



2007 SENATE BILL 300

November 2, 2007 - Introduced by LAW REVISION COMMITTEE. Referred to
Committee on Ethics Reform and Government Operations.

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

Analysis by the Legislative Reference Bureau

This revisor's correction bill is explained in the NOTES provided by the revisor of statutes in the body of the bill. In accordance with current drafting style, commas before the last item in a series are added throughout this bill. "Which" is replaced by "that" where grammatically correct. This bill is not intended to make any substantive changes.

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

6 **SECTION 1.** 5.90 (1) of the statutes, as affected by 2005 Wisconsin Act 451, is
7 amended to read:

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1 5.90 (1) Except as otherwise provided in this subchapter, recounts of votes cast
2 on an electronic voting system shall be conducted in the manner prescribed in s. 9.01.
3 Except as provided in sub. (2) and s. 9.01 (1) (b) 8s., if the ballots are distributed to
4 the electors, the board of canvassers shall recount the ballots with automatic
5 tabulating equipment. The board of canvassers shall test the automatic tabulating
6 equipment to be used prior to the recount as provided in s. 5.84, and then the official
7 ballots or the record of the votes cast shall be recounted on the automatic tabulating
8 equipment. In addition, the board of canvassers shall check the ballots for the
9 presence or absence of the initials and other distinguishing marks, shall examine the
10 ballots marked “Rejected”, “Defective” and “Objected to” to determine the propriety
11 of such labels, and shall compare the “Duplicate Overvoted Ballots” and “Duplicate
12 Damaged Ballots” with their respective originals to determine the correctness of the
13 duplicates. If electronic voting machines are used, the board of canvassers shall
14 perform the recount using the permanent paper record of the votes cast by each
15 elector, as generated by the machines.

NOTE: Inserts missing “s.”

16 **SECTION 2.** 6.29 (2) (am) of the statutes, as created by 2005 Wisconsin Act 451,
17 is amended to read:

18 6.29 (2) (am) The board shall provide to each municipal clerk a list prepared
19 for use at each municipal clerk’s office showing the name and address of each person
20 whose name appears on the list provided by the department of corrections under s.
21 301.03 ~~(20)~~ (20m) as ineligible to vote on the date of the election, whose address is
22 located in the municipality, and whose name does not appear on the registration list
23 for that municipality. Prior to permitting an elector to register to vote under this
24 subsection, the municipal clerk shall review the list. If the name of an elector who

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1 wishes to register to vote appears on the list, the municipal clerk shall inform the
2 elector that the elector is ineligible to register to vote. If the elector maintains that
3 he or she is eligible to vote in the election, the municipal clerk shall permit the elector
4 to register to vote but shall mark the elector's registration form as "ineligible to vote
5 per Department of Corrections." If the elector wishes to vote, the municipal clerk
6 shall challenge the elector's ballot in the same manner as provided for inspectors who
7 challenge ballots under s. 6.79 (2) (dm).

NOTE: Section 301.03 (20), as created by 2005 Wis. Act 451, is renumbered s. 301.03
(20m) by this bill.

8 **SECTION 3.** 6.33 (1) of the statutes, as affected by 2005 Wisconsin Act 451, is
9 amended to read:

10 6.33 (1) The board shall prescribe the format, size, and shape of registration
11 forms. All forms shall be printed on cards and each item of information shall be of
12 uniform font size, as prescribed by the board. The municipal clerk shall supply
13 sufficient ~~form~~ forms to meet voter registration needs. The forms shall be designed
14 to obtain from each applicant information as to name; date; residence location;
15 citizenship; date of birth; age; the number of a valid operator's license issued to the
16 elector under ch. 343 or the last 4 digits of the elector's social security account
17 number; whether the applicant has resided within the ward or election district for
18 at least 10 days; whether the applicant has been convicted of a felony for which he
19 or she has not been pardoned, and if so, whether the applicant is incarcerated, or on
20 parole, probation, or extended supervision; whether the applicant is disqualified on
21 any other ground from voting; and whether the applicant is currently registered to
22 vote at any other location. The form shall include a space for the applicant's
23 signature and the signature of any corroborating elector. The form shall include a

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1 space to enter the name of any special registration deputy under s. 6.26 or 6.55 (6)
2 or inspector, municipal clerk, or deputy clerk under s. 6.55 (2) who obtains the form
3 and a space for the deputy, inspector, clerk, or deputy clerk to sign his or her name,
4 affirming that the deputy, inspector, clerk, or deputy clerk has accepted the form.
5 The form shall include a space for entry of the ward and aldermanic district, if any,
6 where the elector resides and any other information required to determine the offices
7 and referenda for which the elector is certified to vote. The form shall also include
8 a space where the clerk may record an indication of whether the form is received by
9 mail, a space where the clerk may record an indication of the type of identifying
10 document submitted by the elector as proof of residence under s. 6.34, whenever
11 required, and a space where the clerk, for any applicant who possesses a valid voting
12 identification card issued to the person under s. 6.47 (3), may record the
13 identification serial number appearing on the voting identification card. Each
14 county clerk shall obtain sufficient registration forms for completion by an elector
15 who desires to register to vote at the office of the county clerk under s. 6.28 (4).

NOTE: Replaces the singular with the plural to correct grammar.

16 **SECTION 4.** 6.36 (1) (a) of the statutes, as affected by 2005 Wisconsin Act 451,
17 is amended to read:

18 6.36 (1) (a) The board shall compile and maintain electronically an official
19 registration list. The list shall contain the name and address of each registered
20 elector in the state, the date of birth of the elector, the ward and aldermanic district
21 of the elector, if any, and, for each elector, a unique registration identification number
22 assigned by the board, the number of a valid operator's license issued to the elector
23 under ch. 343, if any, or the last 4 digits of the elector's social security account
24 number, if any, any identification serial number issued to the elector under s. 6.47

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1 (3), the date of any election in which the elector votes, an indication of whether the
2 elector is a military elector, as defined in sub. (2) (c), who has so certified under s.
3 6.865 (3m), an indication of whether the elector is an overseas elector, as defined in
4 s. 6.24 (1), any information relating to the elector that appears on the current list
5 transmitted to the board by the department of corrections under s. 301.03 ~~(20)~~ (20m),
6 an indication of any accommodation required under s. 5.25 (4) (a) to permit voting
7 by the elector, an indication of the method by which the elector's registration form
8 was received, and such other information as may be determined by the board to
9 facilitate administration of elector registration requirements.

NOTE: Section 301.03 (20), as created by 2005 Wis. Act 451, is renumbered s. 301.03
(20m) by this bill.

10 **SECTION 5.** 6.55 (2) (cs) of the statutes, as created by 2005 Wisconsin Act 451,
11 is amended to read:

12 6.55 (2) (cs) The board shall provide to each municipal clerk a list prepared for
13 use at each polling place showing the name and address of each person whose name
14 appears on the list provided by the department of corrections under s. 301.03 ~~(20)~~
15 (20m) as ineligible to vote on the date of the election, whose address is located in the
16 area served by that polling place, and whose name does not appear on the poll list
17 for that polling place. Prior to permitting an elector to register to vote under this
18 subsection or s. 6.86 (3) (a) 2., the inspectors or special registration deputies shall
19 review the list. If the name of an elector who wishes to register to vote appears on
20 the list, the inspectors or special registration deputies shall inform the elector or the
21 elector's agent that the elector is ineligible to register to vote. If the elector or the
22 elector's agent maintains that the elector is eligible to vote in the election, the
23 inspectors or special registration deputies shall permit the elector to register but

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1 shall mark the elector’s registration form as “ineligible to vote per Department of
2 Corrections.” If the elector wishes to vote, the inspectors shall require the elector to
3 vote by ballot and shall challenge the ballot as provided in s. 6.79 (2) (dm).

NOTE: Section 301.03 (20), as created by 2005 Wis. Act 451, is renumbered s. 301.03
(20m) by this bill.

4 **SECTION 6.** 6.79 (2) (d) of the statutes, as affected by 2005 Wisconsin Act 451,
5 is amended to read:

6 6.79 (2) (d) ~~The~~ If the poll list indicates that proof of residence under s. 6.34 is
7 required, the officials shall require the elector to provide proof of residence. If proof
8 of residence is provided, the officials shall verify that the name and address on the
9 identification document submitted as proof of residence provided is the same as the
10 name and address shown on the registration list. If proof of residence is required and
11 not provided, the officials shall offer the opportunity for the elector to vote under s.
12 6.97.

NOTE: “If” was deleted by 2005 Wis. Act 451 without being shown as stricken. No
change was intended.

13 **SECTION 7.** 6.79 (2) (dm) of the statutes, as created by 2005 Wisconsin Act 451,
14 is amended to read:

15 6.79 (2) (dm) If the poll list indicates that the elector is ineligible to vote because
16 the elector’s name appears on the current list provided by the department of
17 corrections under s. 301.03 ~~(20)~~ (20m), the inspectors shall inform the elector of this
18 fact. If the elector maintains that he or she is eligible to vote in the election, the
19 inspectors shall provide the elector with a ballot and, after the elector casts his or her
20 vote, shall challenge the ballot as provided in s. 6.92 and treat the ballot in the
21 manner provided in s. 6.95.

NOTE: Section 301.03 (20), as created by 2005 Wis. Act 451, is renumbered s. 301.03
(20m) by this bill.

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1 **SECTION 8.** The treatment of 6.875 (4) of the statutes by 2005 Wisconsin Act 149
2 is not repealed by 2005 Wisconsin Act 451. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 6.875 (4) reads:

(4) (a) For the purpose of absentee voting in nursing homes and qualified retirement homes and qualified community-based residential facilities, the municipal clerk or board of election commissioners of each municipality in which one or more nursing homes or qualified retirement homes or qualified community-based residential facilities are located shall appoint at least 2 special voting deputies for the municipality. Upon application under s. 6.86 (1), (2), or (2m) by one or more qualified electors who are occupants of a nursing home or qualified retirement home or qualified community-based residential facility, the municipal clerk or board of election commissioners of the municipality in which the home or facility is located shall dispatch 2 special voting deputies to visit the home or qualified community-based residential facility for the purpose of supervising absentee voting procedure by occupants of the home or qualified community-based residential facility. The clerk shall maintain a list, available to the public upon request, of each nursing home or qualified retirement home or qualified community-based residential facility where an elector has requested an absentee ballot. The list shall include the date and time the deputies intend to visit each home or facility. The 2 deputies designated to visit each nursing home or qualified retirement home and qualified community-based residential facility shall be affiliated with different political parties whenever deputies representing different parties are available.

(b) Nominations for the special voting deputy positions described in par. (a) may be submitted by the 2 recognized political parties whose candidates for governor or president received the greatest numbers of votes in the municipality at the most recent general election. The deputies shall be specially appointed to carry out the duties under par. (a) for the period specified in s. 7.30 (6) (a). The clerk or board of election commissioners may revoke an appointment at any time. No individual who is employed or retained, or within the 2 years preceding appointment has been employed or retained, at a nursing home or qualified retirement home or qualified community-based residential facility in the municipality, or any member of the individual's immediate family, as defined in s. 19.42 (7), may be appointed to serve as a deputy.

3 **SECTION 9.** The treatment of 6.875 (6) (a) of the statutes by 2005 Wisconsin Act
4 149, section 24, is not repealed by 2005 Wisconsin Act 451, section 86. Both
5 treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 6.875 (6) (a) reads:

(a) Special voting deputies in each municipality shall, not later than 5 p.m. on the Friday preceding an election, arrange one or more convenient times with the administrator of each nursing home, qualified retirement home, and qualified community-based residential facility in the municipality from which one or more occupants have filed an application under s. 6.86 to conduct absentee voting for the election. The time may be no earlier than the 4th Monday preceding the election and no later than 5 p.m. on the Monday preceding the election. The municipal clerk shall post a notice at the home or facility indicating the date and time that absentee voting will take place at that home or facility. The notice shall be posted as soon as practicable after arranging the visit but in no case less than 24 hours before the visit. At the designated time, 2 deputies appointed under sub. (4) shall visit the home or facility.

SENATE BILL 300**SECTION 10**

1 **SECTION 10.** 6.875 (6) (b) of the statutes, as affected by 2005 Wisconsin Act 149,
2 section 24, and 2005 Wisconsin Act 451, section 86, is amended to read:

3 6.875 **(6)** (b) The municipal clerk or executive director of the board of election
4 commissioners shall issue a supply of absentee ballots to the deputies sufficient to
5 provide for the number of valid applications for an absentee ballot received by the
6 clerk, and a reasonable additional number of ballots. The deputies may exercise the
7 authority granted to the chief inspector under s. 7.41 to regulate the conduct of
8 observers ~~for.~~ For purposes of the application of s. 7.41, the home or facility shall be
9 treated as a polling place. The municipal clerk or executive director shall keep a
10 careful record of all ballots issued to the deputies and shall require the deputies to
11 return every ballot issued to them.

NOTE: Corrects punctuation error that results in an incomplete sentence. Drafting records for 2005 Wis. Act 451 show that 2 sentences were intended.

12 **SECTION 11.** The treatment of 7.08 (1) (c) of the statutes by 2005 Wisconsin Act
13 278 is not repealed by 2005 Wisconsin Act 451. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 7.08 (1) (c) reads:

(c) Prescribe forms required by ss. 6.24 (3) and (4), 6.30 (4), 6.33 (1), 6.40 (1) (a), 6.47 (1) (am) 2. and (3), 6.55 (2), and 6.86 (2) to (3). All such forms shall contain a statement of the penalty applicable to false or fraudulent registration or voting through use of the form. Forms are not required to be furnished by the board.

14 **SECTION 12.** The treatment of 7.30 (4) (b) (intro.) of the statutes by 2005
15 Wisconsin Act 149 is not repealed by 2005 Wisconsin Act 451. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 7.30 (4) (b) (intro.) reads:

(b) The 2 dominant parties, under sub. (2), are each responsible for submitting a list of names from which all appointees to inspector positions, other than appointees to inspector positions authorized under sub. (1) (b), shall be chosen as follows:

16 **SECTION 13.** The treatment of 7.30 (4) (b) 2. of the statutes by 2005 Wisconsin
17 Act 149 is not repealed by 2005 Wisconsin Act 451. Both treatments stand.

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NOTE: There is no conflict of substance. As merged by the revisor s. 7.30 (4) (b) 2. reads:

2. a. In municipalities other than cities and villages located in counties having a population of more than 500,000, the committees organized under s. 8.17 from each of the 2 dominant parties under sub. (2) shall submit a list containing at least as many names as there are needed appointees from that party. The list shall be submitted by the chairperson of each of the 2 committees to the mayor, president, or chairperson of the municipality. If committees are organized in subdivisions of a city, the list shall be submitted through the chairperson of the city committee. If there is no municipal committee, the list shall be submitted by the chairperson of the county or legislative district committee. Except as provided in par. (c), only those persons submitted by the chairperson of each committee under s. 8.17 may act as election officials. The chairperson may designate any individual whose name is submitted as a first choice nominee. The list shall contain the signature of the chairperson and secretary of the submitting committee.

b. In cities or villages located in counties having a population of more than 500,000, other than cities where there is a board of election commissioners, the aldermanic district or village committeeman or committeewoman for the ward or wards where each polling place is located, if there is one, or for inspectors serving under s. 7.52 (1) (b), the committeemen and committeewomen for the municipality acting jointly, shall submit a list containing at least as many names as there are needed appointees for inspector positions from the party represented by the committeeman or committeewoman or by the committeemen and committeewomen acting jointly. For appointments of inspectors in cities and villages where there is no aldermanic district or village committeeman or committeewoman, nominations shall proceed in the same manner as in municipalities located in counties having a population of 500,000 or less. The list shall be submitted to the mayor or president. Except as provided in par. (c), only those persons whose names are submitted as provided in this paragraph may act as election officials. The committeeman or committeewoman may designate any individual whose name is submitted as a first choice nominee. The list shall contain the signature of the aldermanic district or village committeeman or committeewoman or the chairperson of the appropriate committee.

c. Upon submission of each nominee's name, the governing body shall appoint each first choice nominee for so long as positions are available, unless nonappointment is authorized under par. (e), and shall appoint other nominees in its discretion. If any nominee is not appointed, the mayor, president, or chairperson of the municipality shall immediately nominate another person from the appropriate lists submitted and continue until the necessary number of election officials from each party is achieved at that meeting.

1 **SECTION 14.** 7.51 (1) of the statutes, as affected by 2005 Wisconsin Act 451, is
2 amended to read:

3 **7.51 (1) CANVASS PROCEDURE.** Immediately after the polls close the inspectors
4 except any inspector appointed under s. 7.30 (1) (b) shall proceed to canvass publicly
5 all votes received at the polling place. In any municipality where an electronic voting
6 system is used, the municipal governing body or board of election commissioners may
7 provide or authorize the municipal clerk or executive director of the board of election

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1 commissioners to provide for the adjournment of the canvass to one or more central
2 counting locations for specified polling places in the manner prescribed in subch. III
3 of ch. 5. No central counting location may be used to count votes at a polling place
4 where an electronic voting system is not employed. The canvass, whether conducted
5 at the polling place or at a central counting location, shall continue without
6 adjournment until the canvass is completed and the return statement is made or, in
7 municipalities where absentee ballots are canvassed under s. 7.52, until the canvass
8 of all ballots cast is completed and the return statement for those ballots ~~are~~ is made.
9 The inspectors shall not permit access to the name of any elector who has obtained
10 a confidential listing under s. 6.47 (2) during the canvass, except as authorized in s.
11 6.47 (8).

NOTE: Replaces "are" with "is" for correct sentence agreement.

12 **SECTION 15.** 7.53 (2) (a) 3. of the statutes, as created by 2005 Wisconsin Act 451,
13 is amended to read:

14 7.53 (2) (a) 3. If the clerk is a candidate at an election being canvassed, the clerk
15 may perform his or her duties on the board of canvassers only if the clerk does not
16 have an opponent whose name appears on the ballot, or in the case of a recount, if
17 the office the clerk is seeking is not a subject of the recount. If the clerk is a candidate
18 at the election being canvassed and has an opponent whose name appears on the
19 ballot or if the office the clerk is seeking is a subject of a recount, the mayor, president
20 of or board chairperson of the municipality shall designate another qualified elector
21 of the municipality to serve in lieu of the elector for that election.

NOTE: Inserts correct word.

22 **SECTION 16.** The treatment of 9.01 (1) (a) of the statutes by 2005 Wisconsin Act
23 149 is not repealed by 2005 Wisconsin Act 451. Both treatments stand.

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NOTE: There is no conflict of substance. As merged by the revisor, s. 9.01 (1) (a) reads:

(a) 1. Any candidate voted for at any election or any elector who voted upon any referendum question at any election may petition for a recount. The petitioner shall file a verified petition or petitions with the proper clerk or body under par. (ar) not earlier than the time of completion of the canvass and not later than 5 p.m. on the 3rd business day following the last meeting day of the municipal or county board of canvassers determining the election for that office or on that referendum question prior to issuance of any amended return under s. 6.221 (6) (b) or, if more than one board of canvassers makes the determination, not later than 5 p.m. on the 3rd business day following the last meeting day of the last board of canvassers which makes a determination prior to issuance of any amended return under s. 6.221 (6) (b). If the chairperson of the board or chairperson's designee makes the determination for the office or the referendum question, the petitioner shall file the petition not earlier than the last meeting day of the last county board of canvassers to make a statement in the election or referendum and not later than 5 p.m. on the 3rd business day following the day on which the elections board receives the last statement from a county board of canvassers for the election or referendum.

2. Each verified petition under subd. 1. shall state all of the following:

a. That at the election the petitioner was a candidate for the office in question or that the petitioner voted on the referendum question in issue.

b. That the petitioner is informed and believes that a mistake or fraud has been committed in a specified ward or municipality in the counting and return of the votes cast for the office or upon the question or that another specified defect, irregularity, or illegality occurred in the conduct of the election.

3. The petition under subd. 1. shall specify each ward, or each municipality where no wards exist, in which a recount is desired. If a recount is requested for all wards within a jurisdiction, each ward need not be specified.

4. The petition under subd. 1. may be amended to include information discovered as a result of the investigation of the board of canvassers or the chairperson of the board, or chairperson's designee, after the filing of the petition if the petitioner moves to amend the petition as soon as possible after the petitioner discovers, or reasonably should have discovered, the information that is the subject of the amendment and if the petitioner was unable to include the information in the original petition.

1 **SECTION 17.** The treatment of 13.94 (4) (a) 1. of the statutes by 2005 Wisconsin
2 Act 335 is not repealed by 2005 Wisconsin Act 441. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 13.94 (4) (a) 1. reads:

1. Every state department, board, examining board, affiliated credentialing board, commission, independent agency, council or office in the executive branch of state government; all bodies created by the legislature in the legislative or judicial branch of state government; any public body corporate and politic created by the legislature including specifically the Fox River Navigational System Authority and the Wisconsin Aerospace Authority, a professional baseball park district, a local professional football stadium district, a local cultural arts district and a family care district under s. 46.2895; every Wisconsin works agency under subch. III of ch. 49; every provider of medical assistance under subch. IV of ch. 49; technical college district boards; development zones designated under s. 560.71; every county department under s. 51.42 or 51.437; every nonprofit corporation or cooperative or unincorporated cooperative association to which moneys are specifically appropriated by state law; and every corporation, institution, association or other organization which receives more than 50% of its annual budget from

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appropriations made by state law, including subgrantee or subcontractor recipients of such funds.

1 **SECTION 18.** 16.964 (12) (k) of the statutes, as created by 2005 Wisconsin Act
2 25, is amended to read:

3 16.964 **(12)** (k) By December 31, 2011, the office, in collaboration with the
4 departments of corrections and health and family services, shall submit a report to
5 the chief clerk of each house of the legislature, for distribution to the appropriate
6 standing committees under ~~section s.~~ 13.172 (3), regarding savings that have been
7 generated through the implementation of the grant program. The report shall also
8 include recommendations regarding how the grant program should be structured in
9 the future.

NOTE: Corrects citation form. The change is shown in the printed volumes.

10 **SECTION 19.** 19.01 (4) (g) of the statutes is amended to read:

11 19.01 **(4)** (g) Official oaths and bonds of all elected or appointed village officers
12 shall be filed in the office of the village clerk for the village in which the ~~officers~~ officer
13 serves, except that oaths and bonds of village clerks shall be filed in the office of the
14 village treasurer.

NOTE: Inserts missing word and correct word form.

15 **SECTION 20.** 19.82 (2) of the statutes is amended to read:

16 19.82 **(2)** “Meeting” means the convening of members of a governmental body
17 for the purpose of exercising the responsibilities, authority, power or duties
18 delegated to or vested in the body. If one-half or more of the members of a
19 governmental body are present, the meeting is rebuttably presumed to be for the
20 purpose of exercising the responsibilities, authority, power or duties delegated to or
21 vested in the body. The term does not include any social or chance gathering or
22 conference which is not intended to avoid this subchapter, any gathering of the

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1 members of a town board for the purpose specified in s. 60.50 (6), any gathering of
2 the commissioners of a town sanitary district for the purpose specified in s. 60.77 (5)
3 (k), or any gathering of the members of a drainage board created under s. 88.16, 1991
4 stats., or under s. 88.17, for a purpose specified in s. 88.065 (5) (a).

NOTE: Inserts serial comma. The change is shown in the printed volumes.

5 **SECTION 21.** The treatment of 20.566 (1) (hp) of the statutes by 2005 Wisconsin
6 Act 323 is not repealed by 2005 Wisconsin Act 460. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 20.566 (1) (hp)
reads:

(hp) *Administration of endangered resources; professional football district; breast cancer research; fire fighters memorial; veterans trust fund; multiple sclerosis programs; prostate cancer research voluntary payments.* The amounts in the schedule for the payment of all administrative costs, including data processing costs, incurred in administering ss. 71.10 (5), (5e), (5f), (5fm), (5g), (5h), and (5m), and 71.30 (10). All moneys specified for deposit in this appropriation under ss. 71.10 (5) (h) 5., (5e) (h) 4., (5f) (i), (5fm) (i), (5g) (i), (5h) (i), and (5m) (i), and 71.30 (10) (i) and (11) (i) shall be credited to this appropriation.

7 **SECTION 22.** 20.835 (2) (bm) of the statutes, as created by 2005 Wisconsin Act
8 405, is renumbered 20.835 (2) (br).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2005 Wis. Act
483 also created a provision numbered s. 20.835 (2) (bm).

9 **SECTION 23.** 30.206 (1) (a) of the statutes is amended to read:

10 30.206 (1) (a) The department shall issue the statewide general permits as
11 rules promulgated under ch. 227 required under ss. 30.12 (3) (a), 30.123 (7) (a), and
12 30.20 (1t) (a). The statewide general permits required under ss. 30.12 (3) (a), 30.123
13 (7) (a), and 30.20 (1t) (a) shall be promulgated within 540 days after February 6,
14 2004. The department shall submit in proposed form the rule containing the
15 statewide general permit under s. 30.19 (3r) (a) and the rule under s. 30.19 (1d) to
16 the legislative council staff under section ~~s.~~ 227.15 (1) no later than August 1, 2004.
17 General permits issued under s. 30.206, 2001 stats., shall remain valid until the date

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1 upon which the rules issuing these statewide general permits are promulgated
2 under this paragraph.

NOTE: Corrects citation form. The correction has been made in the printed volumes.

3 **SECTION 24.** 31.02 (4r) of the statutes is amended to read:

4 31.02 (4r) The department shall promulgate rules specifying the rights held
5 by the public in navigable waters that are dammed. The rules shall include
6 provisions on the rights held by the public that affect the placement of fishways or
7 fish ladders in navigable waters that are dammed.

NOTE: Inserts missing article.

8 **SECTION 25.** 40.23 (3) of the statutes, as affected by 2005 Wisconsin Act 154,
9 is amended to read:

10 40.23 (3) The initial monthly amount of any retirement annuity in the normal
11 form shall not be less than the money purchase annuity which can be provided by
12 applying the sum of the participant's accumulated additional and required
13 contributions, including interest credited to the accumulations, plus an amount from
14 the employer accumulation reserve equal to the participant's accumulated required
15 contributions, less any accumulated contributions to purchase other governmental
16 service under s. 40.25 (7), 2001 stats., or s. 40.285 (2) (b) or 40.25 (7), 2001 stats., to
17 fund the annuity in accordance with the actuarial tables in effect on the annuity
18 effective date.

NOTE: Places cross-references in correct order according to current style.

19 **SECTION 26.** 40.73 (1) (am) 2. of the statutes, as created by 2005 Wisconsin Act
20 22, is amended to read:

21 40.73 (1) (am) 2. Accumulated contributions to purchase other governmental
22 service under s. 40.25 (7), 2001 stats., or s. 40.285 (2) (b) or 40.25 (7), 2001 stats.

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NOTE: Places cross-references in correct order according to current style.

1 **SECTION 27.** 43.30 (1b) of the statutes is amended to read:

2 43.30 **(1b)** In this section, “custodial parent” includes any parent other than
3 a parent who has been denied periods of physical placement with a child under s.
4 ~~767.24 (4)~~ 767.41 (4).

NOTE: Corrects cross-reference. Section 767.24 was renumbered to s. 767.41 by
2005 Wis. Act 443.

5 **SECTION 28.** 45.31 (7) of the statutes, as affected by 2005 Wisconsin Act 22, is
6 amended to read:

7 45.31 **(7)** “Funds” include cash on hand and liquid investments owned by the
8 veteran and his or her spouse, individually or jointly, unless the veteran and spouse
9 are legally separated under s. ~~767.07~~ 767.35 (1).

NOTE: Corrects cross-reference. Section 767.07 was renumbered to s. 767.35 (1)
by 2005 Wis. Act 443.

10 **SECTION 29.** 45.37 (2) (a) of the statutes, as affected by 2005 Wisconsin Act 22,
11 is amended to read:

12 45.37 **(2)** (a) Applications for loans under this section for a purpose specified
13 in s. 45.34 (1) (a), (b), or (d) shall be made to an authorized lender and applications
14 for loans under this section for a purpose specified under s. 45.34 (1) (c) may be made
15 to the department or to a county veterans service officer on forms approved by the
16 department and signed by the applicant. If the applicant is married and not legally
17 separated under s. ~~767.02~~ 767.001 (1) (d) or in the process of obtaining a divorce, the
18 applicant’s spouse also shall sign the application.

NOTE: Corrects cross-reference. Section 767.02 was renumbered s. 767.001 by
2005 Wis. Act 443.

19 **SECTION 30.** 46.03 (7g) of the statutes, as affected by 2005 Wisconsin Act 406,
20 section 2, is amended to read:

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1 46.03 **(7g)** STATEWIDE AUTOMATED CHILD WELFARE INFORMATION SYSTEM. Establish
2 a statewide automated child welfare information system. Notwithstanding ss.
3 46.2895 (9), 48.396 (1) and (2) (a), 48.78 (2) (a), 48.981 (7), 49.45 (4), 49.83, 51.30,
4 51.45 (14) (a), ~~55.06 (17) (e)~~ 55.22 (3), 146.82, 252.11 (7), 252.15, 253.07 (3) (c), 938.396
5 (1) (a) and (2) ~~(a)~~, and 938.78 (2) (a), the department may enter the content of any
6 record kept or information received by the department into the statewide automated
7 child welfare information system, and a county department under s. 46.215, 46.22
8 or 46.23, the department, or any other organization that has entered into an
9 information sharing and access agreement with the department or any of those
10 county departments and that has been approved for access to the statewide
11 automated child welfare information system by the department may have access to
12 information that is maintained in that system, if necessary to enable the county
13 department, department, or organization to perform its duties under this chapter,
14 ch. 48, 51, 55, or 938, or 42 USC 670 to 679b to or to coordinate the delivery of services
15 under this chapter, ch. 48, 51, 55, or 938, or 42 USC 670 to 679b.

NOTE: Corrects cross-references. 2005 Wis. Act 264 renumbered s. 55.06 (17) to
s. 55.22. 2005 Wis. Act 344 renumbered s. 938.396 (1) to s. 938.396 (1) (a) and s. 938.396
(2) (a) to s. 938.396 (2) and changed existing cross-references to s. 938.396 (1) (a) and (2),
but did not take account of the cross-references inserted by 2005 Wis. Act 406.

16 **SECTION 31.** 46.215 (1p) of the statutes, as created by 2005 Wisconsin Act 406,
17 is amended to read:

18 46.215 **(1p)** EXCHANGE OF INFORMATION; STATEWIDE AUTOMATED CHILD WELFARE
19 INFORMATION SYSTEM. Notwithstanding ss. 46.2895 (9), 48.396 (1) and (2) (a), 48.78
20 (2) (a), 48.981 (7), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), ~~55.06 (17) (e)~~ 55.22 (3), 146.82,
21 252.11 (7), 252.15, 253.07 (3) (c), 938.396 (1) (a) and (2) ~~(a)~~, and 938.78 (2) (a), a county
22 department under this section may enter the content of any record kept or

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1 information received by that county department into the statewide automated child
2 welfare information system established under s. 46.03 (7g).

NOTE: Corrects cross-reference. 2005 Wis. Act 264 renumbered s. 55.06 (17) to s. 55.22. 2005 Wis. Act 344 renumbered s. 938.396 (1) to s. 938.396 (1) (a) and s. 938.396 (2) (a) to s. 938.396 (2) and changed existing cross-references to s. 938.396 (1) (a) and (2), but did not take account of the cross-references inserted by 2005 Wis. Act 406.

3 **SECTION 32.** 46.22 (1) (b) 2. e. of the statutes is amended to read:

4 46.22 (1) (b) 2. e. To make payments in such manner as the department of
5 workforce development may determine for training of recipients, former recipients
6 and potential recipients of aid in programs established under ss. s. 49.193, 1997
7 stats., and s. 49.26 (1).

NOTE: Corrects citation form.

8 **SECTION 33.** 46.22 (1) (dp) of the statutes, as created by 2005 Wisconsin Act 406,
9 is amended to read:

10 46.22 (1) (dp) *Exchange of information; statewide automated child welfare*
11 *information system.* Notwithstanding ss. 46.2895 (9), 48.396 (1) and (2) (a), 48.78 (2)
12 (a), 48.981 (7), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), ~~55.06 (17) (e)~~ 55.22 (3), 146.82,
13 252.11 (7), 252.15, 253.07 (3) (c), 938.396 (1) (a) and (2) ~~(a)~~, and 938.78 (2) (a), a county
14 department under this section may enter the content of any record kept or
15 information received by that county department into the statewide automated child
16 welfare information system established under s. 46.03 (7g).

NOTE: Corrects cross-reference. 2005 Wis. Act 264 renumbered s. 55.06 (17) to s. 55.22. 2005 Wis. Act 344 renumbered s. 938.396 (1) to s. 938.396 (1) (a) and s. 938.396 (2) (a) to s. 938.396 (2) and changed existing cross-references to s. 938.396 (1) (a) and (2), but did not take account of the cross-references inserted by 2005 Wis. Act 406.

17 **SECTION 34.** 46.23 (3) (ed) of the statutes, as created by 2005 Wisconsin Act 406,
18 is amended to read:

19 46.23 (3) (ed) *Exchange of information; statewide automated child welfare*
20 *information system.* Notwithstanding ss. 46.2895 (9), 48.396 (1) and (2) (a), 48.78 (2)

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1 (a), 48.981 (7), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), ~~55.06 (17) (e)~~ 55.22 (3), 146.82,
2 252.11 (7), 252.15, 253.07 (3) (c), 938.396 (1) (a) and (2) ~~(a)~~, and 938.78 (2) (a), a county
3 department under this section may enter the content of any record kept or
4 information received by that county department into the statewide automated child
5 welfare information system established under s. 46.03 (7g).

NOTE: Corrects cross-reference. 2005 Wis. Act 264 renumbered s. 55.06 (17) to s. 55.22. 2005 Wis. Act 344 renumbered s. 938.396 (1) to s. 938.396 (1) (a) and s. 938.396 (2) (a) to s. 938.396 (2) and changed existing cross-references to s. 938.396 (1) (a) and (2), but did not take account of the cross-references inserted by 2005 Wis. Act 406.

6 **SECTION 35.** 46.29 (3) (j) of the statutes is repealed.

NOTE: 46.29 (3) (intro.) provides that, “All of the following shall maintain liaison with and periodically report to the council on physical disabilities ...”, and 46.29 (3) (j) states “The chairperson of the health policy council.” The health policy council was abolished in 1987 Wisconsin Act 399 by the repeal of s. 14.017 (3).

7 **SECTION 36.** 48.27 (5) of the statutes, as affected by 2005 Wisconsin Act 293,
8 is amended to read:

9 48.27 (5) Subject to sub. (3) (b), the court shall make every reasonable effort
10 to identify and notify any person who has filed a declaration of paternal interest
11 under s. 48.025, any person who has acknowledged paternity of the child under s.
12 ~~767.62~~ 767.805 (1) , and any person who has been adjudged to be the father of the
13 child in a judicial proceeding unless the person’s parental rights have been
14 terminated.

NOTE: Corrects cross-reference. Section 767.62 was renumbered s. 767.805 by 2005 Wis. Act 443.

15 **SECTION 37.** 48.40 (1r) of the statutes, as created by 2005 Wisconsin Act 293,
16 is amended to read:

17 48.40 (1r) “Parent” has the meaning given in s. 48.02 (13), except that for
18 purposes of filing a petition seeking the involuntary termination of parental rights
19 under s. 48.415 to a nonmarital child who is not adopted or whose parents do not

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1 subsequently intermarry under s. ~~767.60~~ 767.803 and whose paternity has not been
2 established, of finding grounds under s. 48.415 for the involuntary termination of
3 parental rights to such a child, and of terminating the parental rights to such a child
4 on a ground specified in s. 48.415, “parent” includes a person who may be the parent
5 of such a child.

NOTE: Inserts correct cross-reference. 2005 Wis. Act 443 renumbered s. 767.60 to
767.803.

6 **SECTION 38.** 48.42 (1g) (a) (intro.) of the statutes, as created by 2005 Wisconsin
7 Act 293, is amended to read:

8 48.42 **(1g)** (a) (intro.) Except as provided in par. (c), if the petition is filed by a
9 person or agency other than the district attorney, corporation counsel, or other
10 appropriate official under s. 48.09; if the petition seeks to terminate the parental
11 rights of a person who may be the father of a nonmarital child who is under one year
12 of age at the time the petition is filed, who is not adopted or whose parents do not
13 subsequently intermarry under s. ~~767.60~~ 767.803, and whose paternity has not been
14 established; and if the mother of the child has voluntarily consented to or seeks to
15 voluntarily consent to the termination of her parental rights to the child, the
16 petitioner may file with the petition an affidavit signed by the mother that includes
17 all of the following:

NOTE: Inserts correct cross-reference. 2005 Wis. Act 443 renumbered s. 767.60 to
767.803.

18 **SECTION 39.** 48.42 (2) (bm) (intro.) of the statutes, as created by 2005 Wisconsin
19 Act 293, is amended to read:

20 48.42 **(2)** (bm) (intro.) If the child is a nonmarital child who is under one year
21 of age at the time the petition is filed and who is not adopted or whose parents do not

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1 subsequently intermarry under s. ~~767.60~~ 767.803 and whose paternity has not been
2 established and if an affidavit under sub. (1g) (a) is filed with the petition:

NOTE: Inserts correct cross-reference. 2005 Wis. Act 443 renumbered s. 767.60 to
767.803.

3 **SECTION 40.** 48.42 (2m) (b) of the statutes, as created by 2005 Wisconsin Act
4 293, is amended to read:

5 48.42 (2m) (b) *Parent of nonmarital child.* A person who may be the father of
6 a nonmarital child who is not adopted or whose parents do not subsequently
7 intermarry under s. ~~767.60~~ 767.803 and whose paternity has not been established,
8 by virtue of the fact that he has engaged in sexual intercourse with the mother of the
9 child, is considered to be on notice that a pregnancy and a termination of parental
10 rights proceeding concerning the child may occur, and has the duty to protect his own
11 rights and interests. He is therefore entitled to actual notice of such a proceeding
12 only as provided in sub. (2) (b) or (bm). A person who is not entitled to notice under
13 sub. (2) (b) or (bm) does not have standing to appear and contest a petition for the
14 termination of his parental rights, present evidence relevant to the issue of
15 disposition, or make alternative dispositional recommendations.

NOTE: Inserts correct cross-reference. 2005 Wis. Act 443 renumbered s. 767.60 to
767.803.

16 **SECTION 41.** 48.423 (2) (intro.) of the statutes, as created by 2005 Wisconsin Act
17 293, is amended to read:

18 48.423 (2) **RIGHTS OF OUT-OF-STATE FATHERS.** (intro.) A person who may be the
19 father of a nonmarital child who is not adopted or whose parents do not subsequently
20 intermarry under s. ~~767.60~~ 767.803 and whose paternity has not been established
21 may contest the petition, present evidence relevant to the issue of disposition, and
22 make alternative dispositional recommendations if the person appears at the

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1 hearing, establishes paternity under sub. (1), and proves all of the following by a
2 preponderance of the evidence:

NOTE: Inserts correct cross-reference. 2005 Wis. Act 443 renumbered s. 767.60 to
767.803.

3 **SECTION 42.** 48.833 of the statutes, as affected by 2005 Wisconsin Acts 293 and
4 448, is amended to read:

5 **48.833 Placement of children for adoption by the department, county**
6 **departments, and child welfare agencies.** The department, a county
7 department under s. 48.57 (1) (e) or (hm), or a child welfare agency licensed under
8 s. 48.60 may place a child for adoption in a licensed foster home or a licensed
9 treatment foster home without a court order if the department, county department,
10 or child welfare agency is the guardian of the child or makes the placement at the
11 request of another agency that is the guardian of the child and if the proposed
12 adoptive parents have completed the preadoption preparation required under s.
13 48.84 (1) or the department, county department, or child welfare agency determines
14 that the proposed adoptive parents are not required to complete that preparation. ↵
15 When a child is placed under this section in a licensed foster home or a licensed
16 treatment foster home for adoption, the department, county department, or child
17 welfare agency making the placement shall enter into a written agreement with the
18 proposed adoptive parent, which shall state the date on which the child is placed in
19 the licensed foster home or licensed treatment foster home for adoption by the
20 proposed adoptive parent.

NOTE: The stricken commas were inserted by 2005 Wis. Act 293 but rendered
surplusage by 2005 Wis. Act 448.

21 **SECTION 43.** 48.837 (4) (e) of the statutes, as affected by 2005 Wisconsin Act 293
22 and 2005 Wisconsin Act 443, section 265, is amended to read:

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1 48.837 (4) (e) Shall, before hearing the petitions under subs. (2) and (3),
2 ascertain whether the paternity of a nonmarital child who is not adopted or whose
3 parents do not subsequently intermarry under s. ~~767.60~~ 767.803 has been
4 acknowledged under s. 767.805 or a substantially similar law of another state or
5 adjudicated in this state or another jurisdiction. If the child's paternity has not been
6 acknowledged or adjudicated, the court shall attempt to ascertain the paternity of
7 the child and shall determine the rights of any person who may be the father of the
8 child as provided under s. 48.423. The court may not proceed with the hearing on
9 the petitions under this section unless the parental rights of the nonpetitioning
10 parent, whether known or unknown, have been terminated.

NOTE: Inserts correct cross-reference. 2005 Wis. Act 443 renumbered s. 767.60 to
767.803.

11 **SECTION 44.** 48.978 (7) (b) of the statutes, as affected by 2005 Wisconsin Act
12 387, is amended to read:

13 48.978 (7) (b) This section does not abridge the duties or authority of a guardian
14 appointed under ch. 880, 2003 stats., or ch. 54 or ch. 880, 2003 stats.

NOTE: Places cross-references in correct order in accordance with current style.

15 **SECTION 45.** 49.855 (3) of the statutes, as affected by 2005 Wisconsin Act 304,
16 is amended to read:

17 49.855 (3) Receipt of a certification by the department of revenue shall
18 constitute a lien, equal to the amount certified, on any state tax refunds or credits
19 owed to the obligor. The lien shall be foreclosed by the department of revenue as a
20 setoff under s. 71.93 (3), (6), and (7). When the department of revenue determines
21 that the obligor is otherwise entitled to a state tax refund or credit, it shall notify the
22 obligor that the state intends to reduce any state tax refund or credit due the obligor
23 by the amount the obligor is delinquent under the support, maintenance, or receiving

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1 and disbursing fee order or obligation, by the outstanding amount for past support,
2 medical expenses, or birth expenses under the court order, or by the amount due
3 under s. 46.10 (4) or 301.12 (4). The notice shall provide that within 20 days the
4 obligor may request a hearing before the circuit court rendering the order under
5 which the obligation arose. Within 10 days after receiving a request for hearing
6 under this subsection, the court shall set the matter for hearing. Pending further
7 order by the court or a circuit court commissioner, the department of workforce
8 development or its designee, whichever is appropriate, is prohibited from disbursing
9 the obligor's state tax refund or credit. A circuit court commissioner may conduct the
10 hearing. The sole issues at that hearing shall be whether the obligor owes the
11 amount certified and, if not and it is a support or maintenance order, whether the
12 money withheld from a tax refund or credit shall be paid to the obligor or held for
13 future support or maintenance, except that the obligor's ability to pay shall also be
14 an issue at the hearing if the obligation relates to an order under s. ~~767.51 (3) (e) 1.~~
15 ~~or 767.62~~ 767.805 (4) (d) 1. or 767.89 (3) (e) 1. and the order specifies that the court
16 found that the obligor's income was at or below the poverty line established under
17 42 USC 9902 (2).

NOTE: Inserts correct cross-references. 2005 Wis. Act 443 renumbered s. 767.51
to s. 767.89 and s. 767.62 to 767.805.

18 **SECTION 46.** 49.855 (4m) (b) of the statutes, as affected by 2005 Wisconsin Acts
19 22 and 304, is amended to read:

20 49.855 (**4m**) (b) The department of revenue may provide a certification that it
21 receives under sub. (1), (2m), or (2p) to the department of administration. Upon
22 receipt of the certification, the department of administration shall determine
23 whether the obligor is a vendor or is receiving any other payments from this state,

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1 except for wages, retirement benefits, or assistance under s. 45.352, 1971 stats., s.
2 45.40 (1), this chapter, or ch. 46, 108, or 301. If the department of administration
3 determines that the obligor is a vendor or is receiving payments from this state,
4 except for wages, retirement benefits, or assistance under s. 45.352, 1971 stats., s.
5 45.40 (1), this chapter, or ch. 46, 108, or 301, it shall begin to withhold the amount
6 certified from those payments and shall notify the obligor that the state intends to
7 reduce any payments due the obligor by the amount the obligor is delinquent under
8 the support, maintenance, or receiving and disbursing fee order or obligation, by the
9 outstanding amount for past support, medical expenses, or birth expenses under the
10 court order, or by the amount due under s. 46.10 (4) or 301.12 (4). The notice shall
11 provide that within 20 days after receipt of the notice the obligor may request a
12 hearing before the circuit court rendering the order under which the obligation arose.
13 An obligor may, within 20 days after receiving notice, request a hearing under this
14 paragraph. Within 10 days after receiving a request for hearing under this
15 paragraph, the court shall set the matter for hearing. A circuit court commissioner
16 may conduct the hearing. Pending further order by the court or circuit court
17 commissioner, the department of workforce development or its designee, whichever
18 is appropriate, may not disburse the payments withheld from the obligor. The sole
19 issues at the hearing are whether the obligor owes the amount certified and, if not
20 and it is a support or maintenance order, whether the money withheld shall be paid
21 to the obligor or held for future support or maintenance, except that the obligor's
22 ability to pay is also an issue at the hearing if the obligation relates to an order under
23 s. ~~767.51 (3) (e) 1.~~ or ~~767.62~~ 767.805 (4) (d) 1. or 767.89 (3) (e) 1. and the order specifies
24 that the court found that the obligor's income was at or below the poverty line
25 established under 42 USC 9902 (2).

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NOTE: Inserts correct cross-references. 2005 Wis. Act 443 renumbered s. 767.51 to s. 767.89 and s. 767.62 to 767.805.

1 **SECTION 47.** 49.89 (7) (c) of the statutes is amended to read:

2 49.89 (7) (c) The incentive payment shall be an amount equal to 15% of the
3 amount recovered because of benefits paid under s. 49.20, 1997 stats., or s. 49.19, s.
4 49.20, 1997 stats., and 49.30 49.785, or 253.05. The incentive payment shall be taken
5 from the state share of the sum recovered, except that the incentive payment for an
6 amount recovered because of benefits paid under s. 49.19 shall be considered an
7 administrative cost under s. 49.19 for the purpose of claiming federal funding.

NOTE: Places cross-references in correct order according to current style. Corrections have been made in the printed volumes. Section 49.30 was renumbered s. 49.785 by 2003 Wis. Act 33.

8 **SECTION 48.** The treatment of 50.06 (2) (c) of the statutes by 2005 Wisconsin
9 Act 264 is not repealed by 2005 Wisconsin Act 387. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 50.06 (2) (c) reads:

(c) A petition for guardianship for the individual under s. 54.34 and a petition under s. 55.075 for protective placement of the individual are filed prior to the proposed admission.

10 **SECTION 49.** The treatment of 51.35 (3) (a) of the statutes by 2005 Wisconsin
11 Act 344 is not repealed by 2005 Wisconsin Act 444. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 51.35 (3) (a) reads:

(a) A licensed psychologist of a juvenile correctional facility or a secured residential care center for children and youth, or a licensed physician of the department of corrections, who has reason to believe that any individual confined in the juvenile correctional facility or secured residential care center for children and youth is, in his or her opinion, in need of services for developmental disability, alcoholism, or drug dependency or in need of psychiatric services, and who has obtained consent to make a transfer for treatment, shall make a report, in writing, to the superintendent of the juvenile correctional facility or secured residential care center for children and youth, stating the nature and basis of the belief and verifying the consent. In the case of a minor age 14 or older who is in need of services for developmental disability or who is in need of psychiatric services, the minor and the minor's parent or guardian shall consent unless the minor is admitted under s. 51.13 (1) (c) 1. or unless the minor refuses to consent, in which case the minor's parent or guardian may consent on behalf of the minor. In the case of a minor age 14 or older who is in need of services for alcoholism or drug dependency or a minor under the age of 14 who is in need of services for developmental disability, alcoholism, or drug dependency or in need of psychiatric services, only the minor's parent

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or guardian needs to consent unless the minor is admitted under s. 51.13 (1) (c). The superintendent shall inform, orally and in writing, the minor and the minor's parent or guardian, that transfer is being considered and shall inform them of the basis for the request and their rights as provided in s. 51.13 (3) (am). If the department of corrections, upon review of a request for transfer, determines that transfer is appropriate, that department shall immediately notify the department of health and family services and, if the department of health and family services consents, the department of corrections may immediately transfer the individual. The department of health and family services shall file a petition under s. 51.13 (4) (a) in the court assigned to exercise jurisdiction under chs. 48 and 938 of the county where the treatment facility is located.

1 **SECTION 50.** The treatment of 51.35 (3) (g) of the statutes by 2005 Wisconsin
2 Act 344 is not repealed by 2005 Wisconsin Act 444. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 51.35 (3) (g) reads:

(g) A minor 14 years of age or older who is transferred to a treatment facility under par. (a) for the purpose of receiving services for developmental disability or psychiatric services and the minor's parent or guardian may request in writing a return to the juvenile correctional facility or secured residential care center for children and youth, except that, if the minor refuses to make the request, the parent or guardian may make the request on behalf of the minor. In the case of a minor 14 years of age or older who is transferred to a treatment facility under par. (a) for the purpose of receiving services for alcoholism or drug dependency or a minor under 14 years of age who is transferred to a treatment facility under par. (a) for the purpose of receiving services for developmental disability, alcoholism, or drug dependency, or psychiatric services, the parent or guardian may make the request. Upon receipt of a request for return from a minor 14 years of age or older, the director shall immediately notify the minor's parent or guardian, if available. A minor 14 years of age or older who requests and whose parent or guardian requests and a minor who was admitted under s. 51.13 (1) (c) who requests discharge in writing shall be returned to the juvenile correctional facility or secured residential care center for children and youth within 48 hours after submission of the request unless a statement is filed for emergency detention or a petition is filed for emergency commitment, involuntary commitment, or protective placement.

3 **SECTION 51.** 51.437 (4m) (i) of the statutes is amended to read:

4 51.437 (4m) (i) Annually report to the department of health and family services
5 regarding the use of any contract entered into under s. 51.87.

NOTE: Inserts missing period. The change is shown in the printed volumes.

6 **SECTION 52.** 54.12 (1) (intro.) of the statutes, as affected by 2005 Wisconsin Act
7 387, section 310, is amended to read:

8 54.12 (1) **SMALL ESTATES.** (intro.) If a minor or an individual found incompetent,
9 except for his or her incapacity, is entitled to possess assets valued at the amount
10 specified in s. 867.03 (1g) or less, any court in which an action or proceeding involving

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1 the assets is pending may, without requiring the appointment of a guardian, order
2 that the register i in probate do one of the following:

NOTE: Corrects spelling. The change is shown in the printed volumes.

3 **SECTION 53.** The treatment of 54.25 (2) (c) 1. g. of the statutes, as renumbered,
4 by 2005 Wisconsin Act 387, section 476, is not repealed by 2005 Wisconsin Act 451,
5 section 177. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 54.25 (2) (c)
1. g., as renumbered from s. 880.33 (9) by 2005 Wis. Act 387, reads:

g. The right to register to vote or to vote in an election, if the court finds that the individual is incapable of understanding the objective of the elective process. Also, in accordance with s. 6.03 (3), any elector of a municipality may petition the circuit court for a determination that an individual residing in the municipality is incapable of understanding the objective of the elective process and thereby ineligible to register to vote or to vote in an election. This determination shall be made by the court in accordance with the procedures specified in this paragraph. If a petition is filed under this subd. 1. g., the finding of the court shall be limited to a determination as to voting eligibility. The appointment of a guardian is not required for an individual whose sole limitation is ineligibility to vote. The determination of the court shall be communicated in writing by the clerk of court to the election official or agency charged under s. 6.48, 6.92, 6.925, 6.93, or 7.52 (5) with the responsibility for determining challenges to registration and voting that may be directed against that elector. The determination may be reviewed as provided in s. 54.64 (2) and any subsequent determination of the court shall be likewise communicated by the clerk of court.

6 **SECTION 54.** 55.01 (4g) of the statutes, as created by 2005 Wisconsin Act 388,
7 is renumbered 55.01 (4i).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). A provision
numbered s. 55.01 (4g) previously existed.

8 **SECTION 55.** 55.01 (6) of the statutes, as created by 2005 Wisconsin Act 388, is
9 renumbered 55.01 (6u).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2005 Wis. Act
264 also created a provision numbered s. 55.01 (6).

10 **SECTION 56.** 55.01 (6d) of the statutes, as created by 2005 Wisconsin Act 388,
11 is renumbered 55.01 (6vm).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). Maintains
alphabetical order for definitions.

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1 **SECTION 57.** 55.01 (6g) of the statutes, as created by 2005 Wisconsin Act 388,
2 is renumbered 55.01 (6w).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). Renumbers provision to maintain alphabetical order of definitions.

3 **SECTION 58.** 55.01 (6t) of the statutes, as created by 2005 Wisconsin Act 387,
4 is renumbered 55.01 (6s).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2005 Wis. Act 264 also created a provision numbered s. 55.01 (6t).

5 **SECTION 59.** 55.06 (3) (d) of the statutes, as created by 2005 Wisconsin Act 387,
6 is renumbered 55.075 (5) (bm).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2005 Wis. Act 264 renumbered s. 55.06 (3) (c) to s. 55.075 (5) (a).

7 **SECTION 60.** 66.0216 (1) (a) (intro.) of the statutes, as created by 2005 Wisconsin
8 Act 25, is renumbered 66.0216 (1) (intro.).

NOTE: Confirms renumbering by the Revisor under s. 13.93 (1) (b). This provision is introductory to paragraphs (b) to (h) and should have been created as a subsection (intro.) provision.

9 **SECTION 61.** 66.0617 (9) (a) of the statutes, as affected by 2005 Wisconsin Act
10 477, is amended to read:

11 66.0617 (9) (a) Subject to par. (b), an ordinance enacted under this section shall
12 specify that impact fees that are imposed and collected by a municipality but are not
13 used within 7 years after they are collected to pay the capital costs for which they
14 were imposed shall be refunded to the current owner of the property with respect to
15 which the impact fees were imposed, along with any interest that has accumulated,
16 ~~in~~ as described in sub. (8). The ordinance shall specify, by type of public facility,
17 reasonable time periods within which impact fees must be spent or refunded under
18 this subsection, subject to the 7-year limit in this paragraph and the extended time
19 period specified in par. (b). In determining the length of the time periods under the

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1 ordinance, a municipality shall consider what are appropriate planning and
2 financing periods for the particular types of public facilities for which the impact fees
3 are imposed.

NOTE: Inserts correct word.

4 **SECTION 62.** 66.0617 (9) (b) of the statutes, as created by 2005 Wisconsin Act
5 203, is amended to read:

6 66.0617 (9) (b) The 7-year time limit for using impact fees that is specified
7 under par. (a) may be extended for 3 years if the ~~political subdivision~~ municipality
8 adopts a resolution stating that, due to extenuating circumstances or hardship in
9 meeting the 7-year limit, it needs an additional 3 years to use the impact fees that
10 were collected. The resolution shall specify the extenuating circumstances or
11 hardship that led to the need to adopt a resolution under this paragraph.

NOTE: 2005 Wis. Act 203 created this provision. 2005 Wis. Act 477 changed the
term "political subdivision" to "municipality" throughout all of the previously existing s.
66.0617 without taking the creation of sub. (9) (b) into account.

12 **SECTION 63.** 66.1105 (4) (gm) 4. a. of the statutes is amended to read:

13 66.1105 (4) (gm) 4. a. Not less than 50%, by area, of the real property within
14 the district is at least one of the following: a blighted area; in need of rehabilitation
15 or conservation work, as defined in s. 66.1337 (2m) ~~(b)~~ (a); suitable for industrial sites
16 within the meaning of s. 66.1101 and has been zoned for industrial use; or suitable
17 for mixed-use development; and

NOTE: Corrects cross-reference. "Rehabilitation or conservation work" is defined
in s. 66.1337 (2m) (a).

18 **SECTION 64.** 66.1333 (5r) (b) 2. b. of the statutes, as affected by 2005 Wisconsin
19 Act 453, section 4, is renumbered 66.1333 (5r) (b) 1. b.

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2005 Wis. Act
453 renumbered s. 66.1333 (5r) (b) 2. to s. 66.1333 (5r) (b) 2. b. but renumbered the
remainder of s. 66.1333 (5r) (b) 2. to s. 66.1333 (5r) (b) 1. (intro.) and a. It did not renumber
or create any other provision as a part of s. 66.1333 (5r) (b) 2.

SENATE BILL 300**SECTION 65**

1 **SECTION 65.** 70.511 (2) (bm) of the statutes, as created by 2005 Wisconsin Act
2 405, is amended to read:

3 70.511 **(2)** (bm) No later than July 1 of each year, each municipality that pays
4 a refund under par. (b) for property that is assessed under s. 70.995 shall notify the
5 department of administration of the amount of all such refunds paid by the
6 municipality in the previous fiscal year. Annually, no later than the 3rd Monday in
7 November, from the appropriation account under s. 20.835 (2) (~~bm~~) (br), the
8 department of administration shall pay to each municipality that pays a refund
9 under par. (b) for property that is assessed under s. 70.995 an amount that is equal
10 to 20 percent of the interest on such refunds paid by the municipality in the previous
11 fiscal year and that has accrued up to the date of the determination by the tax appeals
12 commission of the municipality's obligation.

NOTE: Section 20.835 (2) (bm), as created by 2004 Wisconsin Act 405, is
renumbered 20.835 (2) (br) by this bill.

13 **SECTION 66.** 71.05 (6) (a) 15. of the statutes, as affected by 2005 Wisconsin Acts
14 361, 479 and 483, is amended to read:

15 71.05 **(6)** (a) 15. The amount of the credits computed under s. 71.07 (2dd), (2de),
16 (2di), (2dj), (2dL), (2dm), (2dr), (2ds), (2dx), (3g), (3n), (3s), (3t), (3w), (5b), (5d), and
17 (5e), (5f), and (5h) and not passed through by a partnership, limited liability
18 company, or tax-option corporation that has added that amount to the partnership's,
19 company's, or tax-option corporation's income under s. 71.21 (4) or 71.34 (1) (g).

NOTE: Deletes extra "and".

20 **SECTION 67.** 71.07 (2dm) (a) 1. of the statutes, as affected by 2005 Wisconsin
21 Act 487, is amended to read:

22 71.07 **(2dm)** (a) 1. "Certified" means entitled under s. 560.795 (3) (a) 4. to claim
23 tax benefits or certified under s. 560.795 (5), 560.798 (3), or ~~560.799~~ 560.7995 (4).

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NOTE: Section 560.799, as created by 2005 Wis. Act 487, is renumbered s. 560.7995 by this bill.

1 **SECTION 68.** 71.07 (2dm) (a) 3. of the statutes, as affected by 2005 Wisconsin
2 Act 487, is amended to read:

3 71.07 (**2dm**) (a) 3. “Development zone” means a development opportunity zone
4 under s. 560.795 (1) (e) and (f) or 560.798, or an airport development zone under s.
5 ~~560.799~~ 560.7995.

NOTE: Section 560.799, as created by 2005 Wis. Act 487, is renumbered s. 560.7995 by this bill.

6 **SECTION 69.** 71.07 (2dm) (f) 1. of the statutes, as affected by 2005 Wisconsin Act
7 487, is amended to read:

8 71.07 (**2dm**) (f) 1. A copy of a verification from the department of commerce that
9 the claimant may claim tax benefits under s. 560.795 (3) (a) 4. or is certified under
10 s. 560.795 (5), 560.798 (3), or ~~560.799~~ 560.7995 (4).

NOTE: Section 560.799, as created by 2005 Wis. Act 487, is renumbered s. 560.7995 by this bill.

11 **SECTION 70.** 71.07 (2dm) (j) of the statutes, as affected by 2005 Wisconsin Act
12 487, is amended to read:

13 71.07 (**2dm**) (j) If a person who is entitled under s. 560.795 (3) (a) 4. to claim
14 tax benefits becomes ineligible for such tax benefits, or if a person’s certification
15 under s. 560.795 (5), 560.798 (3), or ~~560.799~~ 560.7995 (4) is revoked, that person may
16 claim no credits under this subsection for the taxable year that includes the day on
17 which the person becomes ineligible for tax benefits, the taxable year that includes
18 the day on which the certification is revoked, or succeeding taxable years, and that
19 person may carry over no unused credits from previous years to offset tax under this
20 chapter for the taxable year that includes the day on which the person becomes

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1 ineligible for tax benefits, the taxable year that includes the day on which the
2 certification is revoked, or succeeding taxable years.

NOTE: Section 560.799, as created by 2005 Wis. Act 487, is renumbered s. 560.7995
by this bill.

3 **SECTION 71.** 71.07 (2dm) (k) of the statutes, as affected by 2005 Wisconsin Act
4 487, is amended to read:

5 71.07 (**2dm**) (k) If a person who is entitled under s. 560.795 (3) (a) 4. to claim
6 tax benefits or certified under s. 560.795 (5), 560.798 (3), or ~~560.799~~ 560.7995 (4)
7 ceases business operations in the development zone during any of the taxable years
8 that that zone exists, that person may not carry over to any taxable year following
9 the year during which operations cease any unused credits from the taxable year
10 during which operations cease or from previous taxable years.

NOTE: Section 560.799, as created by 2005 Wis. Act 487, is renumbered s. 560.7995
by this bill.

11 **SECTION 72.** 71.07 (2dx) (a) 2. of the statutes, as affected by 2005 Wisconsin Act
12 487, is amended to read:

13 71.07 (**2dx**) (a) 2. “Development zone” means a development zone under s.
14 560.70, a development opportunity zone under s. 560.795, an enterprise
15 development zone under s. 560.797, an agricultural development zone under s.
16 560.798, or an airport development zone under s. ~~560.799~~ 560.7995.

NOTE: Section 560.799, as created by 2005 Wis. Act 487, is renumbered s. 560.7995
by this bill.

17 **SECTION 73.** 71.07 (2dx) (b) (intro.) of the statutes, as affected by 2005
18 Wisconsin Act 487, is amended to read:

19 71.07 (**2dx**) (b) *Credit.* (intro.) Except as provided in pars. (be) and (bg) and
20 in s. 73.03 (35), and subject to s. 560.785, for any taxable year for which the person
21 is entitled under s. 560.795 (3) to claim tax benefits or certified under s. 560.765 (3),

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1 560.797 (4), 560.798 (3), or ~~560.799~~ 560.7995 (4), any person may claim as a credit
2 against the taxes otherwise due under this chapter the following amounts:

 NOTE: Section 560.799, as created by 2005 Wis. Act 487, is renumbered s. 560.7995
by this bill.

3 **SECTION 74.** 71.07 (2dx) (c) of the statutes, as affected by 2005 Wisconsin Act
4 487, is amended to read:

5 71.07 (**2dx**) (c) *Credit precluded.* If the certification of a person for tax benefits
6 under s. 560.765 (3), 560.797 (4), 560.798 (3), or ~~560.799~~ 560.7995 (4) is revoked, or
7 if the person becomes ineligible for tax benefits under s. 560.795 (3), that person may
8 not claim credits under this subsection for the taxable year that includes the day on
9 which the certification is revoked; the taxable year that includes the day on which
10 the person becomes ineligible for tax benefits; or succeeding taxable years and that
11 person may not carry over unused credits from previous years to offset tax under this
12 chapter for the taxable year that includes the day on which certification is revoked;
13 the taxable year that includes the day on which the person becomes ineligible for tax
14 benefits; or succeeding taxable years.

 NOTE: Section 560.799, as created by 2005 Wis. Act 487, is renumbered s. 560.7995
by this bill.

15 **SECTION 75.** 71.07 (2dx) (d) of the statutes, as affected by 2005 Wisconsin Act
16 487, is amended to read:

17 71.07 (**2dx**) (d) *Carry-over precluded.* If a person who is entitled under s.
18 560.795 (3) to claim tax benefits or certified under s. 560.765 (3), 560.797 (4), 560.798
19 (3), or ~~560.799~~ 560.7995 (4) for tax benefits ceases business operations in the
20 development zone during any of the taxable years that that zone exists, that person
21 may not carry over to any taxable year following the year during which operations

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1 cease any unused credits from the taxable year during which operations cease or
2 from previous taxable years.

NOTE: Section 560.799, as created by 2005 Wis. Act 487, is renumbered s. 560.7995 by this bill.

3 **SECTION 76.** The treatment of 71.10 (4) (i) of the statutes by 2005 Wisconsin Act
4 361 is not repealed by 2005 Wisconsin Act 483. All treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 71.10 (4) (i) reads:

(i) The total of claim of right credit under s. 71.07 (1), farmland preservation credit under subch. IX, homestead credit under subch. VIII, farmland tax relief credit under s. 71.07 (3m), farmers' drought property tax credit under s. 71.07 (2fd), film production services credit under s. 71.07 (5f) (b) 2., veterans and surviving spouses property tax credit under s. 71.07 (6e), enterprise zone jobs credit under s. 71.07 (3w), earned income tax credit under s. 71.07 (9e), estimated tax payments under s. 71.09, and taxes withheld under subch. X.

5 **SECTION 77.** The treatments of 71.21 (4) of the statutes by 2005 Wisconsin Acts
6 74, 361 and 479 are not repealed by 2005 Wisconsin Act 483. All treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, 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), (3w), (5b), (5e), (5f), (5g), and (5h) and passed through to partners shall be added to the partnership's income.

7 **SECTION 78.** The treatments of 71.26 (2) (a) of the statutes by 2005 Wisconsin
8 Acts 74, 361 and 479 are not repealed by 2005 Wisconsin Act 483. All treatments
9 stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 71.26 (2) (a) reads:

(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), (3n), (3t), (3w), (5b), (5e), (5f), (5g), and (5h) 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

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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).

1 **SECTION 79.** 71.28 (1dm) (a) 1. of the statutes, as affected by 2005 Wisconsin
2 Act 487, is amended to read:

3 71.28 (**1dm**) (a) 1. “Certified” means entitled under s. 560.795 (3) (a) 4. to claim
4 tax benefits or certified under s. 560.795 (5), 560.798 (3), or ~~560.799~~ 560.7995 (4).

NOTE: Section 560.799, as created by 2005 Wis. Act 487, is renumbered s. 560.7995
by this bill.

5 **SECTION 80.** 71.28 (1dm) (a) 3. of the statutes, as affected by 2005 Wisconsin Act
6 487, is amended to read:

7 71.28 (**1dm**) (a) 3. “Development zone” means a development opportunity zone
8 under s. 560.795 (1) (e) and (f) or 560.798, or an airport development zone under s.
9 ~~560.799~~ 560.7995.

NOTE: Section 560.799, as created by 2005 Wis. Act 487, is renumbered s. 560.7995
by this bill.

10 **SECTION 81.** 71.28 (1dm) (f) 1. of the statutes, as affected by 2005 Wisconsin Act
11 487, is amended to read:

12 71.28 (**1dm**) (f) 1. A copy of a verification from the department of commerce that
13 the claimant may claim tax benefits under s. 560.795 (3) (a) 4. or is certified under
14 s. 560.795 (5), 560.798 (3), or ~~560.799~~ 560.7995 (4).

NOTE: Section 560.799, as created by 2005 Wis. Act 487, is renumbered s. 560.7995
by this bill.

15 **SECTION 82.** 71.28 (1dm) (j) of the statutes, as affected by 2005 Wisconsin Act
16 487, is amended to read:

17 71.28 (**1dm**) (j) If a person who is entitled under s. 560.795 (3) (a) 4. to claim
18 tax benefits becomes ineligible for such tax benefits, or if a person’s certification
19 under s. 560.795 (5), 560.798 (3), or ~~560.799~~ 560.7995 (4) is revoked, that person may

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1 claim no credits under this subsection for the taxable year that includes the day on
2 which the person becomes ineligible for tax benefits, the taxable year that includes
3 the day on which the certification is revoked, or succeeding taxable years, and that
4 person may carry over no unused credits from previous years to offset tax under this
5 chapter for the taxable year that includes the day on which the person becomes
6 ineligible for tax benefits, the taxable year that includes the day on which the
7 certification is revoked, or succeeding taxable years.

NOTE: Section 560.799, as created by 2005 Wis. Act 487, is renumbered s. 560.7995
by this bill.

8 **SECTION 83.** 71.28 (1dm) (k) of the statutes, as affected by 2005 Wisconsin Act
9 487 is amended to read:

10 71.28 **(1dm)** (k) If a person who is entitled under s. 560.795 (3) (a) 4. to claim
11 tax benefits or certified under s. 560.795 (5), 560.798 (3), or ~~560.799~~ 560.7995 (4)
12 ceases business operations in the development zone during any of the taxable years
13 that that zone exists, that person may not carry over to any taxable year following
14 the year during which operations cease any unused credits from the taxable year
15 during which operations cease or from previous taxable years.

NOTE: Section 560.799, as created by 2005 Wis. Act 487, is renumbered s. 560.7995
by this bill.

16 **SECTION 84.** 71.28 (1dx) (a) 2. of the statutes, as affected by 2005 Wisconsin Act
17 487, is amended to read:

18 71.28 **(1dx)** (a) 2. “Development zone” means a development zone under s.
19 560.70, a development opportunity zone under s. 560.795, an enterprise
20 development zone under s. 560.797, an agricultural development zone under s.
21 560.798, or an airport development zone under s. ~~560.799~~ 560.7995.

NOTE: Section 560.799, as created by 2005 Wis. Act 487, is renumbered s. 560.7995
by this bill.

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1 **SECTION 85.** 71.28 (1dx) (b) (intro.) of the statutes, as affected by 2005
2 Wisconsin Act 487, is amended to read:

3 71.28 (**1dx**) (b) *Credit.* (intro.) Except as provided in pars. (be) and (bg) and
4 in s. 73.03 (35), and subject to s. 560.785, for any taxable year for which the person
5 is entitled under s. 560.795 (3) to claim tax benefits or certified under s. 560.765 (3),
6 560.797 (4), 560.798 (3), or ~~560.799~~ 560.7995 (4), any person may claim as a credit
7 against the taxes otherwise due under this chapter the following amounts:

NOTE: Section 560.799, as created by 2005 Wis. Act 487, is renumbered s. 560.7995
by this bill.

8 **SECTION 86.** 71.28 (1dx) (c) of the statutes, as affected by 2005 Wisconsin Act
9 487, is amended to read:

10 71.28 (**1dx**) (c) *Credit precluded.* If the certification of a person for tax benefits
11 under s. 560.765 (3), 560.797 (4), 560.798 (3), or ~~560.799~~ 560.7995 (4) is revoked, or
12 if the person becomes ineligible for tax benefits under s. 560.795 (3), that person may
13 not claim credits under this subsection for the taxable year that includes the day on
14 which the certification is revoked; the taxable year that includes the day on which
15 the person becomes ineligible for tax benefits; or succeeding taxable years and that
16 person may not carry over unused credits from previous years to offset tax under this
17 chapter for the taxable year that includes the day on which certification is revoked;
18 the taxable year that includes the day on which the person becomes ineligible for tax
19 benefits; or succeeding taxable years.

NOTE: Section 560.799, as created by 2005 Wis. Act 487, is renumbered s. 560.7995
by this bill.

20 **SECTION 87.** 71.28 (1dx) (d) of the statutes, as affected by 2005 Wisconsin Act
21 487, is amended to read:

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1 71.28 (1dx) (d) *Carry-over precluded*. If a person who is entitled under s.
2 560.795 (3) to claim tax benefits or certified under s. 560.765 (3), 560.797 (4), 560.798
3 (3), or ~~560.799~~ 560.7995 (4) for tax benefits ceases business operations in the
4 development zone during any of the taxable years that that zone exists, that person
5 may not carry over to any taxable year following the year during which operations
6 cease any unused credits from the taxable year during which operations cease or
7 from previous taxable years.

NOTE: Section 560.799, as created by 2005 Wis. Act 487, is renumbered s. 560.7995
by this bill.

8 **SECTION 88.** The treatment of 71.28 (4) (ad) 1. of the statutes, as renumbered,
9 by 2005 Wisconsin Act 25, section 1383, is not repealed by 2005 Wisconsin Act 452,
10 section 1. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 71.28 (4) (ad)
1., as renumbered from s. 71.28 (4) (a) by 2005 Wis. Act 452, reads:

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

11 **SECTION 89.** The treatment of 71.28 (4) (am) 1. of the statutes by 2005
12 Wisconsin Act 25 is not repealed by 2005 Wisconsin Act 452. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 71.28 (4) (am)
1. reads:

1. In addition to the credit under par. (ad), any corporation may credit against
taxes otherwise due under this chapter an amount equal to 5 percent of the amount
obtained by subtracting from the corporation's qualified research expenses, as defined in
section 41 of the Internal Revenue Code, except that "qualified research expenses"
include only expenses incurred by the claimant in a development zone under subch. VI
of ch. 560, except that a taxpayer may elect the alternative computation under section 41

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(c) (4) of the Internal Revenue Code and that election applies until the department permits its revocation and except that “qualified research expenses” do not include compensation used in computing the credit under sub. (1dj) nor research expenses incurred before the claimant is certified for tax benefits under s. 560.765 (3), the corporation’s base amount, as defined in section 41 (c) of the Internal Revenue Code, in a development zone, except that gross receipts used in calculating the base amount means gross receipts from sales attributable to Wisconsin under s. 71.25 (9) (b) 1. and 2., (d), (df), and (dh) and research expenses used in calculating the base amount include research expenses incurred before the claimant is certified for tax benefits under s. 560.765 (3), in a development zone, if the claimant submits with the claimant’s return a copy of the claimant’s certification for tax benefits under s. 560.765 (3) and a statement from the department of commerce verifying the claimant’s qualified research expenses for research conducted exclusively in a development zone. The rules under s. 73.03 (35) apply to the credit under this subdivision. The rules under sub. (1di) (f) and (g) as they apply to the credit under that subsection apply to claims under this subdivision. Section 41 (h) of the Internal Revenue Code does not apply to the credit under this subdivision.

1 **SECTION 90.** The treatments of 71.34 (1) (g) of the statutes by 2005 Wisconsin
2 Acts 74, 361 and 479 are not repealed by 2005 Wisconsin Act 483. All treatments
3 stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 71.34 (1) (g) reads:

(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), (3n), (3t), (3w), (5b), (5e), (5f), (5g), and (5h) and passed through to shareholders.

4 **SECTION 91.** The treatments of 71.45 (2) (a) 10. of the statutes by 2005
5 Wisconsin Acts 74, 361 and 479 are not repealed by 2005 Wisconsin Act 483. All
6 treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 71.45 (2) (a) 10. reads:

10. By adding to federal taxable income the amount of credit computed under s. 71.47 (1dd) to (1dx), (3n), (3w), (5b), (5e), (5f), (5g), and (5h) 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).

7 **SECTION 92.** 71.47 (1dm) (a) 1. of the statutes, as affected by 2005 Wisconsin
8 Act 487, is amended to read:

9 71.47 (**1dm**) (a) 1. “Certified” means entitled under s. 560.795 (3) (a) 4. to claim
10 tax benefits or certified under s. 560.795 (5), 560.798 (3), or ~~560.799~~ 560.7995 (4).

SENATE BILL 300**SECTION 92**

NOTE: Section 560.799, as created by 2005 Wis. Act 487, is renumbered s. 560.7995 by this bill.

1 **SECTION 93.** 71.47 (1dm) (a) 3. of the statutes, as affected by 2005 Wisconsin
2 Act 487, is amended to read:

3 71.47 (**1dm**) (a) 3. “Development zone” means a development opportunity zone
4 under s. 560.795 (1) (e) and (f) or 560.798, or an airport development zone under s.
5 ~~560.799~~ 560.7995.

NOTE: Section 560.799, as created by 2005 Wis. Act 487, is renumbered s. 560.7995 by this bill.

6 **SECTION 94.** 71.47 (1dm) (f) 1. of the statutes, as affected by 2005 Wisconsin Act
7 487, is amended to read:

8 71.47 (**1dm**) (f) 1. A copy of a verification from the department of commerce that
9 the claimant may claim tax benefits under s. 560.795 (3) (a) 4. or is certified under
10 s. 560.795 (5), 560.798 (3), or ~~560.799~~ 560.7995 (4).

NOTE: Section 560.799, as created by 2005 Wis. Act 487, is renumbered s. 560.7995 by this bill.

11 **SECTION 95.** 71.47 (1dm) (j) of the statutes, as affected by 2005 Wisconsin Act
12 487, is amended to read:

13 71.47 (**1dm**) (j) If a person who is entitled under s. 560.795 (3) (a) 4. to claim
14 tax benefits becomes ineligible for such tax benefits, or if a person’s certification
15 under s. 560.795 (5), 560.798 (3), or ~~560.799~~ 560.7995 (4) is revoked, that person may
16 claim no credits under this subsection for the taxable year that includes the day on
17 which the person becomes ineligible for tax benefits, the taxable year that includes
18 the day on which the certification is revoked, or succeeding taxable years, and that
19 person may carry over no unused credits from previous years to offset tax under this
20 chapter for the taxable year that includes the day on which the person becomes

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1 ineligible for tax benefits, the taxable year that includes the day on which the
2 certification is revoked, or succeeding taxable years.

NOTE: Section 560.799, as created by 2005 Wis. Act 487, is renumbered s. 560.7995
by this bill.

3 **SECTION 96.** 71.47 (1dm) (k) of the statutes, as affected by 2005 Wisconsin Act
4 487, is amended to read:

5 71.47 (1dm) (k) If a person who is entitled under s. 560.795 (3) (a) 4. to claim
6 tax benefits or certified under s. 560.795 (5), 560.798 (3), or ~~560.799~~ 560.7995 (4)
7 ceases business operations in the development zone during any of the taxable years
8 that that zone exists, that person may not carry over to any taxable year following
9 the year during which operations cease any unused credits from the taxable year
10 during which operations cease or from previous taxable years.

NOTE: Section 560.799, as created by 2005 Wis. Act 487, is renumbered s. 560.7995
by this bill.

11 **SECTION 97.** 71.47 (1dx) (a) 2. of the statutes, as affected by 2005 Wisconsin Act
12 487, is amended to read:

13 71.47 (1dx) (a) 2. "Development zone" means a development zone under s.
14 560.70, a development opportunity zone under s. 560.795 or an enterprise
15 development zone under s. 560.797, an agricultural development zone under s.
16 560.798, or an airport development zone under s. ~~560.799~~ 560.7995.

NOTE: Section 560.799, as created by 2005 Wis. Act 487, is renumbered s. 560.7995
by this bill.

17 **SECTION 98.** 71.47 (1dx) (b) (intro.) of the statutes, as affected by 2005
18 Wisconsin Act 487, is amended to read:

19 71.47 (1dx) (b) *Credit.* (intro.) Except as provided in pars. (be) and (bg) and
20 in s. 73.03 (35), and subject to s. 560.785, for any taxable year for which the person
21 is entitled under s. 560.795 (3) to claim tax benefits or certified under s. 560.765 (3),

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1 560.797 (4), 560.798 (3), or ~~560.799~~ 560.7995 (4), any person may claim as a credit
2 against the taxes otherwise due under this chapter the following amounts:

NOTE: Section 560.799, as created by 2005 Wis. Act 487, is renumbered s. 560.7995
by this bill.

3 **SECTION 99.** 71.47 (1dx) (c) of the statutes, as affected by 2005 Wisconsin Act
4 487, is amended to read:

5 71.47 (1dx) (c) *Credit precluded.* If the certification of a person for tax benefits
6 under s. 560.765 (3), 560.797 (4), 560.798 (3), or ~~560.799~~ 560.7995 (4) is revoked, or
7 if the person becomes ineligible for tax benefits under s. 560.795 (3), that person may
8 not claim credits under this subsection for the taxable year that includes the day on
9 which the certification is revoked; the taxable year that includes the day on which
10 the person becomes ineligible for tax benefits; or succeeding taxable years and that
11 person may not carry over unused credits from previous years to offset tax under this
12 chapter for the taxable year that includes the day on which certification is revoked;
13 the taxable year that includes the day on which the person becomes ineligible for tax
14 benefits; or succeeding taxable years.

NOTE: Section 560.799, as created by 2005 Wis. Act 487, is renumbered s. 560.7995
by this bill.

15 **SECTION 100.** 71.47 (1dx) (d) of the statutes, as affected by 2005 Wisconsin Act
16 487, is amended to read:

17 71.47 (1dx) (d) *Carry-over precluded.* If a person who is entitled under s.
18 560.795 (3) to claim tax benefits or certified under s. 560.765 (3), 560.797 (4), 560.798
19 (3), or ~~560.799~~ 560.7995 (4) for tax benefits ceases business operations in the
20 development zone during any of the taxable years that that zone exists, that person
21 may not carry over to any taxable year following the year during which operations

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1 cease any unused credits from the taxable year during which operations cease or
2 from previous taxable years.

 NOTE: Section 560.799, as created by 2005 Wis. Act 487, is renumbered s. 560.7995
by this bill.

3 **SECTION 101.** The treatment of 71.47 (4) (ad) 1. of the statutes, as renumbered,
4 by 2005 Wisconsin Act 25, section 1426, is not repealed by 2005 Wisconsin Act 452,
5 section 9. Both treatments stand.

 NOTE: There is no conflict of substance. As merged by the revisor, s. 71.47 (4) (ad)
1., as renumbered from 71.47 (4) (a) by 2005 Wis. Act 452, reads:

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

6 **SECTION 102.** The treatment of 71.47 (4) (am) of the statutes by 2005 Wisconsin
7 Act 25 is not repealed by 2005 Wisconsin Act 452. Both treatments stand.

 NOTE: There is no conflict of substance. As merged by the revisor, s. 71.47 (4) (am)
reads:

(am) *Development zone additional research credit.* In addition to the credit under par. (ad), any corporation may credit against taxes otherwise due under this chapter an amount equal to 5 percent of the amount obtained by subtracting from the corporation's qualified research expenses, as defined in section 41 of the Internal Revenue Code, except that "qualified research expenses" include only expenses incurred by the claimant in a development zone under subch. VI of ch. 560, except that a taxpayer may elect the alternative computation under section 41 (c) (4) of the Internal Revenue Code and that election applies until the department permits its revocation and except that "qualified research expenses" do not include compensation used in computing the credit under sub. (1dj) nor research expenses incurred before the claimant is certified for tax benefits under s. 560.765 (3), the corporation's base amount, as defined in section 41 (c) of the Internal Revenue Code, in a development zone, except that gross receipts used in calculating the base amount means gross receipts from sales attributable to Wisconsin under s. 71.25 (9) (b) 1. and 2., (d), (df), and (dh) and research expenses used in calculating the base amount include research expenses incurred before the claimant is certified for tax benefits under s. 560.765 (3), in a development zone, if the claimant submits with the claimant's return a copy of the claimant's certification for tax benefits under s. 560.765 (3) and a statement

SENATE BILL 300**SECTION 102**

from the department of commerce verifying the claimant's qualified research expenses for research conducted exclusively in a development zone. The rules under s. 73.03 (35) apply to the credit under this paragraph. The rules under sub. (1di) (f) and (g) as they apply to the credit under that subsection apply to claims under this paragraph. Section 41 (h) of the Internal Revenue Code does not apply to the credit under this paragraph. No credit may be claimed under this paragraph for taxable years that begin on January 1, 1998, or thereafter. Credits under this paragraph for taxable years that begin before January 1, 1998, may be carried forward to taxable years that begin on January 1, 1998, or thereafter.

1 **SECTION 103.** The treatment of 71.935 (1) (a) of the statutes by 2005 Wisconsin
2 Act 254 is not repealed by 2005 Wisconsin Act 454. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 71.935 (1) (a) reads:

(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, including 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 regard to the debt.

3 **SECTION 104.** The treatments of 77.92 (4) of the statutes by 2005 Wisconsin
4 Acts 74, 361 and 479 are not repealed by 2005 Wisconsin Act 483. All treatments
5 stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 77.92 (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 nontaxable 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), (3s), (3n), (3t), (3w), (5b), (5e), (5f), (5g), and (5h); 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.

6 **SECTION 105.** 77.9961 (1) (b) of the statutes is amended to read:

7 77.9961 (1) (b) The department may require, before or after the license is
8 issued, that any person who submits an application for a license under par. (a)

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1 provide a security deposit to the department. For purposes of this paragraph, s.
2 77.61 (2), as it applies to a security deposit related to a seller's permit, applies to the
3 a security deposit required under this subsection.

NOTE: Deletes unnecessary word.

4 **SECTION 106.** 87.304 (2) (a) 1. of the statutes is amended to read:

5 87.304 (2) (a) 1. Issuing variances to floodplain zoning ordinances that will be
6 consistent with 44 CFR ~~606~~ 60.6 but that will allow repair or rehabilitation of historic
7 properties in floodplains to the maximum extent feasible.

NOTE: Inserts missing decimal point. There is no 44 CFR 606. Variances and
exceptions to floodplain management regulations are governed by 44 CFR 60.6.

8 **SECTION 107.** 101.985 (4) of the statutes, as created by 2005 Wisconsin Act 456,
9 is amended to read:

10 101.985 (4) CRIMINAL BACKGROUND CHECK. Upon receipt of an application for a
11 license under sub. (1), (2) (a), or (3), the department, with the assistance of the
12 department of justice, shall conduct a background investigation of the applicant to
13 determine if the information provided by the applicant under sub. (7) (a) 10. is true
14 and if the applicant has any arrests or convictions tending to indicate that the
15 applicant is not adequately qualified and able to provide services authorized under
16 the license applied for.

NOTE: Inserts missing article.

17 **SECTION 108.** The treatment of 111.01 (2) of the statutes by 2005 Wisconsin Act
18 253 is not repealed by 2005 Wisconsin Act 441. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 111.01 (2)
reads:

(2) Industrial peace, regular and adequate income for the employee, and
uninterrupted production of goods and services are promotive of all of these interests.
They are largely dependent upon the maintenance of fair, friendly, and mutually
satisfactory employment relations and the availability of suitable machinery for the
peaceful adjustment of whatever controversies may arise. It is recognized that certain
employers, including farmers, farmer cooperatives, and unincorporated farmer
cooperative associations, in addition to their general employer problems, face special

SENATE BILL 300**SECTION 108**

problems arising from perishable commodities and seasonal production which require adequate consideration. It is also recognized that whatever may be the rights of disputants with respect to each other in any controversy regarding employment relations, they should not be permitted, in the conduct of their controversy, to intrude directly into the primary rights of 3rd parties to earn a livelihood, transact business, and engage in the ordinary affairs of life by any lawful means and free from molestation, interference, restraint, or coercion.

1 **SECTION 109.** 165.25 (4) (ar) of the statutes, as affected by 2005 Wisconsin Act
2 458, is amended to read:

3 165.25 (4) (ar) The department of justice shall furnish all legal services
4 required by the department of agriculture, trade and consumer protection relating
5 to the enforcement of ss. 100.171, 100.173, 100.174, 100.175, 100.177, 100.18,
6 100.182, 100.195, 100.20, 100.205, 100.207, 100.209, 100.21, 100.28, 100.37, 100.42,
7 100.50, and 100.51, ~~and 100.195~~ and chs. 126, 136, 344, 704, 707, and 779, together
8 with any other services as are necessarily connected to the legal services.

NOTE: Places cross-references in numerical order consistent with current style.

9 **SECTION 110.** 182.0715 (2r) of the statutes, as created by 2005 Wisconsin Act
10 425, is renumbered 182.0175 (2r).

NOTE: Corrects transposed numbers. There is no s. 182.0715.

11 **SECTION 111.** 193.471 (2) (a) 5. of the statutes, as created by 2005 Wisconsin
12 Act 441, is amended to read:

13 193.471 (2) (a) 5. In the case of acts or omissions committed in an official
14 capacity, as defined in sub. (1) (a) 1. or 2., the potential litigant reasonably believed
15 that the acts or omissions were in the best interests of the cooperative or predecessor
16 cooperative, as applicable, and, in the case of acts or omissions committed in an
17 official capacity, as defined in sub. (1) (e) (a) 3. or 4., the potential litigant reasonably
18 believed that the conduct was not opposed to the best interests of the cooperative or
19 predecessor cooperative, as applicable. If the acts or omissions relate to conduct as
20 a director, officer, trustee, employee, or agent of an employee benefit plan, the

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1 conduct is not considered to be opposed to the best interests of the cooperative or
2 predecessor cooperative if the potential litigant reasonably believed that the conduct
3 was in the best interests of the participants or beneficiaries of the employee benefit
4 plan.

NOTE: Corrects cross-reference. There is no s. 193.471 (1) (c) 3. or. 4. "Official capacity" is defined in s. 193.471 (1) (a).

5 **SECTION 112.** 218.04 (1) (a) of the statutes, as affected by 2005 Wisconsin Acts
6 158 and 462, is amended to read:

7 218.04 (1) (a) "Collection agency" means any person engaging in the business
8 of collecting or receiving for payment for others of any account, bill or other
9 indebtedness. It shall not include attorneys at law authorized to practice in this state
10 and resident herein, banks, express companies, state savings banks, state savings
11 and loan associations, insurers and their agents, trust companies, district attorneys
12 acting under s. 971.41, persons contracting with district attorneys under s. 971.41
13 (5),⁷ real estate brokers, and real estate salespersons.

NOTE: The underscored comma was removed by 2005 Wis. Act 158 but was required by the addition of text by 2005 Wis. Act 462. The stricken comma was inserted by 2005 Wis. Act 462 but was rendered surplusage by 2005 Wis. Act 158.

14 **SECTION 113.** 227.21 (2) (a) of the statutes is amended to read:

15 227.21 (2) (a) Except as provided in s. 601.41 (3) (b), to avoid unnecessary
16 expense an agency may, with the consent of ~~the revisor and~~ the attorney general,
17 adopt standards established by technical societies and organizations of recognized
18 national standing by incorporating the standards in its rules by reference to the
19 specific issue or issues of the publication in which they appear, without reproducing
20 the standards in full.

NOTE: Makes provision consistent with s. 227.21 (2) (b), as amended by 2005 Wis. Act 249. The joint legislative council note to that amendment explains that amendment as follows:

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Current law also requires that the agency receive the consent of the revisor of statutes and the attorney general in order to incorporate the standard by reference. This SECTION eliminates the requirement for the agency to receive the consent of the revisor.

1 **SECTION 114.** 234.63 (2) (b) of the statutes, as created by 2005 Wisconsin Act
2 487, is amended to read:

3 234.63 (2) (b) The limits in ss. 234.18 (1), 234.40, 234.50, 234.60, 234.61,
4 234.65, and 234.66 do not apply to bonds issued under par. (a).

NOTE: Corrects cross-reference consistent with s. 234.66 (3) (b). Section 234.18 is not divided into subsections.

5 **SECTION 115.** 234.63 (3) (a) of the statutes, as created by 2005 Wisconsin Act
6 487, is amended to read:

7 234.63 (3) (a) The authority may award a loan to a business, including an
8 airport, for the purpose of financing the construction or expansion of an airport in an
9 airport development zone established under s. ~~560.799~~ 560.7995, including
10 financing activities to increase the number of flights to and from the airport or to
11 encourage airlines that do not offer flights to and from the airport to offer such
12 flights.

NOTE: Section 560.799, as created by 2005 Wis. Act 487, is renumbered s. 560.7995 by this bill.

13 **SECTION 116.** 253.15 (8) of the statutes, as created by 2005 Wisconsin Act 165,
14 is amended to read:

15 253.15 (8) IDENTIFICATION OF SHAKEN OR IMPACTED BABIES. The department of
16 health and family services shall identify all infants and young children who have
17 shaken baby syndrome or who are impacted babies and all infants and young
18 children who have died as a result of being shaken or thrown by using the statewide
19 automated child welfare information system established under s. 46.03 (7) (g) (7g)
20 and child fatality information compiled by the department of justice. For each infant

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1 or young child so identified, the department of health and family services shall
2 document the age, sex, and other characteristics of the infant or young child that are
3 relevant to the prevention of shaken baby syndrome and impacted babies and, if
4 known, the age, sex, employment status, and residence of the person who shook or
5 threw the infant or young child, the relationship of that person to the infant or young
6 child, and any other characteristics of that person that are relevant to the prevention
7 of shaken baby syndrome and impacted babies.

NOTE: Inserts correct cross-reference. Section 46.03 (7) (g) was renumbered to s.
46.03 (7g) by 2005 Wis. Act 406.

8 **SECTION 117.** 255.05 (1) (b) of the statutes is amended to read:

9 255.05 (1) (b) “Nonprofit corporation” means a nonstock corporation organized
10 under ch. 181 that is a nonprofit corporation, as defined in s. 181.0103 (17). ~~(b)~~
11 ~~“Nonprofit corporation” means a nonstock corporation organized under ch. 181 that~~
12 ~~is a nonprofit corporation, as defined in s. 181.0103 (17).~~

NOTE: The text of the provision was printed twice in the 2003-04 published
volumes. The correct text is shown in the 2005-06 published volumes.

13 **SECTION 118.** 281.35 (1) (b) 2. of the statutes is amended to read:

14 281.35 (1) (b) 2. If subd. 1. does not apply, the highest average daily water loss
15 over any 30-day period that is reported to the department or the public service
16 commission under sub. (3) (c) or s. 281.17 (1), 2001 stats., or s. 30.18 (6) (c), 196.98,
17 281.34, or 281.41 ~~or s. 281.17 (1), 2001 stats.~~

NOTE: Places cross-references in correct order in accordance with current style.

18 **SECTION 119.** 292.15 (7) (d) of the statutes, as created by 2005 Wisconsin Act
19 418, is amended to read:

20 292.15 (7) (d) A solid waste facility that was licensed under s. ~~289.31~~ or s.
21 144.44, 1993 stats., or s. 289.31.

NOTE: Places cross-references in correct order in accordance with current style.

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1 **SECTION 120.** 292.23 (3) (f) of the statutes, as created by 2005 Wisconsin Act
2 418, is amended to read:

3 292.23 (3) (f) Subsection (2) does not apply to a solid waste facility that was
4 licensed under ~~s. 289.31~~ or s. 144.44, 1993 stats., or s. 289.31.

NOTE: Places cross-references in correct order in accordance with current style.

5 **SECTION 121.** 301.03 (3c) of the statutes is amended to read:

6 301.03 (3c) If requested by the department of health and family services,
7 contract with that department to supervise and provide services to persons who are
8 conditionally transferred or discharged under s. 51.37 (9), conditionally released
9 under s. 971.17 (3), or placed on supervised release under s. 980.06 (2), 1997 stats.,
10 or s. 980.08.

NOTE: Inserts a serial comma. The change is shown in the printed volumes.

11 **SECTION 122.** 301.03 (20) of the statutes, as created by 2005 Wisconsin Act 451,
12 is renumbered 301.03 (20m).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2005 Wis. Act
431 also created a provision numbered s. 301.03 (20).

13 **SECTION 123.** 301.45 (2) (a) 4. d. of the statutes is amended to read:

14 301.45 (2) (a) 4. d. The date the person was ordered to comply with ~~s. 301.45~~
15 this section.

NOTE: Corrects citation form consistent with current style.

16 **SECTION 124.** 301.45 (6) (a) 2. a. of the statutes is amended to read:

17 301.45 (6) (a) 2. a. The person was ordered under s. 51.20 (13) (ct) 1m., 938.34
18 (15m) (am), 938.345 (3), 971.17 (1m) (b) 1m., or 973.048 (1m) to comply with the
19 reporting requirements under ~~s. 301.45~~ this section based on a finding that he or she
20 committed or solicited, conspired, or attempted to commit a misdemeanor.

NOTE: Corrects citation form consistent with current style.

21 **SECTION 125.** 301.45 (6) (ag) 2. a. of the statutes is amended to read:

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1 301.45 **(6)** (ag) 2. a. The person was ordered under s. 51.20 (13) (ct) 1m., 938.34
2 (15m) (am), 938.345 (3), 971.17 (1m) (b) 1m., or 973.048 (1m) to comply with the
3 reporting requirements under ~~s. 301.45~~ this section based on a finding that he or she
4 committed or solicited, conspired, or attempted to commit a misdemeanor.

NOTE: Corrects citation form consistent with current style.

5 **SECTION 126.** 301.45 (10) (title) of the statutes is created to read:
6 301.45 **(10)** (title) ANNUAL FEE.

NOTE: Section 301.45 (10) was created without a title by 2005 Wis. Act 25. The other subsections of s. 301.45 have titles.

7 **SECTION 127.** 301.48 (2) (b) 2. of the statutes, as created by 2005 Wisconsin Act
8 431, is amended to read:

9 301.48 **(2)** (b) 2. A court discharges the person under s. 980.10, 2003 stats., or
10 s. 980.09 ~~or 980.10~~. This subdivision does not apply if the person was on supervised
11 release immediately before being discharged.

NOTE: Section 980.10 was repealed by 2005 Wis. Act 434, which changed all existing cross-references to s. 980.10 to s. 980.10, 2003 stats.

12 **SECTION 128.** 301.48 (3) (c) of the statutes, as created by 2005 Wisconsin Act
13 431, is amended to read:

14 301.48 **(3)** (c) For each person who is subject to global positioning system
15 tracking under this section, the department shall create individualized exclusion
16 and inclusion zones for the person, if necessary to protect public safety. In creating
17 exclusion zones, the department shall focus on areas where children congregate,
18 with perimeters of 100 to 250 feet, and on areas where the person has been prohibited
19 from going as a condition of probation, extended supervision, parole, conditional
20 release, or supervised release. In creating inclusion zones for a person on supervised
21 release, the department shall consider s. 980.08 ~~(7)~~ (9).

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NOTE: Section 980.08 (7), as created by 2005 Wis. Act 431, is renumbered s. 980.08 (9) by this bill.

1 **SECTION 129.** 343.61 (6) (c) of the statutes, as created by 2005 Wisconsin Act
2 466, is renumbered 343.71 (5) (c).

NOTE: 2005 Wis. Act 397 renumbered the remainder of s. 343.61 (6) to 343.71 (5).

3 **SECTION 130.** 351.02 (1) (a) 3. of the statutes is amended to read:

4 351.02 (1) (a) 3. Driving or operating a motor vehicle in violation of ~~s. 346.63~~
5 ~~(1) or (2) or s. 346.63 (1m), 1985 stats., or s. 346.63 (1) or (2).~~

NOTE: Places cross-references in correct order in accordance with current style.

6 **SECTION 131.** 560.799 of the statutes, as created by 2005 Wisconsin Act 487,
7 is renumbered 560.7995.

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2005 Wis. Act 361 also created a provision numbered s. 560.799.

8 **SECTION 132.** 560.85 (3) (a) of the statutes is amended to read:

9 560.85 (3) (a) Develop procedures to evaluate applications and monitor project
10 performance for grants awarded for early planning projects under s. 560.835 (6),
11 2001 stats., or s. 560.82 or s. 560.835 (6), 2001 stats.

NOTE: Places cross-references in correct order in accordance with current style.

12 **SECTION 133.** 609.01 (4) of the statutes is amended to read:

13 609.01 (4) “Preferred provider plan” means a health care plan offered by an
14 organization established under ch. 185, 193, 611, 613, or 614 or issued a certificate
15 of authority under ch. 618 that makes available to its enrollees, without referral and
16 for consideration other than predetermined periodic fixed payments, coverage of
17 either comprehensive health care services or a limited range of health care services,
18 regardless of whether the health care services are performed by participating or
19 nonparticipating providers.

NOTE: 2005 Wis. Act 441, section 107, provides that “600.03 (37m) of the statutes, as affected by 2005 Wisconsin Act ... (Senate Bill 617), is amended.” Senate Bill 617 was vetoed in its entirety. Senate Bill 617 renumbered s. 609.01 (4) to 600.03 (37m) and

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amended the provision. This bill effectuates the purpose of Act 441, section 107, by amending s. 609.01 (4) to insert the cross-reference inserted by Act 441, section 107 into s. 600.03 (37m).

1 **SECTION 134.** 616.09 (1) (c) 1. of the statutes, as affected by 2005 Wisconsin Act
2 441, is amended to read:

3 616.09 (1) (c) 1. Plans authorized under s. 616.06 are subject to ch. 185 or 193,
4 as applicable, except that ss. 185.03 (5) and (6), 185.05 (1) (c), 185.55, 185.61, 185.62,
5 185.63, 185.64, 185.71 to 185.76, 185.81, ~~193.151~~, 193.215 (2) (a) 2., 193.225, 193.301
6 (9), 193.801, 193.805, 193.905 to 193.971, and those provisions applicable to
7 cooperatives or unincorporated cooperative associations with stock do not apply.

NOTE: There is no s. 193.151.

8 **SECTION 135.** 632.899 of the statutes is amended to read:

9 **632.899 Medical savings accounts study.** If the federal government enacts
10 legislation providing for a federal income tax exemption for amounts deposited in a
11 medical savings account and for any interest, dividends or other gain that accrues
12 in the account if redeposited in the account, the commissioner shall conduct a study,
13 to be completed within 4 years after the enactment of the federal legislation, of
14 individuals and groups that had coverage under a high cost-share health plan, as
15 defined in s. 632.898 (1) (c), 1995 stats., and that terminated that coverage in order
16 to enroll in a health benefit plan that was not a high cost-share health plan, as
17 defined in s. 632.898 (1) (c), 1995 stats. The commissioner shall submit a report of
18 all findings, conclusions and recommendations to the appropriate standing
19 committees in the manner provided under ~~section s. 13.172 (3) of the statutes.~~

NOTE: Corrects citation form. The correction has been made in the printed volumes.

20 **SECTION 136.** 706.11 (4) of the statutes is amended to read:

SENATE BILL 300**SECTION 136**

1 706.11 (4) Subsection (1) does not apply to a 2nd mortgage assigned to or
2 executed to the department of veterans affairs under ~~s. 45.79 (3) (a) 1. or s. 45.80 (4)~~
3 (a) 1., 1989 stats., or s. 45.37 (3).

NOTE: 1999 Wis. Act 63 renumbered s. 45.79 (3) (a) 1. to s. 45.79 (3) (a). 2005 Wis.
Act 22 repealed and recreated ch. 45, recreating the language of s. 45.79 (3) (a) as s. 45.37
(3). The cross-references are placed in the correct order in accordance with current style.

4 **SECTION 137.** 757.05 (1) (a) of the statutes, as affected by 2005 Wisconsin Acts
5 25, 60 and 455, is amended to read:

6 757.05 (1) (a) Whenever a court imposes a fine or forfeiture for a violation of
7 state law or for a violation of a municipal or county ordinance except for a violation
8 of s. 101.123 (2) (a), (am) 1., (ar), (bm), (br), or (bv) or (5), or for a first violation of s.
9 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who
10 committed the violation had a blood alcohol concentration of 0.08 or more but less
11 than 0.1 at the time of the violation, or for a violation of state laws or municipal or
12 county ordinances involving nonmoving traffic violations, violations under s. 343.51
13 (1m) (b), or safety belt use violations under s. 347.48 (2m), there shall be imposed in
14 addition a penalty surcharge under ch. 814 in an amount of ~~25~~ 26 percent of the fine
15 or forfeiture imposed. If multiple offenses are involved, the penalty surcharge shall
16 be based upon the total fine or forfeiture for all offenses. When a fine or forfeiture
17 is suspended in whole or in part, the penalty surcharge shall be reduced in proportion
18 to the suspension.

NOTE: 2005 Wis. Act 460 replaced “25%” with “26 percent” to make a substantive
change and to change the form of how percentages are written consistent with current
style. 2005 Wis. Act 445 replaced “25%” with “25 percent” only to change the form of how
percentages are written consistent with current style. This amendment clarifies that the
substantive change is given effect.

19 **SECTION 138.** 757.48 (1) (a) of the statutes, as affected by 2005 Wisconsin Acts
20 387 and 443, is amended to read:

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1 757.48 (1) (a) Except as provided in s. 879.23 (4), in all matters in which a
2 guardian ad litem is appointed by the court, the guardian ad litem shall be an
3 attorney admitted to practice in this state. In order to be appointed as a guardian
4 ad litem under s. 767.407, an attorney shall have completed 3 hours of approved
5 continuing legal education that relates to the functions and duties of a guardian ad
6 litem under ch. 767 and that includes training on the dynamics of domestic violence
7 and the effects of domestic violence on victims of domestic violence and on children.
8 In order to be appointed as a guardian ad litem under s. 54.40 (1), an attorney shall
9 have complied with ~~SRC~~ SCR chapter 36.

NOTE: Corrects citation. The change is shown in the printed volumes.

10 **SECTION 139.** 767.225 (1) (ap) of the statutes, as affected by 2005 Wisconsin Act
11 174, section 2, and 2005 Wisconsin Act 443, section 87, is amended to read:

12 767.225 (1) (ap) Upon the request of a party, granting periods of electronic
13 communication to a party in a manner consistent with s. ~~767.24~~ 767.41. The court
14 or circuit court commissioner shall make a determination under this paragraph
15 within 30 days after the request for a temporary order regarding periods of electronic
16 communication is filed.

NOTE: 2005 Wis. Act 443 renumbered s. 767.24 to s. 767.41.

17 **SECTION 140.** 767.225 (1n) (b) 3. of the statutes, as affected by 2005 Wisconsin
18 Act 342, section 1, and 2005 Wisconsin Act 443, section 90, is amended to read:

19 767.225 (1n) (b) 3. If the court or circuit court commissioner requires one party
20 to cover the child under a health insurance policy or plan under sub. (1) (k), the court
21 or circuit court commissioner shall order the party to provide to the other party a
22 health insurance identification card for the child. Section ~~767.25 (4m) (bm) 2.~~ and

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1 ~~3.~~ 767.513 (2m) (b) and (c) applies to a failure to comply with a temporary order under
2 this subdivision.

NOTE: 2005 Wis. Act 443 renumbered s. 767.25 (4m) to s. 767.513.

3 **SECTION 141.** 767.24 (2) (e) of the statutes, as created by 2005 Wisconsin Act
4 471, is renumbered 767.41 (2) (e).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2005 Wis. Act
443 renumbered the remainder of s. 767.24 to s. 767.41.

5 **SECTION 142.** 767.24 (5) (c) of the statutes, as created by 2005 Wisconsin Act
6 471, is renumbered 767.41 (5) (c).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2005 Wis. Act
443 renumbered the remainder of s. 767.24 to s. 767.41.

7 **SECTION 143.** 767.325 (3m) of the statutes, as created by 2005 Wisconsin Act
8 471, is renumbered 767.451 (3m) and amended to read:

9 767.451 (**3m**) REINSTATEMENT OF FORMER PHYSICAL PLACEMENT ALLOCATION AND
10 SCHEDULE. If a party is a service member, as defined in s. ~~767.24~~ 767.41 (2) (e) 1., and
11 the court modifies an order of physical placement on the basis that the service
12 member has been or will be called to active duty in the U.S. armed forces,
13 notwithstanding sub. (1) the court shall require in the order that the allocation of
14 periods of physical placement and, if applicable, the physical placement schedule
15 that were in effect before the modification are reinstated immediately upon the
16 service member's discharge or release from active duty.

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2005 Wis. Act
443 renumbered the remainder of s. 767.325 to s. 767.451. Corrects a cross-reference.

17 **SECTION 144.** 767.325 (5m) (c) of the statutes, as created by 2005 Wisconsin Act
18 471, is renumbered 767.451 (5m) (c) and amended to read:

19 767.451 (**5m**) (c) In an action to modify a legal custody order, if a party is a
20 service member, as defined in s. ~~767.24~~ 767.41 (2) (e) 1., the court may not consider

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1 as a factor in making a determination whether the service member has been or may
2 be called to active duty in the U.S. armed forces and consequently is, or in the future
3 will be or may be, absent from the service member's home.

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b) and corrects cross-reference. 2005 Wis. Act 443 renumbered the remainder of s. 767.325 to s. 767.451 and renumbered s. 767.24 to s. 767.41.

4 **SECTION 145.** The treatment of 767.451 (5m) (a) of the statutes, as renumbered,
5 by 2005 Wisconsin Act 443, section 161, is not repealed by 2005 Wisconsin Act 471,
6 section 7. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 767.451 (5m) (a), as renumbered from s. 767.325 (5m) (a) by 2005 Wis. Act 443, reads:

(a) Subject to pars. (b) and (c), in all actions to modify legal custody or physical placement orders, the court shall consider the factors under s. 767.41 (5) (am), subject to s. 767.41 (5) (bm), and shall make its determination in a manner consistent with s. 767.41.

7 **SECTION 146.** 767.451 (5m) (b) of the statutes, as affected by 2005 Wisconsin
8 Act 101, section 3, and 2005 Wisconsin Act 443, section 161, is amended to read:

9 767.451 (5m) (b) In determining the best interest of the child under this
10 section, in addition to the factor under s. ~~767.24~~ 767.41 (5) (am) 12m., the court shall
11 consider whether a stepparent of the child has a criminal record and whether there
12 is evidence that a stepparent of the child has engaged in abuse, as defined in s.
13 813.122 (1) (a), of the child or any other child or neglected the child or any other child.

NOTE: 2005 Wis. Act 443 renumbered s. 767.24 to s. 767.41.

14 **SECTION 147.** 767.513 (2m) (title) of the statutes is created to read:

15 767.513 (2m) (title) HEALTH INSURANCE IDENTIFICATION CARD.

NOTE: All other subsections of s. 767.513 have titles. 2005 Act 443 renumbered 767.25 (4m) to be 767.513 and created titles for all the existing subsections, as renumbered. 2005 Wis. Act 342 created 767.25 (4m) (bm), which as a result of the Act 443 renumbering became 767.513 (2m).

16 **SECTION 148.** 767.513 (2m) (a) and (c) of the statutes, as affected by 2005
17 Wisconsin Act 342, section 2, and 2005 Wisconsin Act 443, section 104, are amended
18 to read:

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1 767.513 **(2m)** (a) The court shall order a parent who is required to provide
2 health insurance coverage for a child under this ~~subsection~~ section to provide to the
3 other parent a health insurance identification card evidencing the child’s health
4 insurance coverage.

5 (c) If the other parent is unable to obtain a health insurance identification card
6 for the child in the manner provided in ~~subd. 2. par. (b)~~, the intentional failure to
7 comply with the order to provide the card by the parent so ordered constitutes a
8 contempt of court, punishable under ch. 785.

NOTE: Amends cross-references to reflect the renumbering of the provision by 2005
Wis. Act 443.

9 **SECTION 149.** 767.57 (1e) (a) of the statutes, as affected by 2005 Wisconsin Act
10 443, section 129, is amended to read:

11 767.57 **(1e)** (a) For receiving and disbursing maintenance, child support, or
12 family support payments, including payments in arrears, and for maintaining the
13 records required under ~~par. sub. (1)~~ (c), the department or its designee shall collect
14 an annual fee of \$35. The court shall order each party ordered to make payments to
15 pay the fee in each year for which payments are ordered or in which an arrearage in
16 any of those payments is owed. In directing the manner of payment, the court shall
17 order that the fee be withheld from income and sent to the department or its
18 designee, as provided under s. 767.75. Fees under this paragraph shall be deposited
19 in the appropriation account under s. 20.445 (3) (ja). At the time of ordering payment
20 of the fee, the court shall notify each party ordered to make payments of the
21 requirement to pay, and the amount of, the fee. If the fee under this paragraph is not
22 paid when due, the department or its designee may not deduct the fee from any

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1 maintenance, child or family support, or arrearage payment, but may move the court
2 for a remedial sanction under ch. 785.

NOTE: Corrects cross-reference.

3 **SECTION 150.** 767.57 (3) (a) of the statutes, as affected by 2005 Wisconsin Act
4 387, section 194, and 2005 Wisconsin Act 443, section 132, is amended to read:

5 767.57 (3) (a) If maintenance or support, or both, are ordered to be paid for the
6 benefit of any individual who is committed by court order to an institution, who is
7 in confinement, or whose legal custody is vested by court order under ch. 48 or 938
8 in an agency, department, relative, or other entity, the court may order that the
9 maintenance or support be paid to the relative, agency, institution, welfare
10 department, or other entity having legal or actual custody of the individual, and that
11 it be used for the person's care and maintenance, without the appointment of a
12 guardian in this state.

NOTE: Inserts comma deleted by 2005 Wis. Act 387 but required to accommodate
the treatment by 2005 Wis. Act 443.

13 **SECTION 151.** 779.50 (4) (g) of the statutes is amended to read:

14 779.50 (4) (g) For collecting and paying over all sums upon the sale, ~~5%~~ 5
15 percent of the sums collected or \$10 dollars, whichever is less.

NOTE: Deletes unnecessary word and inserts "percent" consistent with current
style.

16 **SECTION 152.** 813.123 (2) (b) of the statutes, as created by 2005 Wisconsin Act
17 388, is amended to read:

18 813.123 (2) (b) The court may go forward with a petition filed under sub. (6) if
19 the individual at risk has been adjudicated incompetent under ch. 880, 2003 stats.,
20 or ch. 54, notwithstanding an objection by an individual at risk who is the subject of
21 the petition, or an objection by the guardian of the individual at risk.

SENATE BILL 300**SECTION 152**

NOTE: Inserts correct cross-reference. 2005 Wis. Act 387 renumbered ch. 880 to ch. 54.

1 **SECTION 153.** 814.04 (intro.) of the statutes, as affected by Supreme Court
2 Order 03–06 and 2005 Wisconsin Acts 155, 325, 443 and 458 is amended to read:
3 **814.04 Items of costs.** (intro.) Except as provided in ss. 93.20, 100.195 (5m)
4 (b), 100.30 (5m), 106.50 (6) (i) and (6m) (a), 115.80 (9), 281.36 (2) (b) 1., 767.553 (4)
5 (d), 769.313, ~~814.025~~, 802.05, 814.245, 895.035 (4), ~~895.506~~, 895.443 (3), 895.444 (2),
6 895.445 (3), 895.446 (3), 895.506, 943.212 (2) (b), 943.245 (2) (d), 943.51 (2) (b), and
7 995.10 (3), when allowed costs shall be as follows:

NOTE: 2005 Wis. Act 155 inserted “814.025” without showing it as underscored and deleted “814.245” without showing it as stricken. No change was intended. “895.506” is placed in numerical order. 2005 Wis. Act 458 inserted the cross-reference to s. 100.195 (5m) (b) but incorrectly showed all of the cross-references following s. 100.195 (5m) (b) as underscored.

8 **SECTION 154.** The treatment of 814.65 (1) of the statutes by 2005 Wisconsin Act
9 54 is not repealed by 2005 Wisconsin Act 455. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 814.65 (1) reads:

(1) COURT COSTS. In a municipal court action, 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 violation of an ordinance in conformity with s. 343.51 (1m) (b) or 347.48 (2m), the municipal judge shall collect a fee of not less than \$15 nor more than \$28 on each separate matter, whether it is on default of appearance, a plea of guilty or no contest, on issuance of a warrant or summons, or the action is tried as a contested matter. Of each fee received by the judge under this subsection, the municipal treasurer shall pay monthly \$5 to the secretary of administration for deposit in the general fund and shall retain the balance for the use of the municipality.

10 **SECTION 155.** 880.331 (4) (am) of the statutes, as created by 2005 Wisconsin Act
11 264, is renumbered 54.40 (4) (am).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2005 Wis. Act 387 renumbered s. 880.331 (4) to s. 54.40 (4).

12 **SECTION 156.** 880.331 (4) (ar) of the statutes, as created by 2005 Wisconsin Act
13 264, is renumbered 54.40 (4) (ar).

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NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2005 Wis. Act 387 renumbered s. 880.331 (4) to s. 54.40 (4).

1 **SECTION 157.** 880.331 (4) (dm) of the statutes, as created by 2005 Wisconsin Act
2 264, is renumbered 54.40 (4) (dm).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2005 Wis. Act 387 renumbered s. 880.331 (4) to s. 54.40 (4).

3 **SECTION 158.** 880.331 (4) (dr) of the statutes, as created by 2005 Wisconsin Act
4 264, is renumbered 54.40 (4) (h).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2005 Wis. Act 387 created an identical provision as s. 54.40 (4) (h) and renumbered s. 880.331 (4) to s. 54.40 (4).

5 **SECTION 159.** 880.331 (4) (ds) of the statutes, as created by 2005 Wisconsin Act
6 264, is renumbered 54.40 (4) (ds).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2005 Wis. Act 387 renumbered s. 880.331 (4) to s. 54.40 (4).

7 **SECTION 160.** 893.55 (1d) (c) of the statutes, as created by 2005 Wisconsin Act
8 183, is amended to read:

9 893.55 (1d) (c) Based on actuarial studies, documentary evidence, testimony,
10 and the experiences of other states, the legislature concludes there is a dollar figure
11 so low as to deprive the injured victim of reasonable noneconomic damages, and there
12 is a dollar figure at which the cap number is so high that it fails to accomplish the
13 goals of affordable and accessible health care. The legislature concludes that the
14 number chosen is neither too high nor too low to accomplish the goals of affordable
15 and accessible health care, is a reasonable and ~~rationale~~ rational response to the
16 current medical liability situation, and is reasonably and rationally supported by the
17 legislative record.

NOTE: Corrects spelling.

18 **SECTION 161.** 895.446 (4) of the statutes, as affected by 2005 Wisconsin Act 155,
19 section 70, and 2005 Wisconsin Act 447, section 1, is amended to read:

SENATE BILL 300**SECTION 161**

1 895.446 (4) Any recovery under this section shall be reduced by the amount
2 recovered as restitution under ss. 800.093 and 973.20 and ch. 938 for the same act
3 or as recompense under s. ~~939.13~~ 969.13 (5) (a) for the same act.

NOTE: Inserts correct cross-reference consistent with the remainder of 2005 Wis.
Act 447. There is no s. 939.13 (5) (a).

4 **SECTION 162.** 938.27 (5) of the statutes, as affected by 2005 Wisconsin Acts 293
5 and 344, is amended to read:

6 938.27 (5) NOTICE TO BIOLOGICAL FATHERS. Subject to sub. (3) (b), the court shall
7 make reasonable efforts to identify and notify any person who has filed a declaration
8 of paternal interest under s. 48.025, any person who has acknowledged paternity of
9 the child under s. ~~767.62~~ 767.805 (1), and any person who has been adjudged to be
10 the father of the juvenile in a judicial proceeding unless the person's parental rights
11 have been terminated.

NOTE: Corrects cross-reference. Section 767.62 was renumbered s. 767.805 by
2005 Wis. Act 443.

12 **SECTION 163.** 938.345 (1) (e) of the statutes, as affected by 2005 Wisconsin Acts
13 344 and 387, is amended to read:

14 938.345 (1) (e) Place any juvenile not found under ch. 880, 2003 stats., or ch.
15 46, 49, 51, 54, or 115, ~~or ch. 880, 2003 stats.,~~ to have a developmental disability or
16 a mental illness or to be a child with a disability, as defined in s. 115.76 (5), in a facility
17 that exclusively treats one or more of those categories of juveniles.

NOTE: Places cross-references in correct order according to current style.

18 **SECTION 164.** 940.43 (5) of the statutes is amended to read:

19 940.43 (5) Where the act is committed by any person who has suffered any prior
20 conviction for any violation under s. 943.30, 1979 stats., ss. 940.42 to 940.45, s.
21 ~~943.30, 1979 stats.,~~ or any federal statute or statute of any other state which, if the

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1 act prosecuted was committed in this state, would be a violation under ss. 940.42 to
2 940.45.

NOTE: Places cross-references in correct order in accordance with current style.

3 **SECTION 165.** 940.45 (5) of the statutes is amended to read:

4 940.45 (5) Where the act is committed by any person who has suffered any prior
5 conviction for any violation under s. 943.30, 1979 stats., ss. 940.42 to 940.45, ~~s.~~
6 ~~943.30, 1979 stats.~~, or any federal statute or statute of any other state which, if the
7 act prosecuted was committed in this state, would be a violation under ss. 940.42 to
8 940.45.

NOTE: Places cross-references in correct order in accordance with current style.

9 **SECTION 166.** The treatment of 943.245 (3m) of the statutes by 2005 Wisconsin
10 Act 447 is not repealed by 2005 Wisconsin Act 462. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 943.245 (3m) reads:

(3m) Any recovery under this section shall be reduced by the amount recovered as restitution for the same act under ss. 800.093 and 973.20 or as recompense under s. 969.13 (5) (a) for the same act and by any amount collected in connection with the act and paid to the plaintiff under a deferred prosecution agreement under s. 971.41.

11 **SECTION 167.** 948.01 (5) (am) of the statutes, as created by 2005 Wisconsin Act
12 435, is renumbered 948.01 (5) (a) 2.

NOTE: Renumbers provision relating to intentional touching to correspond with s. 948.01 (5) (a) (intro.), relating to intentional touching, consistent with the treatment of s. 940.225 (5) (b) 1. (intro.) and b. by 2005 Wis. Act 435.

13 **SECTION 168.** 948.075 (3) of the statutes is amended to read:

14 948.075 (3) Proof that the actor did an act, other than use a computerized
15 communication system to communicate with the individual, to effect the actor's
16 intent under sub. (1) (1r) shall be necessary to prove that intent.

NOTE: Inserts correct cross-reference. 2005 Wis. Act 433 renumbered s. 948.075 (1) to s. 948.075 (1r).

SENATE BILL 300**SECTION 169**

1 **SECTION 169.** 971.41 (3) of the statutes, as created by 2005 Wisconsin Act 462,
2 is repealed and recreated to read:

3 971.41 (3) CONDITIONS OF PROGRAM. A deferred prosecution agreement to which
4 this section applies may require an offender to do any of the following:

5 (a) Pay money owed for the worthless check or other order issued in violation
6 of s. 943.24 to the district attorney for remittance to the payee of the worthless check
7 or order.

8 (b) Make other payments for restitution for the offense, including payments to
9 reimburse any person for fees assessed by a financial institution in connection with
10 the person attempting to present the worthless check or other order.

11 (c) Pay administrative fees assessed under sub. (7).

12 (d) Pay for and successfully complete a class or counseling regarding financial
13 management.

NOTE: Corrects numbering errors in 2005 Wis. Act 462 that resulted in there being
two provisions numbered s. 971.41 (3) (b). The second of the two provisions is now
numbered s. 971.41 (3) (d). No changes to text are made.

14 **SECTION 170.** 973.017 (6) (a) of the statutes is amended to read:

15 973.017 (6) (a) In this subsection, “person responsible for the welfare of the
16 child” includes the child’s parent, stepparent, guardian, foster parent, or treatment
17 foster parent; an employee of a public or private residential home, institution, or
18 agency; any other person legally responsible for the child’s welfare in a residential
19 setting; or a person employed by one who is legally responsible for the child’s welfare
20 to exercise temporary control or care for the child.

NOTE: Inserts missing word.

21 **SECTION 171.** 980.01 (1j) of the statutes, as created by 2005 Wisconsin Act 434,
22 is amended to read:

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1 980.01 (1j) “Incarceration” includes confinement in a secured juvenile
2 correctional facility, as defined in s. 938.02 (15m) (10p), or a secured ~~child-caring~~
3 ~~institution~~ residential care center for children and youth, as defined in s. 938.02
4 (15g), or a secured ~~group home~~, as defined in s. 938.02 (15p), if the person was placed
5 in the facility for being adjudicated delinquent under s. 48.34, 1993 stats., or under
6 s. 938.183 or 938.34 on the basis of a sexually violent offense.

NOTE: Corrects cross-references and conforms text to changes in defined terms
made by 2005 Wis. Act 344.

7 **SECTION 172.** 980.02 (1) (b) 3. of the statutes, as created by 2005 Wisconsin Act
8 434, is amended to read:

9 980.02 (1) (b) 3. The county in which the person is in custody under a sentence,
10 a placement to a secured juvenile correctional facility, as defined in s. 938.02 (15m),
11 (10p), or a secured ~~child-caring institution~~ residential care center for children and
12 youth, as defined in s. 938.02 (15g), or a secured ~~group home~~, as defined in s. 938.02
13 (15p), or a commitment order.

NOTE: Corrects cross-references and conforms text to changes in defined terms
made by 2005 Wis. Act 344.

14 **SECTION 173.** 980.038 (4) (a) of the statutes, as created by 2005 Wisconsin Act
15 434, is amended to read:

16 980.038 (4) (a) A motion for postcommitment relief by a person committed
17 under s. 980.06 shall be made in the time and manner provided in ss. s. 809.30 and
18 809.40. An appeal by a person who has been committed under s. 980.06 from a final
19 order under s. 980.06, 980.08, or 980.09 or from an order denying a motion for
20 postcommitment relief or from both shall be taken in the time and manner provided
21 in ss. 808.04 (3), and 809.30, and 809.40. If a person is seeking relief from an order
22 of commitment under s. 980.06, the person shall file a motion for postcommitment

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SECTION 173

1 relief in the trial court prior to an appeal unless the grounds for seeking relief are
2 sufficiency of the evidence or issues previously raised.

NOTE: Removes incorrect cross-references. The LRB analysis to 2005 SB 318, which was enacted as 2005 Wis. Act 434, states as to section 92 of that bill, which creates this provision, “A motion for post-commitment relief by an SVP or an appeal from a final order or from an order denying a motion for post-commitment relief will follow criminal appellate procedure.”

Act 434 amended s. 808.04 (3) to add “or 809.30” so that the provision now reads “Except as provided in subs. (4) and (7), an appeal in a criminal case or a case under ch. 48, 51, 55 or, 938, or 980 shall be initiated within the time period specified in s. 809.30.”

Section 809.30 relates to appeals in criminal and ch. 48, 51, 55, and 938 cases. Section 809.40 now relates to appeals in termination of parental rights, ch. 799, traffic regulation, municipal ordinance violation, and parental consent to abortion cases, but not criminal cases. Prior to the revision of s. 809.40 by Supreme Court Order 02-01, ss. 809.30 and 809.40 both related to criminal, ch. 48, 51, 55, and 938 cases.

3 **SECTION 174.** 980.08 (7) of the statutes, as created by 2005 Wisconsin Act 431,
4 is renumbered 980.08 (9).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2005 Wis Act 434 amended s. 980.08 (6m) which resulted in it being divided into three separate subsections, s. 980.08 (6m), (7), (8).

5 **SECTION 175.** 2005 Wisconsin Act 387, section 372 is amended by replacing
6 “54.50 (4) (d) CESSATION OF POWERS.” with “54.50 (4) CESSATION OF POWERS.”

NOTE: Removes incorrect paragraph designation. 2005 Wis. Act 387, section 372, renumbered s. 880.15 (3) to s. 54.40 (4). Former s. 880.15 (3) was not divided into paragraphs.

7 **SECTION 176.** 2005 Wisconsin Act 441, section 20 is amended by replacing
8 “~~telecommunication service, gas, light, heat, or power~~” with “telecommunications
9 ~~service, gas, light, heat, or power~~”.

NOTE: A comma was inserted without underscoring. The change was intended. The stricken “telecommunication” should have been “telecommunications.”

10 **SECTION 177.** 2005 Wisconsin Act 443, section 265 is amended by replacing

49.299 (6) (b)	767.45 (5) (c) and (6r)	767.80 (5) (c) and (6r)
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11 with

48.299 (6) (b)	767.45 (5) (c) and (6r)	767.80 (5) (c) and (6r)
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13 NOTE: Corrects statute citation in first column of the 2005 Wis. Act 443 cross-reference change table.

SENATE BILL 300

1 **SECTION 178.** 2005 Wisconsin Act 444, section 46 is amended by replacing “of
2 the minor, hold a hearing, and appoint counsel” with “of the minor, hold a hearing,
3 and appoint counsel”.

NOTE: A comma was inserted without underscoring. The change was intended.

4 **SECTION 179.** 2005 Wisconsin Act 451, section 85m is amended by replacing “s.
5 6.86 (1) ~~or~~, (2), or (2m)” with “s. 6.86 (1) ~~or~~, (2), or (2m)”.

NOTE: A comma was inserted without underscoring. The change was intended.

6 **SECTION 180.** 2005 Wisconsin Act 458, section 5 is amended by replacing
7 “100.195 (5m) (b), 100.30 (5m), 106.50 (6) (i) and (6m) (a), 115.80 (9), 281.36 (2) (b)
8 1., 767.33 (4) (d), 769.313, 814.025, 814.245, 895.035 (4), 895.10 (3), 895.75 (3), 895.77
9 (2), 895.79 (3), 895.80 (3), 943.212 (2) (b), 943.245 (2) (d),” with “100.195 (5m) (b),
10 100.30 (5m), 106.50 (6) (i) and (6m) (a), 115.80 (9), 281.36 (2) (b) 1., 767.33 (4) (d),
11 769.313, 814.025, 814.245, 895.035 (4), 895.10 (3), 895.75 (3), 895.77 (2), 895.79 (3),
12 895.80 (3), 943.212 (2) (b), 943.245 (2) (d),”.

NOTE: Preexisting text was underscored.

13 **SECTION 181. Nonstatutory provisions.**

14 (1) The renumbering of section 880.24 (3) (a) and (b) of the statutes by 2005
15 Wisconsin Act 264 is void.

NOTE: 2005 Wis. Act 387 renumbered the same provisions. The Act 387 numbering
is adopted.

16 **SECTION 182. Effective dates.** This act takes effect on the day after
17 publication, except as follows:

18 (1) The treatment of section 101.985 (4) of the statutes takes effect on June 1,
19 2007, or on the day after publication, whichever is later.

20 (2) The treatment of section 301.48 (2) (b) 2. and (3) (c) of the statutes takes
21 effect on July 1, 2007, or on the day after publication, whichever is later.

