

# State of Wisconsin



2015 Assembly Bill 688

Date of enactment: **February 29, 2016**

Date of publication\*: **March 1, 2016**

## 2015 WISCONSIN ACT 197

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

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

**SECTION 1.** 54.52 (1) of the statutes is amended to read:

54.52 (1) A person may at any time bring a petition for the appointment of a standby guardian of the person or estate of an individual who is determined under s. 54.10 to be incompetent, a minor, or a spendthrift, except that, as specified in s. ~~48.97~~ 48.978 a petition for the appointment of a standby guardian of the person or property or both of a minor to assume the duty and authority of guardianship on the incapacity, death, or debilitation and consent, of the minor's parent may be brought under s. 48.978.

NOTE: Inserts correct cross-reference. Section 48.97 relates to adoption orders of other jurisdictions. Section 48.978 provides for the appointment or designation of a standby guardian of a child.

**SECTION 2.** 71.10 (5) (b) 3. of the statutes is amended to read:

71.10 (5) (b) 3. 'Designation deducted from refund.' Except as provided under par. (d), if the individual is owed a refund for that year after crediting under ss. 71.75 (9) and 71.80 (3), the department of revenue shall deduct the amount designated on the return for the endangered resources program from the amount of the refund.

NOTE: Inserts comma to conform punctuation with all other subdivisions in ch. 71 titled "Designation deducted from

refund." "Of revenue" is removed as unnecessary. For purposes of chapter 71, "department" is defined as the department of revenue.

**SECTION 3.** 103.05 (6) of the statutes is repealed.

NOTE: Deletes an obsolete provision. Section 103.05 (6) provides for the publication of a notice if certain action was taken before January 1, 1998, and has no current effect.

**SECTION 4.** 106.04 (1) (intro.) and (d) of the statutes are consolidated, renumbered 106.04 (1) and amended to read:

106.04 (1) ~~DEFINITIONS~~ DEFINITION. In this section: (d) "Project", "project" means a project of public works that is subject to s. 103.49 or 103.50 in which work is performed by employees employed in trades that are apprenticeable under this subchapter.

NOTE: Section 106.04 (1) contains one definition and does not require subdivision.

**SECTION 5.** 108.062 (19) of the statutes is amended to read:

108.062 (19) SECRETARY MAY WAIVE COMPLIANCE. The secretary may waive compliance with any requirement under this section if the secretary determines that waiver of the requirement is necessary to permit continued certification of this chapter for grants to this state under Title III of the federal Social Security Act, for maximum credit allowances to employers under the federal Employment Unemployment Tax Act, or for this state to qualify for full federal financial participation in the cost of administration of this section and financing of benefits

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

to employees participating in work-share programs under this section.

NOTE: Inserts correct name of federal act consistent with the term used in the remainder of ch. 108. There is no federal Employment Tax Act.

**SECTION 6.** 165.70 (1) (b) of the statutes is amended to read:

165.70 (1) (b) Except as provided in sub. (1m), enforce chs. 945 and 961 and ss. 940.20 (3), 940.201, 941.25 to ~~941.27, 941.26~~, 943.01 (2) (c), 943.011, 943.27, 943.28, 943.30, 944.30 (1m), 944.31, 944.32, 944.33, 944.34, 946.65, 947.02 (3) and (4), 948.075, and 948.08.

NOTE: Corrects cross-reference to reflect the renumbering of s. 941.27 by this bill.

**SECTION 7.** 175.49 (1) (h) of the statutes is amended to read:

175.49 (1) (h) "Machine gun" has the meaning given in s. ~~941.27~~ 941.25 (1).

NOTE: Amends cross-reference to reflect the renumbering of s. 941.27 by this bill.

**SECTION 8.** 175.60 (1) (bm) of the statutes is amended to read:

175.60 (1) (bm) "Handgun" means any weapon designed or redesigned, or made or remade, and intended to be fired while held in one hand and to use the energy of an explosive to expel a projectile through a smooth or rifled bore. "Handgun" does not include a machine gun, as defined in s. ~~941.27~~ 941.25 (1), a short-barreled rifle, as defined in s. 941.28 (1) (b), or a short-barreled shotgun, as defined in s. 941.28 (1) (c).

NOTE: Amends cross-reference to reflect the renumbering of s. 941.27 by this bill.

**SECTION 9.** 238.05 of the statutes is repealed.

NOTE: Deletes an obsolete transition provision requiring the former Department of Commerce to cooperate with the Wisconsin Economic Development Corporation.

**SECTION 10.** 343.165 (1) (intro.), (4) (a), (5) and (7) (a) 2. and (b) of the statutes are amended to read:

343.165 (1) (intro.) Subject to ss. 343.14 (3m) and 343.50 (4g), the department may not complete the processing of an application for initial issuance or renewal of an operator's license or identification card received by the department after ~~the date stated in the notice provided by the secretary of transportation and published in the Wisconsin Administrative Register under s. 85.515 (2) (b) January 1, 2013~~, and no such license or identification card may be issued or renewed, unless the applicant presents or provides, and, subject to sub. (7), the department verifies under sub. (3), all of the following information:

(4) (a) Subsection (1) does not apply to an application for renewal of an operator's license or identification card received by the department after ~~the date stated in the notice provided by the secretary of transportation and published in the Wisconsin Administrative Register under s. 85.515 (2) (b) January 1, 2013~~, if in connection with a prior application after ~~the date stated in the notice provided by the secretary of transportation and published~~

~~in the Wisconsin Administrative Register under s. 85.515 (2) (b) January 1, 2013~~, the applicant previously presented or provided, and the department verified under sub. (3) or (7), the information specified in sub. (1) and, if verified under sub. (3), the department recorded the date on which the verification procedures were completed as described in sub. (2) (b).

(5) The department may, by rule, require that applications for reinstatement of operator's licenses or identification cards, issuance of occupational licenses, reissuance of operator's licenses, or issuance of duplicate operator's licenses or identification cards, received by the department after ~~the date stated in the notice provided by the secretary of transportation and published in the Wisconsin Administrative Register under s. 85.515 (2) (b) January 1, 2013~~, be processed in a manner consistent with the requirements established under this section for applications for initial issuance or renewal of operator's licenses and identification cards.

(7) (a) 2. The operator's license or identification card is processed and issued or renewed in compliance with applicable department practices and procedures that were in effect immediately prior to ~~the date stated in the notice provided by the secretary of transportation and published in the Wisconsin Administrative Register under s. 85.515 (2) (b) January 1, 2013~~.

(b) In addition to other instances of original issuance or renewal, this subsection specifically applies to renewals occurring after ~~the date stated in the notice provided by the secretary of transportation and published in the Wisconsin Administrative Register under s. 85.515 (2) (b) January 1, 2013~~, of operator's licenses or identification cards originally issued prior to ~~the date stated in the notice provided by the secretary of transportation and published in the Wisconsin Administrative Register under s. 85.515 (2) (b) January 1, 2013~~.

NOTE: The secretary of transportation published in Register Nov. 30, 2012, No. 683, the notice under s. 85.515 (2) (b) stating January 1, 2013, as the date referred to in s. 343.165.

**SECTION 11.** 448.51 (2) (a) of the statutes is repealed.

NOTE: Repeals a definition of "advertisement" applicable to s. 448.51 (2). "Advertisement" is not contained in s. 448.51 (2).

**SECTION 12.** 448.51 (2) (b) of the statutes is renumbered 448.51 (2).

NOTE: With the repeal of s. 448.51 (2) (a) by this bill, s. 448.51 (2) does not have multiple paragraphs.

**SECTION 13.** 450.115 (3) (b) of the statutes, as created by **2013 Wisconsin Act 198**, is amended to read:

450.115 (3) (b) A personal representative or a trustee may grant written authorization to an adult beneficiary, as defined in s. ~~701.20 (2) (b)~~ 701.1102 (1m), of the estate or trust for the disposal of a prescription drug that belongs to the estate or trust.

NOTE: Inserts correct cross-reference. Section 701.20 (2) (b) was renumbered to s. 701.1102 (1m) by **2013 Wis. Act 92**.

**SECTION 14.** 938.357 (2m) (bv) (title) of the statutes is created to read:

938.357 (2m) (bv) (title) *Juvenile placed in extended out-of-homecare.*

NOTE: The other paragraphs in s. 938.357 (2m) have titles.

**SECTION 15.** 941.21 of the statutes is amended to read:

**941.21 Disarming a peace officer.** Whoever intentionally disarms a peace officer who is acting in his or her official capacity by taking a dangerous weapon or a device or container described under s. 941.26 (1) (1g) (b) or (4) (a) from the officer without his or her consent is guilty of a Class H felony. This section applies to any dangerous weapon or any device or container described under s. 941.26 (1) (1g) (b) or (4) (a) that the officer is carrying or that is in an area within the officer's immediate presence.

NOTE: Amends cross-reference to reflect the renumbering of s. 941.26 (1) by this bill.

**SECTION 16.** 941.23 (1) (f) of the statutes is amended to read:

941.23 (1) (f) "Machine gun" has the meaning given in s. ~~941.27~~ 941.25 (1).

NOTE: Amends cross-reference to reflect the renumbering of s. 941.27 (1) by this bill.

**SECTION 17.** 941.25 of the statutes is renumbered 941.25 (2) and amended to read:

941.25 (2) Every manufacturer shall keep a register of all machine guns manufactured or handled by him or her. This register shall show the model and serial number, date of manufacture, sale, loan, gift, delivery, or receipt, of every machine gun, the name, address, and occupation of the person to whom the machine gun was sold, loaned, given, or delivered, or from whom it was received; and the purpose for which it was acquired by the person to whom the machine gun was sold, loaned, given, or delivered, or from whom received. Upon demand every manufacturer shall permit any marshal, sheriff, or police officer to inspect his or her entire stock of machine guns, parts, and supplies therefor, and shall produce the register required under this ~~section~~ subsection for inspection. Whoever violates any provision of this ~~section~~ subsection is subject to a Class B forfeiture.

NOTE: Accommodates the renumbering of s. 941.27 (1) to s. 941.25 (1) by this bill.

**SECTION 18.** 941.26 (1) of the statutes is renumbered 941.26 (1g).

NOTE: Accommodates the creation of s. 941.26 (1c) by this bill.

**SECTION 19.** 941.26 (1c) of the statutes is created to read:

941.26 (1c) In this section, "machine gun" has the meaning given in s. 941.25 (1).

NOTE: The definition of machine gun applicable to this section is renumbered from s. 941.27 to s. 941.25 (1). This section creates a specific cross-reference to that definition consistent with current style.

**SECTION 20.** 941.26 (2) (a) of the statutes is amended to read:

941.26 (2) (a) Any person violating sub. (1) (1g) (a) is guilty of a Class H felony.

NOTE: Amends cross-reference to reflect the renumbering of s. 941.26 (1) by this bill.

**SECTION 21.** 941.26 (2) (c) of the statutes is amended to read:

941.26 (2) (c) Except as provided in par. (d), any person who violates sub. (1) (1g) (b) regarding the possession, noncommercial transportation or use of the bomb, grenade, projectile, shell, or container under sub. (1) (1g) (b) is guilty of a Class A misdemeanor.

NOTE: Amends cross-reference to reflect the renumbering of s. 941.26 (1) by this bill.

**SECTION 22.** 941.26 (2) (d) of the statutes is amended to read:

941.26 (2) (d) Any person who violates sub. (1) (1g) (b) regarding the possession, noncommercial transportation or use of the bomb, grenade, projectile, shell, or container under sub. (1) (1g) (b) in self-defense or defense of another, as allowed under s. 939.48, is subject to a Class D forfeiture.

NOTE: Amends cross-reference to reflect the renumbering of s. 941.26 (1) by this bill.

**SECTION 23.** 941.26 (2) (e) of the statutes is amended to read:

941.26 (2) (e) Any person who violates sub. (1) (1g) (b) regarding the sale or commercial transportation of the bomb, grenade, projectile, shell, or container under sub. (1) (1g) (b) is guilty of a Class H felony.

NOTE: Amends cross-reference to reflect the renumbering of s. 941.26 (1) by this bill.

**SECTION 24.** 941.26 (2) (f) of the statutes is amended to read:

941.26 (2) (f) Any person who violates sub. (1) (1g) (b) regarding the use of the bomb, grenade, projectile, shell or container under sub. (1) (1g) (b) to cause bodily harm or bodily discomfort to a person who the actor knows, or has reason to know, is a peace officer who is acting in an official capacity is guilty of a Class H felony.

NOTE: Amends cross-reference to reflect the renumbering of s. 941.26 (1) by this bill.

**SECTION 25.** 941.26 (2) (g) of the statutes is amended to read:

941.26 (2) (g) Any person who violates sub. (1) (1g) (b) regarding the use of the bomb, grenade, projectile, shell or container under sub. (1) (1g) (b) during his or her commission of another crime to cause bodily harm or bodily discomfort to another or who threatens to use the bomb, grenade, projectile, shell, or container during his or her commission of another crime to incapacitate another person is guilty of a Class H felony.

NOTE: Amends cross-reference to reflect the renumbering of s. 941.26 (1) by this bill.

**SECTION 26.** 941.26 (3) of the statutes is amended to read:

941.26 (3) This section does not apply to the sale, possession, modification, use or transportation of any weapons or containers under sub. (4) (1g) or (1m) to or by any armed forces or national guard personnel in the line of duty, any civil enforcement officer of the state or of any city or county. This section does not apply to the sale, possession, modification, use, or transportation of weapons under sub. (4) (1g) (a) or (1m) to or by any person duly authorized by the chief of police of any city or the sheriff of any county. This section does not apply to the restoration of any weapon under sub. (4) (1g) (a) or (1m) by a person having a license to collect firearms as curios or relics issued by the U.S. department of the treasury. The restriction on transportation contained in this section does not apply to common carriers.

NOTE: Amends cross-reference to reflect the renumbering of s. 941.26 (1) by this bill.

**SECTION 27.** 941.26 (4) (a) of the statutes is amended to read:

941.26 (4) (a) Subsections (4) (1g) to (3) do not apply to any device or container that contains a combination of oleoresin of capsicum and inert ingredients but does not contain any other gas or substance that will cause bodily discomfort.

NOTE: Amends cross-reference to reflect the renumbering of s. 941.26 (1) by this bill.

**SECTION 28.** 941.26 (5) of the statutes is created to read:

941.26 (5) This section does not prohibit or interfere with the manufacture for, and sale of, machine guns to the military forces or the peace officers of the United States or of any political subdivision thereof, or the transportation required for that purpose; the possession of a machine gun for scientific purpose, or the possession of a machine gun not usable as a weapon and possessed as a curiosity, ornament, or keepsake; or the possession of a machine gun other than one adapted to use pistol cartridges for a purpose manifestly not aggressive or offensive.

NOTE: This provision recreates the language of s. 941.27 (2), which was applicable to s. 941.25 and 941.26, except to make it applicable only to s. 941.26 and to replace "shall not" with "does not" in the first sentence, consistent with current style. Section 941.27 (2) is renumbered s. 941.25 (3) and amended so as to be applicable only to s. 941.25. See SECTION 31 of this bill.

**SECTION 29.** 941.27 (title) of the statutes is repealed.

NOTE: The remainder of s. 941.27 is renumbered to s. 941.25 (1) and (3).

**SECTION 30.** 941.27 (1) of the statutes is renumbered 941.25 (1), and 941.25 (1) (intro.), as renumbered, is amended to read:

941.25 (1) **DEFINITION.** (intro.) In ss. 941.25 and 941.26 this section, "machine gun" means any of the following:

NOTE: Renumbers a provision for more logical placement and consistency with current style. Section 941.27 (1) contains a definition applicable to ss. 941.25 and 941.26. This bill makes the definition a part of each of ss. 941.25 and

941.26, removing the need for a separate provision in s. 941.27. Section 941.25 does not contain subsection titles. See also SECTION 19 of this bill.

**SECTION 31.** 941.27 (2) of the statutes is renumbered 941.25 (3) and amended to read:

941.25 (3) **EXCEPTIONS.** Sections 941.25 and 941.26 shall This section does not prohibit or interfere with the manufacture for, and sale of, machine guns to the military forces or the peace officers of the United States or of any political subdivision thereof, or the transportation required for that purpose; the possession of a machine gun for scientific purpose, or the possession of a machine gun not usable as a weapon and possessed as a curiosity, ornament, or keepsake; or the possession of a machine gun other than one adapted to use pistol cartridges for a purpose manifestly not aggressive or offensive.

NOTE: Renumbers provision for more logical placement and consistency with current style. Section 941.27 (2) provides exceptions to ss. 941.25 and 941.26. This bill makes the exceptions a part of each of ss. 941.25 and 941.26, removing the need for a separate provision in s. 941.27. This provision also replaces "shall not" with "does not" in the first sentence, consistent with current style. Section 941.25 does not contain subsection titles. Identical language is recreated in s. 941.26. See also SECTION 28 of this bill.

**SECTION 32.** The treatment of NR 146.01 of the administrative code by CR 13-096 is not repealed by CR 13-099. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, as required under s. 13.92 (4) (bm), s. NR 146.01 reads:

**NR 146.01 Purpose and applicability. (1) PURPOSE.** This chapter is promulgated under chs. 280 and 281, Stats. The purpose of this chapter is to establish the criteria by which the department administers the water well driller, heat exchange driller, and pump installer licensing and registration program and water well and heat exchange drilling rig operator registration program required by ch. 280, Stats., and the licensing requirements for: filling and sealing potable and nonpotable water supply wells; and locating or evaluating wells that need to be filled and sealed, and locating or evaluating water supply wells and pressure systems at time of property transfer.

(2) **APPLICABILITY.** This chapter applies to any individual or person engaging in, or intending to engage in the business of water well drilling, heat exchange drilling, pump installing, filling and sealing of potable and nonpotable water supply wells, and locating or evaluating wells or drillholes that need to be filled and sealed, or locating or evaluating water supply wells and pressure systems at time of property transfer in the state of Wisconsin. The license requirements of this chapter do not apply to water well drilling or pump installing activities involving a well supplying water which is not used for, or is not intended to be used for, human consumption or for the washing or preparation of food or pharmaceutical products.

**SECTION 33.** The treatment of NR 146.02 (3) of the administrative code by CR 13-096 is not repealed by CR 13-099. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, as required under s. 13.92 (4) (bm), s. NR 146.02 (3) reads:

(3) "Direct supervision" means actual physical presence and supervision by a Wisconsin licensed individual water well

driller during all water well drilling activities, by a Wisconsin licensed individual heat exchange driller during all heat exchange drilling activities, or by a Wisconsin licensed individual pump installer during all pump installing activities.

**SECTION 34.** The treatment of NR 146.02 (7m) of the administrative code by CR 13-096 is not repealed by CR 13-099, section 14. Both treatments stand.

NOTE: Section NR 146.02 (7m), as created by CR 13-096, and 146.02 (7g), as created by CR 13-099, section 14, are substantively identical except for the inclusion of "heat exchange drilling" in CR 13-096. There is no conflicting language or punctuation in the 2 provisions. Section NR 146.02 (7m), as created by CR 13-096, was renumbered s. NR 146.02 (7g) by the legislative reference bureau under s. 13.92 (4) (b) 7. and the two provisions were merged under s. 13.92 (4) (bm). As merged by the legislative reference bureau, s. NR 146.02 (7g) reads:

(7g) "Under the supervision" means employed by a licensed individual or by a registered person, employing or contracting with a licensed supervisory individual, who is legally and financially responsible for compliance with all applicable laws and rules and any plans, specifications, variances and approvals approved by the department, and who has advance and specific knowledge of water well drilling, heat exchange drilling, pump installing, or well filling and sealing activities.

**SECTION 35.** The treatments of NR 146.03 (1) and (3) of the administrative code by CR 13-096 are not repealed by CR 13-099. All treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, as required under s. 13.92 (4) (bm), s. NR 146.03 (1) and (3) read:

(1) REQUIRED. No individual or person may engage in the business of water well drilling, heat exchange drilling, pump installing or filling and sealing, or property transfer well inspections, or hold himself, herself or itself out as or act temporarily or otherwise as a water well driller, heat exchange driller, or pump installer or well or drillhole filler and sealer, or property transfer well inspector in the state of Wisconsin without first obtaining either a water well driller, heat exchange driller, or pump installer license or a water well driller, heat exchange driller, or pump installer registration from the department.

(3) PERFORMANCE STANDARDS. All water well drilling, heat exchange drilling, pump installing, filling and sealing and property transfer well inspections shall comply with the applicable laws and rules and with any plans, specifications, variances, and approvals approved by the department.

**SECTION 36.** The treatments of NR 146.04 (1) (a) and (d) of the administrative code by CR 13-096 are not repealed by CR 13-099. All treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, as required under s. 13.92 (4) (bm), s. NR 146.04 (1) (a) and (d) read:

(a) All new license and registration applications shall be submitted on forms specified by the department for this purpose. An applicant for a water well drilling rig operator registration shall be at least 18 years old. An applicant for an individual water well driller license shall be at least 20 years old. An applicant for a heat exchange drilling rig operator registration shall be at least 18 years old. An applicant for an individual heat exchange driller license shall be at least 20 years old.

(d) The license or registration shall be effective on the date the license or registration is issued by the department and expires on December 31 of each year. Licensees and registrants shall inform the department no later than 15 business days after any changes in the information on the application

submitted to the department, including any change in status or ability of the licensed supervisory individual water well driller, licensed individual supervisory heat exchange driller or licensed supervisory individual pump installer to perform their supervisory responsibilities.

**SECTION 37.** The treatment of NR 146.05 (1) of the administrative code by CR 13-096 is not repealed by CR 13-099. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, as required under s. 13.92 (4) (bm), s. NR 146.05 (1) reads:

(1) The department may condition a license, registration, or renewal issued under this chapter based on the experience, qualifications, equipment and compliance history of the applicant or of the licensed supervisory individual or of the licensed individual supervisory driller. Conditions which may be imposed by the department include restriction of water well drilling or heat exchange drilling to specific methods, equipment, or geologic formations, or advance notification to the department of drilling, pump installing, well filling and sealing or property transfer well inspection activities.

**SECTION 38.** The treatments of NR 146.07 (1) (a), (b) and (h) and (3) of the administrative code by CR 13-096 are not repealed by CR 13-099. All treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, as required under s. 13.92 (4) (bm), s. NR 146.07 (1) (a), (b), and (h), and (3) read:

(a) To renew a license or registration, the licensee or registrant shall submit a true and complete renewal application to the department on or before January 1 of each year. The department may require that proof of compliance with continuing education credit requirements under sub. (3) be submitted with the renewal application.

(b) Renewal applications shall be submitted on forms specified by the department and accompanied by an application fee of \$50 for each water well driller or heat exchange driller license or registration; \$25 for each pump installer license or registration and \$25 for each water well or heat exchange drilling rig operator registration. Only one \$50 fee is required if the same licensee holds both a water well driller or heat exchange driller license. Only one \$50 fee is required if the same registrant holds both a water well driller or heat exchange driller registration. Only one \$25 fee is required if the same registrant holds both a water well drilling rig operator registration and a heat exchange drilling rig operator registration.

(h) The renewal application for a business registration shall be signed by both the licensed supervisory individual driller and the owner of the drilling business.

(3) CONTINUING EDUCATION. Each calendar year, licensed and registered individuals are required to earn six continuing education hours by attending continuing education sessions sponsored or sanctioned by the department. Continuing education hours shall be earned between January 1 and December 31 of each year beginning January 1, 1989 for water well drillers and pump installers, and beginning January 1, 2009 for registered water well drilling rig operators and beginning January 1, 2016, for licensed heat exchange drillers and registered heat exchange drilling rig operators. Continuing education hours are not required during the first calendar year in which an individual becomes licensed or registered for the first time, except that registered water well drilling rig operators or registered heat exchange drilling rig operators shall earn continuing education hours during the year in which they are first licensed or registered if they include their first year as a drilling rig operator toward their experience to obtain the applicable drilling license.

**SECTION 39.** The treatments of NR 146.08 (intro.), (1), (3), (4), (5), (6) and (7) of the administrative code by CR 13-096 are not repealed by CR 13-099. All treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, as required under s. 13.92 (4) (bm), s. NR 146.08 (intro.), (1), (3), (4), (5), (6), and (7) read:

**NR 146.08 Licensee and registrant responsibilities.**

All water well driller, heat exchange driller, and pump installer licensees and registrants and registered water well drilling and heat exchange rig operators shall do all of the following if applicable to the individual's license or person's registration:

(1) Perform work in compliance with, and ensure that work performed under their supervision is conducted in compliance with, all applicable laws and rules and with any plans specifications, variances, and approvals approved by the department; and perform work in a sanitary manner.

(3) Complete any corrections ordered by the department for any water well construction, heat exchange drilling, pump installation or filling and sealing on which the licensee or registrant performed work, supervised work or signed a well construction report. Water well drillers shall be responsible for corrections relating to well location, construction and reconstruction. Heat exchange drillers shall be responsible for corrections relating to the construction of heat exchange drill-holes. Pump installers shall be responsible for corrections relating to the pump installation. Water well drillers, heat exchange drillers, and pump installers shall be held responsible for correcting their well or drillhole filling and sealing violations.

(4) Submit any report or form required to be submitted by applicable laws and rules and by any plans, specifications, variances, and approvals or orders in the time period required and notify the department of any change in information submitted on water well driller, heat exchange driller, or pump installer license, registration and renewal applications. Reports and forms shall be complete, true and accurate.

(5) Clearly identify the name, and license or registration number of the licensed supervisory individual or the registered person in all advertising, estimates, invoices, and receipts and on any water well drilling rig, heat exchange drilling rig, pump installation truck, or similar equipment. The identification of equipment shall be at least 2 inches in height with at least 1/4 inch wide brush stroke. The identification shall have a sharp color contrast with the background on which it is applied. The identification shall remain legible and maintained without deterioration.

(6) Refuse to contract for water well drilling, heat exchange drilling, pump installing or filling and sealing for, or lease or lend water well drilling, heat exchange drilling, pump installing or water well filling and sealing equipment to, an unlicensed individual or unregistered person without having an employee/employer relationship and without directly supervising the water well drilling, pump installing, or filling and sealing activities of the unlicensed individual or unregistered person.

(7) Refuse to contract for water well drilling, heat exchange drilling, pump installing or filling and sealing for, or lease or lend water well drilling, heat exchange drilling, pump installing or filling and sealing equipment to, an individual or person whose license or registration was suspended or revoked, without having an employee/employer relationship and without directly supervising the drilling, heat exchange drilling, pump installing, or filling and sealing activities of the individual or person whose license or registration has been suspended or revoked.

**SECTION 40.** The treatments of NR 146.08 (17) and (19) of the administrative code, as renumbered from NR 146.02 (12) and (15) under s. 13.92 (4) (b) 1., by CR 13-096 are not repealed by CR 13-099. All treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, as required under s. 13.92 (4) (bm), s. NR 146.08 (17) and (19) read:

(17) Be adequately equipped to perform water well drilling, heat exchange drilling, pump installing, well filling and sealing and property transfer well inspections in compliance with applicable laws and rules and with any plans, specifications, variances and approvals approved by the department.

(19) Water well drillers, heat exchange drillers, pump installers and well constructors shall, when requested by the department, give notice to the department, as specified in the notice of request, at least on the department work day prior to the day upon which any well construction or reconstruction or any part thereof, any well filling and sealing operation or the installation of any pumping equipment, will be commenced.

**SECTION 41.** The treatments of NR 146.09 (2) (intro.) and (a) to (d) and (3) (a) and (b) of the administrative code by CR 13-096 are not repealed by CR 13-099. All treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, as required under s. 13.92 (4) (bm), s. NR 146.09 (2) (intro.) and (a) to (d) and (3) (a) and (b) read:

(2) **SUSPENSION AND REVOCATION ACTIVITIES.** No individual or person whose license or registration has been suspended or revoked may engage in the business of water drilling, heat exchange drilling, or pump installing during the suspension or revocation period unless all of the following apply:

(a) Water well drilling activities are performed under the direct supervision of a Wisconsin licensed individual water well driller, heat exchange drilling activities are performed under the direct supervision of a Wisconsin licensed individual heat exchange driller, and pump installing activities are performed under the direct supervision of a Wisconsin licensed individual pump installer.

(b) The water well driller whose license or registration was suspended or revoked shall be an employee of the Wisconsin licensed water well driller providing direct supervision of his or her activities or shall be an employee of a Wisconsin registered water well drilling business whose licensed supervisory individual water well driller is providing direct supervision to the water well driller whose license or registration was suspended or revoked. The heat exchange driller whose license or registration was suspended or revoked shall be an employee of the Wisconsin licensed heat exchange driller providing direct supervision of his or her activities or shall be an employee of a Wisconsin registered heat exchange drilling business whose licensed supervisory individual heat exchange driller is providing direct supervision to the heat exchange driller whose license or registration was suspended or revoked. The pump installer whose license or registration was suspended or revoked shall be an employee of the Wisconsin licensed pump installer providing direct supervision of his or her activities or be an employee of a Wisconsin registered pump installing business whose licensed supervisory individual pump installer is providing direct supervision to the pump installer whose license or registration was suspended or revoked. A copy of the employment contract under par. (b), (c), or (d) shall be provided to, and approved by the

department before any water well drilling, heat exchange drilling, pump installing or well filling and sealing activities are commenced. An employment contract entered into to meet the requirements of this chapter shall include the assignment of responsibility for supervision, submission of reports and the completion of work in compliance with all applicable laws and rules and with any plans, specifications, variances and approvals approved by the department to the Wisconsin licensed individual supervisory water well driller or pump installer.

(c) The individual or person whose license or registration was suspended or revoked shall notify the department of the location of any water well drilling, heat exchange drilling, or pump installation the individual or person whose license or registration was suspended or revoked will be working on at least 48 hours in advance, except that emergency pump installations shall be reported before 8:00 a.m. on the first business day following the work.

(d) The individual or person whose license or registration was suspended or revoked shall notify the department of the location of each water well drilling rig, heat exchange drilling rig, or pump installation truck owned, leased or used by the individual or person whose license or registration was suspended or revoked and of any change in the location of any rig or truck during the suspension or revocation period.

(3) (a) An individual whose license was suspended based on incompetency to act in the industry or industries for which a Wisconsin license was issued shall demonstrate competency to engage in the industry or industries by passing an exam administered by the department before the suspension is ended by the department.

(b) An individual whose license has been revoked may apply for a new license one year or thereafter after the date of revocation. A license application from an individual whose license was revoked is not a renewal. A person whose registration has been revoked may apply for a new registration one year or thereafter after the date of revocation.

**SECTION 42.** The treatment of NR 812.01 (2) of the administrative code by CR 13-096 is not repealed by CR 13-099. All treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, as required under s. 13.92 (4) (bm), s. NR 812.01 (2) reads:

(2) This chapter shall govern the location, construction or reconstruction, maintenance and inspection of wells and water systems and heat exchange drillholes, the filling and sealing of wells and drillholes and the installation and maintenance of pumping and treatment equipment.

**SECTION 43.** The treatment of NR 812.08 (4) (intro.) of the administrative code by CR 13-096 is not repealed by CR 13-099. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, as required under s. 13.92 (4) (bm), s. NR 812.08 (4) (intro.) reads:

(4) RELATION TO CONTAMINATION SOURCES. Minimum separating distances between any new potable or nonpotable well, heat exchange drillhole, reservoir or spring and existing sources of contamination; or between new sources of contamination and potable or nonpotable wells, heat exchange drillholes, reservoirs or springs shall be maintained as described in this subsection. The minimum separating distances of this subsection do not apply to dewatering wells approved under s. NR 812.09 (4) (a). Greater separation distances may be required for wells requiring plan approval under s. NR 812.09. Separation distance requirements to possible sources of contamination will not be waived because of property lines. Separation distances shall be measured from the edge of the well, reservoir or spring, to the nearest edge of the contamination

source. Minimum separating distances are listed in Table A and are as follows:

**SECTION 44.** The treatment of NR 812.09 (4) (a) 5. of the administrative code by CR 13-096 is not repealed by CR 13-099. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, as required under s. 13.92 (4) (bm), s. NR 812.09 (4) (a) 5. reads:

5. High capacity test drillholes or up to 2 geothermal heat exchange drillholes may be constructed without approval to test for aquifer yield to determine if a high capacity well, heat exchange drillhole, or well system is feasible. The well casing pipe for such test drillholes shall not exceed 6-inch diameter unless the well driller notifies the department. High capacity test drillholes may be test pumped at a rate of 70 gallons per minute or more if the test does not last more than a total of 72 hours. After testing, the drillhole shall be filled and sealed, according to the requirements of s. NR 812.26 or shall be converted, following approval, to a high capacity well, heat exchange drillhole, or well system which meets the requirements of this chapter or ch. NR 811 and of any approved plans and specifications within 90 days.

**SECTION 45.** The treatments of NR 812.10 (2) and (8) of the administrative code by CR 13-096 are not repealed by CR 13-099. All treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, as required under s. 13.92 (4) (bm), s. NR 812.10 (2) and (8) read:

(2) LOCATION. Well and heat exchange drillers and well constructors shall be responsible for proper location of a well or heat exchange drillhole. Wells shall be located in sanitary locations and meet the minimum separation requirements specified in s. NR 812.08. Separation distance requirements to possible sources of contamination will not be waived because of property lines. Water wells may not be constructed within 1,200 feet of a landfill site without a variance. Variances from minimum separation distance requirements require approval. If the property is located within the area served by a municipally owned water system, the water well driller or well constructor shall notify the well owner of the need to obtain a private well operational permit from the municipality.

(8) NONCOMPLYING WELLS. When a water well or heat exchange driller or well constructor has constructed a water well or heat exchange drillhole not initially located or constructed in compliance with this chapter, the water well or heat exchange driller or well constructor shall pay all costs for bringing the well or heat exchange drillhole into compliance with this chapter, including the costs of filling and sealing the well, if necessary, other than those costs that would have been charged for an initial complying well construction.

**SECTION 46.** The treatment of NR 812.22 (7) (b) of the administrative code by CR 13-096 is not repealed by CR 13-099. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, as required under s. 13.92 (4) (bm), s. NR 812.22 (7) (b) reads:

(b) Well or heat exchange drillhole construction reports returned to the water well driller, heat exchange driller or well constructor for completion or when compliance with the construction requirements of this chapter is questionable shall be resubmitted to the department no later than 15 days after receipt of the returned report. The original well or heat exchange drillhole construction report shall be resubmitted. Dry drillholes or unsuccessful wells drilled in conjunction with well construction and not immediately filled and sealed shall be reported on a well construction report. The water well

driller, heat exchange driller, or well constructor shall ensure proper filling and sealing methods and materials are used, according to s. NR 812.26, for any drillhole constructed by the water well driller or well constructor that is not intended to provide water.

**SECTION 47.** The treatment of NR 812.26 (2) (b) 2. of the administrative code by CR 13–096 is not repealed by CR 13–099. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, as required under s. 13.92 (4) (bm), s. NR 812.26 (2) (b) 2. reads:

2. The well or heat exchange drillhole was not constructed by the well owner or by a licensed water well or heat exchange driller or registered water well drilling business.

**SECTION 48.** The treatment of NR 812.26 (8) of the administrative code by CR 13–096 is not repealed by CR 13–099. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, as required under s. 13.92 (4) (bm), s. NR 812.26 (8) reads:

(8) WELL AND DRILLHOLE FILLING AND SEALING REPORTS. A well and drillhole filling and sealing report shall be filed with the department no later than 30 days after the well or drillhole is filled and sealed. The filling and sealing report shall be filed by the person performing the filling and sealing work on forms specified by the department and shall include a complete, true and accurate detailed description of the location of the well or drillhole that was filled and sealed, materials and method of filling and sealing, construction and geologic features and Wisconsin Unique Well Number, if known. Water well drillers, heat exchange drillers, well constructors and pump installers shall report any unused wells or drillholes

**SECTION 50. Renumbering and cross-reference changes under s. 13.92 (1) (bm) 2., stats.** Each statute listed in column A was renumbered to the statute number in column B, and cross-references to the renumbered statute were changed in the statutes listed in column C to agree with the renumbered statute, under section 13.92 (1) (bm) 2. of the statutes:

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
77.70 (1)	77.70	77.70 (1) (changes “this subsection” to “this section”)

**SECTION 51. Corrections of obvious nonsubstantive errors under s. 35.17 (2), stats.** In the sections of the statutes listed in Column A, the text shown in Column B was changed to the text shown in column C to correct obvious nonsubstantive errors under s. 35.17 (2) of the statutes:

NOTE: Confirms correction of obvious nonsubstantive errors in the statutes under s. 35.17 (2).

A Statute Affected	B Erroneous text	C Corrected text
6.03 (1) (a)	vote;	vote.
13.75 (5)	under 13.67 (2)	under s. 13.67 (2)
16.973 (8)	under 16.974 (3)	under s. 16.974 (3)
20.370 (2) (gi)	for the department of natural resource’s operations	for department of natural resources operations
25.17 (1) (ge)	fund.	fund;

that are not filled and sealed for which they have knowledge to the department. Beginning July 1, 2016 filling and sealing reports shall be filed with the department electronically.

**SECTION 49.** The treatment of NR 812.43 (1) (intro.) of the administrative code by CR 13–096 is not repealed by CR 13–099. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, as required under s. 13.92 (4) (bm), s. NR 812.43 (1) (intro.) reads:

(1) When strict compliance with the requirements of this chapter is not feasible, a variance may be requested. All variance requests shall be in writing, except for situations that may require an immediate response, in which case a variance may be requested verbally from the owner, or the owner’s agent, and a verbal variance may be granted by the department to be followed up with a written confirmation. If the verbal request is made by the owner’s agent, the agent shall provide confirmation of the owner’s concurrence with the request. A variance request shall include the names of the owner or owners and, if known, the well or heat exchange driller, well constructor or pump installer. The reason or reasons compliance with the requirements for this chapter is not feasible shall also be provided. The department may require the owner or the owner’s agent to submit additional information necessary for the department to determine if a variance is justified. The owner or owners or the owner’s agent shall sign the variance request. The department may condition the issuance of a variance by requiring additional construction or installation features to safeguard the groundwater and water supplied by the installation from contamination. Failure to comply with the conditions of a variance or the applicable requirements of this chapter voids the variance approval.

33.29 (1) (d)	therefor; and	therefor;
33.29 (1) (e)	commissioners.	commissioners;
33.29 (1) (f)	district.	district; and
46.2803 (2)	under 20.435 (7) (bd)	under s. 20.435 (7) (bd)
48.981 (3) (c) 5m.	sub. 5p.	subd. 5p.
48.981 (3) (cm)	7., 8., and 9.	7., 8., and 9.
49.472 (7) (a)	in 49.45 (6c) (a) 3.	in s. 49.45 (6c) (a) 3.
55.055 (3) (b)	under 55.135 (1)	under s. 55.135 (1)
55.18 (2) (a)	under s. s. 54.25 (1) (a)	under s. 54.25 (1) (a)
59.70 (5) (a)	private e on-site	private on-site
64.01 (title)	<b>How to organize under 64.01 to 64.15.</b>	<b>How to organize under ss. 64.01 to 64.15.</b>
66.1105 (17) (a) (intro.)	12-percent-limit	12 percent limit
66.1105 (17) (a) 3.	12-percent limit	12 percent limit
71.05 (13) (a) 2.	depreciation	depreciation
71.07 (3q) (b) (intro.)	any of the following.	any of the following:
71.30 (10) (j)	under 71.75 (7)	under s. 71.75 (7)
71.30 (11) (j)	under 71.75 (7)	under s. 71.75 (7)
71.49 (1) (bm)	under 71.47 (3n)	under s. 71.47 (3n)
76.29 (1) (f)	calender	calendar
77.61 (5m) (b)	in 77.65 (2) (a)	in s. 77.65 (2) (a)
83.01 (4)	higher commissioner	highway commissioner
85.055 (1)	“Local governmental unit”	“local governmental unit”
85.064 (2) (a)	s. 20.395 (2) (ct), (cu)	s. 20.395 (2) (ct) and (cu)
94.10 (3) (b) 4.	under (d)	under par. (d)
103.465	in this subsection	in this section
108.04 (2) (g) 2.	under 108.245	under s. 108.245
108.04 (13) (d) 3. a.	employee or;	employee; or
108.17 (2c) (f)	under 108.17 (2) (a)	under s. 108.17 (2) (a)
118.134 (1m) (b)	subdivision	paragraph
145.195 (2)	private e on-site	private on-site
169.01 (12)	in 95.001 (1) (ag)	in s. 95.001 (1) (ag)
196.04 (4) (a) 2.	under 60.77 (4)	under s. 60.77 (4)

196.212 (5)	under 196.191 (6)	under s. 196.191 (6)
196.218 (4u)	under 20.155 (1) (q)	under s. 20.155 (1) (q)
202.01 (2)	in 202.21 (3)	in s. 202.21 (3)
227.40 (2) (a)	accorded;	accorded.
227.40 (2) (b)	prosecutions;	prosecutions.
227.40 (2) (c)	ordinances;	ordinances.
227.40 (2) (d)	prosecution;	prosecution.
252.15 (5m) (e) 3.	under (d) 1. c.	under par. (d) 1. c.
252.15 (9)	sub. sub. (3m) (b) or (f) or (5m), knowing	sub. (3m) (b) or (f) or (5m), knowing
254.64 (4) (a) 1.	meaning give in	meaning given in
287.17 (1) (m)	useable	usable
287.17 (8) (c) 4.	useable	usable
287.17 (8) (c) 6.	useable	usable
289.22 (4)	under 289.21 (1)	under s. 289.21 (1)
291.23 (3)	under 291.05 (5) (a)	under s. 291.05 (5) (a).
292.31 (1) (d) 3.	in 292.31 (8) (a) 3.	in sub. (8) (a) 3.
292.68 (8) (b)	under 20.370 (6) (ev)	under s. 20.370 (6) (ev)
299.83 (1m) (h)	useable	usable
321.04 (2) (f)	under 321.51 (2) (b)	under s. 321.51 (2) (b)
341.30 (1) (intro.)	s. 341.29.	s. 341.29:
341.30 (1) (a)	(h);	(h).
341.30 (1) (c) and (d)	8,000 pounds;	8,000 pounds.
440.03 (14) (a) 1. b.	certified, registered	certified, registered
440.316 (3)	in 440.312 (2)	in s. 440.312 (2)
612.02 (4) (g) 4.	assessments; and	assessments;
613.12 (1) (am)	chapter.	chapter;
616.52 (1) (e) and (f)	in 66.0420 (2) (y)	in s. 66.0420 (2) (y)
645.31 (1)	public;	public.
645.31 (2)	insurer;	insurer.
645.31 (3)	reports;	reports.
645.31 (4)	business;	business.
645.31 (5)	untrustworthy;	untrustworthy.

645.31 (6)	management;	management.
645.31 (7)	insurer;	insurer.
645.31 (8)	person;	person.
645.31 (9)	chapter;	chapter.
645.31 (10)	violations;	violations.
645.31 (11)	thereof;	thereof.
645.31 (12)	courts;	courts.
645.31 (13)	immediately;	immediately.
938.09 (4)	a an appropriate	an appropriate
938.31 (3) (a) 1.	in 968.073 (1) (a)	in s. 968.073 (1) (a)
938.361 (1) (a) 3.	under 938.34 (3) (f) 4.	under s. 938.34 (3) (f) 4.
938.533 (3) (a)	condition of the his or her participation	condition of his or her participation
939.62 (2m) (a) 1m. a.	948.085, or 948.095 or 948.30	948.085, 948.095 or 948.30
940.09 (1m) (a)	(b) or; any combination	(b); or any combination
941.20 (1) (a)	weapon; or	weapon.
941.20 (1) (b)	intoxicant; or	intoxicant.
943.395 (1) (a)	insurance; or	insurance.
980.015 (2) (c)	under 971.17, or	under s. 971.17, or

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