CHAPTER 272, Laws of 1977

AN ACT to repeal, renumber, amend, reenact, reenact and amend and create various provisions of the statutes and session laws for the purpose of correcting errors, supplying omissions, clarifying language, correcting titles of departments and officers, correcting and clarifying references, renumbering for better location, eliminating duplications and unnecessary provisions, reconciling conflicts and repelling unintended repeals (Revisor’s Correction Bill).

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

SECTION 1. 5.58 (2) of the statutes, as affected by chapter 187, laws of 1977, is amended by substituting “s. 8.11 (2)” for “ss. 8.11 (2) and (2m)”.

SECTION 2. 7.50 (2) (g) of the statutes, as affected by chapter 107, laws of 1977, is amended by substituting “candidate on the ballot” for “candidate of the ballot”.

SECTION 3. 11.31 (9) (title) of the statutes, as affected by chapter 107, laws of 1977, is created to read:

11.31 (9) (title) COST OF LIVING ADJUSTMENT.

SECTION 4. 11.50 (12) of the statutes, as created by chapter 107, laws of 1977, is amended by substituting “receives any grant” for “receives any grant from the fund”.

SECTION 5. 15.101 (intro.) of the statutes, as affected by the laws of 1977, is amended by deleting the reference to section “253.07”.

SECTION 6. 15.137 (4) of the statutes, as created by chapter 87, laws of 1977, is amended by substituting “department of agriculture, trade and consumer protection” for “department of agriculture”.

SECTION 7. 15.161 (3) of the statutes, as affected by chapter 182, laws of 1977, is amended by substituting “subchs. I, II, III and IV” for “subchs. I, II III and IV”.

SECTION 8. 16.004 (4) of the statutes, as affected by chapter 196, laws of 1977, section 130 (3), is amended by substituting “the secretary” for “he” and “agency’s” for “department’s”.

SECTION 9. 16.40 (8) of the statutes, as affected by chapter 196, laws of 1977, section 130 (3), is amended by substituting “agency” for “departmental”.

SECTION 10. 16.41 (title) of the statutes is amended by substituting “Agency” for “Departmental”.

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SECTION 11. 16.42 (title) of the statutes is amended by substituting “Agency” for “Departmental”.

SECTION 12. 16.52 (5) (b) of the statutes, as affected by chapter 196, laws of 1977, section 130 (3) and (4), is amended by substituting “department of administration” for “agency of administration”.

SECTION 13. 20.855 (2) (e) of the statutes, as created by chapter 107, laws of 1977, is renumbered 20.855 (2) (b).

SECTION 14. The amendment of section 20.923 (9) of the statutes by chapter 29, laws of 1977, section 1656 (43) (a), was not repealed by chapter 196, laws of 1977. Both amendments stand.

SECTION 15. 30.10 (4) (a) of the statutes, as affected by chapter 190, laws of 1977, is amended by substituting the reference to section “30.123” for section “30.122”.

SECTION 16. 30.122 of the statutes, as created by chapter 190, laws of 1977, is renumbered 30.123.

SECTION 17. 35.84 (2) (figure), line 65 of the statutes, is repealed.

SECTION 18. 41.60 (1) (a), (b) and (c) of the statutes, as created by chapter 182, laws of 1977, are amended by substituting “under subch. I” for “under subch. I of ch. 41”.

SECTION 19. 46.21 (1) (a) of the statutes is amended to read:

46.21 (1) (a) In each county having a population of 500,000 or more there is created a board of 5 members which shall be known as the county board of public welfare, hereinafter referred to in this section as the board. The county board of supervisors by a majority vote of the members-elect thereof shall choose 4 of such members of the board from among the electors of the county, and one member from the membership of said the county board of supervisors. All members shall hold office for the term of 4 years. Appointments shall be made on the basis of recognized and demonstrated interest in and knowledge of the problems of public welfare. The present members of the board of public welfare of any such county appointed and acting at the effective date of this act (July 1, 1947) shall continue to hold office until the expiration of their terms, their successors thereafter each to be appointed for the term of 4 years as hereinbefore provided. A majority of the board shall constitute constitutes a quorum for the exercise of the power and the authority conferred upon it, and each. Each member of the board shall take and file an official oath, and shall execute and file an official bond with sureties approved and in a reasonable sum fixed by such the county board of supervisors.

SECTION 20. 50.03 (5) (title) of the statutes, as affected by chapters 29 and 170, laws of 1977, is created to read:

50.03 (5) (title) NONRENEWAL AND REVOCATION.

SECTION 21. 50.04 (5) (g) (title) of the statutes, as affected by chapter 170, laws of 1977, is created to read:

50.04 (5) (g) (title) Enforcement by attorney general.

SECTION 22. The amendment of 51.42 (8) (L) of the statutes by chapter 26, laws of 1977, was not repealed by chapter 29, laws of 1977. Both amendments stand.

SECTION 23. The amendment of 62.12 (4m) (d) of the statutes by chapter 113, laws of 1977, section 6, was not repealed by chapter 142, laws of 1977. Both amendments stand.

SECTION 24. 62.50 (title) and (1) of the statutes, as affected by chapter 151, laws of 1977, is amended to read:

62.50 (title) Police and fire departments in 1st class cities. (1) Organization. There shall be in every city In all cities of the 1st class, whether acting under a general or
special charter, however incorporated, there shall be a board of fire and police commissioners, consisting of 5 citizens, not more than 2 of whom shall at any time belong to the same political party. No salary or other compensation for service shall be paid to any member of the board. The members of the board shall receive the salary or other compensation for their services fixed by the common council. The salary shall be fixed at the same time and in the same manner as the salary of other city officials and employees.

Three members of the board shall constitute a quorum necessary for the transaction of business. It shall be the duty of the mayor of the city on or before the 2nd Monday in July, to appoint 5 members of the board, designating the term of office of each, one to hold one year, one to hold 2 years, one to hold 3 years, one to hold 4 years and one to hold 5 years, and until their respective successors shall be appointed and qualified. Thereafter the terms of office shall be 5 years from the 2nd Monday in July, and until a successor is appointed and qualified. Every person appointed a member of the board shall be subject to confirmation by the common council and shall, before entering upon the duties of the office take and subscribe the oath of office prescribed by the constitution, and file the same duly certified by the officer administering it, with the clerk of the city.

Appointments made prior to the time this subchapter first applies to a city of the 1st class shall not be subject to confirmation by the common council.

SECTION 25. 62.50 (1m) (title) of the statutes is created to read:

62.50 (1m) (title) POLICY REVIEW.

SECTION 26. 62.50 (6) (title) of the statutes is created to read:

62.50 (6) (title) APPOINTMENT OF CHIEFS.

SECTION 27. 62.50 (6) of the statutes, as affected by chapter 151, laws of 1977, is repealed and 62.50 (6) of the statutes, as renumbered from 959-46d 6 by this act and as affected by chapter 19, laws of 1977, is reenacted.

SECTION 28. 62.50 (19) of the statutes, as affected by chapter 151, laws of 1977, is repealed and 62.50 (19) of the statutes, as renumbered from 959-46d 19 by this act and as affected by chapter 20, laws of 1977, is reenacted and is amended to read:

62.50 (19) (title) CHARGES BY AGGRIEVED PERSON. In cases where duly verified charges are filed by any aggrieved person with such the board of fire and police commissioners, setting forth sufficient cause for the removal of any member of either of said the departments, including the chiefs or their assistants, the board or chief may suspend such member or officer pending disposition of such charges. The board shall cause notice of the filing of such the charges with a copy thereof to be served upon the accused as herein provided and shall set a date as herein provided for the trial and investigation of such the charges, and following the same procedure shall be followed as herein provided under this section. The board shall decide by a majority vote whether the charges are sustained. If sustained, the board shall immediately determine whether the good of the service requires that the accused shall be removed, suspended from office without pay for a period not exceeding 60 days or reduced in rank. If the charges are not sustained, the accused shall be immediately reinstated without prejudice. The secretary of the board shall make the decision public.

SECTION 29. 62.50 (23) (title) of the statutes is created to read:

62.50 (23) (title) DUTIES OF CHIEF.

SECTION 30. 62.50 (23) of the statutes, as affected by chapter 151, laws of 1977, is repealed and 62.50 (23) of the statutes, as renumbered from 959-46d 23 by this act and as affected by chapter 53, laws of 1977, is reenacted.

SECTION 31. The amendment of 66.04 (2) of the statutes by chapter 29, laws of 1977, was not repealed by chapter 182, laws of 1977. Both amendments stand.
SECTION 32. 66.12 (3) (b) as amended by chapter 29, laws of 1977, is repealed and 66.12 (3) (b) as amended by chapter 182, laws of 1977, is reenacted and amended to read:

66.12 (3) (b) All forfeitures and penalties recovered for the violation of any ordinance, resolution or bylaw of any city or village shall be paid into the city or village treasury for the use of such city or village, except as otherwise provided in sub. (1) (b) and s. 165.87. The municipal justice or judge shall report and pay into the treasury, quarterly, or at more frequent intervals if so required, all moneys collected belonging to such the city or village, which report shall be certified and filed in the office of the treasurer; and the justice or judge shall be entitled to duplicate receipts for such moneys, one of which he or she shall file with the city or village clerk.

SECTION 33. The amendment of 67.04 (1) (a) of the statutes by chapter 26, laws of 1977, was not repealed by chapter 163, laws of 1977. Both amendments stand.

SECTION 34. 70.375 (1) (c) of the statutes, as created by chapter 31, laws of 1977, is amended to read:

70.375 (1) (c) “Municipality” means any county, city, village, town, or school district.

SECTION 35. 70.61 (2) of the statutes, as created by chapter 175, laws of 1977, is renumbered 70.61 (3).

SECTION 36. The amendment of 70.995 (5) of the statutes by chapter 29, laws of 1977, section 1646 (3), was not repealed by chapter 31, laws of 1977. Both amendments stand.

SECTION 37. 70.995 (8) (a) of the statutes, repealed by chapter 29, laws of 1977 and amended by chapter 142, laws of 1977, is again repealed.

SECTION 38. 71.02 (2) (b) 2 of the statutes, as affected by chapter 1, laws of 1977, is amended to correct the amendment by chapter 29, laws of 1977, by substituting “Except for those amendments enacted by P.L. 94-267” for “Except for those amendments enacted by P.L. 94-267”.

SECTION 39. 71.09 (11) (b) 3. a of the statutes, as affected by chapters 29 and 169, laws of 1977, is amended by substituting “such year” for “such year for which credit is claimed”.

SECTION 40. 71.09 (11) (b) 3. f of the statutes, as affected by chapters 29 and 169, laws of 1977, is amended by substituting “on July 1” for “On July 1”.

SECTION 41. 71.09 (11) (b) 4. c of the statutes, as affected by chapters 29 and 169, laws of 1977, is amended by substituting “subch. II or III” for “subch. II OR III”.

SECTION 42. The amendment of 73.05 (4) of the statutes by chapter 29, laws of 1977, section 1647 (15), was not repealed by chapter 143, laws of 1977. Both amendments stand.

SECTION 43. 75.19 of the statutes, as affected by chapters 83 and .... (Senate Bill 543), laws of 1977, is repealed and 75.19 of the statutes, as affected by chapter 174, laws of 1977, is reenacted and as reenacted is amended to read:

75.19 Foreclosure of certificates. The holder of any tax certificate may, in lieu of taking a tax deed, at any time after 5 years as to tax certificates which antedate 1945, 4 years and 6 months for the 1945 tax certificates, 4 years for the 1946 tax certificates, 3 years and 6 months for the 1947 tax certificates, and thereafter 3 years from the date of the certificate, except that when razing costs incurred by any city or village are included in the amount due for taxes the period of redemption shall be one year from date of certificate at the expiration of which the county or its assigns shall be entitled to a deed, and before the holder would be debarred from demanding a tax deed, foreclose the
certificate by action as in a case of a mortgage upon real estate. The holder of any tax
certificate may in any case involving the right of redemption or interest of any minor, idiot,
or insane person adjudged mentally incompetent, after a tax deed has been issued under
this chapter, foreclose the right of redemption or interest of the minor, idiot or insane
person adjudged mentally incompetent. In such an action the minor, idiot or insane
person adjudged mentally incompetent must appear by guardian ad litem, and the general
guardian, if the person has one, shall be joined as a party defendant. All the laws and rules
of practice relating to the foreclosure of mortgages, as to the persons necessary and proper
to be made parties, as to pleading and evidence, the judgment of foreclosure and sale, the
right of the plaintiff to be subrogated to the benefits of all liens upon the premises
necessarily satisfied by the plaintiff in order to save the lien of the certificate, the right of
the defendants or any of them, to redeem the premises at any time before sale, and as to
costs and disbursements, including the necessary expenses for an abstract of title, shall, so
far as they are applicable, prevail in such actions. When costs are allowed to the plaintiff,
the costs, exclusive of disbursements, shall be discretionary with the court, but shall not
exceed the amount of the face of the certificates embraced in the action, and the costs
when allowed, shall be an additional lien upon the property described in the certificates.
The defendant may in all cases within the time limited by law for answering the
complaint, execute and deliver to the plaintiff or the plaintiff's attorney a quitclaim deed
of the lands described in the complaint, conveying all the right, title and interest of the
defendant at the time of the commencement of the suit or may, within such time, either
after having delivered the deed or without delivery, answer disclaiming any title to the
lands in question at the time of the commencement of the suit, in either of which cases the
plaintiff shall not recover costs personally against any defendant who quitclaims as
aforesaid or who shall establish the disclaimer upon the trial of the action. The plaintiff in
the action may include in one action all the certificates the plaintiff holds upon the same
tract of land. The sale in such actions shall be conducted, certificates made and filed, the
report made and confirmed and a deed executed and delivered, in like manner and with
like effect as in case of actions for foreclosure of mortgages.

SECTION 44. The amendment of 76.24 (3) of the statutes by chapter 29, laws of
1977, was not repealed by chapter 142, laws of 1977. Both amendments stand.

SECTION 45. The amendment of 76.38 (12) (b) of the statutes by chapter 29, laws
of 1977, sections 832 and 1648 (1), was not repealed by chapter 142, laws of 1977. Both
amendments stand.

SECTION 46. The amendment of 76.48 (5) of the statutes by chapter 29, laws of
1977, was not repealed by chapter 142, laws of 1977. Both amendments stand.

SECTION 47. 80.48 (3) of the statutes is amended by deleting “the municipal judge
of the city,”.

SECTION 48. 83.14 (8) of the statutes, as affected by chapter 29, laws of 1977,
section 1654 (8) (c), is amended by substituting “state department of transportation” for
“department of transportation”.

SECTION 49. 84.01 (23) of the statutes, as created by chapter 190, laws of 1977,
is amended by substituting “division of highways” for “department”.

SECTION 50. 84.02 (4) (a) of the statutes, as affected by chapter 29, laws of 1977,
is amended by substituting “division of highways” for “department”.

SECTION 51. 84.03 (10) of the statutes, as affected by chapter 29, laws of 1977,
section 1654 (3), is amended by substituting “such street or highway” for “such street or
highway”.

SECTION 52. The amendment of 84.04 (1) (c) of the statutes by chapter 29, laws of
1977, section 1654 (8) (a) was not repealed by chapter 101, laws of 1977. Both
amendments stand.
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SECTION 53. 84.09 (7) of the statutes, as affected by chapter 29, laws of 1977, section 1654 (8) (b), is amended by substituting “transportation funds” for “state highway funds”.

SECTION 54. 100.43 (4) (b) of the statutes is amended by substituting “ban” for “bar”.

SECTION 55. 101.25 of the statutes, as affected by chapter 29, laws of 1977, is amended by substituting “P.L. 79-679, 60 Stat. 934” for “U.S. Public Law 679” and “P.L. 79-679” for “Public Law 679”.

SECTION 56. 102.03 (4) of the statutes, as affected by chapter 195, laws of 1977, is amended to read:

102.03 (4) The right to compensation and the amount thereof shall in all cases be determined in accordance with the provisions of law in effect as of the date of the injury except as to employees whose rate of compensation is changed as provided in ss. 102.43 (4) (7) and (8) and 102.44 (1) and (2).

SECTION 57. The amendment of 102.23 (1) (intro.) of the statutes by chapter 187, laws of 1977, was not repealed by chapter 195, laws of 1977. Both amendments stand.

SECTION 58. 111.70 (9) of the statutes, as created by chapter 186, laws of 1977, is amended by substituting “s. 62.50” for “section 959-46d of the statutes”.

SECTION 59. The amendment of 114.01 of the statutes by chapter 29, laws of 1977, was not repealed by chapter 98, laws of 1977. Both amendments stand.

SECTION 60. 195.286 (2) of the statutes, as renumbered by chapter 29, laws of 1977, section 1301, is amended by deleting “state”.

SECTION 61. 196.44 (1) and (2) of the statutes, as renumbered and amended by chapter 29, laws of 1977, sections 1337 and 1656 (43) (a), are amended to read:

196.44 (1) The commission shall inquire into the neglect or violation of the laws of this state by railroads and public utilities (as defined in ch. 196), or by the their officers, agents or employees thereof, or by persons operating railroads or public utilities, and shall have the power, and it shall be its duty, to enforce all laws relating to railroads or public utilities, and report all violations thereof to the attorney general.

(2) (title) ATTORNEY GENERAL AND DISTRICT ATTORNEY TO PROSECUTE. Upon request of the commission, the attorney general or the district attorney of the proper county shall aid in any investigation, hearing or trial had under this chapter, and shall institute and prosecute all necessary actions or proceedings for the enforcement of all laws relating to railroads or public utilities, and for the punishment of all violations thereof.

SECTION 62. 196.95 of the statutes, as renumbered from 195.40 by chapter 29, laws of 1977, is repealed.

SECTION 63. The amendment of 215.13 (46) (a) 1 of the statutes by chapter 26, laws of 1977, was not repealed by chapter 136, laws of 1977. Both amendments stand.

SECTION 64. 218.21 (1) and (2) (intro.) and (f) of the statutes, as affected by chapter 29, laws of 1977, are amended by substituting “department” for “division” wherever the term appears.

SECTION 65. 220.023 of the statutes is repealed.

SECTION 66. 227.01 (11) (s) of the statutes is amended by substituting “transportation commission or public service commission” for “public service commission”.

SECTION 67. 230.08 (2) (c) of the statutes as renumbered and amended by chapter 196, laws of 1977, sections 34 and 130 (5), is amended by substituting “The director,
associate director, assistant director, librarian of the historical society library, state
archivist and director of research” for “The administrator, associate administrator,
assistant administrator, librarian of the historical society library, state archivist and
administrator of research”.

SECTION 68. 230.09 (2) (b) of the statutes, as renumbered by chapter 196, laws of
1977, is amended by substituting “administrator” for “director” wherever the term
appears.

SECTION 69. 230.12 (3) (a) of the statutes, as renumbered and amended by
chapters 44 and 196, laws of 1977, is amended to read:

230.12 (3) (a) Submission to the joint committee on employment relations. The
secretary shall submit to the joint committee on employment relations a proposal for any
required changes in the compensation plan which may include across the board pay
adjustments for positions in the classified service. The proposal shall include the amounts
and methods for within range pay progression, for pay transactions, and for performance
awards. The proposal shall be based upon experience in recruiting for the service, data
collected as to rates of pay for comparable work in other public services and in
commercial and industrial establishments, recommendations of state departments and
any special studies carried on as to the need for any changes in the compensation plan to
cover each year of the biennium. The proposal shall also take proper account of prevailing
pay rates, costs and standards of living, the findings of the biennial wage and benefit
survey conducted pursuant to par. (am) and the state’s employment policies.

SECTION 70. 230.12 (7m) of the statutes, as renumbered and amended by chapter
196, laws of 1977, sections 36 and 130 (11) is amended by substituting “secretary” for
“secretary of personnel”.

SECTION 71. 230.16 (1) (a) of the statutes, as renumbered by chapter 196, laws of
1977, is amended by substituting “division” for “bureau”.

SECTION 72. The amendment of 340.01 (60) of the statutes by chapter 29, laws of
1977, section 1654 (3), was not repealed by chapter 43, laws of 1977. Both amendments
stand.

SECTION 73. 341.27 (3) (a) of the statutes, as affected by chapter 29, laws of 1977,
is amended by substituting “holds current registration plates” for “holds a current
registration plates”.

SECTION 74. The amendment of 343.17 (1) (a) of the statutes, as renumbered, by
chapter 29, laws of 1977, section 1654 (7) (a) was not repealed by chapter 124, laws of

SECTION 75. 343.44 (2) of the statutes, as affected by chapters 29 and 165, laws of
1977, is amended by substituting “his or her address” for “his address”.

SECTION 76. The amendment of 343.65 (2) of the statutes by chapter 29, laws of
1977, section 1654 (7) (c), was not repealed by chapter 125, laws of 1977. Both
amendments stand.

SECTION 77. The amendment of 346.57 (4) (i) of the statutes by chapter 29, laws of
1977, section 1654 (3), was not repealed by chapter 116, laws of 1977. Both
amendments stand.

SECTION 78. The amendment of 348.27 (5) of the statutes by chapter 29, laws of
1977, section 1654 (8) (a), was not repealed by chapter 197, laws of 1977. Both
amendments stand.

SECTION 79. The amendment of 348.27 (9) of the statutes by chapter 29, laws of
1977, section 1654 (8) (a), was not repealed by chapter 191, laws of 1977. Both
amendments stand.
SECTION 80. 349.07 (7) (a) of the statutes, as renumbered from 349.08 (6) (a) and amended by chapter 116, laws of 1977, did not repeal the amendments by chapter 29, laws of 1977, sections 1654 (3) and (8) (a). Amendments by both chapters stand.

SECTION 81. 349.10 (2) of the statutes, as affected by chapter 29, laws of 1977, section 1654 (3), is amended by substituting “department” for “highway commission”.

SECTION 82. The amendments of 349.13 (1) of the statutes by chapter 29, laws of 1977, were not repealed by chapter 116, laws of 1977, except for the last 3 sentences which were deleted by chapter 116. All other amendments by both chapters 29 and 116 stand.

SECTION 83. 450.07 (1) (j) of the statutes is repealed.

SECTION 84. 757.28 (2) of the statutes, as renumbered and amended by chapter 187, laws of 1977, is amended by substituting “board of attorneys professional competence” for “board of state bar commissioners”.

SECTION 85. The amendment of 757.28 (3) (b) of the statutes, as renumbered, by supreme court order dated November 18, 1977, and effective January 1, 1978, was not repealed by chapter 187, laws of 1977, section 91. Both amendments stand.

SECTION 86. The amendment of 757.293 (1) of the statutes, as renumbered, by the supreme court order, effective July 1, 1977, was not repealed by chapter 187, laws of 1977. Both amendments stand.

SECTION 87. 806.05 (6) of the statutes is amended, effective June 1, 1978, by substituting “s. 944.21” for “s. 944.21 or 944.22”.

SECTION 88. 940.25 of the statutes, as created by chapter 193, laws of 1977, is amended, effective June 1, 1978, to read:

940.25 Injury by intoxicated use of a vehicle. Whoever causes great bodily harm to another human being by the negligent operation of a vehicle while under the influence of an intoxicant shall be fined not more than $10,000 or imprisoned not more than 2 years or both is guilty of a Class E felony.

SECTION 89. 944.21 (1) (b) of the statutes, as renumbered by chapter 173, laws of 1977, effective June 1, 1978, is amended as of the same date by substituting “performance; or” for “performance.”.

SECTION 90. 944.21 (1) (c) of the statutes is amended, effective June 1, 1978, by substituting “section; or” for “section; or”.

SECTION 91. 968.31 (1) (f) of the statutes, is amended by substituting “on tape, wire or” for “on tape wire or”.

SECTION 92. 959-46d. 1m of the statutes, as created by chapter 53, laws of 1977, is renumbered 62.50 (1m).

SECTION 93. 959-46d. 6 of the statutes, as affected by chapter 19, laws of 1977, is renumbered 62.50 (6).

SECTION 94. 959-46d. 19 of the statutes, as affected by chapter 20, laws of 1977, is renumbered 62.50 (19).

SECTION 95. 959-46d. 23 of the statutes, as affected by chapter 53, laws of 1977, is renumbered 62.50 (23).

SECTION 96. Chapter 20, laws of 1977, section 3, is repealed.

SECTION 97. Chapter 196, laws of 1977, section 126 (1) (e) is amended by substituting “section 16.05 (4), 1975 stats.” for “section 16.05 (4) of the statutes”.
SECTION 98. Cross reference changes. In the sections of the statutes listed in Column A, the cross references shown in Column B are changed to the cross references shown in Column C:

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