

State of Wisconsin



2013 Assembly Bill 569

Date of enactment: **March 27, 2014**

Date of publication*: **March 28, 2014**

2013 WISCONSIN ACT 173

AN ACT relating to: revising various provisions of the statutes to make corrections and reconcile conflicts (Correction Bill).

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

SECTION 1. 16.956 (4) (d) of the statutes, as affected by [2013 Wisconsin Act 20](#), is amended to read:

16.956 (4) (d) In any fiscal year, the department may not pay to any one applicant more than 20 percent of the amount appropriated under s. ~~20.165 (2) (sm)~~ 20.505 (1) (sa) for the fiscal year.

SECTION 2. 20.455 (2) (hm) of the statutes, as affected by [2013 Wisconsin Act 20](#), is amended to read:

20.455 (2) (hm) *Public safety interoperable communication system; general usage fees.* The amounts in the schedule to operate a statewide public safety interoperable communication system. All moneys received from users as fees under s. 165.25 (17) ~~(b) 2.~~ (bm) shall be credited to this appropriation account.

SECTION 3. 20.455 (2) (ka) of the statutes, as affected by [2013 Wisconsin Act 20](#), is amended to read:

20.455 (2) (ka) *Public safety interoperable communication system; state fees.* The amounts in the schedule to operate a statewide public safety interoperable communication system. All moneys received from public safety agencies that are state agencies as fees under s. 165.25 (17) ~~(b) 1.~~ (am) shall be credited to this appropriation account.

SECTION 4. 20.505 (1) (ub) of the statutes, as affected by [2013 Wisconsin Act 20](#), is amended to read:

20.505 (1) (ub) *Land.* From the land information fund, all moneys received by the department under s. 59.72 (5) (a), except moneys appropriated under par. ~~(#)~~ (ud), for the land information program under s. 16.967 and for reviews of proposed municipal incorporations and annexations by the department and for the purpose of providing aids under s. 16.965.

SECTION 5. 23.097 (1) of the statutes is amended to read:

23.097 (1) In this ~~subsection~~ section, a “nonprofit organization” means an organization that is described in section 501 (c) (3) of the Internal Revenue Code and that is exempt from federal income tax under section 501 (a) of the Internal Revenue Code.

SECTION 6. 23.178 of the statutes, as created by [2013 Wisconsin Act 16](#), is amended to read:

23.178 Off-road vehicle council. The off-road vehicle council shall provide advice and make recommendations to the department of natural resources, the department of transportation, the governor, and the legislature on all matters relating to all-terrain vehicle trails and all-terrain vehicle routes, including matters relating to activities conducted on all-terrain vehicle trails and all-terrain vehicle routes by all-terrain vehicle users and utility terrain vehicle users, and shall make recommendations to the department of natural resources with regard to incentive payment requests under s. 23.33 (5r) and

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. “Every act and every portion of an act enacted by the legislature over the governor’s partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication.”

requests for funding under s. 23.33 (9) (b), ~~(bb), and (bg), and (e).~~

SECTION 7. 23.33 (4) (d) 3. of the statutes is amended to read:

23.33 (4) (d) 3. To cross a bridge, culvert, or railroad right-of-way. The crossing of a bridge, culvert, or railroad right-of-way is not authorized if the roadway is officially closed to all-terrain vehicle or utility terrain vehicle traffic. The crossing is authorized only if the crossing is done in the most direct manner practicable, if the crossing is made at a place where no obstruction prevents a quick and safe crossing, and if the operator stops the vehicle prior to the crossing and yields the right-of-way to other vehicles, pedestrians, and electric personal assistive mobility devices using the roadway.

SECTION 8. 36.27 (3n) (b) (intro.) of the statutes, as affected by 2013 Wisconsin Act 20, is amended to read:

36.27 (3n) (b) (intro.) Except as provided in ~~subds. 1. to 3. and~~ par. (bg), the board shall grant full remission of academic fees and segregated fees for 128 credits or 8 semesters, whichever is longer, less the number of credits or semesters for which the person received remission of fees under s. 38.24 (7) and less the amount of any academic fees or segregated fees paid under 38 USC 3319, to any resident student who maintains a cumulative grade point average of at least 2.0 and is also any of the following:

SECTION 9. 38.24 (7) (b) (intro.) of the statutes, as affected by 2013 Wisconsin Act 20, is amended to read:

38.24 (7) (b) (intro.) Except as provided in ~~subds. 1. to 3. and~~ par. (bg), the district board shall grant full remission of fees for 128 credits or 8 semesters, whichever is longer, less the number of credits or semesters for which the person received remission of fees from any other district board under this subsection and from the Board of Regents under s. 36.27 (3n) (b) and less the amount of any fees paid under 38 USC 3319, to any resident student who maintains a cumulative grade point average of at least 2.0 and is also any of the following:

SECTION 10. 66.0404 (1) (u) of the statutes, as created by 2013 Wisconsin Act 20, is amended to read:

66.0404 (1) (u) "Utility pole" means a structure owned or operated by an alternative telecommunications utility, as defined in s. 196.01 (1d); public utility, as defined in s. 196.01 (5); telecommunications utility, as defined in s. 196.01 (10); political subdivision; or cooperative association organized under ch. 185; and that is designed specifically for and used to carry lines, cables, or wires for telecommunications service, as defined in s. 182.017 (1g) (cq); for video service, as defined in s. 66.0420 (2) (y); for electricity; or to provide light.

SECTION 11. 66.0404 (2) (g) of the statutes, as created by 2013 Wisconsin Act 20, is amended to read:

66.0404 (2) (g) If an applicant provides a political subdivision with an engineering certification showing that a mobile service support structure, or an existing

structure, is designed to collapse within a smaller area than the ~~set-back~~ setback or fall zone area required in a zoning ordinance, that zoning ordinance does not apply to such a structure unless the political subdivision provides the applicant with substantial evidence that the engineering certification is flawed.

SECTION 12. 71.05 (6) (b) 47. b. of the statutes, as affected by 2013 Wisconsin Act 20, is amended to read:

71.05 (6) (b) 47. b. With respect to partners and members of limited liability companies, for taxable years beginning after December 31, 2010, and before January 1, 2014, for 2 consecutive taxable years beginning with the taxable year in which the partnership's or limited liability company's business locates to this state from another state or another country and begins doing business in this state, as defined in s. 71.22 (1r), and subject to the limitations provided under subd. 47. d. and e., the partner's or member's distributive share of taxable income as calculated under section 703 of the Internal Revenue Code; plus the items of income and gain under section 702 of the Internal Revenue Code, including taxable state and municipal bond interest and excluding non-taxable interest income or dividend income from federal government obligations; minus the items of loss and deduction under section ~~756702~~ 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), (2dy), (3g), (3h), (3n), (3p), (3q), (3r), (3rm), (3rn), (3s), (3t), (3w), (5e), (5f), (5g), (5h), (5i), (5j), (5k), (5r), (5rm), and (8r); and plus or minus, as appropriate, transitional adjustments, depreciation differences, and basis differences under s. 71.05 (13), (15), (16), (17), and (19), multiplied by the apportionment fraction determined in s. 71.04 (4) and subject to s. 71.04 (7) or by separate accounting. No amounts subtracted under this subd. 47. b. may be included in the modification under par. (b) 9. or 9m.

SECTION 13. 108.04 (2) (a) 2. of the statutes, as affected by 2013 Wisconsin Act 20, is amended to read:

108.04 (2) (a) 2. Except as provided in s. 108.062 (10m), as of that week, the individual has registered for work; ~~and~~

SECTION 14. The treatment of 108.14 (8n) (e) of the statutes by 2013 Wisconsin Act 20 is not repealed by 2013 Wisconsin Act 36. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 108.14 (8n) (e) reads:

(e) The department shall charge this state's share of any benefits paid under this subsection to the account of each employer by which the employee claiming benefits was employed in the applicable base period, in proportion to the total amount of wages he or she earned from each employer in the base period, except that if s. 108.04 (1) (f), (5), (7) (a), (c), (e), (L), (q), (s), or (t), (7m) or (8) (a) or 108.07 (3), (3r), or (5) (b) would have applied to employment by such an employer who is subject to the contribution requirements of

ss. 108.17 and 108.18, the department shall charge the share of benefits based on employment with that employer to the fund's balancing account, or, if s. 108.04 (1) (f) or (5) or 108.07 (3) would have applied to an employer that is not subject to the contribution requirements of ss. 108.17 and 108.18, the department shall charge the share of benefits based on that employment in accordance with s. 108.07 (5) (a) and (b). The department shall also charge the fund's balancing account with any other state's share of such benefits pending reimbursement by that state.

SECTION 15. The treatment of 108.141 (7) (a) of the statutes by [2013 Wisconsin Act 20](#) is not repealed by [2013 Wisconsin Act 36](#). Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 108.141 (7) (a) reads:

(a) The department shall charge the state's share of each week of extended benefits to each employer's account in proportion to the employer's share of the total wages of the employee receiving the benefits in the employee's base period, except that if the employer is subject to the contribution requirements of ss. 108.17 and 108.18 the department shall charge the share of extended benefits to which s. 108.04 (1) (f), (5), (7) (a), (c), (e), (L), (q), (s), or (t), (7m) or (8) (a) or 108.07 (3), (3r), or (5) (b) applies to the fund's balancing account.

SECTION 16. 118.52 (9) (title) of the statutes, as affected by [2013 Wisconsin Act 20](#), is amended to read:

118.52 (9) (title) RIGHTS AND PRIVILEGES OF NONRESIDENT PUPILS.

SECTION 17. 165.25 (17) (a) of the statutes, as affected by [2013 Wisconsin Act 20](#), is renumbered 165.25 (17) (intro.) and amended to read:

165.25 (17) INTEROPERABILITY. (intro.) ~~The department of justice shall provide~~ Provide staff support for the interoperability council under s. 16.9645 and oversight of the development and operation of a statewide public safety interoperable communication system. ~~The department may do any of the following:~~

SECTION 18. 165.25 (17) (b) 1. of the statutes, as affected by [2013 Wisconsin Act 20](#), is renumbered 165.25 (17) (am) and amended to read:

165.25 (17) (am) ~~The department may charge~~ Charge a public safety agency, as defined in s. 256.35 (1) (g), that is a state agency a fee for use of the statewide public safety interoperable communication system under ~~par. (a)~~ this subsection.

SECTION 19. 165.25 (17) (b) 2. of the statutes, as affected by [2013 Wisconsin Act 20](#), is renumbered 165.25 (17) (bm) and amended to read:

165.25 (17) (bm) ~~The department may charge~~ Charge a person that is not a state agency a fee for use of the statewide public safety interoperable communication system under ~~par. (a)~~ this subsection.

SECTION 20. 165.85 (5x) (title) of the statutes is created to read:

165.85 (5x) (title) OFFICER TRAINING REIMBURSEMENT.

SECTION 21. 165.91 (2) (b) of the statutes is amended to read:

165.91 (2) (b) The department shall develop criteria and procedures for use in administering this subsection. The department may not consider the grant under ~~sub. (4) s. 165.91 (4), 2011 stats.~~ when determining grant awards under this subsection. Notwithstanding s. 227.10 (1), the criteria and procedures need not be promulgated as rules under ch. 227.

SECTION 22. The treatment of 196.491 (3) (a) 3. b. of the statutes by [2013 Wisconsin Act 1](#) is not repealed by [2013 Wisconsin Act 10](#). Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 196.491 (3) (a) 3. b. reads:

b. Except as provided under subd. 3. c., within 20 days after the department provides a listing specified in subd. 3. a. to a person, the person shall apply for the permits and approvals identified in the listing. The department shall determine whether an application under this subd. 3. b. is complete and, no later than 30 days after the application is filed, notify the applicant about the determination. If the department determines that the application is incomplete, the notice shall state the reason for the determination. An applicant may supplement and refile an application that the department has determined to be incomplete. There is no limit on the number of times that an applicant may refile an application under this subd. 3. b. If the department fails to determine whether an application is complete within 30 days after the application is filed, the application shall be considered to be complete. Except as provided in s. 30.025 (4), the department shall complete action on an application under this subd. 3. b. for any permit or approval that is required prior to construction of a facility within 120 days after the date on which the application is determined or considered to be complete.

SECTION 23. 281.36 (3s) (b) 2. of the statutes, as affected by [2013 Wisconsin Act 20](#), is amended to read:

281.36 (3s) (b) 2. A statewide in lieu fee subprogram approved by the U.S. army corps of engineers is not in effect on the date a decision to issue a wetland individual permit ~~to~~ is rendered under sub. (3m) (i).

SECTION 24. 292.64 (2) (intro.) of the statutes, as affected by [2013 Wisconsin Act 20](#), is amended to read:

292.64 (2) (intro.) The department may contract with a person registered or certified under s. ~~101.09 (3)~~ 168.23 to empty, clean, remove, and dispose of an underground petroleum product storage tank system; to assess the site on which the underground petroleum product storage tank system is located; and to backfill the excavation if all of the following apply:

SECTION 25. 343.50 (4) of the statutes, as affected by [2013 Wisconsin Acts 17](#) and [20](#), is amended to read:

343.50 (4) APPLICATION. The application for an identification card shall include any information required under ss. 85.103 (2) and 343.14 (2) (a), (b), (bm), (br), (em), (es), ~~and~~ (gh), and (j), and such further information as the department may reasonably require to enable it to determine whether the applicant is entitled by law to an identification card. Except with respect to renewals described in s. 343.165 (4) (d) or renewals by mail or electronic means as authorized under sub. (6), and except as provided in sub. (4g), the department shall, as part of

the application process for original issuance or renewal of an identification card, take a digital photograph including facial image capture of the applicant to comply with sub. (3). Misrepresentations in violation of s. 343.14 (5) are punishable as provided in s. 343.14 (9).

SECTION 26. 628.095 (3) of the statutes, as affected by 2013 Wisconsin Act 20, is amended to read:

628.095 (3) **REQUIRED WHEN ANNUAL FEE PAID.** At the time that the annual fee is paid under s. 601.31 (1) (m), (nm) 2., or (np) 2., an intermediary or navigator who is a natural person shall provide his or her social security number unless the intermediary or navigator does not have a social security number, and an intermediary or navigator that is not a natural person shall provide its federal employer identification number, if the social security number or federal employer identification number was not provided on the application for the license or registration or previously when the annual fee was paid.

SECTION 27. The treatment of 628.097 (2m) of the statutes by 2013 Wisconsin Act 20 is not repealed by 2013 Wisconsin Act 36. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 628.097 (2m) reads:

(2m) **FOR LIABILITY FOR DELINQUENT TAXES OR UNEMPLOYMENT INSURANCE CONTRIBUTIONS.** The commissioner shall refuse to issue a license, including a temporary license, under this subchapter or subch. V, or to register a navigator entity under subch. V, if the department of revenue certifies

under s. 73.0301 that the applicant for the license or registration is liable for delinquent taxes or if the department of workforce development certifies under s. 108.227 that the applicant for the license is liable for delinquent unemployment insurance contributions.

SECTION 28. The treatment of 628.10 (2) (cm) of the statutes by 2013 Wisconsin Act 20 is not repealed by 2013 Wisconsin Act 36. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 628.10 (2) (cm) reads:

(cm) *For liability for delinquent taxes or unemployment insurance contributions.* The commissioner shall revoke the license of an intermediary or individual navigator, including a temporary license under s. 628.09, if the department of revenue certifies under s. 73.0301 that the intermediary or navigator is liable for delinquent taxes or if the department of workforce development certifies under s. 108.227 that the intermediary is liable for delinquent unemployment insurance contributions. An intermediary who is a natural person, or an individual navigator, whose license is revoked under this paragraph may have his or her license reinstated, or may be relicensed, as provided in sub. (5).

SECTION 29. 2013 Wisconsin Act 20, section 1549 is amended by replacing “84.09 (5) (c) 1. (intro.)” with “84.09 (5) (c) 1.” in 2 places.

SECTION 30. 2013 Wisconsin Act 20, section 2282 is amended by replacing “or both₂” with “or both.”.

SECTION 31. 2013 Wisconsin Act 20, section 9443 (1) is amended by replacing “38.26 (3) (c) and (2m) (c) and (d), 38.27 (2) (c)” with “38.26 (3) (c), 38.27 (2) (c)”.

SECTION 32. Renumbering and cross-reference changes under s. 13.92 (1) (bm) 2., stats. Each statute listed in column A was renumbered to the statute number in column B, and any cross-references to the renumbered statute were changed in the statutes listed in column C to agree with the renumbered statute, under section 13.92 (1) (bm) 2. of the statutes:

A Statute Renumbered	B New Statute Number	C Statutes in Which Cross-References are Changed
23.145, as created by 2013 Wis. Act 27	23.146	none
66.1105 (6) (am) 2. f., as created by 2013 Wis. Act 32	66.1105 (6) (am) 2. fm.	none
231.01 (6m) 1., 2., and 3., as created by 2013 Wis. Act 20	231.01 (6m) (a), (b), and (c)	none
238.045, as created by 2013 Wis. Act 43	238.046	none

SECTION 33. Corrections of obvious nonsubstantive errors under s. 35.17 (2), stats. In the sections of the statutes listed in Column A, the text shown in Column B was changed to the text shown in column C to correct obvious nonsubstantive errors under s. 35.17 (2) of the statutes:

A Statute Affected	B Erroneous text	C Corrected text
16.765 (1), as affected by 2013 Wis. Act 20	Aerospace Authority,,	Aerospace Authority,

16.848 (2) (gn)	under 20.909 (2)	under s. 20.909 (2)
29.563 (4) (b) 2m.	who under than	who are under
46.278 (6) (e) 2. b.	under this subd. 2. a.	under subd. 2. a.
49.85 (2) (a) (intro.), as affected by 2013 Wis. Act 20	49.793,,	49.793,
49.85 (3) (a) 1., as affected by 2013 Wis. Act 20	49.793,,	49.793,
50.065 (1) (cr) 2. e.	under this subd. 2. a. to d.	under subd. 2. a. to d.
59.52 (31) (b) 2., as created by 2013 Wis. Act 14	subd. 1,	subd. 1.,
66.0406 (4), as created by 2013 Wis. Act 20	the the political	the political
66.0420 (2) (L)	the effective date of this paragraph	January 9, 2008
66.0420 (3) (b) 3.	the effective date of this subdivision	January 9, 2008
66.0628 (1) (b), as created by 2013 Wis. Act 20	may not not exceed	may not exceed
73.0301 (1) (d) 6m., as created by 2013 Wis. Act 20	under 168.23 (3)	under s. 168.23 (3)
101.615 (1m)	the effective date of this subsection	February 1, 2011
108.02 (15) (kt), as created by 2013 Wis. Act 36	“Employment”,	“Employment,”
108.04 (1) (hm), as affected by 2013 Wis. Act 36	s. 108.04 (2) (e) and (f)	sub. (2) (e) and (f)
108.05 (7) (d) 2.	is is actually	is actually
108.062 (2) (h), as created by 2013 Wis. Act 11	hours per work	hours per week
108.245 (3), as created by 2013 Wis. Act 36	the the failure	the failure
118.40 (2r) (e) 2p. b., as created by 2013 Wis. Act 20	in this subd. 2p. a.	in subd. 2p. a.
118.40 (2r) (e) 2p. c., as created by 2013 Wis. Act 20	under this subd. 2p. b. from the sum under this subd. 2p. a.	under subd. 2p. b. from the sum under subd. 2p. a.
118.60 (3) (a) (intro.), as affected by 2013 Wis. Act 20	Except as provided in pars. (ag) and (ar) the	Except as provided in pars. (ag) and (ar), the
145.01 (5)	private e on-site	private on-site
185.982 (1)	issued r by	issued by

234.75 (3) (e)	to to pay	to pay
283.11 (3) (title)	PHOSPHOROUS	PHOSPHORUS
283.11 (3) (am) (title)	<i>phosphorous</i>	<i>phosphorus</i>
283.11 (3) (am)	phosphorous	phosphorus
283.11 (3) (b) (intro.)	phosphorous	phosphorus
283.11 (3) (b) 1.	phosphorous	phosphorus
283.11 (3) (b) 3.	phosphorous	phosphorus
289.33 (3) (d), as affected by 2013 Wis. Act 14	(10) 59.792 (2)	(10), 59.792 (2)
292.16 (2)	the effective date of this subsection	October 14, 1997
292.63 (2) (h) (intro.), as affected by 2013 Wis. Act 20, section 1642	The department, shall promulgate	The department shall promulgate
301.048 (2) (am) 3m.	s. 302.113 (7) or 302.114 (5) (d) or (8) or 973.01 (5).	s. 302.113 (7), 302.114 (5) (d) or (8), or 973.01 (5).
341.51 (4m) (b)	suspended of revoked	suspended or revoked
341.51 (4m) (c), as created by 2013 Wis. Act 36	suspended of revoked	suspended or revoked
779.14 (1s)	the effective date of this subsection	June 17, 1998,
895.61 (3) (a)	Except as provide	Except as provided
939.62 (2m) (a) 2m. d.	in this subd. 2m. a., am., b., or c.	in subd. 2m. a., am., b., or c.
973.047 (1f)	948.10	948.10 (1) (b)

SECTION 34. Effective dates. This act takes effect on the day after publication, except as follows:

- (1) The treatment of section 343.50 (4) of the statutes

takes effect on January 1, 2014, or on the day after publication, whichever is later.