



2013 SENATE BILL 426

December 10, 2013 - Introduced by LAW REVISION COMMITTEE. Referred to Committee on Judiciary and Labor.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT relating to:** affecting various provisions of the statutes to correct errors
2 and reconcile conflicts (Corrections Bill).

Analysis by the Legislative Reference Bureau

This correction bill was prepared by the Legislative Reference Bureau under s. 13.92 (1) (bm) 1. and 2. and (2) (i) and (L), stats. Specific changes are 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.** 5.02 (19) of the statutes is amended to read:
4 5.02 (19) "Special election" means any election, other than those described in
5 subs. (5), ~~(18)~~ (12s), (21), and (22), to fill vacancies or to conduct a referendum.

NOTE: Section 5.02 (18) was renumbered s. 5.02 (12s) by 2011 Wis. Act 75.

6 **SECTION 2.** 5.02 (20r) of the statutes is amended to read:
7 5.02 (20r) "Special referendum" means any referendum held at a special
8 election which is not held concurrently with the elections described in sub. (5), ~~(18)~~
9 (12s), (21), or (22).

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NOTE: Section 5.02 (18) was renumbered s. 5.02 (12s) by 2011 Wis. Act 75.

1 **SECTION 3.** 5.68 (5) of the statutes is amended to read:

2 5.68 (5) If a charge is made for the use of a polling place, the charge shall be
3 paid by the municipality establishing the polling place under s. 5.25 (2) unless the
4 polling place is used to conduct a special election that is called by a unit of
5 government other than the state or the municipality establishing the polling place
6 and the special election is not held concurrently with an election specified in s. 5.02
7 (5), ~~(18)~~ (12s), (21), or (22). In such case the charge shall be paid by the unit of
8 government that calls the special election.

NOTE: Section 5.02 (18) was renumbered s. 5.02 (12s) by 2011 Wis. Act 75.

9 **SECTION 4.** 6.25 (1) (a) of the statutes, as affected by 2011 Wisconsin Act 75, is
10 amended to read:

11 6.25 (1) (a) Any individual who qualifies as a military elector under s. 6.22 (1)
12 (b) and who transmits an application for an official absentee ballot for any election,
13 including a primary election, no later than the latest time specified for the elector in
14 s. 6.86 (1) (b) may, in lieu of the official ballot, cast a federal write-in absentee ballot
15 prescribed under 42 USC 1973ff-2 for any candidate for an office listed on the official
16 ballot or for all of the candidates of any recognized political party for the offices listed
17 on the official ballot at that election if the federal write-in absentee ballot is received
18 by the appropriate municipal clerk no later than the applicable time prescribed in
19 s. ~~6.221 (3)~~ or 6.87 (6) or 7.515 (3).

NOTE: Section 6.221 (3) (a) was renumbered s. 7.515 (3) by 2011 Wis. Act 75 and s.
6.221 (3) (b) was repealed.

20 **SECTION 5.** 6.25 (1) (b) of the statutes, as affected by 2011 Wisconsin Act 75, is
21 amended to read:

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1 6.25 (1) (b) Any individual who qualifies as an overseas elector under s. 6.24
2 (1) and who transmits an application for an official absentee ballot for an election for
3 national office, including a primary election, no later than the latest time specified
4 for an elector in s. 6.86 (1) (b) may, in lieu of the official ballot, cast a federal write-in
5 absentee ballot prescribed under 42 USC 1973ff-2 for any candidate or for all
6 candidates of any recognized political party for national office listed on the official
7 ballot at that election, if the federal write-in absentee ballot is received by the
8 appropriate municipal clerk no later than the applicable time prescribed in s. ~~6.221~~
9 ~~(3)~~ or 6.87 (6) or 7.515 (3).

NOTE: Section 6.221 (3) (a) was renumbered s. 7.515 (3) by 2011 Wis. Act 75 and
s. 6.221 (3) (b) was repealed.

10 **SECTION 6.** 6.87 (3) (d) of the statutes, as affected by 2011 Wisconsin Act 75, is
11 amended to read:

12 6.87 (3) (d) A municipal clerk shall, if the clerk is reliably informed by a military
13 elector, as defined in s. 6.34 (1) (a), or an overseas elector, as defined in s. 6.34 (1) (b),
14 of a facsimile transmission number or electronic mail address where the elector can
15 receive an absentee ballot, transmit a facsimile or electronic copy of the elector's
16 ballot to that elector in lieu of mailing under this subsection. An elector may receive
17 an absentee ballot only if the elector is a military elector or an overseas elector under
18 s. 6.34 (1) and has filed a valid application for the ballot as provided in s. 6.86 (1).
19 If the clerk transmits an absentee ballot to a military or overseas elector
20 electronically, the clerk shall also transmit a facsimile or electronic copy of the text
21 of the material that appears on the certificate envelope prescribed in sub. (2),
22 together with instructions prescribed by the board. The instructions shall require
23 the military or overseas elector to make and subscribe to the certification as required

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1 under sub. (4) (b) and to enclose the absentee ballot in a separate envelope contained
2 within a larger envelope, that shall include the completed certificate. The elector
3 shall then affix sufficient postage unless the absentee ballot qualifies for mailing free
4 of postage under federal free postage laws and shall mail the absentee ballot to the
5 municipal clerk. Except as authorized in s. 6.97 (2), an absentee ballot received from
6 a military or overseas elector who receives the ballot electronically shall not be
7 counted unless it is cast in the manner prescribed in this paragraph and sub. (4) and
8 in accordance with the instructions provided by the board.

NOTE: 2011 Wis. Act 75 states that s. 6.87 (3) (d) is amended as affected by 2011
Wis. Act 23, but it did not include the underscored language, which was inserted by 2011
Wis. Act 23.

9 **SECTION 7.** The treatment of 7.10 (3) (a) of the statutes by 2011 Wisconsin Act
10 45 is not repealed by 2011 Wisconsin Act 75. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference
bureau, s. 7.10 (3) (a) reads:

(a) The county clerk shall distribute the ballots to the municipal clerks no later
than 48 days before each partisan primary and general election and no later than 22 days
before each other primary and election, except that the clerk shall distribute the ballots
under sub. (2) for the presidential preference primary no later 48 days before the
presidential preference primary. Election forms prepared by the board shall be
distributed at the same time. If the board transmits an amended certification under s.
7.08 (2) (a) or if the board or a court orders a ballot error to be corrected under s. 5.06 (6)
or 5.72 (3) after ballots have been distributed, the county clerk shall distribute corrected
ballots to the municipal clerks as soon as possible.

11 **SECTION 8.** The treatment of 10.06 (1) (e) of the statutes by 2011 Wisconsin Act
12 32 is not repealed by 2011 Wisconsin Act 45. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference
bureau, s. 10.06 (1) (e) reads:

(e) As soon as possible following the state canvass of the spring primary vote, but
no later than the first Tuesday in March, the board shall send a type B notice certifying
to each county clerk the list of candidates for the spring election. When no state spring
primary is held, this notice shall be sent under par. (c). When there is a referendum, the
board shall send type A and C notices certifying each question to the county clerks as soon
as possible, but no later than the first Tuesday in March.

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1 **SECTION 9.** The treatment of 16.002 (2) of the statutes by 2011 Wisconsin Act
2 10 is not repealed by 2011 Wisconsin Act 229. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 16.002 (2) reads:

(2) "Departments" means constitutional offices, departments, and independent agencies and includes all societies, associations, and other agencies of state government for which appropriations are made by law, but not including authorities created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 231, 232, 233, 234, 237, 238, or 279.

3 **SECTION 10.** The treatment of 16.045 (1) (a) of the statutes by 2011 Wisconsin
4 Act 10 is not repealed by 2011 Wisconsin Act 229. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 16.045 (1) (a) reads:

(a) "Agency" means an office, department, independent agency, institution of higher education, association, society, or other body in state government created or authorized to be created by the constitution or any law, that is entitled to expend moneys appropriated by law, including the legislature and the courts, but not including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 231, 232, 233, 234, 237, 238, or 279.

5 **SECTION 11.** The treatment of 16.417 (1) (b) of the statutes by 2011 Wisconsin
6 Act 10 is not repealed by 2011 Wisconsin Act 229. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 16.417 (1) (b) reads:

(b) "Authority" means a body created under subch. II of ch. 114 or ch. 231, 232, 233, 234, 237, 238, or 279.

7 **SECTION 12.** The treatment of 16.70 (2) of the statutes by 2011 Wisconsin Act
8 10 is not repealed by 2011 Wisconsin Act 229. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 16.70 (2) reads:

(2) "Authority" means a body created under subch. II of ch. 114 or subch. III of ch. 149 or under ch. 231, 232, 233, 234, 237, or 279.

9 **SECTION 13.** The treatment of 16.865 (8) of the statutes by 2011 Wisconsin Act
10 10 is not repealed by 2011 Wisconsin Act 229. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 16.865 (8) reads:

(8) Annually in each fiscal year, allocate as a charge to each agency a proportionate share of the estimated costs attributable to programs administered by the agency to be paid from the appropriation under s. 20.505 (2) (k). The department may charge

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premiums to agencies to finance costs under this subsection and pay the costs from the appropriation on an actual basis. The department shall deposit all collections under this subsection in the appropriation account under s. 20.505 (2) (k). Costs assessed under this subsection may include judgments, investigative and adjustment fees, data processing and staff support costs, program administration costs, litigation costs, and the cost of insurance contracts under sub. (5). In this subsection, “agency” means an office, department, independent agency, institution of higher education, association, society, or other body in state government created or authorized to be created by the constitution or any law, that is entitled to expend moneys appropriated by law, including the legislature and the courts, but not including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 231, 232, 233, 234, 237, 238, or 279.

1 **SECTION 14.** The treatment of 20.395 (3) (cr) of the statutes by 2011 Wisconsin
2 Act 32 is not repealed by 2011 Wisconsin Act 257. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 20.395 (3) (cr) reads:

(cr) *Southeast Wisconsin freeway rehabilitation, state funds.* As a continuing appropriation, the amounts in the schedule for rehabilitation of southeast Wisconsin freeways, including reconstruction and interim repair of the Marquette interchange in Milwaukee County. This paragraph does not apply to the installation, replacement, rehabilitation, or maintenance of highway signs, traffic control signals, highway lighting, pavement markings, or intelligent transportation systems, unless incidental to rehabilitation of southeast Wisconsin freeways. No moneys may be encumbered from this appropriation account after June 30, 2011. Notwithstanding s. 20.001 (3) (c), any unencumbered balance in this appropriation account on July 1, 2011, shall be transferred to the appropriation account under par. (cq) except that the amount specified in 2011 Wisconsin Act 32, section 9148 (7f) (a), shall be transferred to the appropriation account under par. (aq).

3 **SECTION 15.** The treatment of 20.395 (3) (cy) of the statutes by 2011 Wisconsin
4 Act 32 is not repealed by 2011 Wisconsin Act 257. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 20.395 (3) (cy) reads:

(cy) *Southeast Wisconsin freeway rehabilitation, federal funds.* All moneys received from the federal government for rehabilitation of southeast Wisconsin freeways, including reconstruction and interim repair of the Marquette interchange in Milwaukee County, for such purposes. This paragraph does not apply to the installation, replacement, rehabilitation, or maintenance of highway signs, traffic control signals, highway lighting, pavement markings, or intelligent transportation systems, unless incidental to rehabilitation of southeast Wisconsin freeways. No moneys may be encumbered from this appropriation account after June 30, 2011. Notwithstanding s. 20.001 (3) (c), any unencumbered balance in this appropriation account on July 1, 2011, shall be transferred to the appropriation account under par. (cx) except that the amount specified in 2011 Wisconsin Act 32, section 9148 (7f) (c), shall be transferred to the appropriation account under par. (ax).

5 **SECTION 16.** 20.505 (8) (hm) 5. of the statutes is amended to read:

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1 20.505 (8) (hm) 5. The amount transferred to s. 20.255 (2) (km) shall be the
2 amount in the schedule under s. 20.255 ~~(1)~~ (2) (km).

NOTE: Corrects cross-reference. Section 20.255 (2) (km) is the appropriation that relates to moneys transferred under s. 20.505 (8) (hm) 5. Section 20.255 (1) (km) relates to the state agency library processing center.

3 **SECTION 17.** The treatment of 20.566 (1) (hp) of the statutes by 2011 Wisconsin
4 Act 32 is not repealed by 2011 Wisconsin Act 76. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 20.566 (1) (hp) reads as follows. See also SECTION 114 of this bill.

(hp) *Administration of income tax checkoff voluntary payments.* The amounts in the schedule for the payment of all administrative costs, including data processing costs, incurred in administering ss. 71.10 (5), (5e), (5f), (5fm), (5g), (5h), (5i), (5j), (5k), (5km), and (5m), and 71.30 (10). All moneys specified for deposit in this appropriation under ss. 71.10 (5) (h) 5., (5e) (h) 4., (5f) (i), (5fm) (i), (5g) (i), (5h) (i), (5i) (i), (5j) (i), (5k) (i), (5km) (i), and (5m) (i) and 71.30 (10) (i) and (11) (i) shall be credited to this appropriation account.

5 **SECTION 18.** 23.293 (20) (title) of the statutes is amended to read:

6 23.293 (20) (title) ~~INJUNCTIVE RELIEF; RECOVERY OF COSTS.~~

NOTE: Conforms title to the subject matter of s. 23.293 (20), which contains no provision regarding the recovery of costs.

7 **SECTION 19.** 26.21 (1) of the statutes is amended to read:

8 26.21 (1) In addition to the penalties provided in s. 26.20, the United States,
9 the state, the county or private owners, whose property is injured or destroyed by
10 forest fires, may recover, in a civil action, double the amount of damages suffered, if
11 the fires occurred through willfulness, malice or negligence. In a civil action, a court
12 may award reasonable costs for legal representation to ~~provide~~ private owners
13 recovering damages under this subsection.

NOTE: Inserts correct word consistent with the previous sentence.

14 **SECTION 20.** 29.171 (4) (b) (intro.) of the statutes, as affected by 2011 Wisconsin
15 Acts 169 and 252, is amended to read:

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1 29.171 (4) (b) (intro.) Except as provided in par. (bc), no person may use a
2 crossbow in hunting as authorized by any license or permit issued under this 29.185
3 ~~(6)~~, chapter unless the crossbow meets all of the following specifications:

NOTE: The stricken text was inserted by 2011 Wis. Act 169 but was rendered surplusage by the treatment by 2011 Wis. Act 252.

4 **SECTION 21.** 29.182 (4) (g) of the statutes is amended to read:

5 29.182 (4) (g) The organization known as the Rocky Mountain Elk Foundation
6 shall transfer the license awarded ~~or~~ under par. (f) only to a person who is qualified
7 to receive a resident elk hunting license and shall transfer to that person the carcass
8 tag and back tag that was issued by the department to the organization under subs.
9 (6) and (7).

NOTE: Deletes unnecessary word.

10 **SECTION 22.** 29.185 (7) (b) of the statutes, as created by 2011 Wisconsin Act 169,
11 is amended to read:

12 29.185 (7) (b) A person who harvests a wolf that has an attached or implanted
13 radio telemetry device shall return the device to the department. The department
14 shall inform the person, upon his or her request, of any information that has been
15 collected through the telemetry device or otherwise by the department that relates
16 ~~that to~~ the wolf that was harvested.

NOTE: Inserts correct word.

17 **SECTION 23.** The treatment of 48.32 (1) (b) 1. c. of the statutes by 2011
18 Wisconsin Act 181 is not repealed by 2011 Wisconsin Act 258. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 48.32 (1) (b) 1. c. reads:

c. If a permanency plan has previously been prepared for the child, a finding as to whether the county department, department, or agency has made reasonable efforts to achieve the permanency goal of the child's permanency plan, including, if appropriate, through an out-of-state placement.

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1 **SECTION 24.** The treatment of 48.33 (4) (c) of the statutes by 2011 Wisconsin
2 Act 181 is not repealed by 2011 Wisconsin Act 258. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 48.33 (4) (c) reads:

(c) Specific information showing that continued placement of the child in his or her home would be contrary to the welfare of the child, specific information showing that the county department, the department, in a county having a population of 500,000 or more, or the agency primarily responsible for providing services to the child has made reasonable efforts to prevent the removal of the child from the home, while assuring that the child's health and safety are the paramount concerns, unless any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies, and, if a permanency plan has previously been prepared for the child, specific information showing that the county department, department, or agency has made reasonable efforts to achieve the permanency goal of the child's permanency plan, including, if appropriate, through an out-of-state placement.

3 **SECTION 25.** The treatment of 48.335 (3g) (c) of the statutes by 2011 Wisconsin
4 Act 181 is not repealed by 2011 Wisconsin Act 258. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 48.335 (3g) (c) reads:

(c) That, if a permanency plan has previously been prepared for the child, the county department, department, or agency has made reasonable efforts to achieve the permanency goal of the child's permanency plan, including, if appropriate, through an out-of-state placement.

5 **SECTION 26.** The treatment of 48.355 (2) (b) 6. of the statutes by 2011 Wisconsin
6 Act 181 is not repealed by 2011 Wisconsin Act 258. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 48.355 (2) (b) 6. reads:

6. If the child is placed outside the home, a finding that continued placement of the child in his or her home would be contrary to the welfare of the child, a finding as to whether the county department, the department, in a county having a population of 500,000 or more, or the agency primarily responsible for providing services under a court order has made reasonable efforts to prevent the removal of the child from the home, while assuring that the child's health and safety are the paramount concerns, unless the court finds that any of the circumstances specified in sub. (2d) (b) 1. to 5. applies, and, if a permanency plan has previously been prepared for the child, a finding as to whether the county department, department, or agency has made reasonable efforts to achieve the permanency goal of the child's permanency plan, including, if appropriate, through an out-of-state placement. The court shall make the findings specified in this subdivision on a case-by-case basis based on circumstances specific to the child and shall document or reference the specific information on which those findings are based in the court order. A court order that merely references this subdivision without documenting or referencing that specific information in the court order or an amended court order that retroactively corrects an earlier court order that does not comply with this subdivision is not sufficient to comply with this subdivision.

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1 **SECTION 27.** The treatment of 48.365 (2m) (a) 1. of the statutes by 2011
2 Wisconsin Act 181 is not repealed by 2011 Wisconsin Act 258. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 48.365 (2m) (a) 1. reads:

1. Any party may present evidence relevant to the issue of extension. If the child is placed outside of his or her home, the person or agency primarily responsible for providing services to the child shall present as evidence specific information showing that the person or agency has made reasonable efforts to achieve the permanency goal of the child's permanency plan, including, if appropriate, through an out-of-state placement. If an Indian child is placed outside the home of his or her parent or Indian custodian, the person or agency primarily responsible for providing services to the Indian child shall also present as evidence specific information showing that active efforts under s. 48.028 (4) (d) 2. have been made to prevent the breakup of the Indian child's family and that those efforts have proved unsuccessful.

3 **SECTION 28.** The treatment of 48.365 (2m) (a) 1m. of the statutes by 2011
4 Wisconsin Act 181 is not repealed by 2011 Wisconsin Act 258. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 48.365 (2m) (a) 1m. reads:

1m. The judge shall make findings of fact and conclusions of law based on the evidence. The findings of fact shall include a finding as to whether reasonable efforts were made by the person or agency primarily responsible for providing services to the child to achieve the permanency goal of the child's permanency plan, including, if appropriate, through an out-of-state placement. If the child is an Indian child who is placed outside the home of his or her parent or Indian custodian, the findings of fact shall also include a finding that active efforts under s. 48.028 (4) (d) 2. were made to prevent the breakup of the Indian child's family and that those efforts have proved unsuccessful. An order shall be issued under s. 48.355.

5 **SECTION 29.** 48.38 (4m) (title) of the statutes, as affected by 2011 Wisconsin
6 Acts 181 and 285, is amended to read:

7 48.38 (**4m**) (title) REASONABLE EFFORTS NOT REQUIRED; PERMANENCY PLAN
8 DETERMINATION HEARING.

NOTE: 2011 Wis. Act 258 repealed and recreated all of s. 48.38 (4m), including the title as it previously existed. 2011 Wis. Act 181 amended the title to remove "plan." This section gives effect to the Act 181 treatment.

9 **SECTION 30.** The treatment of 48.38 (5) (c) 7. of the statutes by 2011 Wisconsin
10 Act 181 is not repealed by 2011 Wisconsin Act 258. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 48.38 (5) (c) 7. reads:

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7. Whether reasonable efforts were made by the agency to achieve the permanency goal of the permanency plan, including, if appropriate, through an out-of-state placement.

1 **SECTION 31.** The treatment of 48.38 (5m) (b) of the statutes by 2011 Wisconsin
2 Act 181 is not repealed by 2011 Wisconsin Act 258. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 48.38 (5m) (b) reads:

(b) Not less than 30 days before the date of the hearing, the court shall notify the child; the child's parent, guardian, and legal custodian; and the child's foster parent, the operator of the facility in which the child is living, or the relative with whom the child is living of the time, place, and purpose of the hearing, of the issues to be determined at the hearing, and of the fact that they shall have a right to be heard at the hearing as provided in par. (c) 1. and shall notify the child's counsel, the child's guardian ad litem, and the child's court-appointed special advocate; the agency that prepared the permanency plan; the person representing the interests of the public; and, if the child is an Indian child who is placed outside the home of his or her parent or Indian custodian, the Indian child's Indian custodian and tribe of the time, place, and purpose of the hearing, of the issues to be determined at the hearing, and of the fact that they may have an opportunity to be heard at the hearing as provided in par. (c) 1.

3 **SECTION 32.** The treatment of 48.43 (5m) of the statutes by 2011 Wisconsin Act
4 181 is not repealed by 2011 Wisconsin Act 258. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 48.43 (5m) reads:

(5m) Either the court or the agency that prepared the permanency plan shall furnish a copy of the original plan and each revised plan to the child, if he or she is 12 years of age or over, to the child's guardian, to the child's foster parent, the operator of the facility in which the child is living, or the relative with whom the child is living, and, if the order under sub. (1) involuntarily terminated parental rights to an Indian child, to the Indian child's tribe.

5 **SECTION 33.** The treatment of 48.685 (1) (b) of the statutes by 2011 Wisconsin
6 Act 32 is not repealed by 2011 Wisconsin Act 87. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 48.685 (1) (b) reads:

(b) "Entity" means a child welfare agency that is licensed under s. 48.60 to provide care and maintenance for children, to place children for adoption, or to license foster homes; a foster home that is licensed under s. 48.62; an interim caretaker to whom subsidized guardianship payments are made under s. 48.623 (6); a group home that is licensed under s. 48.625; a shelter care facility that is licensed under s. 938.22; a child care center that is licensed under s. 48.65 or established or contracted for under s. 120.13 (14); a child care provider that is certified under s. 48.651; an organization that facilitates delegations of the care and custody of children under s. 48.979; or a temporary employment agency that provides caregivers to another entity.

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1 **SECTION 34.** The treatment of 48.685 (2) (am) 5. of the statutes by 2011
2 Wisconsin Act 32 is not repealed by 2011 Wisconsin Act 87. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 48.685 (2) (am) 5. reads:

5. Information maintained by the department of health services under this section and under ss. 48.623 (6) (b), 48.651 (2m), 48.75 (1m), 48.979 (1) (b), and 120.13 (14) regarding any denial to the person of a license, continuation or renewal of a license, certification, or a contract to operate an entity, or of payments under s. 48.623 (6) for operating an entity, for a reason specified in sub. (4m) (a) 1. to 5. and regarding any denial to the person of employment at, a contract with, or permission to reside at an entity or of permission to reside with a caregiver specified in sub. (1) (ag) 1. am. for a reason specified in sub. (4m) (b) 1. to 5. If the information obtained under this subdivision indicates that the person has been denied a license, continuation or renewal of a license, certification, a contract, payments, employment, or permission to reside as described in this subdivision, the department, a county department, an agency contracted with under s. 48.651 (2), a child welfare agency, or a school board need not obtain the information specified in subds. 1. to 4.

3 **SECTION 35.** The treatment of 48.685 (2) (b) 1. e. of the statutes by 2011
4 Wisconsin Act 32 is not repealed by 2011 Wisconsin Act 87. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 48.685 (2) (b) 1. e. reads:

e. Information maintained by the department of health services under this section and under ss. 48.623 (6) (b), 48.651 (2m), 48.75 (1m), 48.979 (1) (b), and 120.13 (14) regarding any denial to the person of a license, continuation or renewal of a license, certification, or a contract to operate an entity, or of payments under s. 48.623 (6) for operating an entity, for a reason specified in sub. (4m) (a) 1. to 5. and regarding any denial to the person of employment at, a contract with, or permission to reside at an entity or of permission to reside with a caregiver specified in sub. (1) (ag) 1. am. for a reason specified in sub. (4m) (b) 1. to 5. If the information obtained under this subd. 1. e. indicates that the person has been denied a license, continuation or renewal of a license, certification, a contract, payments, employment, or permission to reside as described in this subd. 1. e., the entity need not obtain the information specified in subd. 1. a. to d.

5 **SECTION 36.** The treatment of 48.685 (3) (b) of the statutes by 2011 Wisconsin
6 Act 87 is not repealed by 2011 Wisconsin Act 258. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 48.685 (3) (b) reads:

(b) Subject to par. (bm), every 4 years or at any time within that period that an entity considers appropriate, the entity shall request the information specified in sub. (2) (b) 1. a. to e. for all persons who are caregivers specified in sub. (1) (ag) 1. a. or am. of the entity and for all nonclient residents of a caregiver specified in sub. (1) (ag) 1. am. of the entity.

7 **SECTION 37.** The treatment of 48.685 (5) (a) of the statutes by 2011 Wisconsin
8 Act 32 is not repealed by 2011 Wisconsin Act 87. Both treatments stand.

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NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 48.685 (5) (a) reads:

(a) Subject to pars. (bm) and (br), the department may license to operate an entity, the department in a county having a population of 500,000 or more, a county department, or an agency contracted with under s. 48.651 (2) may certify under s. 48.651, a county department or a child welfare agency may license under s. 48.62, the department in a county having a population of 750,000 or more or a county department may provide subsidized guardianship payments under s. 48.623 (6), and a school board may contract with under s. 120.13 (14) a person who otherwise may not be licensed, certified, or contracted with for a reason specified in sub. (4m) (a) 1. to 5., and an entity may employ, contract with, or permit to reside at the entity or permit to reside with a caregiver specified in sub. (1) (ag) 1. am. of the entity a person who otherwise may not be employed, provided payments, contracted with, or permitted to reside at the entity or with that caregiver for a reason specified in sub. (4m) (b) 1. to 5., if the person demonstrates to the department, the county department, the contracted agency, the child welfare agency, or the school board or, in the case of an entity that is located within the boundaries of a reservation, to the person or body designated by the Indian tribe under sub. (5d) (a) 3., by clear and convincing evidence and in accordance with procedures established by the department by rule or by the tribe that he or she has been rehabilitated.

1 **SECTION 38.** The treatment of 48.685 (5m) of the statutes by 2011 Wisconsin
2 Act 32 is not repealed by 2011 Wisconsin Act 87. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 48.685 (5m) reads:

(5m) Notwithstanding s. 111.335, the department may refuse to license a person to operate an entity, a county department or a child welfare agency may refuse to license a foster home under s. 48.62, the department in a county having a population of 750,000 or more or a county department may refuse to provide subsidized guardianship payments to a person under s. 48.623 (6), and an entity may refuse to employ or contract with a caregiver or permit a nonclient resident to reside at the entity or with a caregiver specified in sub. (1) (ag) 1. am. of the entity if the person has been convicted of an offense that is not a serious crime, but that is, in the estimation of the department, county department, child welfare agency, or entity, substantially related to the care of a client. Notwithstanding s. 111.335, the department may refuse to license a person to operate a child care center, the department in a county having a population of 500,000 or more, a county department, or an agency contracted with under s. 48.651 (2) may refuse to certify a child care provider under s. 48.651, a school board may refuse to contract with a person under s. 120.13 (14), and a child care center that is licensed under s. 48.65 or established or contracted for under s. 120.13 (14) or a child care provider that is certified under s. 48.651 may refuse to employ or contract with a caregiver or permit a nonclient resident to reside at the child care center or child care provider if the person has been convicted of or adjudicated delinquent on or after his or her 12th birthday for an offense that is not a serious crime, but that is, in the estimation of the department, county department, contracted agency, school board, child care center, or child care provider, substantially related to the care of a client.

3 **SECTION 39.** The treatment of 48.685 (6) (am) of the statutes by 2011 Wisconsin
4 Act 87 is not repealed by 2011 Wisconsin Act 258. Both treatments stand.

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NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 48.685 (6) (am) reads:

(am) Except as provided in this paragraph, every 4 years an entity shall require all of its caregivers and all nonclient residents of the entity or of a caregiver specified in sub. (1) (ag) 1. am. of the entity to complete a background information form that is provided to the entity by the department. Every year a child care center that is licensed under s. 48.65 or established or contracted for under s. 120.13 (14) or a child care provider that is certified under s. 48.651 shall require all of its caregivers and nonclient residents to complete a background information form that is provided to the child care center or child care provider by the department.

1 **SECTION 40.** The treatment of 49.148 (1m) (a) 1. of the statutes by 2011
2 Wisconsin Act 32 is not repealed by 2011 Wisconsin Act 257. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 49.148 (1m) (a) 1. reads:

1. A custodial parent of a child 8 weeks old or less who meets the eligibility requirements under s. 49.145 (2) and (3), unless another adult member of the custodial parent's Wisconsin Works group is participating in, or is eligible to participate in, a Wisconsin Works employment position or is employed in unsubsidized employment, as defined in s. 49.147 (1).

3 **SECTION 41.** The treatment of 59.70 (1) of the statutes by 2011 Wisconsin Act
4 146 is not repealed by 2011 Wisconsin Act 150. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, effective April 1, 2015, s. 59.70 (1) reads:

(1) **BUILDING AND SANITARY CODES.** The board may enact building and sanitary codes, make necessary rules and regulations in relation thereto and provide for enforcement of the codes, rules and regulations by forfeiture or otherwise. The codes, rules and regulations do not apply within municipalities which have enacted ordinances or codes concerning the same subject matter. "Sanitary code" does not include a private on-site wastewater treatment system ordinance enacted under sub. (5). "Building and sanitary codes" does not include well or heat exchange drillhole ordinances enacted under sub. (6).

5 **SECTION 42.** The treatment of 66.0213 (4) (b) of the statutes by 2011 Wisconsin
6 Act 115 is not repealed by 2011 Wisconsin Act 130. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 66.0213 (4) (b) reads:

(b) The election shall be conducted as prescribed by ch. 6. The inspectors shall make returns to the county clerk who shall, within 14 days after the election, canvass the returns and declare the result. The clerk shall notify the officers-elect and issue certificates of election. If the first election is on the first Tuesday in April the officers elected and their appointees shall commence and hold their offices as for a regular term. Otherwise they shall commence within 14 days and hold their offices until the regular village or city election and the qualification of their successors and the terms of their appointees expire as soon as successors qualify.

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1 **SECTION 43.** The treatments of 66.1105 (4) (gm) 4. c. of the statutes by 2011
2 Wisconsin Acts 32 and 40 are not repealed by 2011 Wisconsin Act 77. All treatments
3 stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 66.1105 (4) (gm) 4. c. reads:

c. Except as provided in subs. (10) (c), (16) (d), (17), and (18) (c) 3., the equalized value of taxable property of the district plus the value increment of all existing districts does not exceed 12 percent of the total equalized value of taxable property within the city. In determining the equalized value of taxable property under this subd. 4. c. or sub. (17) (c), the department of revenue shall base its calculations on the most recent equalized value of taxable property of the district that is reported under s. 70.57 (1m) before the date on which the resolution under this paragraph is adopted. If the department of revenue determines that a local legislative body exceeds the 12 percent limit described in this subd. 4. c. or sub. (17) (c), the department shall notify the city of its noncompliance, in writing, not later than December 31 of the year in which the department receives the completed application or amendment forms described in sub. (5) (b).

4 **SECTION 44.** The treatment of 66.1105 (6) (a) (intro.) of the statutes by 2011
5 Wisconsin Act 32 is not repealed by 2011 Wisconsin Act 77. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 66.1105 (6) (a) (intro.) reads:

(a) If the joint review board approves the creation of the tax incremental district under sub. (4m), and subject to pars. (ae) and (ag), positive tax increments with respect to a tax incremental district are allocated to the city which created the district or, in the case of a city or village that annexes or attaches a district created under sub. (16), to the annexing or attaching city or village, for each year commencing after the date when a project plan is adopted under sub. (4) (g). The department of revenue may not authorize allocation of tax increments until it determines from timely evidence submitted by the city that each of the procedures and documents required under sub. (4) (d) to (f) has been completed and all related notices given in a timely manner. The department of revenue may authorize allocation of tax increments for any tax incremental district only if the city clerk and assessor annually submit to the department all required information on or before the 2nd Monday in June. The facts supporting any document adopted or action taken to comply with sub. (4) (d) to (f) are not subject to review by the department of revenue under this paragraph. After the allocation of tax increments is authorized, the department of revenue shall annually authorize allocation of the tax increment to the city that created the district until the soonest of the following events:

6 **SECTION 45.** 67.01 (9) (intro.) of the statutes is amended to read:
7 67.01 (9) (intro.) This chapter is not applicable to appropriation bonds issued
8 by a county under s. 59.85 or by a 1st class city under s. 62.62 and, except for ss. 67.08
9 (1), 67.09, and 67.10, is not applicable:

NOTE: Inserts missing word.

SENATE BILL 426**SECTION 46**

1 **SECTION 46.** The treatment of 71.26 (2) (a) 4. of the statutes by 2011 Wisconsin
2 Act 212 is not repealed by 2011 Wisconsin Act 232. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 71.26 (2) (a) 4. reads:

4. Plus the amount of the credit computed under s. 71.28 (1dd), (1de), (1di), (1dj), (1dL), (1dm), (1ds), (1dx), (1dy), (3g), (3h), (3n), (3p), (3q), (3r), (3rm), (3rn), (3t), (3w), (5e), (5f), (5g), (5h), (5i), (5j), (5k), (5r), (5rm), (6n), (8r), and (9s) and not passed through by a partnership, limited liability company, or tax-option corporation that has added that amount to the partnership's, limited liability company's, or tax-option corporation's income under s. 71.21 (4) or 71.34 (1k) (g).

3 **SECTION 47.** 71.28 (5n) (a) 5. b. of the statutes, as affected by 2011 Wisconsin
4 Act 232, is amended to read:

5 71.28 **(5n)** (a) 5. b. For purposes of subd. ~~6.~~ 5. a., property owned by the claimant
6 is valued at its original cost and property rented by the claimant is valued at an
7 amount equal to the annual rental paid by the claimant, less any annual rental
8 received by the claimant from sub-rentals, multiplied by 8.

NOTE: Inserts correct cross-reference. There is no s. 71.28 (5n) (a) 6. a.

9 **SECTION 48.** 71.28 (5n) (a) 5. c. of the statutes, as affected by 2011 Wisconsin
10 Act 232, is amended to read:

11 71.28 **(5n)** (a) 5. c. For purposes of subd. ~~6.~~ 5. a., the average value of property
12 is determined by averaging the values at the beginning and ending of the taxable
13 year, except that the secretary of revenue may require the averaging of monthly
14 values during the taxable year, if such averaging is reasonably required to properly
15 reflect the average value of the claimant's property.

NOTE: Inserts correct cross-reference. There is no s. 71.28 (5n) (a) 6. a.

16 **SECTION 49.** The treatment of 71.45 (2) (a) 10. of the statutes by 2011 Wisconsin
17 Act 212 is not repealed by 2011 Wisconsin Act 232. Both treatments stand.

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

10. By adding to federal taxable income the amount of credit computed under s. 71.47 (1dd) to (1dy), (3g), (3h), (3n), (3p), (3q), (3r), (3rm), (3rn), (3w), (5e), (5f), (5g), (5h),

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(5i), (5j), (5k), (5r), (5rm), (6n), (8r), and (9s) and not passed through by a partnership, limited liability company, or tax-option corporation that has added that amount to the partnership's, limited liability company's, or tax-option corporation's income under s. 71.21 (4) or 71.34 (1k) (g) and the amount of credit computed under s. 71.47 (1), (3), (3t), (4), (4m), and (5).

1 **SECTION 50.** The treatment of 79.05 (2) (c) of the statutes by 2011 Wisconsin
2 Act 106 is not repealed by 2011 Wisconsin Act 258. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 79.05 (2) (c) reads:

(c) Its municipal budget; exclusive of principal and interest on long-term debt and exclusive of revenue sharing payments under s. 66.0305, recycling fee payments under s. 289.645, unreimbursed expenses related to an emergency declared under s. 323.10, expenditures from moneys received pursuant to P.L. 111-5, and expenditures made pursuant to a purchasing agreement with a school district whereby the municipality makes purchases on behalf of the school district; for the year of the statement under s. 79.015 increased over its municipal budget as adjusted under sub. (6); exclusive of principal and interest on long-term debt and exclusive of revenue sharing payments under s. 66.0305, recycling fee payments under s. 289.645, unreimbursed expenses related to an emergency declared under s. 323.10, expenditures from moneys received pursuant to P.L. 111-5, and expenditures made pursuant to a purchasing agreement with a school district whereby the municipality makes purchases on behalf of the school district; for the year before that year by less than the sum of the inflation factor and the valuation factor, rounded to the nearest 0.10%.

3 **SECTION 51.** The treatment of 84.013 (2) (b) of the statutes by 2011 Wisconsin
4 Act 32 is not repealed by 2011 Wisconsin Act 257. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 84.013 (2) (b) reads:

(b) Except as provided in ss. 84.017 and 84.555, and subject to ss. 84.014 (6) (c) and 86.255, reconditioning, reconstruction and resurfacing of highways shall be funded from the appropriations under ss. 20.395 (3) (cq) to (cx) and 20.866 (2) (uur) and (uut).

5 **SECTION 52.** 102.11 (1) (intro.) of the statutes, as affected by 2011 Wisconsin
6 Acts 183 and 257, is amended to read:

7 102.11 (1) (intro.) The average weekly earnings for temporary disability,
8 permanent total disability, or death benefits for injury in each calendar year on or
9 after January 1, 1982, shall be not less than \$30 nor more than the wage rate that
10 results in a maximum compensation rate of 110 percent of the state's average weekly
11 earnings as determined under s. 108.05 as of June 30 of the previous year. The
12 average weekly earnings for permanent partial disability shall be not less than \$30

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1 and, for permanent partial disability for injuries occurring on or after 1 April 17,
2 2012, and before January 1, 2013, not more than \$468, resulting in a maximum
3 compensation rate of \$312, and, for permanent partial disability for injuries
4 occurring on or after January 1, 2013, not more than \$483, resulting in a maximum
5 compensation rate of \$322, except as provided in 2011 Wisconsin Act 183, section 30
6 (2) (a). Between such limits the average weekly earnings shall be determined as
7 follows:

NOTE: The stricken "1" was inserted by 2011 Wis. Act 257, but rendered surplusage
by the treatment by 2011 Wis. Act 183.

8 **SECTION 53.** The treatment of 118.43 (3) (intro.) of the statutes by 2011
9 Wisconsin Act 32 is not repealed by 2011 Wisconsin Act 105. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference
bureau, s. 118.43 (3) (intro.) reads:

(3) CONTRACT REQUIREMENTS. Except as provided in pars. (am), (ar), (at), and (av)
and sub. (3r), an achievement guarantee contract shall require the school board to do all
of the following in each participating school:

10 **SECTION 54.** The treatment of 118.43 (6) (b) 10. of the statutes by 2011
11 Wisconsin Act 32 is not repealed by 2011 Wisconsin Act 105. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference
bureau, s. 118.43 (6) (b) 10. reads:

10. In the 2010-11 school year and any subsequent school year, \$2,250 multiplied
by the number of low-income pupils enrolled in a grade eligible for funding, and in a class
in which the class size has been reduced in the manner required under sub. (3) (a), (am),
(ar), or (at) or permitted under sub. (3m), in each school in the school district covered by
contracts under sub. (3) (at) and (av) and by renewals of contracts under sub. (2) (g).

12 **SECTION 55.** 118.51 (3) (a) 6. of the statutes, as affected by 2011 Wisconsin Acts
13 32 and 114, is amended to read:

14 118.51 (3) (a) 6. Except as provided in sub. (5) (d) 2., if an application is
15 accepted, on or before the last Friday in June following receipt of a notice of
16 acceptance, or within 10 days of receiving a notice of acceptance if a pupil is selected
17 from a waiting list under sub. (5) (d) or, the pupil's parent shall notify the nonresident

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1 school board of the pupil's intent to attend school in that school district in the
2 following school year.

NOTE: 2011 Wis. Act 114 amended s. 118.51 (3) (a) 6. without taking cognizance of the amendment by 2011 Wis. Act 32. There is no mutual inconsistency between the 2 acts. Act 32 repealed s. 118.40 (8) (h) 5. and removed language regarding waiting lists under that provision. Act 114 made the language regarding waiting lists under s. 118.40 (8) (h) 5. applicable to waiting lists under s. 118.51 (5) (d). The underscored language was deleted by Act 32, but is reinserted to give effect to Act 114. The stricken "or" was inserted by Act 114 but was rendered surplusage by the Act 32 treatment.

3 **SECTION 56.** The treatment of 118.51 (3) (b) of the statutes by 2011 Wisconsin
4 Act 32 is not repealed by 2011 Wisconsin Act 114. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 118.51 (3) (b) reads:

(b) *Notice to resident school district.* Annually by July 7, each nonresident school board that has accepted a pupil under this section for attendance in the following school year shall report the name of the pupil to the pupil's resident school board.

5 **SECTION 57.** The treatment of 119.23 (2) (a) 1. a. of the statutes, by 2011
6 Wisconsin Act 47, section 13, is not repealed by 2011 Wisconsin Act 47, section 14.
7 Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 119.23 (2) (a) 1. a. reads:

a. The pupil is a member of a family that has a total family income that does not exceed an amount equal to 3.0 times the poverty level determined in accordance with criteria established by the director of the federal office of management and budget. In this subdivision and sub. (3m), family income includes income of the pupil's parents or legal guardians. The family income of the pupil shall be verified as provided in subd. 1.
b. A pupil attending a private school under this section whose family income increases, including a pupil who attended a private school under this section in the 2010-11 school year and whose family income has increased, may continue to attend a private school under this section.

8 **SECTION 58.** 125.295 (2) (c) of the statutes is amended to read:
9 125.295 (2) (c) If an applicant under par. (a) holds any license or permit
10 prohibited under par. (a) 6. at the time of its application, the applicant may certify
11 that the applicant will surrender any such license or permit upon issuance of a
12 permit under this section. If the department issues a permit under this section and
13 the applicant fails to surrender any license or permit prohibited under par. (a) 6., the

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1 department may revoke under s. 125.12 (5) the permit issued under this section. An
2 applicant is not required to surrender any Class “B” license issued under s. 125.31
3 (1) (a) 2., 2009 stats., or under s. 125.31 (1) (a) 3., 2005 stats., if the applicant’s
4 continued possession of the license is consistent with subs. (1) (h), (2) (a) 4., and (3)
5 (b) and (c).

NOTE: Section 125.31 was repealed by 2011 Wis. Act 32.

6 **SECTION 59.** The treatment of 145.20 (5) (am) of the statutes by 2011 Wisconsin
7 Act 134 is not repealed by 2011 Wisconsin Act 146. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 145.20 (5) (am) reads:

(am) Each governmental unit responsible for the regulation of private on-site wastewater treatment systems shall adopt and begin the administration of the program established under par. (a) before October 1, 2019. As part of adopting and administering the program, the governmental unit shall conduct and maintain an inventory of all the private on-site wastewater treatment systems located in the governmental unit and shall complete the initial inventory before October 1, 2017. In order to be eligible for grant funding under s. 145.245, a governmental unit must comply with these deadlines.

8 **SECTION 60.** The treatment of 146.40 (2m) of the statutes by 2011 Wisconsin
9 Act 120 is not repealed by 2011 Wisconsin Act 126. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 146.40 (2m) reads:

(2m) A nursing home or intermediate care facility for persons with an intellectual disability, whether or not the nursing home or intermediate care facility is a certified provider of medical assistance, may not employ or contract for the services of an individual as a feeding assistant, regardless of the title under which the individual is employed or contracted for, unless the individual has successfully completed a state-approved training and testing program, as specified by the department by rule. Any relevant education, training, instruction, or other experience that an individual has obtained in connection with any military service, as defined in s. 111.32 (12g), counts toward satisfying the requirement to complete the state-approved training program under this subsection, if the individual or the nursing home or intermediate care facility demonstrates to the satisfaction of the department that the education, training, instruction, or other experience obtained by the individual is substantially equivalent to the state-approved training program.

10 **SECTION 61.** 182.017 (7) (intro.) and (a) of the statutes are renumbered 182.017
11 (7) (ag) and (ar).

NOTE: Section 182.017 (7) (intro.) is not constructed as an introduction under current style and is not introductory to the remainder of the paragraphs in the subsection.

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1 **SECTION 62.** 218.0142 (10) of the statutes is amended to read:

2 218.0142 (10) All transactions ~~which~~ that constitute consumer transactions (,
3 as defined under s. 421.301 (13)), are subject to chs. 421 to 427, in addition to ss.
4 218.0101 to 218.0163.

NOTE: Conforms provision to current style.

5 **SECTION 63.** 227.135 (2) of the statutes, as affected by 2011 Wisconsin Act 21,
6 is amended to read:

7 227.135 (2) An agency that has prepared a statement of the scope of the
8 proposed rule shall present the statement to the governor and to the individual or
9 body with policy-making powers over the subject matter of the proposed rule for
10 approval. The agency may not send the statement to the legislative reference bureau
11 for publication under sub. (3) until the governor issues a written notice of approval
12 of the statement. The individual or body with policy-making powers may not
13 approve the statement until at least 10 days after publication of the statement under
14 sub. (3). No state employee or official may perform any activity in connection with
15 the drafting of a proposed rule except for an activity necessary to prepare the
16 statement of the scope of the proposed rule until the governor and the individual or
17 body with policy-making powers over the subject matter of the proposed rule
18 ~~approves~~ approve the statement.

NOTE: Corrects grammar.

19 **SECTION 64.** 227.24 (1) (e) 1d. of the statutes, as affected by 2011 Wisconsin Act
20 32, is amended to read:

21 227.24 (1) (e) 1d. Prepare a statement of the scope of the proposed emergency
22 rule as provided in s. 227.135 (1), obtain approval of the statement as provided in s.
23 227.135 (2), and send the statement to the legislative reference bureau for

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1 publication in the register as provided in s. 227.135 (3). If the agency changes the
2 scope of a proposed emergency rule as described in s. 227.135 (4), the agency shall
3 prepare and obtain approval of a revised statement of the scope of the proposed
4 emergency rule as provided in s. 227.135 (4). No state employee or official may
5 perform any activity in connection with the drafting of a proposed emergency rule
6 except for an activity necessary to prepare the statement of the scope of the proposed
7 emergency rule until the governor and the individual or body with policy-making
8 powers over the subject matter of the proposed emergency rule ~~approves~~ approve the
9 statement.

NOTE: Corrects grammar.

10 **SECTION 65.** 227.41 (5) (d) 2. of the statutes, as created by 2011 Wisconsin Act
11 68, is amended to read:

12 227.41 (5) (d) 2. If the department determines that it does not have sufficient
13 facts from which to issue a declaratory ruling, the department may deny the petition.
14 If the department determines that it has sufficient facts from which to issue a
15 declaratory ruling, the department shall issue a ruling on the merits of the petition
16 no later than 180 days after the determination, unless the deadline is extended by
17 written agreement of all parties. The ruling may deny the petition on the grounds
18 that the petition is frivolous, a justiciable controversy does not exist, the ruling would
19 not provide guidance on matters of general applicability, or that the ruling would
20 substitute for other procedures available to the parties for resolution of the dispute.

NOTE: Inserts a missing word.

21 **SECTION 66.** The treatment of 230.03 (3) of the statutes by 2011 Wisconsin Act
22 10 is not repealed by 2011 Wisconsin Act 229. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference
bureau, s. 230.03 (3) reads:

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(3) "Agency" means any board, commission, committee, council, or department in state government or a unit thereof created by the constitution or statutes if such board, commission, committee, council, department, unit, or the head thereof, is authorized to appoint subordinate staff by the constitution or statute, except a legislative or judicial board, commission, committee, council, department, or unit thereof or an authority created under subch. II of ch. 114 or subch. III of ch. 149 or under ch. 231, 232, 233, 234, 237, 238, or 279. "Agency" does not mean any local unit of government or body within one or more local units of government that is created by law or by action of one or more local units of government.

1 **SECTION 67.** The treatment of 252.23 (4) (a) of the statutes by 2011 Wisconsin
2 Act 120 is not repealed by 2011 Wisconsin Act 209. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 252.23 (4) (a) reads:

(a) Except as provided in ss. 250.041 and 252.241 and subject to sub. (4m), standards and procedures, including fee payment to offset the cost of licensing tattooists and tattoo establishments, for the annual issuance of licenses as tattooists or as tattoo establishments to applicants under this section. The department may not promulgate a rule that imposes a fee for a license under sub. (3) on an individual who is eligible for the veterans fee waiver program under s. 45.44.

3 **SECTION 68.** The treatment of 252.24 (4) (a) of the statutes by 2011 Wisconsin
4 Act 120 is not repealed by 2011 Wisconsin Act 209. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau s. 252.24 (4) (a) reads:

(a) Except as provided in ss. 250.041 and 252.241 and subject to sub. (4m), standards and procedures, including fee payment to offset the cost of licensing body piercers and body-piercing establishments, for the annual issuance of licenses as body piercers or as body-piercing establishments to applicants under this section. The department may not promulgate a rule under which the department may charge an individual who is eligible for the veterans fee waiver program under s. 45.44 a fee to obtain a license under sub. (3).

5 **SECTION 69.** The treatment of 280.15 (2m) (a) of the statutes by 2011 Wisconsin
6 Act 150 is not repealed by 2011 Wisconsin Act 209. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, effective April 1, 2015, s. 280.15 (2m) (a) reads:

(a) *Application.* An individual who seeks a driller or pump installer license shall apply to the department on a form prepared by the department. The individual shall include the fee specified in par. (c) with the application, except that an individual who is eligible for the veterans fee waiver program under s. 45.44 is not required to pay the fee.

7 **SECTION 70.** 340.01 (35) of the statutes, as affected by 2011 Wisconsin Acts 208
8 and 265, is amended to read:

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1 340.01 (35) “Motor vehicle” means a vehicle, including a combination of 2 or
2 more vehicles or an articulated vehicle, which is self-propelled, except a vehicle
3 operated exclusively on a rail. “Motor vehicle” includes, without limitation, a
4 commercial motor vehicle or a vehicle which is propelled by electric power obtained
5 from overhead trolley wires but not operated on rails. A snowmobile, an all-terrain
6 vehicle, and a utility terrain vehicle, and an electric personal assistive mobility
7 device shall be considered motor vehicles only for purposes made specifically
8 applicable by statute.

NOTE: Deletes unnecessary “and.”

9 **SECTION 71.** The treatments of 343.17 (3) (a) 2. of the statutes by 2011
10 Wisconsin Acts 23 and 32 are not repealed by 2011 Wisconsin Act 241. All treatments
11 stand.

NOTE: There is no conflict of substance. As merged by the legislative reference
bureau, s. 343.17 (3) (a) 2. reads:

2. A photograph of the person, unless the exception under s. 343.14 (3m) applies.

12 **SECTION 72.** 343.44 (2) (b) (intro.) of the statutes, as affected by 2011 Wisconsin
13 Acts 113 and 258, is amended to read:

14 343.44 (2) (b) (intro.) ~~par.~~ In imposing a sentence under par. (ar) or (br), the
15 court shall review the record and consider the following:

NOTE: The stricken “par.” was inserted by 2011 Wis. Act 258 but rendered
surplusage by the treatment by 2011 Wis. Act 113.

16 **SECTION 73.** The treatments of 348.25 (3) of the statutes by 2011 Wisconsin Acts
17 55 and 56 are not repealed by 2011 Wisconsin Act 58. All treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference
bureau s. 348.25 (3) reads:

(3) The department shall prescribe forms for applications for all single trip permits
the granting of which is authorized by s. 348.26 (2) to (7) and for those annual, consecutive
month or multiple trip permits the granting of which is authorized by s. 348.27 (2) and
(4) to (15). The department shall prescribe an electronic application process for permits
the granting of which is authorized by ss. 348.26 (8) and 348.27 (17). The department
shall prescribe an electronic application process for permits the granting of which is

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authorized by s. 348.27 (16). The department shall prescribe an electronic application process for permits the granting of which is authorized by s. 348.27 (18). The department may impose such reasonable conditions prerequisite to the granting of any permit authorized by s. 348.26 or 348.27 and adopt such reasonable rules for the operation of a permittee thereunder as it deems necessary for the safety of travel and protection of the highways. The department may limit use of the highways under any permit issued to specified hours of the day or days of the week. Local officials granting permits may impose such additional reasonable conditions as they deem necessary in view of local conditions.

1 **SECTION 74.** 348.25 (8) (b) 3. (intro.) of the statutes, as affected by 2011
2 Wisconsin Acts 55 and 56, is amended to read:

3 348.25 (8) (b) 3. (intro.) Except as provided in subd. subds. 4. subd. and 4m.,
4 for a vehicle or combination of vehicles, the weight of which exceeds any of the
5 provisions of s. 348.15 (3):

NOTE: Inserts word required by the merger of the treatments of this provision by 2011 Wis. Acts 55 and 56. See also SECTION 114 of this bill.

6 **SECTION 75.** 348.25 (8) (d) of the statutes, as affected by 2011 Wisconsin Acts
7 55 and 56, is amended to read:

8 348.25 (8) (d) For the purpose of computing the fees under this subsection, if
9 the vehicle or combination of vehicles exceeds weight limitations, no fee in addition
10 to the fee under par. (a) 3. or 4., (b) 3. ~~or~~ 4., or 4m., or (bm) shall be charged if the
11 vehicle also exceeds length, width or height limitations or any combination thereof.

NOTE: Inserts comma and deletes "or" made necessary by the merger of the treatments of this provision by 2011 Wis. Acts 55 and 56. See also SECTION 114 of this bill.

12 **SECTION 76.** The treatments of 348.27 (1) of the statutes by 2011 Wisconsin Acts
13 55 and 56 are not repealed by 2011 Wisconsin Act 58. All treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau s. 348.27 (1) reads:

(1) APPLICATIONS. All applications for annual, consecutive month or multiple trip permits for the movement of oversize or overweight vehicles or loads shall be made to the officer or agency designated by this section as having authority to issue the particular permit desired for use of the particular highway in question. All applications under subs. (2) and (4) to (15) shall be made upon forms prescribed by the department. All applications under sub. (16) shall be made utilizing an electronic process prescribed by the department. All applications under sub. (17) shall be made utilizing an electronic process prescribed by the department. All applications under sub. (18) shall be made utilizing an electronic process prescribed by the department.

SENATE BILL 426**SECTION 77**

1 **SECTION 77.** 454.08 (2) (a) of the statutes, as affected by 2011 Wisconsin Acts
2 146 and 190, is amended to read:

3 454.08 (2) (a) A ~~barbering~~ cosmetology establishment license that authorizes
4 the practice of barbering, cosmetology, aesthetics, electrology, and manicuring in the
5 licensed establishment.

NOTE: The stricken "barbering" was inserted by 2011 Wis. Act 146 but rendered
surplusage by the treatment by 2011 Wis. Act 190.

6 **SECTION 78.** 454.08 (4) of the statutes, as affected by 2011 Wisconsin Act 193,
7 is amended to read:

8 454.08 (4) The examining board shall, by rule, establish minimum standards
9 concerning the maintenance, equipment, plans, and specifications for licensed
10 establishments as they relate to the public health and safety. The examining board
11 may not promulgate a rule requiring the use of a tuberculocidal disinfectant by a
12 manager of, or a barber or cosmetologist in, an establishment licensed under this
13 section. The examining board may not license an establishment under this section
14 unless it meets the standards established by the examining board. A person
15 proposing to open an establishment in a new location shall apply to the examining
16 board for an inspection and approval of the establishment, submitting an exact
17 description and floor plan of the proposed location of the establishment on a form
18 provided by the department.

NOTE: Inserts commas for improved readability.

19 **SECTION 79.** The treatment of 709.02 (2) (intro.) of the statutes by 2011
20 Wisconsin Act 107 is not repealed by 2011 Wisconsin Act 203. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference
bureau, s. 709.02 (2) (intro.) reads:

(2) In regard to a transfer of a condominium unit, if the owner is required under
s. 709.01 to provide the information under sub. (1), the owner shall furnish, in addition

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to and at the same time as the information required under sub. (1), all the following information as an addendum to the report under s. 709.03 or 709.033:

1 **SECTION 80.** The treatment of 814.04 (intro.) of the statutes by 2011 Wisconsin
2 Act 118 is not repealed by 2011 Wisconsin Act 219. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 814.04 (intro.) reads:

814.04 Items of costs. Except as provided in ss. 93.20, 100.195 (5m) (b), 100.30 (5m), 106.50 (6) (i) and (6m) (a), 115.80 (9), 767.553 (4) (d), 769.313, 802.05, 814.245, 895.035 (4), 895.044, 895.443 (3), 895.444 (2), 895.445 (3), 895.446 (3), 895.506, 943.212 (2) (b), 943.245 (2) (d), 943.51 (2) (b), and 995.10 (3), when allowed costs shall be as follows:

3 **SECTION 81.** The treatment of 895.525 (2) of the statutes by 2011 Wisconsin Act
4 199 is not repealed by 2011 Wisconsin Act 208. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 895.525 (2) reads:

(2) DEFINITION. In this section, “recreational activity” means any activity undertaken for the purpose of exercise, relaxation or pleasure, including practice or instruction in any such activity. “Recreational activity” does not include participating in a snow sport at a ski area, as those terms are defined in s. 167.33, but includes hunting, fishing, trapping, camping, bowling, billiards, picnicking, exploring caves, nature study, dancing, bicycling, horseback riding, horseshoe-pitching, bird-watching, motorcycling, operating an all-terrain vehicle or utility terrain vehicle, ballooning, curling, throwing darts, hang gliding, hiking, sleigh riding, snowmobiling, skating, participation in water sports, weight and fitness training, sight-seeing, rock-climbing, cutting or removing wood, climbing observation towers, animal training, harvesting the products of nature, sport shooting, and participating in a snow sport outside a ski area, as those terms are defined in s. 167.33, and any other sport, game or educational activity.

5 **SECTION 82.** 911.01 (4) (c) of the statutes, as affected by 2011 Wisconsin Acts
6 38 and 257, is amended to read:

7 911.01 (4) (c) *Miscellaneous proceedings.* Proceedings for extradition or
8 rendition; sentencing, granting or revoking probation, modification of a bifurcated
9 sentence under s. 302.113 (9g), or adjustment of a bifurcated sentence under s.
10 973.195 (1r) or 973.198; issuance of subpoenas or warrants under s. 968.375, arrest
11 warrants, criminal summonses, and search warrants; hearings under s. 980.09 (2);
12 proceedings under s. 971.14 (1r) (c); proceedings with respect to pretrial release
13 under ch. 969 except where habeas corpus is utilized with respect to release on bail

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1 or as otherwise provided in ch. 969; or proceedings under s. 165.76 (6) to compel
2 provision of a biological specimen for deoxyribonucleic acid analysis.

NOTE: Inserts conjunction to correct list structure.

3 **SECTION 83.** The treatment of 938.33 (4) (c) of the statutes by 2011 Wisconsin
4 Act 181 is not repealed by 2011 Wisconsin Act 258. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 938.33 (4) (c) reads:

(c) Specific information showing that continued placement of the juvenile in his or her home would be contrary to the welfare of the juvenile, specific information showing that the county department or the agency primarily responsible for providing services to the juvenile has made reasonable efforts to prevent the removal of the juvenile from the home, while assuring that the juvenile's health and safety are the paramount concerns, unless any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies, and, if a permanency plan has previously been prepared for the juvenile, specific information showing that the county department or agency has made reasonable efforts to achieve the permanency goal of the juvenile's permanency plan, including, if appropriate, through an out-of-state placement.

5 **SECTION 84.** The treatment of 938.335 (3g) (c) of the statutes by 2011 Wisconsin
6 Act 181 is not repealed by 2011 Wisconsin Act 258. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 938.335 (3g) (c) reads:

(c) That, if a permanency plan has previously been prepared for the juvenile, the county department or agency has made reasonable efforts to achieve the permanency goal of the juvenile's permanency plan, including, if appropriate, through an out-of-state placement.

7 **SECTION 85.** The treatment of 938.355 (2) (b) 6. of the statutes by 2011
8 Wisconsin Act 181 is not repealed by 2011 Wisconsin Act 258. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 938.355 (2) (b) 6. reads:

6. If the juvenile is placed outside the home, a finding that continued placement of the juvenile in his or her home would be contrary to the welfare of the juvenile or, if the juvenile has been adjudicated delinquent and is placed outside the home under s. 938.34 (3) (a), (c), (cm), or (d) or (4d), a finding that the juvenile's current residence will not safeguard the welfare of the juvenile or the community due to the serious nature of the act for which the juvenile was adjudicated delinquent. The court order shall also contain a finding as to whether the county department or the agency primarily responsible for providing services under a court order has made reasonable efforts to prevent the removal of the juvenile from the home, while assuring that the juvenile's health and safety are the paramount concerns, unless the court finds that any of the circumstances under sub. (2d) (b) 1. to 4. applies, and, if a permanency plan has previously been prepared for the juvenile, a finding as to whether the county department or agency has made reasonable efforts to achieve the permanency goal of the juvenile's permanency plan, including, if

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appropriate, through an out-of-state placement. The court shall make the findings specified in this subdivision on a case-by-case basis based on circumstances specific to the juvenile and shall document or reference the specific information on which those findings are based in the court order. A court order that merely references this subdivision without documenting or referencing that specific information in the court order or an amended court order that retroactively corrects an earlier court order that does not comply with this subdivision is not sufficient to comply with this subdivision.

1 **SECTION 86.** The treatment of 938.365 (2m) (a) 1. of the statutes by 2011
2 Wisconsin Act 181 is not repealed by 2011 Wisconsin Act 258. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 938.365 (2m) (a) 1. reads:

1. Any party may present evidence relevant to the issue of extension. If the juvenile is placed outside of his or her home, the person or agency primarily responsible for providing services to the juvenile shall present as evidence specific information showing that the person or agency has made reasonable efforts to achieve the permanency goal of the juvenile's permanency plan, including, if appropriate, through an out-of-state placement. If an Indian juvenile is placed outside the home of his or her parent or Indian custodian under s. 938.13 (4), (6), (6m), or (7), the person or agency primarily responsible for providing services to the Indian juvenile shall also present as evidence specific information showing that active efforts under s. 938.028 (4) (d) 2. have been made to prevent the breakup of the Indian juvenile's family and that those efforts have proved unsuccessful.

3 **SECTION 87.** The treatment of 938.365 (2m) (a) 1m. of the statutes by 2011
4 Wisconsin Act 181 is not repealed by 2011 Wisconsin Act 258. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 938.365 (2m) (a) 1m. reads:

1m. The court shall make findings of fact and conclusions of law based on the evidence. The findings of fact shall include a finding as to whether reasonable efforts were made by the person or agency primarily responsible for providing services to the juvenile to achieve the permanency goal of the juvenile's permanency plan, including, if appropriate, through an out-of-state placement. If the juvenile is an Indian juvenile who is placed outside the home of his or her parent or Indian custodian under s. 938.13 (4), (6), (6m), or (7), the findings of fact shall also include a finding that active efforts under s. 938.028 (4) (d) 2. were made to prevent the breakup of the Indian juvenile's family and that those efforts have proved unsuccessful. An order shall be issued under s. 938.355.

5 **SECTION 88.** 938.38 (4m) (title) of the statutes, as affected by 2011 Wisconsin
6 Acts 181 and 258, is amended to read:

7 **938.38 (4m) (title)** REASONABLE EFFORTS NOT REQUIRED; PERMANENCY PLAN
8 DETERMINATION HEARING.

NOTE: 2011 Wis. Act 258 repealed and recreated all of s. 938.38 (4m), including the title as it previously existed. 2011 Wis. Act 181 amended the title to remove "plan." This section gives effect to the Act 181 treatment.

SENATE BILL 426**SECTION 89**

1 **SECTION 89.** The treatment of 938.38 (5) (c) 7. of the statutes by 2011 Wisconsin
2 Act 181 is not repealed by 2011 Wisconsin Act 258. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 938.38 (5) (c) 7. reads:

7. Whether reasonable efforts were made by the agency to achieve the permanency goal of the permanency plan, including, if appropriate, through an out-of-state placement.

3 **SECTION 90.** The treatment of 939.74 (2d) (c) of the statutes by 2011 Wisconsin
4 Act 271 is not repealed by 2011 Wisconsin Act 282. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 939.74 (2d) (c) reads:

(c) If, before the applicable time limitation under sub. (1) or (2) (am), (c), or (cm) for commencing prosecution of a felony under ch. 940 or 948, other than a felony specified in sub. (2) (a), expires, the state collects biological material that is evidence of the identity of the person who committed the felony, identifies a deoxyribonucleic acid profile from the biological material, and compares the deoxyribonucleic acid profile to deoxyribonucleic acid profiles of known persons, the state may commence prosecution of the person who is the source of the biological material for the felony or a crime that is related to the felony or both within 12 months after comparison of the deoxyribonucleic acid profile relating to the felony results in a probable identification of the person or within the applicable time under sub. (1) or (2), whichever is latest.

5 **SECTION 91.** 949.05 (1) of the statutes is renumbered 949.05.

NOTE: Section 949.05 does not have multiple subsections.

6 **SECTION 92.** 973.017 (8) (c) (title) of the statutes is created to read:

7 973.017 (8) (c) (title) *Distribution or delivery of methamphetamine on public*
8 *transit vehicles.*

NOTE: The remainder of the paragraphs in s. 973.017 (8) have titles.

9 **SECTION 93.** 2011 Wisconsin Act 46, section 1, is amended by replacing “15.155
10 (5) of the statutes, as affected by 2011 Wisconsin Act 32, is amended to read: 15.155
11 (5)” with “15.105 (33) of the statutes, as affected by 2011 Wisconsin Act 32, is
12 amended to read: 15.105 (33)”.

NOTE: There is no s.15.155 (5), as affected by 2011 Wis. Act 32. 2011 Wis. Act 32 renumbered s. 15.155 (5) to be s. 15.105 (33).

13 **SECTION 94.** 2011 Wisconsin Act 47, section 4, is amended by replacing “Central
14 States, or Wisconsin Evangelical” with “Central States, Wisconsin Evangelical”.

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NOTE: "Or" shown as stricken was not pre-existing text.

1 **SECTION 95.** 2011 Wisconsin Act 75, section 38, is amended by replacing "(2)
2 (e) who" with "(2) (c), who".

NOTE: A pre-existing comma was removed without being shown as stricken. The change was intended.

3 **SECTION 96.** 2011 Wisconsin Act 75, section 49, is amended by replacing "shall
4 also" with "~~also~~ shall also".

NOTE: The word "also" preceding "shall" was deleted without being shown as stricken, and the word "also" following "shall" was inserted without being shown as underscored. The changes were intended.

5 **SECTION 97.** 2011 Wisconsin Act 75, section 50, is amended by replacing
6 "absentee a military" with "~~absent~~ a military".

NOTE: Stricken text was shown incorrectly.

7 **SECTION 98.** 2011 Wisconsin Act 75, section 52, is amended by replacing "home,
8 facility, or complex" with "home, ~~facility,~~ or complex".

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

9 **SECTION 99.** 2011 Wisconsin Act 75, section 56, is amended by replacing "7.10
10 (3) (a) of the statutes, as affected by 2011 Wisconsin Act 45, is amended to read:" with
11 "7.10 (3) (a) of the statutes is amended to read:".

NOTE: The text of section 7.10 (3) (a) treated by 2011 Wis. Act 75, section 56, did not reflect the treatment of the provision by 2011 Wis. Act 45.

12 **SECTION 100.** 2011 Wisconsin Act 75, section 76, is amended by replacing "~~or~~
13 ~~state office~~" with "~~or state office,~~" and by replacing "special primary;" with "special
14 primary".

NOTE: A pre-existing comma was removed without being shown as stricken. The change was intended. A comma was shown as stricken that was not pre-existing. No change was intended.

15 **SECTION 101.** 2011 Wisconsin Act 91, section 23, is amended by replacing
16 "218.0133 (2) (b) 1. b. 218.0133 (2) (b) 1. b." with "218.0133 (2) (b) 1. b.".

NOTE: Deletes repeated citation.

SENATE BILL 426**SECTION 102**

1 **SECTION 102.** 2011 Wisconsin Act 91, section 33, is amended by replacing
2 “218.0133 (5) (a) 2. 218.0133 (5) (a) 2.” with “218.0133 (5) (a) 2.”.

NOTE: Deletes repeated citation.

3 **SECTION 103.** 2011 Wisconsin Act 114, section 1e, is amended by replacing “4th
4 Monday in February the” with “4th Monday in February, the”.

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

5 **SECTION 104.** 2011 Wisconsin Act 115, section 14, is amended by replacing
6 “accordingly. Upon” with “accordingly. Upon”.

NOTE: “Upon” was preexisting and should not have been underscored.

7 **SECTION 105.** 2011 Wisconsin Act 118, section 127, is amended by replacing
8 “(a), or” with “(a) or”.

NOTE: The stricken comma did not exist in preexisting text. No change was intended.

9 **SECTION 106.** 2011 Wisconsin Act 181, section 9, is amended by replacing
10 “order, . A court” with “order. A court”.

NOTE: A comma that did not exist was shown as stricken. No change was intended.

11 **SECTION 107.** 2011 Wisconsin Act 199, section 4, is amended by replacing “a lift”
12 with “a ski lift”.

NOTE: “Ski” was deleted without being shown as stricken. The change was intended.

13 **SECTION 108.** 2011 Wisconsin Act 216, section 33, is amended by replacing
14 “committee. No one” with “committee. No one”.

NOTE: A previously existing comma was underscored. No change was intended.

15 **SECTION 109.** 2011 Wisconsin Act 227, section 5, is amended by replacing “6.869
16 of the statutes, as affected by 2011 Wisconsin Act 23, is amended” with “6.869 of the
17 statutes, as affected by 2011 Wisconsin Act 75, is amended”.

NOTE: Act 227, section 5, reflects the treatment of s. 6.869 by 2011 Wis. Act 75, which reflected the treatment by Act 23. See also SECTION 96 of this bill.

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1 **SECTION 110.** 2011 Wisconsin Act 257, section 40, is amended by replacing
2 “401.24 of the statutes” with “401.24 (intro.) of the statutes”.

NOTE: Only the section (intro.) was affected.

3 **SECTION 111.** 2011 Wisconsin Act 265, section 2, is amended by replacing
4 “340.01 (2g),” with “340.01 (2g)”.

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

5 **SECTION 112.** 2011 Wisconsin Act 266, section 5d, is amended by replacing
6 “813.12 (8) of the statutes” with “813.12 (8) (a) of the statutes”.

NOTE: Only s. 813.12 (8) (a) was affected.

7 **SECTION 113.** 2011 Wisconsin Act 271, section 6, is amended by replacing
8 “possesses, or” with “possesses, or”.

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

9 **SECTION 114. Renumbering and cross-reference changes under s. 13.92**
10 **(1) (bm) 2., stats.** Each statute listed in column A was renumbered to the statute
11 number in column B, and cross-references to the renumbered statute were changed
12 in the statutes listed in column C to agree with the renumbered statute, under
13 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
20.370 (5) (fv), as created by 2011 Wis. Act 148	20.370 (5) (fw)	23.09 (23) (c) and (d)

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23.33 (1) (nc), (nd), and (nh), as created by 2011 Wis. Act 208	23.33 (1) (ni), (nk), and (nm)	none
29.563 (4) (a) 3., as created by 2011 Wis. Act 168	29.563 (4) (a) 3m.	none
50.01 (1d), 2009 stats.	50.01 (6d)	16.009 (1) (em) 7., 45.51 (14), 46.27 (11) (c) 5m. c. and 7., 46.277 (5) (d) 1m. c. and (e), 46.28 (1) (e) 9. d., 46.284 (2) (c), 49.45 (2) (a) 23., 50.034 (5), 101.123 (1) (ab), 146.38 (1) (b) 2., 893.555 (1) (a) 2., and 943.13 (1e) (cm)
66.0602 (3) (L), as created by 2011 Wis. Act 145	66.0602 (3) (Lm)	none
66.1105 (6) (am) 2. e., as created by 2011 Wis. Act 139	66.1105 (6) (am) 2. em.	none

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71.10 (5k), as created by 2011 Wis. Act 76	71.10 (5km)	20.255 (3) (ge), 20.566 (1) (hp)
102.29 (1) (a) (intro.), as affected by 2011 Wis. Act 183, section 8	102.29 (1) (a)	none
108.065 (2) (a) 1., as affected by 2011 Wis. Act 198, section 20	108.065 (2) (a)	none
348.25 (8) (b) 4., as created by 2011 Wis. Act 56	348.25 (8) (b) 4m.	348.25 (8) (b) 3. (intro.), (d), as affected by 2011 Wis. Act 56
348.29, as created by 2011 Wis. Act 56	348.295	348.27 (18) (b), as created by 2011 Wis. Act 56
454.21 (a) and (b), as created by 2011 Wis. Act 190	454.21 (1) and (2)	none
454.22 (1) (g) and (h) [second pars. (g) and (h)], as created by 2011 Wis. Act 190	454.22 (1) (i) and (j)	none

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628.02 (1) (b) 9., as created by 2011 Wis. Act 226	628.02 (1) (b) 9m.	none
943.13 (1e) (f)	943.13 (1e) (cr)	none
943.13 (1e) (g), as created by 2011 Wis. Act 35	943.13 (1e) (cv)	none

1 **SECTION 115. Corrections of obvious typographical errors under s.**
2 **35.17, stats.** In the sections of the statutes listed in Column A, the text shown in
3 Column B was changed to the text shown in column C to correct obvious
4 typographical errors under s. 35.17 of the statutes:

NOTE: Confirms correction of obvious typographical errors in the statutes under
s. 35.17.

A Statute Affected	B Erroneous text	C Corrected text
23.09 (23) (c), as created by 2011 Wis. Act 148	under 20.370	under s. 20.370
29.185 (3) (bn) 3., as created by 2011 Wis. Act 169	applies for license	applies for a license
29.185 (3) (c), as created by 2011 Wis. Act 169	A applicant	An applicant
29.185 (3) (c), as created by 2011 Wis. Act 169	she serving	she is serving

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29.185 (5) (c), as created by 2011 Wis. Act 169	wolves, if	wolves if
29.888 (1m), as created by 2011 Wis. Act 169	period time	period of time
29.888 (4), as created by 2011 Wis. Act 169	sub (3)	sub. (3)
30.208 (3) (e), as affected by 2011 Wis. Act 167	ended or if no	ended or, if no
43.24 (1) (a) 1., 2009 stats.	s. 20.255 (3) (e), 2007 stats., and (qm)	s. 20.255 (3) (e), 2007 stats., and s. 20.255 (3) (qm)
48.48 (17) (c) 3., 2009 stats.	46.495 (1) (d)	s. 46.495 (1) (d)
48.979 (2) (form), as created by 2011 Wis. Act 87	<i>names above</i> (in 2 places)	<i>named above</i> (in 2 places)
59.255 (2) (d), as created by 2011 Wis. Act 62	the the	the
59.69 (10) (e) 1., as affected by 2011 Wis. Act 170	par. (am) but	par. (am), but
60.553 (2), as created by 2011 Wis. Act 32	(11) 891.45	(11), 891.45

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71.26 (2) (a) 10., as created by 2011 Wis. Act 3	under 71.05	under s. 71.05
76.05 (2), as affected by 2011 Wis. Act 68	department thereunder,.	department thereunder.
93.23 (1) (e), as affected by 2011 Wis. Act 129	beverage, as	beverages, as
108.05 (3) (c) 1., as created by 2011 Wis. Act 198	claimant performs works	claimant performs work
108.225 (1) (b), as affected by 2011 Wis. Acts 198 and 236	(1m) a liability	(1m), a liability
134.405 (1) (j), as created by 2011 Wis. Act 194	person in engaged in	person engaged in
167.33 (3) (e) 9., as created by 2011 Wis. Act 199	the the	the
227.19 (3) (intro.), as affected by 2011 Wisconsin Act 46	under 227.137 (4)	under s. 227.137 (4)
302.45 (1), 2009 stats.	302.12; 302.43;	302.12, 302.43,

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322.056 (5), 2009 stats.	ss. 322.018, to 322.020	ss. 322.018 to 322.020
348.25 (4) (intro.), as affected by 2011 Wis. Act 243	(18) permits	(18), permits
616.56 (12), as created by 2011 Wis. Act 226	all of following	all of the following
632.975 (9) (e), as created by 2011 Wis. Act 225	electronics means	electronic means
709.033 (form) Line C. 18., as created by 2011 Wis. Act 107	conservation an easement	conservation easement
938.34 (3) (f) 4., as created by 2011 Wis. Act 32	par. (6r)	sub. (6r)
939.32 (1m) (a) 1., 2009 stats.	nor 961.48	nor s. 961.48
939.617 (2) (a), as created by 2011 Wis. Act 272	victim of violation	victim of the violation
973.057 (3), as created by 2011 Wis. Act 266	20.410 (gL)	20.410 (1) (gL)