



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-5252/1
BJH:jld

2017 SENATE BILL 714

January 19, 2018 - Introduced by LAW REVISION COMMITTEE. Referred to Committee on Senate Organization.

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

Analysis by the Legislative Reference Bureau

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

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

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

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

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

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

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

SENATE BILL 714**SECTION 2**

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

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

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

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

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

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

SENATE BILL 714

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

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

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

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

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

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

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

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

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

SENATE BILL 714**SECTION 7**

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

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

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

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

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

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

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

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

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

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

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

SENATE BILL 714

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

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

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

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

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

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

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

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

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

SENATE BILL 714**SECTION 13**

than the latest time provided in the order for filing nomination papers. If a candidate for state or local office has not filed a registration statement under s. 11.0202 (1) (a) at the time he or she files nomination papers, the candidate shall file the statement with the papers. A candidate for state office shall also file a statement of economic interests with the ethics commission no later than the end of the 3rd day following the last day for filing nomination papers specified in the order.

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

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

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

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

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

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

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

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

10 **SECTION 17.** 13.621 (5) of the statutes, as affected by 2015 Wisconsin Act 118,
11 is amended to read:

12 13.621 (5) VERIFIED STATEMENTS. Any principal who or which anticipates
13 making expenditures or incurring obligations in an aggregate amount not exceeding

SENATE BILL 714

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

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

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

21 13.625 **(6)** Subsections (1) (b) ~~and (e)~~, (1m), (2), and (3) do not apply to the
22 furnishing of anything of pecuniary value by an individual who is a lobbyist or
23 principal to a relative of the individual or an individual who resides in the same

SENATE BILL 714**SECTION 18**

1 household as the individual, nor to the receipt of anything of pecuniary value by that
2 relative or individual residing in the same household as the individual.

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

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

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

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

18 **SECTION 20.** 13.67 (2) of the statutes, as affected by 2015 Wisconsin Act 118,
19 is amended to read:

20 13.67 (2) Any person who is not a principal may, upon payment of the fee
21 prescribed under s. 13.75 ~~(5)~~ (1g) (e), register with the commission an interest in any
22 legislative proposal, proposed administrative rule, budget bill subject or other topic.

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

SENATE BILL 714

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

3 13.75 (1r) The board commission may accept payment under this section by
4 credit card, debit card, or other electronic payment mechanism, and may charge a
5 surcharge to recover the actual cost associated with the acceptance of that electronic
6 payment.

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

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

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

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

10 15.61 (1) (a) 5. Two members who formerly served as county or municipal clerks
11 and who are nominated by the governor, and with the advice and consent of a
12 majority of the members of the senate confirmed. The legislative leadership of the
13 2 major political parties that received the largest number of votes for president shall
14 prepare a list of 3 individuals such that each major political party has prepared one
15 list. The governor shall choose one nominee from each list.

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

SENATE BILL 714**SECTION 23**

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

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

3 15.62 (1) (a) 5. Two individuals who formerly served as judges for a court of
4 record in this state, who were elected to the positions in which they served, and who
5 are nominated by the governor, and with the advice and consent of a majority of the
6 members of the senate confirmed. The legislative leadership of the 2 major political
7 parties that received the largest number of votes for president shall prepare a list of
8 3 individuals such that each major political party has prepared one list. The
9 governor shall choose one nominee from each list.

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

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

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

18 19.49 (2g) AUDITING. In addition to the facial examination of reports and
19 statements required under s. 11.1304 (9), the commission shall conduct an audit of
20 reports and statements which are required to be filed with it to determine whether
21 violations of ch. 11 have occurred. The commission may examine records relating to

SENATE BILL 714

1 matters required to be treated in such reports and statements. The commission shall
2 make official note in the file of a committee, as defined in s. 11.0101 (6), of any error
3 or other discrepancy which the commission discovers and shall inform the person
4 submitting the report or statement. The ~~board~~ commission may not audit reports,
5 statements, or records beyond the 3-year period for which a committee must retain
6 records under ch. 11.

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

7 **SECTION 26.** 20.115 (1) (gb) of the statutes, as affected by 2015 Wisconsin Act
8 55, is amended to read:

9 20.115 (1) (gb) *Food, lodging, and recreation.* The amounts in the schedule for
10 the regulation of food, lodging, and recreation under chs. 93, 97 and 98. All moneys
11 received under ss. 93.06 (1r) and (1w), 93.09, 93.11, 93.12, 97.17, 97.175, 97.20, 97.21,
12 97.22, 97.24, 97.27, 97.29, 97.30 (3) (a), (b) and (c), 97.41, 97.60 to ~~97.653~~ 97.65, 97.67,
13 98.145 and 98.146 for the regulation of food, lodging, and recreation shall be credited
14 to this appropriation.

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

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

16 20.370 (9) (gb) *Education programs — program fees.* Biennially, from the
17 general fund, the amounts in the schedule for department educational activities at
18 the MacKenzie environmental center. All moneys received from fees collected under
19 s. 23.425 (2) for the use of the center shall be credited to this appropriation.

NOTE: Section 23.425 (2) is renumbered s. 23.425 by SECTION 37 of this bill.

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

SENATE BILL 714**SECTION 28**

1 20.505 (1) (id) *Justice information fee receipts.* (intro.) All moneys less
2 \$700,000 received from the justice information surcharge under s. 814.86 (1) for the
3 purpose of annually transferring the amounts indicated in subds. 1. to ~~7.~~ 6. The
4 following amounts shall be transferred to the following appropriation accounts:

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

NOTE: Adds “to make” for parallel structure

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

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

NOTE: Adds “to make” for parallel structure.

13 **SECTION 30.** 20.510 (1) (a) of the statutes, as affected by 2015 Wisconsin Act
14 117, section 55, and 2015 Wisconsin Act 118, section 213, is amended to read:

15 20.510 (1) (a) *General program operations; general purpose revenue.*
16 Biennially, the amounts in the schedule for general program operations of the
17 commission, including the printing of forms, materials, manuals, and election laws
18 under s. 7.08 (1) (b), (3), and (4) ~~11.1304~~, and the training of election officials under
19 s. 5.05 (7).

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

SENATE BILL 714

1 **SECTION 31.** 20.510 (1) (e) of the statutes, as affected by 2015 Wisconsin Act 117,
2 section 56, and 2015 Wisconsin Act 118, section 220, is amended to read:

3 20.510 (1) (e) *Elections administration.* The amounts in the schedule for the
4 administration of chs. 5 to 10 and 12. ~~11.0102 (2)~~

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

5 **SECTION 32.** 20.670 (1) (k) of the statutes is amended to read:

6 20.670 (1) (k) *Director of state courts and law library transfer.* All moneys
7 received from the appropriations under s. 20.680 (2) (a) to ~~(ke)~~ and ~~(4) (a) to (h)~~ (L)
8 for the purposes of the judicial council under s. 758.13.

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

9 **SECTION 33.** The treatment of 20.923 (7) (intro.) of the statutes by 2015
10 Wisconsin Act 55 is not repealed by 2015 Wisconsin Act 58. Both treatments stand.

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

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

11 **SECTION 34.** The treatment of 20.923 (8) of the statutes by 2015 Wisconsin Act
12 55 is not repealed by 2015 Wisconsin Act 58. Both treatments stand.

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

SENATE BILL 714**SECTION 34**

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

1 **SECTION 35.** The treatment of 20.923 (9) of the statutes by 2015 Wisconsin Act
2 55 is not repealed by 2015 Wisconsin Act 58. Both treatments stand.

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

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

3 **SECTION 36.** 23.425 (1) of the statutes is repealed.

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

4 **SECTION 37.** 23.425 (2) (a) and (b) of the statutes are renumbered 23.425 (1m)
5 and (2m), and 23.425 (2m), as renumbered, is amended to read:

6 23.425 (2m) The fees collected by the department under ~~par. (a)~~ sub. (1m) for
7 the use of the MacKenzie environmental center shall be deposited in the general fund
8 and credited to the appropriation under s. 20.370 (9) (gb).

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

9 **SECTION 38.** The treatment of 24.62 (3) of the statutes by 2015 Wisconsin Act
10 55 is not repealed by 2015 Wisconsin Act 60. Both treatments stand.

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

SENATE BILL 714**SECTION 38**

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

1 **SECTION 39.** 29.89 (4) of the statutes, as affected by 2015 Wisconsin Act 31, is
2 amended to read:

3 29.89 (4) DONATIONS AUTHORIZED. A county may donate the processed venison
4 or ~~process~~ processed wild turkey meat to a food distribution service or a charitable
5 organization. The county may require that the carcasses be field dressed before
6 accepting them for processing.

NOTE: Corrects spelling.

7 **SECTION 40.** 38.04 (4) (d) of the statutes is repealed.

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

8 **SECTION 41.** 40.02 (15) (d) and (e) of the statutes are amended to read:

9 40.02 (15) (d) Contributions, benefits, and service credit with respect to
10 qualified military service, as defined in 38-USC chapter 43 of title 38 of the United
11 States Code, taken on or after December 12, 1994, are governed by section 414 (u)
12 of the Internal Revenue Code and the federal Uniformed Services Employment and
13 Reemployment Rights Act of 1994.

14 (e) 1. Effective with deaths occurring on or after January 1, 2007, while a
15 participant is performing qualified military service, as defined in 38-USC chapter 43
16 of title 38 of the United States Code, death benefits shall be calculated as though the
17 participant was a participating employee subject to par. (d) during the period or

SENATE BILL 714**SECTION 41**

1 periods of military service between the date that the participant left participating
2 employment to enter active military service and the date of death.

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

13 3. Beginning January 1, 2009, an individual receiving differential wage
14 payments while the individual is performing qualified military service, as defined in
15 38 USC chapter 43 of title 38 of the United States Code, from an employer shall be
16 treated as employed by that employer, and the differential wage payment shall be
17 treated as compensation for purposes of applying the limits on annual additions
18 under section 415 (c) of the Internal Revenue Code. This provision shall be applied
19 to all similarly situated individuals in a reasonably equivalent manner.

NOTE: Corrects citation form.

20 **SECTION 42.** The treatment of 40.05 (4) (ag) 1. of the statutes by 2015 Wisconsin
21 Act 55 is not repealed by 2015 Wisconsin Act 58. Both treatments stand.

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

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

SENATE BILL 714

administrator of the division of personnel management in the department of administration under par. (ah).

1 **SECTION 43.** 46.27 (6r) (b) 1m. a. of the statutes, as created by 2015 Wisconsin
2 Act 55, is amended to read:

3 46.27 **(6r)** (b) 1m. a. A person who resided in the facility on the date of the
4 finding that a skilled nursing facility or intermediate care facility that provides care
5 to Medical Assistance recipients ~~to be~~ is an institution for mental diseases whose care
6 in the facility is disallowed for federal financial participation under Medical
7 Assistance.

NOTE: Corrects grammar.

8 **SECTION 44.** 46.272 (14) (b) 1. of the statutes, as created by 2015 Wisconsin Act
9 55, is amended to read:

10 46.272 **(14)** (b) 1. Medical assistance reimbursement for services a county or
11 a private nonprofit agency, ~~or~~ with which the department contracts provides under
12 this subsection shall be made from the appropriations under s. 20.435 (4) (bd) and
13 (o) and (7) (b). Payments made under sub. (13) (a) may be used as the state share for
14 purposes of Medical Assistance reimbursement.

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

15 **SECTION 45.** 46.277 (5g) (b) 1. of the statutes, as created by 2015 Wisconsin Act
16 55, is amended to read:

17 46.277 **(5g)** (b) 1. A person who resided in the facility on the date of the finding
18 that a skilled nursing facility or intermediate care facility that provides care to
19 Medical Assistance recipients ~~to be~~ is an institution for mental diseases whose care

SENATE BILL 714**SECTION 45**

1 in the facility is disallowed for federal financial participation under Medical
2 Assistance.

NOTE: Corrects grammar.

3 **SECTION 46.** 48.57 (3m) (a) 1. b. of the statutes, as affected by 2015 Wisconsin
4 Act 55, is amended to read:

5 48.57 **(3m)** (a) 1. b. The person is under 21 years of age, the person is a full-time
6 student in good academic standing at a secondary school or its vocational or technical
7 equivalent, an individualized education program under s. 115.787 is in effect for the
8 person, and the person is placed in the home of the kinship care relative under an
9 order under s. 48.355, 48.357, 48.365, 938.355, 938.357, or 938.365 that terminates
10 under s. 48.355 (4) (b) or 938.355 (4) (am) after the person attains 18 years of age or
11 under a voluntary transition-to-independent-living agreement under s. 48.366 (3)
12 or 938.366 (3).

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

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

15 48.57 **(3n)** (a) 1. b. The person is under 21 years of age, the person is a full-time
16 student in good academic standing at a secondary school or its vocational or technical
17 equivalent, an individualized education program under s. 115.787 is in effect for the
18 person, and the person is placed in the home of the long-term kinship care relative
19 under an order under s. 48.355, 48.357, 48.365, 938.355, 938.357, or 938.365 that
20 terminates under s. 48.355 (4) (b) or 938.355 (4) (am) after the person attains 18 years
21 of age or under a voluntary transition-to-independent-living agreement under s.
22 48.366 (3) or 938.366 (3).

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

SENATE BILL 714

1 **SECTION 48.** 59.54 (28) (c) 4. c. of the statutes, as created by 2015 Wisconsin Act
2 55, is amended to read:

3 59.54 (28) (c) 4. c. The chairperson of the county board of supervisors, ~~or his or~~
4 ~~her designee~~, if the county does not have a county executive or a county
5 administrator.

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

6 **SECTION 49.** 71.07 (3y) (a) 2. of the statutes, as created by 2015 Wisconsin Act
7 55, is amended to read:

8 71.07 (3y) (a) 2. “Eligible employee” has the meaning given in s. 238.308 (1) ~~(a)~~.

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

9 **SECTION 50.** 71.28 (3y) (a) 2. of the statutes, as created by 2015 Wisconsin Act
10 55, is amended to read:

11 71.28 (3y) (a) 2. “Eligible employee” has the meaning given in s. 238.308 (1) ~~(a)~~.

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

12 **SECTION 51.** 71.47 (3y) (a) 2. of the statutes, as created by 2015 Wisconsin Act
13 55, is amended to read:

14 71.47 (3y) (a) 2. “Eligible employee” has the meaning given in s. 238.308 (1) ~~(a)~~.

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

15 **SECTION 52.** 77.51 (10s) of the statutes is renumbered 77.51 (11c).

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

16 **SECTION 53.** 101.023 of the statutes, as affected by 2015 Wisconsin Act 29, is
17 amended to read:

18 **101.023 Commercial building code council duties.** The ~~uniform~~
19 commercial building code council shall review the rules relating to constructing,

SENATE BILL 714**SECTION 53**

1 altering, adding to, repairing, and maintaining public buildings and buildings that
2 are places of employment. The council shall consider and make recommendations
3 to the department pertaining to these rules and any other matters related to
4 constructing, altering, adding to, repairing, and maintaining public buildings and
5 buildings that are places of employment. In preparing rules under this chapter that
6 relate to public buildings and to buildings that are places of employment, the
7 department shall consult with the commercial building code council.

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

8 **SECTION 54.** 101.63 (1) (intro.) of the statutes, as affected by 2015 Wisconsin
9 Acts 49 and 55, is amended to read:

10 101.63 (1) (intro.) Adopt rules which establish standards for the construction
11 and inspection of one- and 2-family dwellings and components thereof. The rules
12 shall include separate standards, established in consultation with the uniform
13 dwelling code council, that apply only to the construction and inspection of camping
14 units that are set in a fixed location in a campground for which a permit is issued
15 under s. ~~254.47~~ 97.67, that contain a sleeping place, and that are used for seasonal
16 overnight camping. Where feasible, the standards used shall be those nationally
17 recognized and shall apply to the dwelling and to its electrical, heating, ventilating,
18 air conditioning and other systems, including plumbing, as defined in s. 145.01 (10).
19 No set of rules may be adopted which has not taken into account the conservation of
20 energy in construction and maintenance of dwellings and the costs of specific code
21 provisions to home buyers in relationship to the benefits derived from the provisions.
22 Rules promulgated under this subsection do not apply to a bed and breakfast

SENATE BILL 714**SECTION 54**

1 establishment, as defined under s. 97.01 (1g), except that the rules apply to all of the
2 following:

NOTE: The “dwelling code council” was renamed the “uniform dwelling code council” by 2015 Wis. Act 29. Section 254.47 was renumbered to s. 97.67 by 2015 Wis. Act 55.

3 **SECTION 55.** 101.82 (1) of the statutes, as affected by 2015 Wisconsin Act 49,
4 is amended to read:

5 101.82 (1) Promulgate by rule a state electrical wiring code that establishes
6 standards for installing, repairing, and maintaining electrical wiring. The rules
7 shall include separate standards, established in consultation with the uniform
8 dwelling code council, that apply only to electrical wiring in camping units that are
9 set in a fixed location in a campground for which a permit is issued under s. 254.47
10 97.67, that contain a sleeping place, and that are used for seasonal overnight
11 camping. Where feasible, the rules shall reflect nationally recognized standards.

NOTE: The “dwelling code council” was renamed the “uniform dwelling code council” by 2015 Wis. Act 29. Section 254.47 was renumbered to s. 97.67 by 2015 Wis. Act 55.

12 **SECTION 56.** 102.16 (1) (b) of the statutes, as affected by 2015 Wisconsin Act 55,
13 is amended to read:

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

SENATE BILL 714**SECTION 56**

NOTE: Inserts correct term. A draft of the amendment of this provision by 2015 Wis. Act 55 changed "department" to "office," but that change was not retained in the final bill. This single occurrence of "office" in s. 102.16, left a reference without an antecedent.

1 **SECTION 57.** 108.04 (8) (b) of the statutes, as created by 2015 Wisconsin Act 55,
2 is amended to read:

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

SENATE BILL 714

1 benefits otherwise chargeable to the account of an employer that is subject to the
2 contribution requirements under ss. 108.17 and 108.18 whenever an employee of
3 that employer fails, without good cause, to accept suitable work as described in this
4 paragraph.

NOTE: Inserts missing article.

5 **SECTION 58.** 111.825 (7) of the statutes, as created by 2011 Wisconsin Act 32,
6 is amended to read:

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

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

14 **SECTION 59.** 118.40 (2r) (b) 2. i. of the statutes, as created by 2015 Wisconsin
15 Act 55, is amended to read:

16 118.40 (2r) (b) 2. i. A requirement that the charter school governing board
17 provide the data needed by the entity under subd. 1. for purposes of making the
18 report required under sub. (3m) ~~(a) 6.~~ (f).

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

19 **SECTION 60.** 118.51 (12) (a) (title) of the statutes is repealed.

NOTE: Section 118.51 (12) (a) was renumbered to s. 118.51 (12) by 2015 Wis. Act
55 without accounting for the paragraph title. Section 118.51 (12) has an existing title,

SENATE BILL 714**SECTION 60**

rendering the paragraph title surplusage. The paragraph title has been removed from the published statutes.

1 **SECTION 61.** 118.60 (3) (ar) 4. and 5. of the statutes, as affected by 2015
2 Wisconsin Act 55, are amended to read:

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

7 5. A private school that has accepted a pupil who resides in a school district,
8 other than an eligible school district or a 1st class city school district, under this
9 paragraph shall notify the department whenever the private school determines that
10 a pupil will not attend the private school under this paragraph. If, upon receiving
11 notice under this subdivision, the department determines that the number of pupils
12 attending private schools under this section falls below a school district's pupil
13 participation limit under sub. (2) (be), the department shall fill any available slot in
14 that school district with a pupil selected from the school district's waiting list
15 established under subd. 4., if such a waiting list exists.

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

16 **SECTION 62.** The treatment of 119.04 (1) of the statutes by 2015 Wisconsin Act
17 55 is not repealed by 2015 Wisconsin Act 92. Both treatments stand.

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

(1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c), 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343, 115.345, 115.363, 115.365 (3), 115.38 (2), 115.415, 115.445, 118.001 to 118.04, 118.045, 118.06, 118.07, 118.075, 118.076, 118.10, 118.12, 118.125 to 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20, 118.223, 118.225, 118.24 (1), (2) (c) to (f), (6), (8), and (10), 118.245, 118.255, 118.258, 118.291, 118.292, 118.293, 118.30 to 118.43, 118.46, 118.50, 118.51, 118.52, 118.53, 118.55, 118.56, 120.12 (2m), (4m), (5), and (15) to (27), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35), (37), (37m), and (38), 120.137, 120.14, 120.20, 120.21 (3), and 120.25 are applicable to a 1st

SENATE BILL 714

class city school district and board but not, unless explicitly provided in this chapter or in the terms of a contract, to the commissioner or to any school transferred to an opportunity schools and partnership program.

1 **SECTION 63.** 119.61 (1) (c) 3. of the statutes, as created by 2015 Wisconsin Act
2 55, is amended to read:

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

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

6 **SECTION 64.** 119.9003 (4) (c) of the statutes, as created by 2015 Wisconsin Act
7 55, is amended to read:

8 119.9003 (4) (c) The commissioner may enter into a lease with an education
9 operator to operate a school in a vacant or underutilized school building obtained by
10 the commissioner in the manner provided under s. 119.61 (3) (a). The commissioner
11 shall count a school operated by an education operator under this paragraph towards
12 the limit on schools in the opportunity schools and partnership program under s.
13 119.9002 (2) (a), but not for purposes of performance benchmarking.

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

14 **SECTION 65.** 153.455 (2) of the statutes is amended to read:

15 153.455 (2) Subsection (1) does not apply to ss. 153.21 (1) and 153.60 (1).

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

16 **SECTION 66.** 153.75 (1) (k) of the statutes is repealed.

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

SENATE BILL 714**SECTION 67**

1 **SECTION 67.** 230.08 (2) (rm) of the statutes is repealed.

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

2 **SECTION 68.** The treatment of 230.12 (3) (e) 2. of the statutes by 2015 Wisconsin
3 Act 55 is not repealed by 2015 Wisconsin Act 58. Both treatments stand.

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

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

4 **SECTION 69.** The treatment of 230.26 (1) of the statutes by 2015 Wisconsin Act
5 55 is not repealed by 2015 Wisconsin Act 58. Both treatments stand.

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

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

6 **SECTION 70.** The treatment of 254.71 (3) of the statutes by 2015 Wisconsin Act
7 9 is not repealed by 2015 Wisconsin Act 55. Both treatments stand.

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

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

8 **SECTION 71.** The treatment of 256.01 (9) of the statutes by 2015 Wisconsin Act
9 83 is not repealed by 2015 Wisconsin Act 113. Both treatments stand.

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

(9) "First responder" means a person who is certified by the department as a first responder under s. 256.15 (8) (a) or is exempt under s. 256.15 (2) (b) or (c) and who, as a

SENATE BILL 714

condition of employment or as a member of an organization that provides emergency medical care before hospitalization, provides emergency medical care to a sick, disabled or injured individual.

1 **SECTION 72.** 440.45 (1) (title) of the statutes, as created by 2015 Wisconsin Act
2 16, is repealed.

NOTE: No other subsections in s. 440.45 have titles.

3 **SECTION 73.** The treatment of 450.03 (1) (e) of the statutes by 2015 Wisconsin
4 Act 3 is not repealed by 2015 Wisconsin Act 55. Both treatments stand.

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

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

5 **SECTION 74.** 450.16 (1) (intro.) and (b) of the statutes are consolidated,
6 renumbered 450.16 (1) and amended to read:

7 450.16 (1) ~~As used in~~ In this section: ~~(b) “Vending, “vending machine”~~ has the
8 meaning given under s. 450.155 (1) (L).

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

9 **SECTION 75.** 450.16 (1) (a) of the statutes is repealed.

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

10 **SECTION 76.** 632.87 (2m) (a) (intro.), 1., 2., 3. and 4. of the statutes are
11 renumbered 632.87 (2m) (intro.), (am), (b), (c) and (d), and 632.87 (2m) (b), as
12 renumbered, is amended to read:

13 632.87 (2m) (b) Fail to provide to persons covered by the health maintenance
14 organization or preferred provider plan, at the time vision care services or
15 procedures are needed, the opportunity to choose optometrists from the listing under

SENATE BILL 714**SECTION 76**

1 ~~subd. 1. par. (am)~~ from whom the persons may obtain covered vision care services and
2 procedures within the scope of the practice of optometry, as defined in s. 449.01 (1).

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

3 **SECTION 77.** 632.897 (10) (a) 3. of the statutes is amended to read:

4 632.897 (10) (a) 3. The fact that the group member or insured does not claim
5 the child as an exemption for federal income tax purposes under 26 USC 151 (c) (1)
6 (B), or as an exemption for state income tax purposes under s. 71.07 (8) (b) or under
7 the laws of another state, if a court order under s. 767.513 or the laws of another state
8 assigns responsibility for the child's health care expenses to the group member or
9 insured.

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

10 **SECTION 78.** 751.20 of the statutes is amended to read:

11 **751.20 Transfer authority.** Notwithstanding s. 20.680 (2) (a) to ~~(ke)~~ and ~~(4)~~
12 ~~(a) to (h)~~ (L), the supreme court may transfer money from the appropriations under
13 s. 20.680 (2) (a) to ~~(ke)~~ and ~~(4)~~ (a) to ~~(h)~~ (L) to the appropriation under s. 20.670 (1)
14 (k) for the purposes of the judicial council under s. 758.13.

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

15 **SECTION 79.** 755.01 (4) of the statutes, as affected by 2015 Wisconsin Act 117,
16 is amended to read:

17 755.01 (4) Two or more cities, towns or villages of this state may enter into an
18 agreement under s. 66.0301 for the joint exercise of the power granted under sub. (1),
19 except that for purposes of this subsection, any agreement under s. 66.0301 shall be
20 effected by the enactment of identical ordinances by each affected city, town or
21 village. Electors of each municipality entering into the agreement shall be eligible

SENATE BILL 714

1 to vote for the judge of the municipal court so established. If a municipality enters
2 into an agreement with a municipality that already has a municipal court, the
3 municipalities may provide by ordinance or resolution that the judge for the existing
4 municipal court shall serve as the judge for the joint court until the end of the term
5 or until a special election is held under s. 8.50 (4) (fm). Each municipality shall adopt
6 an ordinance or bylaw under sub. (1) prior to entering into the agreement. The
7 contracting municipalities need not be contiguous and need not all be in the same
8 county. Upon entering into or discontinuing such an agreement, the contracting
9 municipalities shall each transmit a certified copy of the ordinance or bylaw effecting
10 or discontinuing the agreement to the appropriate filing officer under s. 11.0102 (1)
11 (c) and to the director of state courts. When a municipal judge is elected under this
12 subsection, candidates shall be nominated by filing nomination papers under s. 8.10
13 (6) (bm), and shall register with the filing officer specified in s. 11.0102 (1) (c).

NOTE: Inserts the correct cross-reference. 2015 Wis. Act 117 struck "11.02 (3e)"
in two places but did not insert the new cross-reference for filing officers in the second
instance. Section 11.0102 (1) (c), as created by 2015 Wis. Act 117, identifies the filing
officer for municipal judges elected under s. 755.01 (4).

14 **SECTION 80.** 767.511 (1) (b) of the statutes is amended to read:

15 767.511 (1) (b) Ensure that the parties have stipulated which party, if either
16 is eligible, will claim each child as an exemption for federal income tax purposes
17 under 26 USC 151 (c) ~~(1) (B)~~, or as an exemption for state income tax purposes under
18 s. 71.07 (8) (b) or under the laws of another state. If the parties are unable to reach
19 an agreement about the tax exemption for each child, the court shall make the
20 decision in accordance with state and federal tax laws. In making its decision, the
21 court shall consider whether the parent who is assigned responsibility for the child's
22 health care expenses under s. 767.513 is covered under a health insurance policy or
23 plan, including a self-insured plan, that is not subject to s. 632.897 (10) and that

SENATE BILL 714**SECTION 80**

1 conditions coverage of a dependent child on whether the child is claimed by the
2 insured parent as an exemption for purposes of federal or state income taxes.

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

3 **SECTION 81.** 767.805 (4) (c) of the statutes is amended to read:

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

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

7 **SECTION 82.** 767.89 (3) (d) of the statutes is amended to read:

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

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

11 **SECTION 83.** 812.30 (9) of the statutes is amended to read:

12 812.30 (9) "Need-based public assistance" means aid to families with
13 dependent children, relief funded by a relief block grant under ch. 49, relief provided
14 by counties under s. 59.53 (21), medical assistance, supplemental security income,
15 food stamps, or benefits received by veterans under s. 45.40 (1m) or under 38 USC
16 ~~501 to 562~~ 1501 to 1562.

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

17 **SECTION 84.** 812.44 (4) (form) paragraph 2. of the statutes is amended to read:

18 812.44 (4) (form)

19 2. You receive aid to families with dependent children, relief funded by a relief
20 block grant under ch. 49, relief provided by counties under section s. 59.53 (21) of the

SENATE BILL 714

1 Wisconsin Statutes, medical assistance, supplemental security income, food stamps,
2 or veterans benefits based on need under 38 USC ~~501 to 562~~ 1501 to 1562 or section
3 45.351 (1) of the Wisconsin Statutes, or have received these benefits within the past
4 6 months.

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

5 **SECTION 85.** 812.44 (5) (form) paragraph 2. of the statutes is amended to read:
6 812.44 (5) (form)

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

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

13 **SECTION 86.** 814.29 (1) (d) 1. of the statutes is amended to read:
14 814.29 (1) (d) 1. That the person is a recipient of means-tested public
15 assistance, including aid to families with dependent children, relief funded by a relief
16 block grant under ch. 49, relief provided by counties under s. 59.53 (21), medical
17 assistance, supplemental security income, food stamps or benefits received by
18 veterans under s. 45.40 (1m) or under 38 USC ~~501 to 562~~ 1501 to 1562.

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

19 **SECTION 87.** 895.65 (16) (c) of the statutes, as created by 2015 Wisconsin Act
20 94, is amended to read:

21 895.65 (16) (c) The structured settlement agreement is expressly governed by
22 the laws of the this state.

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

SENATE BILL 714**SECTION 88**

1 **SECTION 88.** The treatment of 938.355 (4m) (b) of the statutes by 2015
2 Wisconsin Act 55 is not repealed by 2015 Wisconsin Act 80. Both treatments stand.

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

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

3 **SECTION 89.** 938.50 (title) of the statutes, as affected by 2015 Wisconsin Act 55,
4 section 4703bm, is amended to read:

5 **938.50** (title) **Examination of juveniles under supervision of**
6 **department of corrections.**

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

7 **SECTION 90.** The treatment of 978.045 (1r) (intro.) of the statutes by 2015
8 Wisconsin Act 55 is not repealed by 2015 Wisconsin Act 64. Both treatments stand.

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

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

9 **SECTION 91.** 2015 Wisconsin Act 55, section 2124s is amended by replacing
10 “71.05 (22) (dp) 1. *Deduction limits, 2000 and thereafter.* Except as” with “71.05 (22)
11 (dp) 1. Except as”.

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

SENATE BILL 714

1 **SECTION 92.** 2015 Wisconsin Act 55, section 3309t is amended by replacing
2 “118.52 (6) (a) 1. The school board” with “118.52 (6) (a) *Individualized education*
3 *program requirements.* The school board”.

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

4 **SECTION 93.** 2015 Wisconsin Act 89, section 52 is amended by replacing
5 “provided in par. (b)” with “provided ~~under~~ in par. (b)”.

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

6 **SECTION 94.** 2015 Wisconsin Act 117, section 24h is amended by replacing “5.05
7 ~~(2m) (e) 15. and 16. and (h)~~” with “5.05 ~~(2m) (e) 15. and 16. and (i)~~”.

NOTE: The stricken statute text was incorrectly transcribed.

8 **SECTION 95.** 2015 Wisconsin Act 118, section 188 is amended by replacing
9 “19.47 (1), (2) and (4) to (10) of the statutes are created to read:” with “19.47 (1), (2)
10 and (4) to (11) of the statutes are created to read:”.

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

11 **SECTION 96.** 2015 Wisconsin Act 118, section 192 is amended by replacing “~~this~~
12 ~~subchapter and~~” with “~~this subchapter or~~”.

NOTE: The stricken statute text was incorrectly transcribed.

13 **SECTION 97.** The treatment of NR 406.08 (1) of the administrative code by CR
14 13-057 is not repealed by CR 15-005. Both treatments stand.

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

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

15 **SECTION 98.** The treatment of NR 812.02 (2) of the administrative code by CR
16 13-099 is not repealed by CR 13-057. Both treatments stand.

SENATE BILL 714**SECTION 98**

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

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

1 **SECTION 99. Renumbering and cross-reference changes under s. 13.92**

2 **(1) (bm) 2., stats.** Each statute listed in column A was renumbered to the statute
3 number in column B, and cross-references to the renumbered statute were changed
4 in the statutes listed in column C to agree with the renumbered statute, under
5 section 13.92 (1) (bm) 2. of the statutes:

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

A Statute Renumbered	B New Statute Number	C Statutes in Which Cross-References are Changed
11.01 (4m), as created by 2015 Wisconsin Act 118, effective 6-30-16	11.0101 (5m)	none
11.0101 (17) 1. and 2. as affected by 2015 Wisconsin Act 117	11.0101 (17) (a) and (b)	none
36.22 (6) (a), as created by 2015 Wisconsin Act 55	36.22 (6)	36.22 (17)
48.366 (3g) (a), as created by 2015 Wisconsin Act 55	48.366 (3g)	none
59.692 (1k) (a), as created by 2015 Wisconsin Act 55	59.692 (1k)	59.692 (1k) (a) 2., 59.692 (1k) (b)
66.0603 (1g) (a), as affected by 2015 Wisconsin Act 60	66.0603 (1g)	none

SENATE BILL 714

77.54 (62), as created by 2015 Wisconsin Act 60	77.54 (62m)	none
115.385 (1m), as created by 2015 Wisconsin Act 55	115.385 (1g)	none
448.981 (4) 1., 2., and 3., as created by 2015 Wisconsin Act 116	448.981 (4) (a), (b), and (c)	none

1

(END)