by 2005 Wis. Act 25. Act 25 renumbered s. 39.90 to s. 38.50 and specifically renumbered s. 39.90 (7) to s. 38.50 (10).

SECTION 32. 254.179 (1) (f) of the statutes is repealed.

NOTE: Section 254.179 (1) (f) reads: “The interim lead hazard control measures under s. 254.173 (3) (c) 2.” Section 254.173 (3) was repealed by 1999 Wis. Act 113, eff. 9-1-2005, rendering this provision without effect.

SECTION 33. The treatment of 343.44 (2) (b) (intro.) of the statutes by 2003 Wisconsin Act 33 is not repealed by 2005 Wisconsin Act 25. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 343.44 (2) (b) (intro.) reads:

(b) Except as provided in pars. (am) and (as), any person who violates sub. (1) (b) or (d) shall be fined not more than \$2,500 or imprisoned for not more than one year in the county jail or both. In imposing a sentence under this paragraph, or a local ordinance in conformity with this paragraph, the court shall review the record and consider the following:

SECTION 34. Subchapter VI (title) of chapter 440 [precedes 440.70] of the statutes, as created by 2005 Wisconsin Act 25, is renumbered subchapter XI (title) of chapter 440 [precedes 440.98].

NOTE: 2005 Wis. Acts 25 and 31 both created subchapter titles numbered ch. 440, subch. VI (title).

SECTION 35. 440.70 of the statutes, as affected by 2005 Wisconsin Act 25, is renumbered 440.98.

NOTE: 2005 Wis. Acts 25 and 31 both created sections numbered s. 440.70.

SECTION 36. 440.70 (13) of the statutes, as created by 2005 Wisconsin Act 31, is repealed.

NOTE: Section 440.70 (13) defines “incapacitated” as used in Chapter 440, subch. VI. “Incapacitated” does not appear in ch. 440, subch. VI.

SECTION 37. 440.75 of the statutes, as created by 2005 Wisconsin Act 25, is renumbered 440.88.

NOTE: 2005 Wis. Acts 25 and 31 both created sections numbered s. 440.75.

SECTION 38. 440.79 (a) to (d) of the statutes, as created by 2005 Wisconsin Act 31, are renumbered 440.79 (1) to (4).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b) to conform numbering to current style.

SECTION 39. 440.92 (1) (bm) of the statutes, as created by 2005 Wisconsin Act 25, is amended to read:

440.92 (1) (bm) If a cemetery authority that is licensed under this subsection notifies the board that it proposes to take an action specified in s. 157.08 (2) (b) 4. ~~b. or c.~~ and the board does not object to the action under s. 157.08 (2) (b) 3., the board shall revoke the license and require the cemetery authority to reapply for a license under this subsection.

NOTE: Corrects cross-references. Section s. 157.08 (2) (b) is not subdivided.

SECTION 40. 457.02 (5m) of the statutes, as affected by 2005 Wisconsin Act 25, is amended to read:

457.02 (5m) Authorize any individual who is certified or licensed under this chapter to treat alcohol or substance dependency or abuse as a specialty unless the individual is a certified substance abuse counselor, clinical supervisor, or prevention specialist under s. 440.75 ~~440.88~~, or unless the individual satisfies educational and supervised training requirements established in rules promulgated by the examining board. In promulgating rules under this subsection, the examining board shall consider the requirements for qualifying as a certified substance abuse counselor, clinical supervisor, or prevention specialist under s. 440.75 ~~440.88~~.

NOTE: Section 440.75, as created by 2005 Wis. Act 25, is renumbered s. 440.88 by this bill.

SECTION 41. 460.05 (1) (e) 1. of the statutes, as affected by 2005 Wisconsin Acts 22 and 25, is amended to read:

460.05 (1) (e) 1. Graduated from a school of massage therapy or bodywork approved by the educational approval board under s. 39.90 38.50 or completed a training program approved by the department under the rules promulgated under s. 460.04 (2) (b).

NOTE: The stricken "39.90" was inserted by 2005 Wis. Act 22, and "38.50" was inserted by 2005 Wis. Act 25. Act 25 renumbered s. 39.90 to s. 38.50.

SECTION 42. 560.61 (1) of the statutes is amended to read:

560.61 (1) Make a grant or loan to an eligible recipient for a project that meets the criteria for funding under s. 560.605 (1) and (2) and under s. 560.62, 560.63, 560.65 or 560.66, whichever is appropriate, from the appropriations under s. 20.143 (1) (c), ~~(eb)~~ and (ie).

NOTE: Section 20.143 (1) (cb) was repealed by 2005 Wis. Act 25.

SECTION 43. 944.21 (8) (b) 3. a. of the statutes, as affected by 2005 Wisconsin Acts 22 and 25, is amended to read:

944.21 (8) (b) 3. a. Is a technical college, is a school approved by the educational approval board under s. 39.90 38.50, or is a school described in s. 39.90 38.50 (1) (e) 6., 7. or 8.; and

NOTE: The stricken "39.90" was inserted by 2005 Wis. Act 22, and "38.50" was inserted by 2005 Wis. Act 25. Act 25 renumbered s. 39.90 to s. 38.50.

SECTION 44. 948.11 (4) (b) 3. a. of the statutes, as affected by 2005 Wisconsin Acts 22 and 25, is amended to read:

948.11 (4) (b) 3. a. Is a technical college, is a school approved by the educational approval board under s. 39.90 38.50, or is a school described in s. 39.90 38.50 (1) (e) 6., 7. or 8.; and

NOTE: The stricken "39.90" was inserted by 2005 Wis. Act 22, and "38.50" was inserted by 2005 Wis. Act 25. Act 25 renumbered s. 39.90 to s. 38.50.

SECTION 45. 2005 Wisconsin Act 25, section 221r is amended by replacing "20.292 (2) (gm) of the statutes, as affected by 2005 Wisconsin Act (this act), section 387, is amended to read:" with "20.292 (2) (gm) of the statutes, as affected by 2005 Wisconsin Act (this act), section 387m, is amended to read:".

NOTE: 2005 Wis. Act 25, section 387m, renumbered and amended s. 20.485 (5) (gm) to s. 20.292 (2) (gm). Act 25 does not contain a section 387.

SECTION 46. 2005 Wisconsin Act 25, section 855 is amended by replacing "~~or for placement of a child in a group home licensed under s. 48.625~~" with "~~, or for placement of a child in a group home licensed under s. 48.625~~".

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

SECTION 47. 2005 Wisconsin Act 25, section 1157 is amended by replacing "46.277 ~~or~~ 46.278, ~~or~~ 46.2785" with "46.277 ~~or~~ 46.278, ~~or~~ 46.2785".

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

SECTION 48. 2005 Wisconsin Act 25, section 1298 is amended by replacing "s. 71.04 (7) (b) 1. and 2. ~~and~~ (d), ~~(df), and (dh)~~" with "s. 71.04 (7) (b) 1. and 2. ~~and~~ (d), ~~(df), and (dh)~~".

NOTE: The underscored "2." was previously existing and should have been shown in plain text.

SECTION 49. 2005 Wisconsin Act 25, section 1361 is amended by replacing "~~net income~~" means the federal regulated investment company taxable income, federal real estate mortgage investment conduit taxable income, federal real estate investment trust or financial asset securitization investment trust taxable income of the corporation, conduit, or trust as determined under the Internal Revenue Code as amended to December 31, 2002, excluding sections 103, 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, P.L. 106-519, sections 162 and 165 of P.L. 106-554, P.L. 106-573, section 431 of P.L. 107-16, and section 101 of P.L. 107-147," with "~~net income~~" means the federal regulated investment company taxable income, federal real estate mortgage investment conduit taxable income, federal real estate investment trust or financial asset securitization investment trust taxable income of the corporation, conduit, or trust as determined under the Internal Revenue

Code as amended to December 31, 2002, excluding sections 103, 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, P.L. 106-519, sections 162 and 165 of P.L. 106-554, P.L. 106-573, section 431 of P.L. 107-16, and section 101 of P.L. 107-147.”

NOTE: The above underscored text was previously existing and should have been shown in plain text.

SECTION 50. 2005 Wisconsin Act 25, section 1371 is amended by replacing “~~in a development zone otherwise due under this chapter~~” with “~~in a development zone otherwise due~~ under this ~~subchapter~~ chapter”.

NOTE: The underscored “under this” was previously existing and should have been shown in plain text. “Subchapter” was deleted without being shown as stricken.

SECTION 51. 2005 Wisconsin Act 25, section 1414 is amended by replacing “~~in a development zone otherwise due under this chapter~~” with “~~in a development zone otherwise due~~ under this ~~subchapter~~ chapter”.

NOTE: The underscored “under this” was previously existing and should have been shown in plain text. “Subchapter” was deleted without being shown as stricken.

SECTION 52. 2005 Wisconsin Act 25, section 1599 is amended by replacing “s. 50.01 (1g), or” with “s. 50.01 (1g), or”.

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

SECTION 53. 2005 Wisconsin Act 25, section 1684t is amended by replacing “77.82 (3) (c) (intro.) of the statutes, as affected by 2005 Wisconsin Act 228” with “77.82 (3) (c) (intro.) of the statutes, as affected by 2003 Wisconsin Act 228”.

NOTE: Section 77.82 (3) (c) (intro.) was amended by 2003 Wis. Act 228, eff. 11-1-2005. At the time of the adoption of 2005 Wis. Act 25, there was no 2005 Wis. Act 228.

SECTION 54. 2005 Wisconsin Act 25, section 2018 is amended by replacing “4-year license” with “4-year license”.

NOTE: The underscored “license” was previously existing and should have been shown in plain text.

SECTION 55. 2005 Wisconsin Act 25, section 2125 is amended by replacing “and who has presented” with “and who has presented”.

NOTE: 2005 Wis. Act 25 inserted “who” without showing it as underscored. The change was intended.

SECTION 56. 2005 Wisconsin Act 25, section 2243 is amended by replacing “341.09 (2m) (a) 1., 2. and 3. and (d) of the statutes are amended to read:” with “341.09 (2m) (a) 1. (intro.), 2. and 3. and (d) of the statutes are amended to read:”.

NOTE: 2005 Wis. Act 25, section 2243, treats s. 341.09 (2m) (a) 1. (intro.) and not the subsequent subdivision paragraphs.

SECTION 57. 2005 Wisconsin Act 42, section 29 is amended by replacing “admit ~~videotape~~ an audiovisual recording of a statement” with “admit an audiovisual recording of a videotape statement”.

NOTE: New text was inserted in the wrong order.

SECTION 58. Effective dates. This act takes effect on the day after publication, except as follows:

(1) The treatment of sections 440.75 and 457.02 (5m) of the statutes takes effect on the day after publication or on the date on which the treatment of subchapter VII of chapter 440 takes effect under SECTION 9421 (10q) of 2005 Wisconsin Act 25, whichever is later.