

State of Wisconsin



1997 Assembly Bill 971

Date of enactment: **June 4, 1998**
Date of publication*: **June 18, 1998**

1997 WISCONSIN ACT 254

AN ACT relating to: repealing, consolidating, renumbering, amending and revising various provisions of the statutes for the purpose of correcting errors, supplying omissions, correcting and clarifying references and eliminating defects, anachronisms, conflicts, ambiguities and obsolete provisions (section 13.93 (2) (j) Revision Bill).

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

SECTION 1. 30.33 (1) of the statutes is amended to read:

30.33 (1) BOARD TO HAVE POWERS OF RAILROAD CORPORATION. Any municipality operating a public harbor through a board of harbor commissioners may, through such board, construct, maintain or operate railway facilities or a harbor belt line connecting various harbor facilities with one another or with other railroads within the municipality or its vicinity. The board of harbor commissioners is granted all of the rights, powers and privileges conferred upon railroad corporations by ~~s. ss. 190.02 and 190.025~~ (3), except such rights, powers and privileges as are conferred upon railroad corporations by s. 190.02 (9). Such facilities or belt line may be constructed, maintained or operated partly outside the corporate limits of the municipality. In constructing, maintaining or operating such facilities or belt line, the board of harbor commissioners has the powers and privileges of railroad corporations and shall be subject to the same restrictions as railroad corporations and to the supervision of the office of the commissioner of railroads, except as to the system of accounting and the payment of wages to employees.

NOTE: Section 190.02 (12) is renumbered to s. 190.025 (3) by this bill.

SECTION 2. 134.245 of the statutes is created to read:
134.245 Definitions. In ss. 134.25 to 134.32:

(1) "Marked" means stamped, branded, engraved or imprinted upon, attached to a tag, card or label which is stamped, branded, engraved or imprinted upon, or contained in a box, package, cover or wrapper which is stamped, branded, engraved or imprinted upon.

(2) "Person" means an individual, firm, corporation or association.

(3) "Sells" includes making for sale, selling, offering to sell or dispose of, or possessing with intent to sell or dispose of.

NOTE: Creates definitions provision to simplify ss. 134.25 to 134.32.

SECTION 3. 134.25 (1) of the statutes is renumbered 134.25 (1) (a) and amended to read:

134.25 (1) (a) Any Except as provided in par. (b) and subject to sub. (3), any person, firm, corporation or association, who or which makes for sale, or sells, or offers to sell or dispose of, or has in his, her or its possession with intent to sell or dispose of, who sells any article of merchandise made in whole or in part of gold or any alloy of gold, ~~and having stamped, branded, engraved or imprinted thereon, or upon any tag, card or label attached thereto, or upon any box, package, cover or wrapper in which said article is encased or enclosed that is marked~~ in any mark, way indicating, or designed or intended to

* Section 991.11, WISCONSIN STATUTES 1995-96: 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 as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

indicate, that the gold or alloy of gold in such the article is of a greater degree of fineness than the actual fineness or quality of such the gold or alloy, ~~unless the actual fineness of such gold or alloy, in the case of flat ware and watch cases, be not less by more than three one-thousandths parts, and in the case of all other articles be not less by more than one-half karat than the fineness indicated by the marks stamped, branded, engraved or imprinted upon any part of such article, or upon any tag, card or label attached thereto, or upon any box, package, cover or wrapper in which such article is encased or enclosed, according to the standards and subject to the qualifications hereinafter set forth, is guilty of a misdemeanor.~~

NOTE: Deletes redundant language, replaces parentheses and inserts specific references. Simplifies structure by making long phrases definitions under s. 134.245 and making exception to liability a separate par. (b). See also the previous and next sections of this bill.

SECTION 4. 134.25 (1) (b) of the statutes is created to read:

134.25 (1) (b) Paragraph (a) is not violated if the actual fineness of the gold or alloy in the article meets any of the following conditions:

1. The actual fineness is not less, by more than three one-thousandths parts in the case of flatware and watch cases, than the fineness actually marked on the article.

2. The actual fineness is not less, by more than one-half karat, than the fineness actually marked on the article in the case of all articles not specified in subd. 1.

NOTE: Moves liability exception to separate provision to simplify s. 134.25

SECTION 5. 134.25 (2) and (3) of the statutes are amended to read:

134.25 (2) In any test for the ascertainment of to determine the fineness of the gold or its alloy in any such article, according to the foregoing standards set forth in this section, the part of the gold or of its gold alloy taken for the test, analysis or assay shall be such part or portion as does not contain or have attached thereto to it any solder or alloy of inferior fineness used for brazing or uniting the parts of said the article.

(3) ~~In addition to the foregoing tests and standards, that the~~ The actual fineness of the entire quantity of gold and of its gold alloys contained in any article mentioned in this section (except watch cases and flat ware) flatware, including all solder or alloy of inferior metal used for brazing or uniting the parts of the article (all such gold, alloys and solder being assayed as one piece), shall not be less, by more than one karat, than the fineness indicated by the mark stamped, branded, engraved or imprinted upon such marked on the article, or upon any tag, card or label attached thereto, or upon any box, package, cover or wrapper in which said article is encased or enclosed. In determining the quality of gold and gold alloys for purposes of this subsection, the gold, alloys and solder being tested shall be tested as one piece.

NOTE: Replaces disfavored terminology and reorders text for greater readability and conformity to current style.

SECTION 6. 134.26 of the statutes is amended to read:

134.26 Misbranding of sterling silver articles. (1)

~~Any~~ Except as provided in sub. (2) and s. 134.29, any person, firm, corporation or association, who or which makes for sale, or sells, or offers to sell or dispose of, or has in his, her or its possession with intent to sell or dispose of, who sells any article of merchandise made in whole or in part of silver or of any alloy of silver ~~and having marked, stamped, branded, engraved or imprinted thereon, or upon any tag, card or label attached thereto or upon any box, package, cover or wrapper in which said article is encased or enclosed, with~~ the words "sterling silver" or "sterling," or any colorable imitation thereof of "sterling silver" or "sterling" unless nine hundred twenty-five one-thousandths of the component parts of the metal appearing or purporting to be silver, ~~of which such article is manufactured are pure silver, subject to the qualifications hereinafter set forth, is guilty of a misdemeanor.~~

(2) In the case of all such articles that are subject to sub. (1), there shall be allowed a divergence in fineness of four one-thousandths parts from the foregoing standards under sub. (1).

NOTE: Deletes redundant language, reorders text, replaces parentheses and inserts specific references and cross-references. Simplifies structure by making long phrases definitions under s. 134.245.

SECTION 7. 134.27 of the statutes is amended to read:

134.27 Misbranding of coin silver articles. (1)

~~Any~~ Except as provided in sub. (2) and s. 134.29, any person, firm, corporation or association, who or which makes for sale, or sells, or offers to sell or dispose of, or has in his, her or its possession with intent to sell or dispose of, who sells any article of merchandise made in whole or in part of silver or of any alloy of silver ~~and having marked, stamped, branded, engraved or imprinted thereon, or upon any tag, card or label attached thereto, or upon any box, package, cover or wrapper in which such article is encased or enclosed, with~~ the words "coin" or "coin silver;" or any colorable imitation thereof of "coin" or "coin silver", unless nine hundred one-thousandths of the component parts of the metal appearing or purporting to be silver, ~~of which such article is manufactured are pure silver, subject to the qualifications hereinafter set forth, is guilty of a misdemeanor.~~

(2) In the case of all such articles that are subject to sub. (1), there shall be allowed a divergence in fineness of four one-thousandths parts from the foregoing standards under sub. (1).

NOTE: Deletes redundant language, replaces parentheses and inserts specific references and cross-references. Simplifies structure by making long phrases definitions under s. 134.245.

SECTION 8. 134.28 of the statutes is amended to read:

134.28 Misbranding of base silver articles. Any ~~Except as provided in s. 134.29, any person, firm, corporation or association, who or which makes for sale, or sells, or offers to sell or dispose of, or has in his, her or its possession with intent to sell or dispose of, who sells~~ any article of merchandise made in whole or in part of silver or of any alloy of silver, ~~and having stamped, branded, engraved or imprinted thereon, or upon any tag, card or label attached thereto, or upon any box, package, cover or wrapper in which said article is encased or enclosed, any mark or word (~~ marked in way, other than with the word “sterling” or the word “coin”), ~~indicating, or designed or intended to indicate, that the silver or alloy of silver in said the article, is of a greater degree of fineness than the actual fineness or quality of such the silver or alloy, unless the actual fineness of the silver or alloy of silver of which said the article is composed be is not less by more than four one-thousandths parts than the actual fineness indicated by the said mark or word (other than the word “sterling” or “coin”) stamped, branded, engraved or imprinted upon any part of said article, or upon any tag, card or label attached thereto, or upon any box, package, cover or wrapper in which said article is encased or enclosed, subject to the qualifications hereinafter set forth, is guilty of a misdemeanor.~~

NOTE: Deletes redundant language, replaces parentheses and inserts specific references and cross-references. Simplifies structure by making long phrases definitions under s. 134.245.

SECTION 9. 134.29 (1) and (2) of the statutes are amended to read:

134.29 (1) In any test ~~for the ascertainment of to determine~~ the fineness of any such silver article mentioned in ss. 134.26 to 134.28, according to the standards ~~therein contained in ss. 134.26 to 134.28, the part of the article taken for the test, analysis or assay, shall be such part or portion as does not contain or have attached thereto to it~~ any solder or alloy of inferior metal used for brazing or uniting the parts of such the article.

(2) ~~In addition to the foregoing test and standards Notwithstanding sub. (1) and ss. 134.26 to 134.28, the actual fineness of the entire quantity of metal purporting to be silver contained in any article mentioned in ss. 134.26 to 134.28, including all solder or alloy of inferior fineness used for brazing or uniting the parts of any such the article (all such silver, alloy or solder being assayed as one piece), shall not be less by more than ten one-thousandths parts than the fineness indicated~~ marked on the article, according to the foregoing standards, ~~by the mark stamped, branded, engraved or imprinted upon such article, or upon any tag, card or label attached thereto, or upon any box, package, cover or wrapper in which said article is encased or enclosed contained in ss. 134.26 to 134.28. In determining the fineness of metal for purposes of this subsection, the silver, alloy or solder being tested shall be tested as one piece.~~

NOTE: Deletes redundant language, replaces parentheses and inserts specific references and cross-references. Simplifies structure by making long phrases definitions under s. 134.245.

SECTION 10. 134.31 of the statutes is amended to read:

134.31 (title) Misbranding of silver plated silver-plated articles. Any person, firm, corporation or association, who or which makes for sale, or sells or offers to sell or dispose of, or has in his, her or its possession with intent to sell or dispose of, who sells any article of merchandise made in whole or in part of inferior metal, having deposited or plated ~~thereon~~ on the inferior metal or brazed or otherwise affixed ~~thereto~~ to the inferior metal, a plate, plating, covering or sheet of silver or of any alloy of silver, ~~and which article is known in the market as “silver plate” or “silver electroplate,”~~ or by any similar designation, and having stamped, branded, engraved or imprinted thereon, or upon any tag, card or label attached thereto, or upon any box, package, cover or wrapper in which said article is encased or enclosed, which is marked with the word “sterling” or the word “coin,” either alone or in conjunction with any other words or marks, is guilty of a misdemeanor.

NOTE: Deletes redundant language, replaces parentheses and inserts specific references and cross-references. Simplifies structure by making long phrases definitions under s. 134.245.

SECTION 11. 134.32 of the statutes is amended to read:

134.32 (title) Penalty for violations of sections ss. 134.25 to 134.32 134.31. Every person, firm, corporation or association ~~guilty of a violation of who violates~~ any one of the provisions of ss. 134.25 to 134.32 134.31, and every officer, manager, director or managing agent of any such person, firm, corporation or association, directly participating in such violation or consenting ~~thereto to~~ a violation of ss. 134.25 to 134.31, shall be ~~punished by a fine of not fined not less than \$25 nor more than \$500 nor less than \$25, or imprisonment or imprisoned for not more than 3 months, or both, at the discretion of the court.~~

NOTE: Deletes redundant language, replaces parentheses and inserts specific references and cross-references. Standardizes penalty language with current style. Simplifies structure by making long phrases definitions under s. 134.245. There can be no violation of s. 134.32 as its sole function is to provide penalties for violations of other sections.

SECTION 12. 134.33 (5) (e) 3. of the statutes is amended to read:

134.33 (5) (e) 3. The percentage of platinum in such the article shall be is no less than five per cent 5% in weight of the total weight of the article; and

NOTE: Replaces word form of number with digit and other disfavored terms.

SECTION 13. 137.02 (1) of the statutes is amended to read:

137.02 (1) The governor shall have power to appoint one or more commissioners in any of the United States, or of the territories belonging to the United States and in foreign countries, who shall hold office for ~~the a~~ term of ~~four~~ 4 years unless sooner removed. Every such commissioner appointed under this subsection shall take the official oath before a judge or clerk of one of the courts of record of the state or territory or country in which the commissioner shall reside, ~~and.~~ The commissioner shall file the same oath, with an impression of the commissioner's seal of office and a statement of the commissioner's post-office address, in the office of the secretary of state, ~~and.~~ The commissioner shall at the same time pay into the treasury the sum of five dollars; and thereupon \$5, at which time the commissioner's commission shall issue.

NOTE: Replaces word form of number with digit, inserts specific references and breaks up long sentence.

SECTION 14. 148.02 (1) of the statutes is renumbered 148.02 (1) (intro.) and amended to read:

148.02 (1) (intro.) The physicians and surgeons, not less than ~~five~~ 5 in number, of the several counties, except those ~~wherein~~ counties where a county medical society already exists, may meet at such time and place at the county seat as a majority agree upon and organize a county medical society, ~~and when.~~ When so organized it shall, a county medical society:

(a) Shall be a body corporate by the name of the medical society of such ~~the~~ county, shall for which it is organized.

(b) Shall have the general powers of a corporation, ~~and may.~~

(c) May take, by purchase or gift, and hold real and personal property. County

(1m) All County medical societies ~~now existing are continued with~~ organized prior to June 7, 1878, shall have the powers and privileges conferred by this chapter.

NOTE: Replaces word form of number with digit, subdivides provision and inserts specific references.

SECTION 15. 148.02 (2) of the statutes is amended to read:

148.02 (2) Physicians and surgeons who, ~~before April 20, 1897, received a diploma from an incorporated medical college or society of any of the United States or territories or of any foreign country, or who shall have received a license from the medical examining board,~~ shall be entitled to meet ~~for organization~~ to organize or become members of the county medical society.

NOTE: Deletes obsolete clause that applies to doctors who received a diploma prior to April 20, 1897.

SECTION 16. 157.062 (6) (a) of the statutes is amended to read:

157.062 (6) (a) The association is dissolved by failure to hold an annual election for ~~three~~ 3 successive years.

NOTE: Replaces word form of number with digit.

SECTION 17. 167.07 (1) of the statutes is renumbered 167.07 (1) (intro.) and amended to read:

167.07 (1) (intro.) No person, ~~association or corporation shall~~ may manufacture, store, offer for sale, sell, or otherwise dispose of or distribute ~~white, any of the following:~~

(a) White phosphorus, single-dipped, strike-anywhere matches of the type popularly known as "parlor matches;" ~~nor manufacture, store, sell, offer for sale, or otherwise dispose of or distribute white.~~

(b) White phosphorus, double-dipped, strike-anywhere matches, or other type of double-dipped matches, unless the bulb or first dip of such match is composed of a so-called safety or inert composition, nonignitable on an abrasive surface; ~~nor manufacture, store, sell or offer for sale, or otherwise dispose of or distribute matches.~~

(c) Matches which, when packed in a carton of ~~five hundred~~ 500 approximate capacity and placed in an oven maintained at a constant temperature of ~~two hundred~~ 200 degrees F. Fahrenheit, will ignite in ~~eight~~ 8 hours; ~~nor manufacture, store, offer for sale, sell or otherwise dispose of or distribute.~~

(d) Blazer, or so-called wind matches, whether of the so-called safety or strike-anywhere type.

NOTE: Subdivides provision, deletes redundant language and replaces word form of number with digit. "Person" is defined in s. 992.01 to include firms, corporations and associations.

SECTION 18. 167.07 (2) of the statutes is renumbered 167.07 (2) (a) (intro.) and amended to read:

167.07 (2) (a) (intro.) No person, ~~association or corporation shall offer~~ may do any of the following:

1. Offer for sale, sell or otherwise dispose of or distribute any matches, unless the package or container in which such matches are packed bears plainly marked on the outside thereof the name of the manufacturer and the brand or trademark under which such matches are sold, disposed of or distributed; ~~nor shall.~~

2. Open more than one case of each brand of matches of any type or manufacture ~~be opened~~ at any one time in ~~the a~~ retail store where matches are sold or otherwise disposed of; ~~nor shall.~~

3. Keep loose boxes or paper-wrapped packages of matches ~~be kept~~ on shelves or stored in ~~such a~~ retail stores store at a height exceeding ~~five~~ 5 feet from the floor; ~~all.~~

(b) All matches, ~~when stored in warehouses, excepting~~ except manufacturers' warehouses at ~~the~~ place of manufacture, ~~when such warehouses that contain automatic sprinkler equipment, must~~ shall be subject to each of the following conditions:

1. The matches shall be kept only in properly secured cases, ~~and.~~

2. The matches shall not ~~be~~ piled to a height exceeding ~~ten~~ 10 feet from the floor; ~~nor.~~

3. The matches shall not be stored within a horizontal distance of ~~ten~~ 10 feet from any boiler, furnace, stove or other ~~like~~ similar heating apparatus; ~~nor.~~

4. The matches shall not be within a horizontal distance of ~~twenty-five~~ 25 feet from any explosive material kept or stored on the same floor; ~~all.~~

(c) ~~All~~ matches shall be packed in boxes or suitable packages, containing not more than ~~seven hundred~~ 700 matches in any one box or package; ~~provided, however, that when.~~ ~~If more than three hundred~~ 300 matches are packed in any one box or package, the said matches shall be arranged in ~~two~~ 2 nearly equal portions, ~~with~~ the heads of the matches in the ~~two~~ 2 portions shall be placed in opposite directions, ~~and all.~~ ~~All~~ boxes containing ~~three hundred and fifty~~ 350 or more matches shall have placed over the matches a center holding or protecting strip, made of chipboard, not less than ~~one and one-quarter~~ 1.25 inches wide; ~~said~~ ~~and~~ the strip shall be flanged down to hold the matches in position when the box is nested into the shuck or withdrawn from it.

NOTE: Subdivides provision, breaks up long sentence, replaces word form of numbers with digits and other language. "Person" is defined in s. 990.01 to include firms, corporations and associations.

SECTION 19. 167.20 (2) of the statutes is amended to read:

167.20 (2) Any person who shall ~~violate the provisions of~~ violates this section shall be ~~deemed guilty of a misdemeanor and shall be punished by a fine of~~ fined not less than ~~twenty-five dollars~~ \$25 nor more than ~~one hundred dollars,~~ \$100 or by imprisonment in the county jail ~~imprisoned for~~ not less than ~~thirty~~ 30 days nor more than ~~six~~ 6 months. Each day during which a violation of ~~the provisions of~~ this section continues shall be ~~deemed considered~~ a separate offense.

SECTION 20. 170.02 of the statutes is renumbered 170.02 (1) and amended to read:

170.02 (1) Every finder of a stray shall, within 7 days ~~thereafter~~ after finding the stray, notify the owner ~~thereof of the stray~~, if known to the finder, and request the owner to pay all reasonable charges and take ~~such the~~ stray away; ~~and, if such.~~ ~~If the owner be~~ is unknown to the finder, the finder shall, within ~~ten~~ 10 days after finding the stray, file a notice with the town clerk of the town, who shall transmit a copy ~~thereof~~ to the county clerk.

(2) The finder ~~of a stray~~ shall publish notice, if the value of the stray exceeds \$50, as a class 3 notice, under ch. 985, in the county. The notice shall ~~briefly describe contain all of the following:~~

(a) A brief description of the stray by, giving its marks, natural or artificial, as near as practicable, ~~the.~~

(b) The name and residence of the finder, specifying the section and town, ~~and the.~~

(c) The time when such the stray was taken up. ~~For neglect or refusal.~~

(3) If the finder neglects or refuses to publish such the notice as required under sub. (2), the finder of ~~such the~~ stray shall be liable in double the amount of damages sustained by the owner of ~~such the~~ stray. ~~For neglect or failure~~ If the finder neglects or refuses for one year to publish

~~such notices~~ the notice required under sub. (2), the finder of ~~such the~~ stray shall be liable for ~~its the~~ full value of ~~the~~ the stray, to be recovered by an action in the name of the town, ~~and the.~~ The amount recovered shall be added to ~~the school fund of such town apportioned in the same manner as tax revenues collected by the town for schools under s. 60.33 (9) (d).~~

NOTE: Subdivides provision, breaks up long sentence, replaces word form of numbers with digits and other language. There is no town school fund. This term was inserted by the editors of the revised statutes of 1878. The replacement language inserted by this bill reflects the original language of Chapter 69, Laws of 1869, as updated to reflect current s. 60.33 (9) (d).

SECTION 21. 171.02 of the statutes is renumbered 171.065 and amended to read:

171.065 Disposition of proceeds. If the owner of the property sold under this chapter or the owner's legal representatives shall, at any time within ~~five~~ 5 years after ~~such money shall~~ proceeds from the sale have been deposited in the county treasury, ~~furnish~~ furnishes satisfactory evidence to the treasurer of the ownership of ~~such the~~ property, the owner or the owner's legal representatives shall be entitled to receive ~~from such treasurer~~ the amount ~~so of the proceeds~~ deposited with the treasurer. If ~~not claimed within said time by~~ the owner or the owner's legal representatives ~~do not claim the sale proceeds within the same~~ 5-year period, the proceeds shall belong to the county.

NOTE: Renumbers provision for more logical placement in the chapter, inserts specific references, replaces word form of numbers with digits and deletes or replaces disfavored terms.

SECTION 22. 172.01 of the statutes is amended to read:

172.01 Animals not to run at large. No stallion over one year old, nor bull over ~~six~~ 6 months old, nor boar, nor ram, nor billy goat over ~~four~~ 4 months old shall run at large; ~~and if.~~ If the owner or keeper shall of an animal described in this section, for any reason, suffer any such permit the animal to do so run at large, the owner or keeper shall forfeit ~~five dollars~~ \$5 to the person taking it up the animal and shall be liable in addition for all damages done by the animal while ~~so~~ at large, ~~although regardless of whether the animal escapes without animal's escape was~~ the fault of ~~such the~~ owner or keeper; ~~and the.~~ The construction of any fence enumerated in s. 90.02 shall does not relieve ~~such an~~ owner or keeper from liability for any damage committed by an animal ~~of the enumerated class described in this section~~ upon the ~~inclosed enclosed~~ premises of an adjoining owner.

NOTE: Breaks up long sentence, inserts specific references, replaces word form of numbers with digits and deletes or replaces disfavored terms.

SECTION 23. 172.015 of the statutes is amended to read:

172.015 Livestock on highways; penalty. No livestock shall run at large on a highway at any time except to go from one farm parcel to another. If the owner or

keeper of livestock knowingly permits livestock to ~~do so~~ run at large on a highway, except when going from one farm parcel to another, and after notice by any peace officer fails to remove ~~such the~~ livestock from the highway, the owner or keeper may be fined not exceeding more than \$200.

NOTE: Inserts specific references.

SECTION 24. 172.02 of the statutes is amended to read:

172.02 (title) ~~May be taken~~ **Taking up animal; notice.** Any person finding any ~~such~~ animal described in s. 172.01 running at large may take it up, but shall within ~~seven 7~~ days ~~thereafter~~ after taking up the animal notify the owner, if known to the person, and request the owner to pay all reasonable charges for ~~its the~~ animal's keeping, ~~besides such together with the~~ forfeiture required under s. 172.01 for taking up, and take ~~such the~~ animal away within ~~five 5~~ days after being so notified.

NOTE: Inserts cross-references and other specific references, replaces word form of numbers with digits and deletes or replaces disfavored terms. Adds a subject to the title.

SECTION 25. 172.03 of the statutes is amended to read:

172.03 Notice, if owner unknown. If the owner of ~~such an~~ animal taken up under s. 172.02 is unknown, the finder shall, within 10 days ~~thereafter~~ after taking up the animal, file a notice with the clerk of the town in which ~~it the~~ animal is taken up and, if the value of the animal exceeds \$50, shall publish in the county a class 3 notice, under ch. 985. The notice shall briefly describe the ~~animals~~ animal, by marks natural or artificial, as near as practicable, and give the name and residence of the finder and the time when the animal was taken up. A copy of ~~it the~~ notice shall be ~~forthwith~~ sent immediately by the town clerk to the county clerk, who shall file the ~~same~~ notice.

NOTE: Inserts specific references and cross-references and replaces disfavored terms.

SECTION 26. 172.04 of the statutes is amended to read:

172.04 Appraisal of animals. The finder of animals taken up under s. 172.02 shall, within one month from taking them up, if the animals are of the value of \$10 or more, apply to the town chairperson, village president or city mayor of the municipality where found for the appointment of a disinterested appraiser; ~~a.~~ A certificate of the appraisal shall be signed by the appraiser and filed in the municipal clerk's office. The finder shall pay the appraiser \$3 for the certificate and 10 cents per mile for every mile necessarily traveled by the appraiser.

NOTE: Breaks up long sentence, and inserts cross-reference.

SECTION 27. 172.05 of the statutes is amended to read:

172.05 (title) ~~How restored~~ **Restoring an animal to its owner.** The owner or person entitled to the possession of ~~the an~~ animal taken up under s. 172.02, at any time within 90 days after ~~such~~ notice is filed with the municipi-

pal clerk under s. 172.03, may have the animal restored upon proving rights to the animal and paying all lawful charges incurred. If the claimant and the finder cannot agree as to the amount of the charges or for the use of the animal either party upon notice to the other may apply to the town chairperson, village president or city mayor or manager of the municipality to settle the ~~same~~ dispute, who for that purpose may examine witnesses on oath. Any amount found to be due ~~to~~ the finder over the value of the use of ~~such the~~ animal, together with the costs of ~~such~~ adjudication, shall be a lien upon the animal.

NOTE: Inserts cross-references and other specific references and replaces disfavored terms. Adds subject to title.

SECTION 28. 172.06 of the statutes is amended to read:

172.06 Ownership by finder; sale. If no claimant for ~~the an~~ animal taken up under s. 172.02 causes its return, and if the animal has not been appraised for more than \$10, the finder shall become the absolute owner; ~~but if of the animal.~~ If the appraised value of the animal exceeds \$10, the animal shall be sold at public auction by the sheriff or any constable of the county on the request of the finder. Notice ~~thereof of the~~ sale shall be given and the sale shall be conducted and the same fees allowed ~~therefor~~ as in the case of sales upon execution under ch. 815. The finder may bid at the sale and shall at the time of sale deliver to ~~such the~~ officer conducting the sale a statement in writing of the finder's charges, which shall be filed by the officer with the municipal treasurer; ~~and after.~~ After deducting the finder's charges, if just and reasonable, and the costs of the sale, the officer shall pay one-half of the remaining proceeds to the finder, and, within 10 days ~~thereafter~~ after the sale, the other half to the treasurer of the municipality for its use. If the finder of any stray neglects or refuses to cause a sale to be made when required by law, the finder shall pay to the municipality the value of the stray, to be recovered in an action by the municipality.

NOTE: Breaks up long sentence, inserts specific references and deletes or replaces disfavored terms.

SECTION 29. 172.07 of the statutes is amended to read:

172.07 Penalties. If any person, without the consent of the finder, ~~shall take~~ takes any animal lawfully taken up ~~as aforesaid~~ from the finder's possession, without the payment of the finder's lawful charges incurred in relation to the ~~same~~ animal, the person taking the animal shall be liable to ~~such the~~ finder for the value of ~~such the~~ animal. If the finder ~~shall neglect~~ neglects to give the notices, procure the appraisals or perform any of the duties ~~hereinbefore~~ required of the finder, the finder shall be precluded from acquiring any right of property in ~~such the~~ animal or receiving any charges or damages relative ~~thereto~~ to the animal.

NOTE: Breaks up long sentence, inserts specific references and deletes or replaces disfavored terms.

1997 Assembly Bill 971

- 7 -

SECTION 30. 172.08 of the statutes, is renumbered 172.08 (1) and amended to read:

172.08 (1) If the owner of any ram shall suffer ~~per-~~mits the ram to go at large or out of the ram's ~~inclosure~~enclosure between the ~~fifteenth day of July 15~~ and the first day of December 1 in the same year, the owner shall forfeit ~~ten dollars \$10~~ for each time ~~such that the ram shall be is~~ found at large and taken up, ~~one-half 50%~~ of which shall be paid to the prosecutor; ~~and the~~. The owner shall also be liable for any damages sustained by any person in consequence of ~~such the~~ ram running at large.

(2) Any person may take up ~~such a ram described in sub. (1), and shall within twenty-four 24 hours thereafter notify after taking up the ram do one of the following:~~

(a) If the owner thereof, ~~if of the ram is known, notify the owner that the ram has been taken up and of the place where the same ram is secured; and if,~~

(b) If the owner of the ram is unknown ~~shall within the same time, file with the town clerk a notice of such the taking up, containing describing the marks of such the ram, natural and artificial, if any, and also post copies of such the notice in three 3 public places in such the town.~~

(3) The owner of ~~such a ram taken up under this section may, within six 6 days after the filing and posting of such the notices under sub. (2), pay or tender to the town clerk said the forfeiture under sub. (1) and fifty 50 cents for the town clerk's fees, and thereupon said. Upon payment of the forfeiture and fees, the ram shall be restored to the owner; and the clerk shall forthwith immediately pay one-half of said the forfeiture to the person who took the same ram up and the other half to the county treasurer. If such the ram's owner shall not so fails to pay such the forfeiture and fees in the time aforesaid said 6-day period under this subsection, the ram shall become the property of the person so taking who took up the ram up.~~

NOTE: Subdivides provision, breaks up long sentence, inserts specific references, replaces word form of numbers with digits and deletes or replaces disfavored terms.

SECTION 31. 173.01 of the statutes, is renumbered 173.01 (1) and amended to read:

173.01 (1) The owner or occupant of any lands may distrain any beast doing damage on the premises, either while upon the premises or upon immediate pursuit of the beasts escaping ~~therefrom from the premises~~ and before returning to the enclosure of or to the immediate care of the owner or keeper. The person distraining the beasts may keep the beasts upon the premises or in ~~some a~~ public pound in the person's town, city or village of residence until the person's damages are appraised.

(2) If the owner of the beasts is known to the person distraining the beasts and resides within the same town, city or village county, the person distraining the beasts shall give written notice to the owner in accordance with whichever of the following applies:

(a) If the owner resides within the same town, city or village as the person distraining the beasts, notice shall be

given within 24 hours, but if Sundays excepted, after the animal is distrained.

(b) If the owner resides in the same county, but does not reside in the same town, city or village, as the person distraining the beasts, notice shall be given within 48 hours, Sundays excepted, specifying therein.

(3) The notice under sub. (2) shall specify all of the following:

(a) The time when and the place where the beasts were distrained, ~~the~~.

(b) The number of beasts distrained and the place of their detention, ~~and that at a~~.

(c) ~~That at a~~ time and place, which shall not be less than 12 hours after the serving of the notice nor more than 3 days after ~~such distress~~ distraining the beasts, and place designated in the notice the person distraining will apply to the town chairperson, village president or city mayor or manager of the municipality where the beasts were found for the appointment of 3 disinterested freeholders of the town, city or village to appraise the damages; ~~but if,~~

(4) If the owner of the beasts is unknown or does not reside in the same county as the person distraining the beasts, the person distraining the beasts shall, in accordance with sub. (3) (c), apply for the appointment of appraisers without notice and within 24 hours after ~~such distress; and upon~~ distraining the beasts.

(5) Upon application, the town chairperson, village president, or city mayor or manager shall appoint in writing 3 disinterested freeholders of the town, city or village to appraise the damages, ~~and.~~ The appraisers shall receive 50 cents therefor for the appointment.

NOTE: Subdivides provision, breaks up long sentence, inserts specific references, and deletes or replaces disfavored terms.

SECTION 32. 173.02 of the statutes is amended to read:

173.02 (title) Appraisement Appraisal. Such The freeholders appointed as appraisers under s. 173.01 shall be immediately notified and shall immediately repair to the place damaged by the animals and view the damages done, and they. The appraisers may take evidence of any witnesses of the facts and circumstances necessary to enable them to ascertain the extent of such the damages and the sufficiency of any line fence on the premises where such the damage was done, if any dispute shall arise touching the same, and for such purpose arises regarding the damages or line fence. The appraisers may administer oaths to such the witnesses. They The appraisers shall certify under their hands the amount of such damages and, the cost of keeping such the beasts to that time, with their fees for services, as appraisers not exceeding one dollar \$1 per day each, and their determination as to the sufficiency of such the line fence, if in dispute, and their. The appraisers' decision as to such damages and sufficiency shall be of the fence is conclusive.

NOTE: Inserts specific references and cross-references and deletes or replaces disfavored terms.

SECTION 33. 173.03 of the statutes is renumbered 173.03 (1) and amended to read:

173.03 (1) Unless the damages so ascertained determined under s. 173.02, together with the fees of the appraisers and chairperson, president or mayor, have been paid within 24 hours after the appraisal, the person distraining the beasts shall cause the beasts distrained to be confined in accordance with whichever of the following applies:

(a) The beasts shall be put into the nearest pound of in the same distraining person's town, city or village of residence, if there is one, and if not, then a pound.

(b) If there is no pound in the distraining person's town, city or village of residence, the beasts shall be put in some other secure enclosure, where they.

(2) The beasts shall remain confined until sold as hereinafter directed, or under ss. 173.04 to 173.06, until the damages, fees and the costs of keeping the beasts after appraisal are paid or until they are otherwise seized or discharged according to law. The confined beasts shall be furnished with suitable food from the time of seizure until they are discharged therefrom or sold; and the. The expense thereof of feeding the beasts, after the appraisal, shall be added thereto to the amount determined under s. 173.02 and paid as additional costs; and if. If the beasts are put in a pound, the certificate of appraisal shall be delivered to the keeper of the pound.

NOTE: Inserts specific references and cross-references and deletes or replaces disfavored terms.

SECTION 34. 173.04 of the statutes is amended to read:

173.04 Time and notice of sale. The poundmaster of any such pound shall receive and keep any beasts so delivered to the poundmaster and unless under s. 173.03. Unless the beasts are seized or discharged according to law within six 6 days, from the time of their delivery to the pound, the poundmaster shall sell such at public auction the beasts or so many of them as shall be is necessary to pay such the damages, fees and costs, at public auction, giving two enumerated under ss. 173.02 and 173.03. The poundmaster shall give 2 days' notice of such the sale by notice posted upon such the pound and at three 3 public places in such the town, city or village in which the pound is located.

NOTE: Inserts specific references and cross-references, replaces word form of numbers with digits and deletes or replaces disfavored terms.

SECTION 35. 173.05 of the statutes is amended to read:

173.05 Sale of animal not impounded. If in consequence of there being no pound within such the distraining person's city, town or village such of residence the beasts shall be distrained under s. 173. 01 are kept in some other enclosure and if the same shall beasts are not be dis-

charged in the manner ~~hereinbefore~~ provided under this chapter within six 6 days after being placed therein in the enclosure, the sheriff or any constable of the county shall sell such the beasts or so many of them as shall be necessary to pay such the damages, fees and costs of keeping, upon the same notice as is required in case of a constable's sale of personal property taken by execution.

NOTE: Inserts specific references and cross-references, replaces word form of numbers with digits and deletes or replaces disfavored terms.

SECTION 36. 173.06 of the statutes is renumbered 173.06 (1) and amended to read:

173.06 (1) From the proceeds of the sale under s. 173.04 or 173.05, the person making the sale shall retain his or her fees, which shall be the same as are allowed to constables upon sales of personal property on execution, and the cost of keeping the beasts; and the. The person making the sale shall pay to the person who distrained the beasts the damages so certified under s. 173.02, with the fees of the appraisers and chairperson, president or mayor, and pay the.

(2) Any surplus, if any, remaining after distribution of the proceeds under sub. (1) shall be paid to the owner of the beast, if known. If no owner appears at the time of sale or within one week thereafter after the sale, and claims the surplus, it shall be paid to the treasurer of the distraining person's town, city or village of residence. If the money is not applied for within one year thereafter after the sale, the treasurer shall place the same money in the town treasury, to be expended in the support of the poor; but if. If the owner applies therefor for the surplus and gives proper proof of ownership within 6 years after its receipt by such the treasurer it, the surplus, less a 2% deduction for fees, shall be paid over to such the owner, deducting 2% for fees.

NOTE: Subdivides provision, inserts specific references and cross-references, replaces word form of numbers with digits and deletes or replaces disfavored terms. Town responsibility for providing relief to the poor was ended by 1985 Wis. Act 29.

SECTION 37. 175.09 (3) of the statutes is amended to read:

175.09 (3) Whoever shall in connection with any place of business of ~~whatsoever kind or nature, employ, display, maintain or use~~ any other than the standard of time shall be ~~guilty of a nuisance and shall be punished by a fine of fined not less than twenty-five dollars, or \$25 nor more than five hundred dollars, \$500 or by imprisonment in the county jail imprisoned for not less than ten 10 days nor more than thirty 30 days, or by both such fine and imprisonment.~~

NOTE: Replaces word form of numbers with digits and deletes unnecessary language.

SECTION 38. 178.04 (4) of the statutes is renumbered 178.04 (4) (intro.) and amended to read:

178.04 (4) (intro.) The receipt by a person of a share of the profits of a business is prima facie evidence that that person is a partner in the business, but ~~no such~~ that inference shall not be drawn if ~~such~~ the profits were received in for any of the following:

(a) As payment as a debt by instalments or otherwise; ~~as.~~

(b) As wages of an employe or rent to a landlord; ~~as.~~

(c) As an annuity to a surviving spouse or representative of a deceased partner; ~~as.~~

(d) As interest on a loan, though the amount of payment vary with the profits of the business; ~~or as.~~

(e) As the consideration for the sale of the ~~good-will~~ goodwill of a business or other property by instalments or otherwise.

SECTION 39. 178.13 (1) (intro.) of the statutes is amended to read:

178.13 (1) (intro.) When a person, by words spoken or written or by conduct, represents himself or herself, or consents to another representing him or her to ~~any one~~ anyone, as a partner in an existing partnership or with one or more persons not actual partners, he or she is liable to any such person to whom such representation has been made, who has, on the faith of such representation, given credit to the actual or apparent partnership and, if he or she has made such representation or consented to its being made in a public manner, he or she is liable to such person, whether the representation has or has not been made or communicated to such person so giving credit by or with the knowledge of the apparent partner making the representation or consenting to its being made, as follows:

NOTE: Corrects spelling.

SECTION 40. 178.33 (2) (c) of the statutes is amended to read:

178.33 (2) (c) A partner who has caused the dissolution wrongfully shall have, if the business is not continued under the provisions of par. (b), all the rights of a partner under sub. (1) subject to the provisions of par. (a), and, if the business is continued under par. (b), the right as against the other partners and all claiming through them in respect of their interests in the partnership, to have the value of his or her interest in the partnership, less any damages caused to the other partners by the dissolution, ascertained and paid to him or her in cash, or the payment secured by bond approved by the court, and to be released from all existing liabilities of the partnership; but in ascertaining the value of the partner's interest the value of the ~~good-will~~ goodwill of the business shall not be considered.

NOTE: Corrects spelling.

SECTION 41. 180.1202 (1) of the statutes is amended to read:

180.1202 (1) Except as provided in sub. (5), a corporation may sell, lease, exchange or otherwise dispose of all, or substantially all, of its property, with or without

~~good-will~~ goodwill, otherwise than in the usual and regular course of business, on the terms and conditions and for the consideration determined by the corporation's board of directors, upon adoption of a resolution by the board of directors approving the proposed transaction and approval by its shareholders of the proposed transaction.

NOTE: Corrects spelling.

SECTION 42. 184.09 (1) of the statutes is amended to read:

184.09 (1) Any public service corporation, or any agent, director or officer ~~thereof~~ of a public service corporation, who shall directly or indirectly, issue or cause to be issued, any securities for whose issuance a certificate is required contrary to the provisions of this chapter, or who shall apply the proceeds from the sale ~~thereof~~ of the securities to any purpose other than that specified in the certificate of the commission, shall forfeit to the state not less than ~~five hundred dollars~~ \$500 nor more than ~~ten thousand dollars~~ \$10,000 for each offense.

NOTE: Replaces word form of numbers with digits and inserts specific reference.

SECTION 43. 184.09 (2) of the statutes is amended to read:

184.09 (2) Every director, president, secretary or other official or agent of any public service corporation, who shall practice fraud or knowingly make any false statement to secure a certificate of authority to issue any security, or issue under a certificate so obtained and with knowledge of such fraud, or false statement, or negotiate, or cause to be negotiated, any security, in violation of this chapter, shall be ~~punished by a fine of~~ fined not less than ~~five hundred dollars,~~ \$500 or ~~by imprisonment in the state prison~~ imprisoned for not less than one ~~or year~~ nor more than 10 years, or ~~by both fine and imprisonment.~~

NOTE: Replaces word form of numbers with digits and deletes unnecessary language.

SECTION 44. 184.12 of the statutes is amended to read:

184.12 Judicial sale of corporation, reorganization. Whenever the rights, powers, privileges and franchises of any domestic public service corporation shall be sold at judicial sale or pursuant to the foreclosure of a mortgage, the purchaser shall, within ~~sixty~~ 60 days after ~~such~~ the sale, organize a new corporation pursuant to the laws respecting corporations for similar purposes and shall convey to ~~such~~ the new corporation the rights, privileges and franchises which the former corporation had, or was entitled to have, at the time of ~~such~~ the sale, and ~~such~~ as which are provided by the statutes applicable ~~thereto~~ to domestic public service corporations. The amount of securities ~~which~~ that may be issued by the new corporation for the purpose of acquiring the property of the former corporation shall be determined in accordance with ss. 184.04, 184.05 and 184.06.

NOTE: Replaces word form of numbers with digits and inserts specific references.

SECTION 45. 188.01 of the statutes is amended to read:

188.01 (title) **May elect Election of trustees.** The members of any grand lodge or division or of any subordinate lodge or division acting under the authority of any grand lodge or division of Free Masons, Odd Fellows, Hermann's Sons, or Sons of Temperance, Grand Army of the Republic, or of the State Grange, or any subordinate grange of the order of Patrons of Husbandry acting under the authority of a state or national grange, or of the State Woman's Christian Temperance Union, or any county, district or local Woman's Christian Temperance Union, or of any other society constituted in a manner generally similar to either of the foregoing, whether acting under the jurisdiction of a grand lodge or division or not, may assemble at their usual place of meeting and, in pursuance of the rules of their society, elect not less than three 3 nor more than nine 9 of their number trustees to take care of the property, real and personal, belonging ~~thereto~~ to the society and transact all the business relative to the investment and disposal ~~thereof~~ of the society's property.

NOTE: Replaces word form of numbers with digits and inserts specific references.

SECTION 46. 188.02 of the statutes is renumbered 188.02 (intro.) and amended to read:

188.02 Powers of trustees. (intro.) ~~Such The~~ trustees ~~may of a society that is subject to this chapter:~~

(1) ~~May~~ have a common seal ~~and alter the same that may be altered~~ at the trustee's pleasure, ~~and for all purposes for which they are authorized to act shall.~~

(2) ~~Shall be deemed considered~~ a corporation, ~~and in for all purposes for which they are authorized to act.~~

(3) ~~In~~ pursuance of the rules and regulations of ~~such the~~ society and in conformity with the rules and regulations of the grand lodge, division or society from which they derive their charter, may take possession of, manage, control, purchase, lease, receive, recover, hold, sell, convey, mortgage, demise and improve all of the property thereof or necessary therefor, real and personal, including all burial places belonging thereto, to the society, and may erect and keep in repair all buildings necessary therefor, and may.

(4) ~~May~~ sue and be sued in all matters pertaining to ~~such the~~ property and the debts, claims, demands and liabilities ~~thereof of the society,~~ and the name in which they shall sue or be sued shall be, "The trustees of" (insert name of the grand lodge, lodge, division, grange or society of which they are trustees)".

NOTE: Subdivides provision and inserts specific references.

SECTION 47. 188.03 of the statutes is amended to read:

188.03 In whom property to vest. All of the real and personal property that shall have been conveyed by devise, gift, grant, purchase or otherwise to any ~~such~~ society

that is subject to this chapter or to any person as trustee for the use ~~thereof of the society~~ shall vest in ~~such the society's~~ trustees and their successors in office as fully as if originally conveyed to them, and shall be held by them and by their successors in trust for ~~such the~~ society in the manner aforesaid.

NOTE: Inserts specific references.

SECTION 48. 188.04 of the statutes is renumbered 188.04 (1) and amended to read:

188.04 (1) ~~Such The~~ trustees of a society that is subject to this chapter shall be elected annually at ~~such the~~ time and place and in ~~such the~~ manner ~~as shall be prescribed by the rules or bylaws of such the society, and they.~~ The trustees shall severally hold their offices for one year and until their successors are elected; ~~but any such.~~

(2) Any society, at the first or any subsequent election, may classify ~~such its~~ trustees so that the term of office ~~of for one-third of them shall expire each year; and when.~~ When so classified, the term of office of the trustees thereafter elected shall be three 3 years and until their successors are elected. Any ~~such~~ trustee may be removed in accordance with the rules or bylaws of ~~such the~~ society, and all vacancies may be filled for the residue of the term.

(3) Any ~~two of such 2~~ trustees may call a meeting thereof of the society, and a majority of them being convened may transact any business authorized to be done by them.

(4) Whenever any subordinate grange of the Patrons of Husbandry shall from any cause cease to exist, the trustees then in office shall immediately sell the property thereof of the grange and divide the proceeds proportionally among its members.

NOTE: Subdivides provision, replaces word form of numbers with digits and adds specific references.

SECTION 49. 188.05 of the statutes is amended to read:

188.05 Council of granges. Any members of subordinate granges of the Patrons of Husbandry, not less than five 5, located in any county or in adjoining counties may unite and be known and designated by some especial name as a council of granges of the Patrons of Husbandry, and may, as such, elect trustees as provided in this chapter, ~~who.~~ The trustees shall have all of the powers and privileges in respect to the property of ~~such the~~ council of granges ~~which that~~ are conferred by this chapter ~~conferred upon the trustees of a subordinate grange.~~

NOTE: Replaces word form of numbers with digits and other language for greater readability and conformity with current style.

SECTION 50. 190.01 (1) (intro.) of the statutes is amended to read:

190.01 (1) (intro.) Any number of persons, not less than five 5, may form a corporation for the purpose of constructing, maintaining and operating a railroad for

public use by making articles of organization in which shall be stated:

NOTE: Replaces word form of numbers with digits.

SECTION 51. 190.01 (1) (e) of the statutes is amended to read:

190.01 (1) (e) The names and residences of the directors of the corporation who shall manage its affairs for the first year and until others are chosen in their places, and who shall not be less than five; and each such person 5.

(1m) Each director shall subscribe thereto the person's his or her name, place of residence and the number of shares of stock the person agrees to take in such the corporation. There to the articles of organization. An affidavit of at least 3 of the named directors shall be annexed to such the articles an affidavit of at least three of the directors therein named certifying that the signatures thereto are genuine and that it is intended in good faith to construct or maintain and operate the railroad therein mentioned in the articles of organization.

NOTE: Subdivides provision, replaces word form of numbers with digits adds specific references, reorders text for greater readability and conformity with current style.

SECTION 52. 190.015 of the statutes is renumbered 190.015 (1) and amended to read:

190.015 (1) The stock, property, affairs and business of every such railroad corporation shall be managed by directors who shall be chosen by the stockholders from among their number, at such the time and place as shall be provided by the articles of organization or the bylaws, and shall.

(2) The trustees shall hold office for the term provided therein by the articles or bylaws and until their respective successors are chosen. The directors may be divided into three 3 classes, each of which shall be composed, as nearly as may be possible, of one-third of the directors; the. The term of office of the first class to shall expire in one year, of the second 2nd in two 2 years, and of the third 3rd in three 3 years. At each annual election thereafter, a number of directors shall be elected for three 3 years equal to the number whose term of office shall then expire; all. All other vacancies to shall be filled in accordance with the bylaws.

(3) The directors shall choose one of their number president and such other officers as the corporate articles and bylaws require, for such the term as shall be prescribed thereby; and by the articles or bylaws. The directors may fill any vacancy in their board, happening after any regular annual election, until the next succeeding election.

NOTE: Subdivides provision, replaces word form of numbers with digits and adds specific references for greater readability and conformity with current style.

SECTION 53. 190.02 (9) (a) of the statutes is renumbered 190.02 (9).

NOTE: The remaining paragraphs under s. 190.02 (9) are renumbered to be s. 190.025 (1) and (2) by the next 2 sections of this bill.

SECTION 54. 190.02 (9) (b) of the statutes is renumbered 190.025 (1) and amended to read:

190.025 (1) (title) RAILROAD PROPERTY ACQUIRED UNDER MORTGAGE OR TRUST DEED. In case of a sale of any interest in railroad property by virtue of any such trust deed or mortgage under s. 190.02 (9), the purchasers and their associates, successors and assigns shall thereafter have, exercise and enjoy all rights, privileges, grants, franchises, immunities and advantages mentioned in such instruments the trust deed or mortgage which were possessed by such the corporation that executed that instrument, so far as the same those rights, privileges, grants, franchises, immunities and advantages relate or appertain to that portion or line of road purchased at such that sale, as fully and absolutely in all respects as such the corporation that executed that instrument might have done if such the sale had not taken place.

NOTE: Section 190.02 (intro.) indicates that that section grants the included powers to all railroad corporations. This provision is renumbered out of s. 190.02 because it does not apply to all railroad corporations. Specific references are added for greater readability and conformity with current style. See also the creation of s. 190.025 (title).

SECTION 55. 190.02 (9) (c) of the statutes is renumbered 190.025 (2) (a) (intro.) and amended to read:

190.025 (2) (a) (intro.) Any This subsection applies to any of the following:

1. A railroad corporation organized to and which shall acquire, directly or by mesne conveyances, the property of another railroad corporation sold in judicial proceedings, or any.

2. A railroad corporation reorganized under the federal bankruptcy act which corporation, under a plan of reorganization as confirmed by the act, shall have been authorized to put into effect and carry out said the plan of reorganization, or any a new railroad corporation which shall be organized for the like purpose,.

(b) A railroad corporation that is subject to this subsection shall have all powers by law conferred by law upon railroad corporations, and. The railroad corporation may issue, sell, pledge or otherwise dispose of its evidences of debt at such times, in such amounts, for such considerations and upon such terms and conditions as the board of directors of said the corporation shall determine, and as shall be authorized by the office, or the interstate commerce commission in the case of a railroad corporation organized for the purpose of acquiring a railroad engaged in interstate commerce, or any existing railroad corporation reorganized under the act and acquiring railroad property used in interstate commerce, by the interstate commerce commission, as the case may be, issue, sell, pledge or otherwise dispose of its. The evidences of debt, which may be convertible, at the option of the holder, into stock, and shares of stock, which. The shares may have such a nominal or par value or, if the same be shares are shares of common stock, be without nominal or par

value, and ~~The shares~~ may be of such classes, with such rights and voting powers as may be expressed in its the corporation's articles or any amendment thereto. ~~In the case of a~~

~~(c) 1. A railroad corporation reorganized as afore-said, the filing with the department of financial institutions of under the federal bankruptcy act may elect to file a certified copy of the plan of reorganization as confirmed by the federal bankruptcy act, if it shall so elect, with the department of financial institutions. The filing of the plan shall accomplish and evidence the amendment of its charter or articles of incorporation without the necessity for any other or further action, corporate or otherwise, with respect thereto. Such. A reorganized railroad corporation shall thereupon, upon filing the plan of reorganization, have all powers necessary to put into effect and carry out such the plan of reorganization in all respects but such filing of the plan of reorganization shall not preclude such existing corporation from amending its charter or articles in the manner now provided by law. The fees for filing such the copy of the plan of reorganization shall be the same as prescribed in s. 190.01 (3).~~

NOTE: Section 190.02 (intro.) indicates that that section grants the included powers to all railroad corporations. This provision is renumbered out of s. 190.02 because it confers powers that do not apply to all railroad corporations. The provision is subdivided, specific references are added and text re-ordered for improved readability and conformity with current style. See also the creation of s. 190.025 (title), the creation of s. 190.025 (2) (title) and the creation of s. 190.025 (2) (c) 1. by this bill.

SECTION 56. 190.02 (11) of the statutes is renumbered 190.02 (11) (a) and amended to read:

190.02 (11) (a) ~~Any railroad company may To~~ own and operate motor vehicles for the purpose of transporting persons and property upon the public highways, for hire, subject to ch. 194; ~~and may also.~~

~~(b) To~~ own and operate equipment for, and engage in, aerial transportation. ~~Any railroad company may~~

~~(c) To~~ purchase and own the capital stock and securities of corporations organized for, or engaged in, the ~~business businesses~~ specified in this subsection pars. (a) and (b).

NOTE: Subdivides provision and modifies language for sentence agreement with s. 190.02 (intro.).

SECTION 57. 190.02 (12) (title) of the statutes is renumbered 190.025 (3) (title).

SECTION 58. 190.02 (12) of the statutes is renumbered 190.025 (3) (a) and amended to read:

190.025 (3) (a) Any railroad corporation, organized and existing under the laws of this state or existing by consolidation of different railroad corporations under the laws of this state and any other state, ~~and which, that owns more than 50% of the capital stock of another corporation, the capital stock of which it is authorized to own, is authorized by action of its board of directors to guarantee the payment of the principal and interest of bonds or other obligations of the other corporation.~~

~~(b) Any railroad corporation, organized and existing under the laws of this state or existing by consolidation of different railroad corporations under the laws of this state and any other state, that owns singly or with other railroad corporations more than fifty per cent 50% of the capital stock of another corporation, the capital stock of which it is authorized to own, is authorized by action of its board of directors to guarantee the payment of the principal and interest of bonds or other obligations of such the other corporation, the capital stock of which is so owned by it, and to join with such the other railroad corporations in guaranteeing the payment of principal and interest of bonds or other obligations of such the other corporation, more than fifty per cent of the capital stock of which is owned by it and such other railroad corporations.~~

NOTE: Section 190.02 (intro.) indicates that that section grants the included powers to all railroad corporations. This provision is renumbered out of s. 190.02 because it confers powers that do not apply to all railroad corporations. Deletes redundant phrase, replaces word form of numbers with digits and adds specific references for greater readability and conformity with current style.

SECTION 59. 190.025 (title) of the statutes is created to read:

190.025 (title) Powers of railroads; special cases.

SECTION 60. 190.025 (2) (title) and (c) 2. of the statutes are created to read:

190.025 (2) (title) RAILROADS ACQUIRED THROUGH JUDICIAL PROCEEDINGS AND REORGANIZED RAILROADS.

(c) 2. Filing the plan of reorganization under subd. 1. shall not preclude the reorganized corporation from amending its charter or articles in the manner provided by law.

NOTE: Repositions material from s. 190.025 (2) (c) 2. for more logical placement.

SECTION 61. 190.051 (1) of the statutes is renumbered 190.05 (1) (a) and amended to read:

190.051 (1) (a) Any railroad corporation may extend its road from any point named in its charter or articles of organization, or may build branch roads from any point on its line or from any point on the line of any other road connected or to be connected with its road, the use of which other road between such points and the connection with its own road ~~such the railroad corporation shall have has~~ secured for a term of not less than ~~ten~~ 10 years.

~~(b) Before making such an extension or building any such a branch road such under par. (a), the railroad corporation shall, by resolution of its directors, to be entered in the record of its proceedings, designate the route of such the proposed extension or branch, and file, for record, a copy of such the record, certified by the president and secretary, with the department of financial institutions. Thereupon such Upon filing the record with the department of financial institutions, the railroad corporation shall have all of the rights and privileges to make such the extension or build such the branch and receive aid thereto~~

which it ~~that the railroad corporation~~ would have had if it had been authorized in its charter or articles of organization.

NOTE: Replaces word form of numbers with digits and adds specific references for greater readability and conformity with current style.

SECTION 62. 190.051 (2) of the statutes is amended to read:

190.051 (2) The requirements of this section shall not apply to permanent branches or extensions not exceeding five 5 miles in length nor to temporary branches or extensions not exceeding ten 10 miles in length.

NOTE: Replaces word form of numbers with digits.

SECTION 63. 190.09 of the statutes is amended to read:

190.09 Railroad cattle pass, abandonment. No railroad corporation shall close or obstruct any cattle pass or opening ~~which shall have that has~~ been used as a passageway for livestock across its right-of-way for a period of five 5 years without having first secured the consent in writing of the abutting landowners.

NOTE: Replaces word form of numbers with digits.

SECTION 64. 190.15 of the statutes is amended to read:

190.15 Right-of-way through public lands. The commissioners of public lands may sell and convey to any railroad corporation, ~~for such the~~ compensation and upon ~~such the~~ terms as they ~~that the~~ commissioners may fix, a strip of land ~~one hundred~~ 100 feet wide, or more, if needed, through lands owned by the state ~~which that~~ the commissioners have power to sell, and across which a railroad has been or shall be located or constructed, ~~but such.~~ The railroad corporation shall, as soon as the route of its road ~~shall be is~~ definitely fixed, deposit in the office of the commissioners of public lands, a plat exhibiting all ~~such of the affected public~~ lands and the location of ~~such the~~ route through the ~~same and affected public~~ lands. The railroad corporation shall have no right to take or use any ~~such of the affected public~~ lands prior to depositing ~~such the~~ plat. Every deed or patent for any ~~such~~ lands conveyed to a railroad corporation under this section shall contain an express reservation unto the state of the title of ~~such the~~ lands conveyed except as to the use of the ~~same~~ lands by ~~such the~~ railroad corporation or its successors or assigns for railroad purposes.

NOTE: Breaks up long sentence, replaces word form of numbers with digits and adds specific references for greater readability and conformity with current style.

SECTION 65. 191.02 of the statutes is amended to read:

191.02 Application for certificate of necessity. Application for ~~such a~~ certificate required by s. 191.01 shall be made within six 6 months ~~from and~~ after the publication of its ~~the railroad corporation's~~ corporate articles.

NOTE: Replaces word form of numbers with digits, deletes redundant phrase and adds specific references and cross-references for greater readability and conformity with current style.

SECTION 66. 191.13 (6) of the statutes is amended to read:

191.13 (6) Any person who ~~shall falsely represent represents~~ that ~~such a~~ temporary railroad is other than a temporary railroad shall be ~~deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail, fined not more than \$500 or imprisoned for not exceeding six more than 6 months, or by both such fine and imprisonment, in the discretion of the court.~~

NOTE: Replaces word form of numbers with digits and modifies penalty language for greater readability and conformity with current style.

SECTION 67. 192.255 (1) of the statutes is amended to read:

192.255 (1) No person shall act or be engaged to act as a conductor on a railroad freight or passenger train in this state without having ~~for at least three years 3 years' prior thereto served or worked in the capacity of experience as~~ a railroad brakeman.

NOTE: Replaces word form of numbers with digits and simplifies sentence for greater readability and conformity with current style.

SECTION 68. 192.255 (2) of the statutes is amended to read:

192.255 (2) No person shall act or be engaged to act as a flagman on a railroad train in this state without having ~~for at least two years prior thereto served or worked 2 years' experience~~ as a brakeman on a freight train or passenger train.

NOTE: Replaces word form of numbers with digits and simplifies sentence for greater readability and conformity with current style.

SECTION 69. 192.255 (5) of the statutes is amended to read:

192.255 (5) The provisions of this section as to ~~brakeman brakemen~~ shall not apply unless there are available at the terminal from which the train is starting brakemen who meet the requirements of this section and who are not assigned to regular runs nor shall the provisions of this section apply to any railroad company within the state nor the receiver or lessee thereof, whose line of railroad is less than ~~thirty 30~~ miles in length nor shall anything herein contained relieve any railroad company from the negligence of any of its employees.

NOTE: Replaces word form of numbers with digits and corrects spelling. The gender specific "brakemen" is retained due to lack of an accepted alternative.

SECTION 70. 192.255 (6) of the statutes is amended to read:

192.255 (6) Any person who ~~shall violate violates~~ any of the provisions of this section shall be ~~deemed guilty of a misdemeanor and shall upon conviction be punished by a fine of fined not less than \$25 nor more than one hundred dollars nor less than twenty-five dollars or confined in the county jail \$100 or imprisoned for~~

not exceeding ninety more than 90 days, or by both such ~~fine and imprisonment in the discretion of the court.~~

NOTE: Replaces word form of numbers with digits and modifies penalty language for greater readability and conformity with current style.

SECTION 71. 192.27 (2) of the statutes is amended to read:

192.27 (2) Any railroad corporation neglecting or refusing to comply with the provisions of this section shall ~~be liable to a forfeiture of forfeit~~ not less than ~~twenty-five~~ \$25 nor more than ~~one hundred dollars~~ \$100 for each offense, ~~and each.~~ Each day that the violation continues shall constitute a separate offense.

NOTE: Replaces word form of numbers with digits.

SECTION 72. 192.29 (3) (a) of the statutes is amended to read:

192.29 (3) (a) No railroad train or locomotive shall run over any public traveled grade crossing within any city or village, except where gates are operated, or a flagman is stationed, unless the engine bell shall be rung continuously within ~~twenty rods~~ 330 feet of the crossing and until ~~such the crossing shall be is~~ reached.

NOTE: Replaces word form numbers with digits and clarifies reference.

SECTION 73. 192.32 (1) of the statutes is renumbered 192.32 (1) (intro.) and amended to read:

192.32 (1) (intro.) No person, other than a licensee ~~or,~~ authorized newspaper ~~reporters~~ reporter or ~~those person~~ connected with or employed upon the railroad, shall may walk, loiter or be upon or along the track of any railroad. The provisions of this subsection shall not be construed to do any of the following:

(a) To interfere with the lawful use of a public road or highway by any person, or to,

(b) To prevent any person from driving across any railroad from one part of the that person's land to another part thereof, or,

(c) To prevent any person from walking directly across the tracks or right-of-way of any railroad; or,

(d) To interfere with the use of the right-of-way or track by any person when occasioned by or in connection with, either directly or indirectly, the shipping, loading or unloading of freight, seeking employment, the investigation or securing of evidence with respect to any accident or wreck, or in conducting or transacting any other business for or with said the railroad; or,

(e) To interfere with the entry of any employe during or on account of labor disputes by employes.

NOTE: Subdivides provision, changes plural nouns to singular for sentence agreement and deletes "road" consistent with the definition of highway at s. 990.01 (12).

SECTION 74. 192.33 (1), (2) and (3) of the statutes are amended to read:

192.33 (1) Every corporation operating any railroad shall erect and maintain on both sides of its road (~~at depot grounds excepted~~), sufficient fences with openings or gates or bars therein, and suitable and convenient farm crossings for the use of the occupants of the lands adjoin-

ing and shall maintain cattle guards at all highway crossings (~~outside of municipalities~~), and connect their fences therewith. This section shall not apply to that part of the road where sidetracks or switch tracks are used in cities of the first class.

(2) ~~All roads shall be so fenced fences and such cattle guards required under sub. (1) shall~~ be made within one month from the time of commencing to operate the ~~same railroad right-of-way,~~ so far as operated. Until ~~such the required fences and cattle guards shall be are~~ made, ~~every the~~ railroad corporation owning or operating ~~any such road the right-of-way~~ shall be liable for all damages done to domestic animals, or persons ~~thereon on the right-of-way~~ occasioned in any manner, in whole or in part, by the want of ~~such the required fences or cattle guards; but after such.~~ After the required fences and cattle guards shall have been are constructed ~~such the railroad conformations~~ liability shall not extend to damages occasioned in part by contributory negligence, nor to defects existing without negligence on the part of the corporation or its agents.

(3) The sufficiency of fences shall be determined according to ch. 90; but nothing ~~herein in this section~~ shall render any fence insufficient which was a legal or sufficient fence when built.

NOTE: Modernizes language, replaces parentheses, inserts cross-references and shortens sentence.

SECTION 75. 192.34 of the statutes is amended to read:

192.34 Fences; complaint of insufficient; hearing; order. Upon complaint by the owner or occupant of any land contiguous to the right-of-way of any railroad that the railroad company operating ~~such the~~ line has failed to construct or keep in good repair ~~such fences as the law requires~~ along its right-of-way opposite to ~~such the complainant's land as required under s. 192.33,~~ the office shall proceed ~~thereon on the complaint~~ in the manner provided in s. 195.04. If it shall appear that the complaint is well founded, the office may order and direct the railroad company to repair ~~such the complained of~~ fences so that the ~~same shall fences will~~ be sufficient or to construct legal fences.

NOTE: Modernizes language and inserts cross-references.

SECTION 76. 192.35 (title) of the statutes is amended to read:

192.35 (title) Fences; interference with, etc., Interference with fences; trespassers on track.

SECTION 77. 192.35 of the statutes is renumbered 192.35 (1) and amended to read:

192.35 (1) Any person who ~~does any of the following shall wilfully take forfeit not less than \$10 nor more than \$50 and, in addition, be liable to the party injured for all damages resulting from the act or omission:~~

(a) Wilfully takes down, open or remove opens or removes any railroad fence, cattle guard or crossing ~~or any portion thereof, or allow the same, in whole or in part.~~

(b) ~~Allows a railroad fence, cattle guard or crossing to be taken down, opened or removed, or who, having,~~

(c) ~~Having lawfully taken down bars or opened gates in such fences a railroad fence for the purpose of passing through the same, shall fence, does not immediately replace the bars or close the same gate, shall forfeit not less than ten nor more than fifty dollars, and in addition be liable to the party injured for all damages resulting from such act or omission; and any,~~

(2) ~~Any person who shall ride, lead without the consent of the party owning or having control of the road rides, leads or drive drives any horse or other animal upon such a fenced road railroad right-of-way, or who shall ride, lead rides, leads or drive drives any horse or team lengthwise of an unfenced railroad track (, other than at the farm crossings or upon depot grounds or where the same track is laid along or across a public road highway or street), without the consent of the party owning or having control of such road shall, for every such offense each occurrence, forfeit not exceeding ten dollars, to such more than \$10, to the party owning or having control of the railroad right-of-way, and shall also pay all damages which that shall be sustained by the party aggrieved party.~~

NOTE: Simplifies title, subdivides provision, replaces word form of numbers with digits, modernizes penalty provision, inserts "highway" consistent with s. 990.01 (12), and clarifies references.

SECTION 78. 192.36 of the statutes is renumbered 192.36 (1) and amended to read:

192.36 (1) Whenever a railroad corporation ~~shall fail fails~~ to build or repair any fence, which the law requires it to erect, the owner or occupant of the land adjoining may, ~~between the first day of April 1 and the first day of October 1, give notice in writing to such the railroad corporation to build, the fence within sixty 60 days, or repair the fence within thirty 30 days, such fence, after the service of such the notice. Such~~

(2) ~~The notice under sub. (1) shall describe the land on which such the fence is required to be built or repaired, and service thereof. Service of the notice may be made by delivering the same notice to any station agent of said the railroad corporation.~~

(3) ~~In case the railroad corporation shall fail fails to build or repair the fence within the required time aforesaid, then such, the owner or occupant of the adjoining land may build or repair the same; fence and may recover from such the railroad corporation the cost thereof of building or repairing with interest at one per cent the rate of 1% per month from the time such that the fence shall have been built or repaired.~~

NOTE: Subdivides provision, replaces word form of numbers with digits, adds specific references and replaces and deletes text for greater readability and conformity with current style.

SECTION 79. 192.37 (1) of the statutes is amended to read:

192.37 (1) Whenever any corporation ~~shall operate operates~~ a railroad through enclosed lands and ~~shall fail fails~~ to construct the fences, farm crossings or cattle guards required by law, proper for the use of ~~such the enclosed~~ lands, the owner or occupant thereof ~~of the lands~~ may give notice in writing signed by the owner or occupant to ~~such to the railroad~~ corporation, ~~to be served as a circuit court summons is served, to fence its road through the owner's or occupant's enclosed lands, describing the same, and of its failure to construct the necessary fences, farm crossings and cattle guards thereon on the owner's or occupant's enclosed lands.~~

(3) ~~If such company a railroad corporation, after being so notified, neglect under this section, neglects for three 3 months to construct such the necessary fences, farm crossings and cattle guards on the lands described in the notice, it shall be liable to pay to such the owner or occupant ten dollars of the described lands \$10 for each day after the expiration of said three the 3 months until so the necessary fences, farm crossings and cattle guards are constructed. But no No time between the first day of November 1 and the first day of April succeeding 1 shall be included in the three months aforesaid calculation of the 3-month period under this subsection.~~

NOTE: Subdivides provision, replaces word form of numbers with digits, adds specific references and replaces and reorders text for greater readability and conformity with current style. See also the next section of this bill.

SECTION 80. 192.37 (2) of the statutes is created to read:

192.37 (2) The notice under sub. (1) shall meet all of the following requirements:

- (a) It shall be in writing, signed by the owner or occupant of the enclosed lands.
- (b) It shall contain a description of the owner's or occupant's enclosed lands.
- (c) It shall be served in the manner provided for the service of summons in the circuit court.

NOTE: Moves related subject matter contained in the former first sentence of s. 192.37 (1) into a new subsection to improve readability. See the previous section of this bill

SECTION 81. 192.53 (1) of the statutes is amended to read:

192.53 (1) ~~After July 1, 1931, no Except as otherwise provided in this section, no building or loading platform shall be constructed or nor shall any addition to or reconstruction of a then an existing building or loading platform, not including excluding ordinary repairs necessary for maintenance, shall be made which that shall have a horizontal clearance of less than eight 8 feet six 6 inches between it and the center line of any railroad track. The same clearance shall be maintained between such the center line of the railroad track and any material used in and about the construction of any such building or loading platform.~~

NOTE: Deletes obsolete transition provision, replaces word form of numbers with digits and clarifies references.

SECTION 82. 192.53 (2) (a) to (d) of the statutes are amended to read:

192.53 (2) (a) ~~Such a~~ A platform which ~~that~~ is not higher than ~~four~~ 4 inches above the top of the rail shall be not less than ~~four~~ 4 feet ~~six~~ 6 inches from the center line of the adjacent track;

(b) ~~Such a~~ A platform which ~~that~~ is more than ~~four~~ 4 inches but not higher than ~~eight~~ 8 inches above the top of the rail shall be not less than ~~five~~ 5 feet one inch from the center line of the adjacent track;

(c) ~~Such a~~ A platform which ~~that~~ is more than ~~eight~~ 8 inches but not higher than one foot ~~nine~~ 9 inches above the top of the rail shall be not less than ~~six~~ 6 feet from the center line of the adjacent track;

(d) ~~Such a~~ A platform which ~~that~~ is higher than one foot ~~nine~~ 9 inches above the top of the rail of a main track shall be not less than ~~eight~~ 8 feet from the center line thereof ~~of the main track.~~

NOTE: Replaces "may" with "shall" for internal consistency between the (intro.) and the following paragraphs, replaces word form of numbers with digits and deletes unnecessary language.

SECTION 83. 192.53 (3) of the statutes is renumbered 192.53 (3) (a) and amended to read:

192.53 (3) (a) High Notwithstanding par. (b), high platforms in existence on July 1, 1949 for handling baggage, mail, express and freight to and from cars on other than main tracks, where an unobstructed working space at ground level is maintained on the opposite side of the track from such the platform, may be maintained with which have a face or edge at least 5 feet 8 inches from the center line of such track, but after July 1, 1949, no such which were in existence on July 1, 1949, may be maintained.

(b) No platform shall of the type described in par. (a) may be constructed which provides a clearance of less than 6 feet 4 inches between the face or edge thereof and the center line of any such track. No such platform shall be constructed or which is more than 5 feet above top of rail level.

NOTE: Subdivides provision and reorders and modernizes language for for improved readability and conformity with current style.

SECTION 84. 192.53 (4) of the statutes is renumbered 192.53 (4) (a) amended to read:

192.53 (4) (a) Upon finding that any ~~such~~ structure that is subject to the provisions of this section will not imperil life or limb, and that the public interest requires or permits ~~such the~~ structure to be constructed or reconstructed otherwise than as permitted by the ~~foregoing~~ provisions of this section, the office may exempt ~~such the~~ structure from ~~such provision.~~ Such the provisions of this section.

(b) The office shall make the findings shall be made described in par. (a) only upon written application to it to

exempt the construction or reconstruction of a structure from the requirements of this section, setting forth fully the grounds therefor, and ~~shall be made~~ only after public hearing, ~~and the.~~ The office's findings and order granting the exemption shall be in writing and shall contain complete provisions and requirements as to the horizontal clearance to be maintained in ~~such the~~ construction or reconstruction. ~~Such The~~ structure shall be constructed or reconstructed only in compliance with ~~such the~~ office's order.

NOTE: Subdivides provision and adds inserts specific references for improved readability and conformity with current style.

SECTION 85. 192.53 (5) of the statutes is renumbered 192.53 (5) (a) (intro.) amended to read:

192.53 (5) (a) (intro.) Except as ~~hereinbefore~~ otherwise provided in this section and subject to the power of the office to make exceptions ~~hereto to this section~~ in a manner similar to the power given it in sub. (4), no railroad or shipper ~~shall after May 28, 1943, place~~ may do any of the following:

1. Place or construct, within 8 feet 6 inches of the center line of any railroad track, any retaining walls, fences, signs, stand pipes, conveyors, or any other like obstruction, except railroad bridges, switch stands, mail cranes, coal, ice and water stations, intertrack fences and signals and other necessary interlocking mechanisms, ~~or permit~~

2. Permit, within 8 feet 6 inches of the center line of any railroad track, the accumulation of any rubbish, waste or material of any sort, except material used for repair or construction work by ~~such the~~ railroad company.

(b) The intent of this subsection is to afford proper clearance between railroad cars and obstructions and to promote the safety of railroad employes in switching cars.

NOTE: Deletes obsolete transition provision and subdivides provision and adds inserts specific references for improved readability and conformity with current style.

SECTION 86. 194.01 (5) of the statutes is amended to read:

194.01 (5) ~~The term "gross~~ "Gross weight", when applied to a motor vehicle used for the transportation of passengers, shall mean the actual weight of ~~such the~~ motor vehicle unloaded plus ~~one hundred and fifty~~ 150 pounds for each person capable of being seated in ~~such the~~ motor vehicle.

SECTION 87. 195.13 of the statutes is amended to read:

195.13 Rebates and concessions, unlawful to accept. It shall be unlawful for any person, firm or corporation knowingly to accept or receive any rebate, concession or discrimination in respect to transportation of property wholly within this state, or for any service in connection therewith, whereby any such property shall, by any device whatsoever, be transported at a less rate than that named in the tariffs in force, or whereby any ser-

vice or advantage is received other than is therein specified. Any person, firm or corporation violating the provisions of this section shall be fined not less than fifty dollars \$50 nor more than one thousand dollars \$1,000 for each offense.

SECTION 88. 195.14 (2) of the statutes is renumbered 195.14 (2) (a) and amended to read:

195.14 (2) (a) Railroads may give free transportation free or at reduced rates ~~therefor~~ to any minister of the gospel, officers or agent of incorporated colleges, inmates of soldiers' homes, regular agents of charitable societies when traveling upon the business of the society only, destitute and homeless persons, railroad officers, attorneys, physicians, directors, employes or members of their families, or to former railroad employes or members of their families where ~~such~~ the employes have become disabled in the railway service, or are unable from physical disqualification to continue in the service, or to members of families of deceased railroad employes; ~~and,~~

(b) Railroads may exchange passes with officers, attorneys, physicians or employes of other railroads and members of their families; ~~but no.~~ No person holding any public office or position under the laws of this state shall be given free transportation free or at reduced rates that are not open to the public, except that notaries public and regular employes of a railroad or other public utility who are candidates for or hold public office for which the annual compensation is not more than ~~three hundred dollars~~ \$300 to whom no passes or privileges are extended beyond those ~~which~~ that are extended to other regular employes of such corporations may be granted free transportation free or at reduced rates for the transmission of any message or communication.

NOTE: Breaks up long sentence and replaces word form of number with digits.

SECTION 89. 195.25 (2) of the statutes is amended to read:

195.25 (2) Any ~~such~~ railroad company violating this section shall forfeit not less than ~~twenty-five dollars~~ \$25 nor more than ~~one hundred dollars, and any~~ \$100. Any person who shall remove or destroy or cause the removal or destruction of ~~such articles~~ the medical supplies required under sub. (1) after the railroad company has supplied them shall be subject to the same penalty.

NOTE: Replaces word form of number with digits and inserts specific cross-reference.

SECTION 90. 195.286 (6) of the statutes is amended to read:

195.286 (6) (title) PENALTIES RELATING TO FENCES. Any person who removes, throws down, injures or defaces any sign required by this section shall, upon conviction, be fined not to exceed ~~twenty-five dollars~~ more than \$25.

NOTE: Replaces word form of number with digits.

SECTION 91. 195.286 (7) of the statutes is amended to read:

195.286 (7) (title) PENALTIES GENERALLY. Any person or corporation upon conviction for the violation of any of the provisions of this section, except sub. (6), shall be fined not less than ~~ten dollars~~ \$10 nor more than fifty dollars \$50 for each violation.

NOTE: Replaces word form of number with digits.

SECTION 92. 195.37 (4) of the statutes is renumbered 195.37 (4) (a) and amended to read:

195.37 (4) (a) ~~For recovery of~~ In this subsection, "straight overcharges which mean charges overcharge" means a charge in excess of those applicable under the lawful tariffs on file with the office; ~~and,~~

(b) For recovery of a straight overcharge, neither this section nor s. 195.38 shall be ~~deemed~~ considered exclusive remedies. Complaints for the ~~same~~ recovery of a straight overcharge may be filed or actions begun within 3 years from the delivery of the shipment of property at destination, and not after, except that if a claim for the overcharge has been presented in writing to the carrier within the 3-year period, ~~said~~ the period shall be extended to include 6 months from the time that notice in writing is given by the carrier to the claimant of disallowance of the claim or any part ~~thereof~~ of the claim.

NOTE: Places definition in a separate paragraph and replaces language for greater readability and conformity with current style.

SECTION 93. 195.37 (5) of the statutes is amended to read:

195.37 (5) ACTIONS BY CARRIERS, LIMITATION. Actions by carriers for the recovery of charges for the transportation of property between points in Wisconsin, or for any service in connection therewith, or for the storage of such property, or for any car service or demurrage charge, or any part thereof, shall be begun within ~~three~~ 3 years after the delivery of the shipment of property at destination with respect to which ~~such~~ the charge is made and not after.

NOTE: Replaces word form of number with digits.

SECTION 94. 195.37 (6) of the statutes is amended to read:

195.37 (6) LIMITATION ACTION, EXTENDED BY CARRIER. If, on or before the expiration of ~~said two-year~~ the 2-year period of limitation under sub. (3) or of ~~said three-year~~ the 3-year period of limitation under sub. (4), a carrier shall ~~begin~~ commence an action for the recovery of charges in respect to the same transportation service, or without bringing action shall ~~collect~~ collects charges in respect of that service, ~~said~~ the periods of limitation under subs. (3) and (4) shall be extended to include ~~ninety~~ 90 days from the time ~~such~~ that the carrier's action is ~~begun~~ commenced or ~~such~~ the charges are collected by the carrier.

NOTE: Replaces word form of number with digits, inserts specific cross-references and replaces other language.

SECTION 95. 196.16 (3) of the statutes is amended to read:

196.16 (3) This section does not limit any power of a municipal ~~council~~ governing body under s. 196.58.

NOTE: Replaces obsolete term with current terminology.

SECTION 96. 196.85 (4) (d) of the statutes is amended to read:

196.85 (4) (d) If any bill against which objections have been filed ~~shall is~~ not be paid within ~~ten~~ 10 days after notice of a finding that ~~such~~ the objections have been overruled and disallowed by the commission has been mailed to the objector as ~~herein~~ provided in this subsection, the commission shall give notice of ~~such~~ the delinquency to the state treasurer and to the objector, in the manner provided in sub. (3). The state treasurer shall then proceed to collect the amount of ~~said~~ the delinquent bill as provided in sub. (3). If an amended bill is not paid within ~~ten~~ 10 days after a copy ~~thereof~~ of the amended bill is mailed to the objector by registered mail, the commission shall notify the state treasurer and the objector as in the case of delinquency in the payment of an original bill. The state treasurer shall then proceed to collect the amount of ~~said~~ the amended bill as provided in the case of an original bill.

SECTION 97. 197.01 (4) of the statutes is renumbered 197.01 (4) (a) and amended to read:

197.01 (4) (a) Any municipality ~~having that owns, or has~~ secured a declaration of convenience and necessity to own, operate, manage or control, any plant or equipment for the production, transmission, delivery or furnishing of heat, light, water or power, ~~or owning any such plant,~~ may contract with any public utility lawfully engaged as ~~such~~ a public utility for a division of any of the foregoing ~~service~~ services in ~~said~~ the municipality, for a period not exceeding ~~ten~~ 10 years, ~~with. The contract shall contain mutual covenants restricting and obligating operations by each party to service within the respective fields of division so contracted for, and within such fields the. The~~ commission shall have the right to regulate the charges for, and quality of, service, notwithstanding anything provided in ~~such~~ the contract.

(b) Nothing in this section shall prevent the commission from terminating ~~such~~ a contract authorized under par. (a) and granting a certificate of convenience and necessity for a ~~third~~ 3rd or other utility, if in ~~its~~ the commission's judgment the public interest requires it.

NOTE: Subdivides provision, breaks up long sentence, replaces word form of number with digits, inserts specific cross-references and replaces other language.

SECTION 98. 197.02 of the statutes is amended to read:

197.02 Action by municipalities to acquire utility. If ~~the~~ a municipality ~~shall have~~ has determined to acquire a plant operated under an indeterminate permit provided in s. 196.54 (2), by a vote of a majority of the electors, ~~such~~ the municipality shall bring an action in the circuit court against the public utility for an adjudication as to the necessity of ~~such~~ the taking by the municipality. Un-

less the parties waive a jury, the question as to the necessity of the taking of ~~such~~ the property by the municipality shall be submitted to a jury.

NOTE: Replaces language for greater readability and conformity with current style.

SECTION 99. 197.03 of the statutes is amended to read:

197.03 Indeterminate permit; notice. If ~~the~~ a municipality ~~shall have~~ has determined to acquire an existing plant in the manner provided in s. 197.02, and the public utility owning ~~such~~ the plant ~~shall have~~ has consented to the taking over of ~~such~~ the plant by the municipality by acceptance of an indeterminate permit as provided ~~herein~~ in s. 196.54 (4), or, in case ~~such~~ the public utility ~~shall~~ has not ~~have~~ waived or consented to ~~such~~ the taking, if ~~the~~ a jury ~~shall have~~ acting under s. 197.02 has found that a necessity exists for the taking of ~~such~~ the plant, ~~then~~ the municipality shall give speedy notice to the public utility and to the commission of ~~such~~ the municipality's determination and of ~~such~~ the utility's consent or ~~such~~ the jury's finding to ~~the~~ the public utility and to ~~the~~ the commission.

NOTE: Inserts specific cross-references and replaces and reorders language for greater readability and conformity with current style.

SECTION 100. 197.04 (1) of the statutes is renumbered 197.04 (1) (a) and amended to read:

197.04 (1) (a) Any municipality having determined to acquire an existing plant or any part of the equipment of a public utility may discontinue all proceedings to that end at any time within 90 days after the final determination of compensation by the commission, by a vote of the electors of the municipality as ~~herein~~ provided in pars. (b) and (c), or by a resolution to that effect by its ~~municipal council, provided that such governing body. Except as provided in par. (c), the~~ resolution shall ~~not be of force and effect until become effective~~ 90 days after its passage and publication.

(b) If within either of ~~said~~ the 90-day periods described in par. (a) a petition conforming to the requirements of s. 8.40 ~~shall be~~ is filed with the clerk of ~~such~~ the municipality, ~~in a city of the first class and the petition has been signed by 5% and in all other municipalities of the electors of a 1st class city or by 10% of the electors thereof, of all other municipalities~~ requesting that the question of discontinuing ~~said~~ the proceeding to acquire ~~such~~ the plant or equipment of the public utility be submitted to the electors, ~~such~~ of the municipality, ~~the applicable question under par. (c) shall be submitted to the said~~ electors at any general or regular municipal election that may be held not less than 30, and not more than 35, days from the date of the filing of the petition; ~~and if. If~~ no general election or regular municipal election is to be held within the stated periods, ~~then~~ the governing body of the municipality shall order the holding of a special election for the

purpose of submitting the question to the electors ~~in case the~~ the.

(c) 1. If a petition is filed under par. (b) before the adoption of such a resolution ~~the question whether said as described in par. (a), the question submitted to the electors shall be whether the proceedings to acquire an existing plant or any part of the equipment of a public utility shall be discontinued, and in case the~~.

2. If a petition is filed under par. (b) after the adoption of said a resolution as described in par. (a), the question submitted to the electors shall be whether the aforesaid resolution shall remain in effect and its adoption of the resolution shall be ratified, ~~and such. A resolution adopted prior to the submission of a petition shall not have force or effect become effective unless a majority of the electors voting on such the question shall be in favor thereof of the question.~~

SECTION 101. 197.04 (2) of the statutes is amended to read:

197.04 (2) The municipal council governing body of the municipality may provide for the notice of, the manner of holding ~~such election and, the method of voting thereon and of on, the method of making returns thereof of,~~ and the method of canvassing and determining of the result thereof; ~~provided, that notice of, the election required under sub. (1). Notice of the submission of the question contemplated herein election~~ to the electors shall be given by a brief notice of that fact once a week for ~~three 3~~ weeks in some newspaper of general circulation published in the municipality, ~~and if there be no such, If no newspaper then of general circulation is published in the municipality,~~ publication may be made in any newspaper of general circulation in the county seat of the county wherein in which the municipality is located. The notice of holding any special election shall be incorporated as a part of the aforesaid notice given under this subsection.

SECTION 102. 197.04 (3) of the statutes is amended to read:

197.04 (3) Upon the discontinuance of the proceedings to acquire an existing plant or any part of the equipment of a public utility by the municipality no subsequent proceedings shall be instituted within 2 years thereafter.

NOTE: Replaces obsolete term, "municipal council" with current terminology, subdivides provision, breaks up long sentence, replaces word form of number with digits, inserts specific cross-references and references and replaces other language.

SECTION 103. 197.05 (1) and (2) of the statutes are amended to read:

197.05 (1) The Upon receipt of the notice under s. 197.03, the commission shall ~~thereupon~~ set a time and place for a public hearing upon the matters of the just compensation to be paid for the property of such the public utility, ~~wheresoever wherever~~ situated, actually used and useful for the convenience of the public, and of all other terms and conditions of the purchase, ~~and. The~~

commission shall give to the interested municipality and the public utility ~~interested,~~ not less than 30 days' notice of the time and place such at which the hearing will be held, and such the matters to be considered and determined, ~~and at the hearing. The~~ municipality shall publish in the county in which such the public utility is located a class 3 notice, under ch. 985, of the hearing.

(2) The commission shall, by order, fix and determine and certify to the municipal council governing body of the municipality, to the public utility and to any bondholder, mortgagee, lienor or any other person having or claiming to have any interest in such the public utility appearing ~~upon such at the~~ hearing, just compensation to be paid for the taking of the property of such the public utility actually used and useful for the convenience of the public and all other terms and all conditions of purchase ~~which it that the commission shall ascertain to be reasonable.~~

SECTION 104. 197.05 (3) of the statutes is renumbered 197.05 (3) (a) and amended to read:

197.05 (3) (a) The compensation and other terms and the conditions of purchase ~~thus~~ certified by the commission under sub. (2) shall constitute the compensation and terms and conditions to be paid, followed and observed in the purchase of such the plant from such the public utility. Upon the filing of ~~such certificate~~ the order issued under sub. (2) with the clerk of such the municipality the absolute title of the property taken shall vest in such the municipality, ~~and, as. As~~ to any such property to be taken that is located outside of Wisconsin, the circuit court is vested with power to require such the public utility company to convey the same property to the municipality.

(b) Municipalities in adjoining states ~~which that~~ have determined to acquire a public utility, part of which is located in Wisconsin, are authorized to acquire and to hold and operate any part of such the public utility located in Wisconsin, provided, such the adjoining state gives a similar power to Wisconsin municipalities.

NOTE: The reference to "certificate" is changed to "order" for internal consistency. Replaces obsolete term "municipal council" with current terminology, breaks up long sentences and subdivision, inserts specific cross-references and references and replaces other language.

SECTION 105. 198.01 (3m) of the statutes is created to read:

198.01 (3m) "County clerk" means the clerk of the county containing the largest number of voters within a district or proposed district.

NOTE: Moves the definition of "county clerk" from s. 198.03 (1) to clarify the meaning of the term throughout the chapter.

SECTION 106. 198.02 of the statutes is amended to read:

198.02 District, creation, powers. A municipal power district may be created as provided in this chapter and when so created shall be considered a municipal corporation and may exercise the powers ~~herein~~ granted in

~~this chapter.~~ Any ~~two~~ 2 or more municipalities, whether contiguous or otherwise or in the same or different counties, may organize and incorporate as a municipal power district, ~~but no.~~ No municipality shall ~~may~~ be divided in the formation of ~~such a~~ municipal power district, ~~nor shall any~~ and no municipality ~~shall~~ be included ~~therein~~ in a municipal power district unless approved by a majority of the votes cast ~~thereon~~ in that municipality at an election under s. 198.06 on ~~such~~ the proposition of whether a district should be created.

NOTE: Breaks up long sentences, replaces word form of number with digits, inserts specific cross-references and references and replaces other language.

SECTION 107. 198.025 of the statutes is amended to read:

198.025 Plan for district. It shall be the duty of the ~~public service~~ commission upon request of the governing body of any city, village or town to work out with ~~such the~~ municipality, or with any group of municipalities interested with it in the creation of a municipal power district, a feasible working plan for a proposed district.

NOTE: Section 198.01 (3) defines "commission" to mean the public service commission.

SECTION 108. 198.03 (title), (1) and (2) of the statutes are amended to read:

198.03 (title) Procedure for organizing district; initiation.

(1) INITIAL RESOLUTION. The governing bodies of one-half or more of the municipalities proposed to be included in the district shall first pass resolutions, declaring that public interest or necessity demands the creation and maintenance of a municipal power district to be known as "the ... (giving the name) municipal power district". ~~Such The~~ resolutions shall name the municipalities to be included in the proposed district. Certified copies of ~~such the~~ resolutions shall ~~next~~ be presented to the county clerk ~~of the county containing the largest number of voters within the proposed district,~~ requesting ~~said the county~~ clerk to call an election without delay for determining whether ~~such the~~ district shall be created.

(2) PETITION IN LIEU OF RESOLUTION. In lieu of the resolutions provided for by sub. (1), a petition may be presented to the county clerk ~~of said county~~ signed by at least ~~ten per cent~~ 10% of the voters in ~~said the~~ proposed district. ~~Such The~~ petition shall declare that, in the opinion of the petitioners, public interest or necessity demands the creation and maintenance of a municipal power district. The petition may be on separate sheets of paper, but each sheet shall contain the affidavit of the person who circulated the ~~same~~ sheet, certifying that each name signed ~~thereto~~ on that sheet is the true signature of the person whose name it purports to be.

NOTE: Clarifies title, replaces word form of number with digits, inserts specific references and replaces other language.

SECTION 109. 198.04 of the statutes is amended to read:

198.04 (title) Second Procedure for organizing district; 2nd step. (1) NOTICE TO COMMISSION. Upon receipt of the certified copies of ~~the~~ resolutions ~~adopted under~~ s. 198.03 (1) or the petition ~~mentioned in~~ presented under s. 198.03, ~~such (2), the~~ county clerk shall ~~forthwith~~ immediately notify the ~~public service~~ commission in writing that the municipalities filing ~~said the~~ resolutions or those named in ~~said the~~ petition as constituting the proposed power district had petitioned the county clerk to call an election without delay for determining whether ~~such the~~ district should be created.

(2) REPORT OF COMMISSION. Within ~~ninety~~ 90 days after receipt of ~~said the~~ notice of the county clerk under sub. (1), the ~~public service~~ commission shall file ~~in writing~~ with ~~said the~~ county clerk its written recommendations as to the feasibility or nonfeasibility of the proposed district with reasons ~~therefor~~ for the commission's recommendations. Certified copies of ~~such the~~ commission's recommendations shall at the same time be filed by the commission with the clerk of each municipality included within ~~said the~~ proposed district.

(3) ELECTION CALLED. Upon receipt of ~~such the~~ commission's recommendations ~~of the commission,~~ or upon expiration of the ~~ninety-day~~ 90-day period referred to in sub. (2), ~~said the~~ county clerk shall call without delay an election within the proposed district for the purpose of determining whether the proposed district shall be created.

NOTE: Section 198.01 (3) defines "commission" to mean the public service commission. Clarifies title, replaces word form of number with digits, inserts specific references and cross-references and replaces other language.

SECTION 110. 198.05 of the statutes is amended to read:

198.05 Subdistricts, boundaries. Every petition or resolution provided for in s. 198.03 shall divide the proposed district into ~~five~~ 5 subdistricts, giving each a number, except as provided in s. 198.07 (3). In the event that the boundaries of the district as originally proposed are changed at the election, provided for by s. 198.06, and approved by the commission pursuant to s. 198.06 (5), the commission shall make ~~such~~ adjustments in the boundaries of the subdistricts ~~as may be~~ that are necessary to comply with s. 198.07.

NOTE: Replaces word form of number with digits.

SECTION 111. 198.06 (5) of the statutes is renumbered 198.06 (5) (a) and amended to read:

198.06 (5) (a) The board of canvassers shall cause a certified copy of the order declaring the result of the election to be filed in the office of the secretary of state. A certified copy of the order shall also be filed with the clerk of each municipality included in the district, with the county clerk, and with the ~~public service~~ commission. ~~In case~~

(b) ~~If the district as finally constituted comprises a smaller area than originally proposed, because of the failure of one or more municipalities to approve the district at the election, then, within 10 days following the filing under par. (a) with the commission, the commission shall, within 10 days following the filing of the order under par. (a) with the commission, file its approval or disapproval of the district as created by the election with the secretary of state, the clerk of each municipality included in the district and the county clerk. In such case, from and after If the commission approves, upon the filing by the commission of the approval the creation and incorporation of the district shall be deemed considered complete, or, If the commission disapproves, the district shall be deemed considered dissolved, as the. Except as provided in par. (c), the approval or disapproval of the commission shall determine, and in the case of municipal water districts created under s. 198.22, be final.~~

(c) ~~In the case of municipal water districts created under s. 198.22, the approval or disapproval of the commission shall be final unless objection thereto to the commission's decision is made to the public service commission by one or more of the governing bodies of the municipalities which would otherwise be included in the district.~~

(d) ~~If a district has been approved by all of the municipalities within the district as proposed, the creation and incorporation of the district shall be deemed considered complete from and after upon the filing of the result of the election with the secretary of state by the board of canvassers.~~

NOTE: Subdivides provision, breaks up long sentences, inserts specific references, and replaces, reorders and simplifies language for greater readability and conformity with current style.

SECTION 112. 198.06 (6) of the statutes is amended to read:

198.06 (6) EXPENSES OF ELECTION, PAYMENT. All amounts properly incurred and actually expended by any municipality ~~or the clerk thereof~~ in publishing notices of any ~~primary or~~ election, in employing persons to conduct the election or in performing other duties imposed upon the municipality or upon the clerk ~~thereof of the municipality~~ by any provision of this chapter shall be paid as other similar expenses of the municipality are paid and shall be a charge in favor of the municipality against the district to be repaid, together with interest thereon at the rate of 6% per year, upon the presentation of proper vouchers ~~therefor for the charges~~ by the clerk of the municipality to the district, when and as the district has funds available for that purpose.

NOTE: Inserts specific references and deletes unnecessary phrase. Deletes "primary" as that term is not used elsewhere in ch. 198.

SECTION 113. 198.07 (1) of the statutes is amended to read:

198.07 (1) The government of each district shall be vested in a board of ~~five~~ 5 directors.

NOTE: Replaces word form of number with digits.

SECTION 114. 198.07 (2) of the statutes is amended to read:

198.07 (2) The boundaries of the subdistricts shall be drawn ~~in such a manner so~~ that each shall contain approximately an equal number of voters, except that no municipality shall contain more than ~~two~~ 2 subdistricts, nor shall any municipality be divided unless it shall comprise more than one subdistrict.

NOTE: Replaces word form of number with digits and replaces other language.

SECTION 115. 198.07 (3) of the statutes is renumbered 198.07 (3) (intro.) and amended to read:

198.07 (3) (intro.) Where a district includes a municipality ~~containing voters in excess of fifty per cent that contains more than 50%~~ of the voters in the entire district ~~there shall be appointed a, all of the following apply:~~

(a) ~~A~~ director at large shall be appointed.

(b) The territory in ~~said the~~ district, other than that contained in ~~said the~~ municipality ~~described in sub. (3) (intro.)~~, shall be divided into ~~only~~ 2 subdistricts.

NOTE: Subdivides provision, inserts specific references and cross-references, replaces word form of number with digits and replaces, reorders and simplifies language for greater readability and conformity with current style.

SECTION 116. 198.08 (2) of the statutes is amended to read:

198.08 (2) (title) APPOINTMENT; MEETING OF MUNICIPAL EXECUTIVE OFFICERS. Within ~~ten~~ 10 days after the creation and incorporation of ~~such a municipal power~~ district ~~shall have been is~~ completed the chief executives in each subdistrict containing more than one municipality shall meet for the selection of a director for ~~said the~~ subdistrict. The time and place of ~~such the~~ meeting shall be designated by ~~said the~~ county clerk.

NOTE: Clarifies title, replaces word form of number with digits and replaces other language.

SECTION 117. 198.08 (3) of the statutes is amended to read:

198.08 (3) (title) APPOINTMENT, CONTINUED VOTE BY MUNICIPAL EXECUTIVE OFFICERS. In the selection of a director ~~for a subdistrict~~ each chief executive shall have one vote for each ~~one thousand~~ 1,000 voters within that chief executive's municipality, or ~~such the~~ part ~~thereof as of the municipality that~~ is located in ~~said the~~ subdistrict. A three-fourths vote shall be necessary for the selection of a director. The result of ~~said the~~ selection ~~of the director~~ shall be certified to by the chairperson and clerk of ~~said the~~ meeting and ~~forthwith immediately~~ filed with the secretary of state and the clerk of each municipality in ~~said the~~ district.

NOTE: Clarifies title, replaces word form of number with digits and replaces other language.

SECTION 118. 198.08 (5) of the statutes is amended to read:

198.08 (5) APPOINTMENT BY EXECUTIVE. Where a municipality contains ~~two~~ 2 subdistricts or where a sub-

district includes only one municipality, the chief executive of ~~such~~ the municipality shall select a director for each such subdistrict, and shall immediately file ~~forth~~ with a certified copy ~~thereof~~ of the selection as provided by sub. (3).

NOTE: Replaces word form of number with digits and replaces other language.

SECTION 119. 198.08 (7) of the statutes is amended to read:

198.08 (7) TERM, OATH. The regular term of directors of the district after the first term shall be ~~for four~~ 4 years. Each director shall hold office until the director's successor is selected and qualifies. Each director shall, before entering upon the discharge of the director's duties, take and subscribe to the constitutional oath of office. ~~Such~~ Each director's oath shall be filed in the office of the clerk of the district.

NOTE: Replaces word form of number with digits and replaces other language.

SECTION 120. 198.08 (9) of the statutes is amended to read:

198.08 (9) CLASSIFICATION. Directors selected from ~~odd numbered~~ odd-numbered subdistricts shall for the first term serve for a period which ~~that~~ shall end ~~two~~ 2 years after the first Monday of May of the next ~~even numbered~~ even-numbered year. Directors selected from ~~even numbered~~ even-numbered subdistricts shall for the first term serve for a period which shall end ~~four~~ 4 years after the first Monday of May of the next ~~even numbered~~ even-numbered year. For the purposes of this section directors at large shall be considered to be from ~~odd numbered~~ odd-numbered subdistricts.

NOTE: Replaces word form of number with digits and replaces other language.

SECTION 121. 198.09 of the statutes is amended to read:

198.09 Vacancies, declared, filled. ~~The death of a director, the~~ A director's death, resignation, ~~the director's~~ inability to continue for any cause to act as director or ~~the director's~~ change of residence from the subdistrict in which the director was selected shall vacate that director's office. The board shall by resolution declare the office vacant and a certified copy of ~~such~~ the resolution shall be filed ~~forthwith~~ immediately by the clerk of the district with the clerk of each municipality included within the district. A successor for the unexpired term shall, within ~~twenty~~ 20 days after ~~such~~ the filing of the resolution, be selected by the officer or officers who selected the director whose office has been declared vacant.

NOTE: Replaces word form of number with digits and replaces other language.

SECTION 122. 198.10 (1) of the statutes is amended to read:

198.10 (1) TAXABLE PROPERTY, TAXES. All real property situated in and all personal property the situs of which for purposes of general property taxation is in the

district shall be subject to taxation in and by the district for a direct annual tax sufficient to pay the interest on any indebtedness of ~~said~~ the district, and also to pay and discharge the principal ~~thereof~~ of the indebtedness within ~~twenty~~ 20 years from the time of contracting the ~~same~~ indebtedness.

NOTE: Replaces word form of number with digits and replaces other language.

SECTION 123. 198.11 (1) of the statutes is amended to read:

198.11 (1) Each director of the district shall receive compensation from the district for the director's services as ~~such~~ a director at the rate of ~~ten dollars~~ \$10 for each day ~~that the director shall attend~~ attends meetings of the board or of any committee of the board of which the director shall be is a member, when the meeting of ~~such~~ the committee is authorized by vote or resolution of the board, ~~but~~ such ~~except that the compensation paid to a director shall not exceed the sum of one thousand dollars~~ \$1,000 in any one year. Each director shall also be entitled to be reimbursed for the actual and necessary traveling and hotel expenses incurred by the director whenever it shall be necessary for the director to travel outside of the municipality in which the director resides to attend meetings of the board or a committee of the board of which the director is a member or to render any other service or discharge any other duty to the district which may be required of the director by law or by vote or resolution of the board.

NOTE: Replaces word form of number with digits and replaces other language.

SECTION 124. 198.13 (3) (a) and (b) of the statutes are amended to read:

198.13 (3) (a) ~~Where~~ If within ~~two~~ 2 years of its creation a district has not become the owner or operator, or commenced construction, of a public utility. Any time consumed in any proceeding or contest before any commission or court shall not be included as part of ~~said two~~ year ~~year~~ 2-year period.

(b) ~~Where~~ If a district has disposed of all of its utility property and for one year thereafter shall has not have owned or operated a public utility.

NOTE: Replaces word form of number with digits and replaces other language.

SECTION 125. 198.13 (5) of the statutes is amended to read:

198.13 (5) In the event of dissolution, a district shall first retire all outstanding obligations of the district insofar as the proceeds derived from ~~such~~ the disposal of its utility property will permit, ~~and all~~. All assets or proceeds remaining, if any, shall be distributed to municipalities within the boundaries of the district in proportion to the taxes levied and collected by them for the district during the existence of the district, up to an amount sufficient to repay all ~~such~~ of those taxes; ~~and any~~. Any proceeds remaining ~~proceeds~~ after repayment of the taxes shall be distributed to ~~such~~ the municipalities within the bound-

aries of the district in proportion to the shares of the gross operating revenues of the district for its last full five 5 years of operation derived from payments for services furnished within the boundaries of each such municipality.

NOTE: Breaks up long sentence, inserts specific references, replaces word form of number with digits and replaces other language.

SECTION 126. 198.14 (9) of the statutes is renumbered 198.14 (9) (intro.) and amended to read:

198.14 (9) BOND ISSUES, DEBT LIMIT. (intro.) To provide by ordinance for the issuance and sale of bonds of the district to finance the purchase, acquisition or construction of any utility or parts ~~thereof of the utility~~ or additions, extensions or betterments ~~thereto, when and as the same to the utility, that~~ may be authorized, and to authorize and require the execution of such the bonds by the chairperson of the board and the clerk of the district under the corporate seal of the district; and to approve the form of such the bonds and prescribe the duties of the clerk and treasurer of the district with respect to the sale ~~thereof of the bonds~~ and the application of the proceeds to the purposes for which the same bonds were issued; ~~provided, that the.~~ Bonds issued under this subsection shall be subject to all of the following:

(a) The total amount of all indebtedness of the district shall not exceed five per centum on 5% of the assessed value of the taxable property in the district, to be ascertained by the last preceding assessment for the state and county taxes; ~~and provided, that by the.~~

(b) The ordinance authorizing such the indebtedness there shall be levied levy a direct, annual, district tax sufficient to pay the interest on such the debt as it falls becomes due, and also to pay the principal thereof of the debt within twenty 20 years from the time of contracting the same debt.

(c) All of the bonds shall mature in annual instalments; ~~and the.~~ The first instalment of principal shall fall be due and be payable not later than two 2 years after the date of issue; ~~and the.~~ The sum of the principal and interest due in any year after the first year shall not exceed the sum of the principal and interest due in any previous year by more than a denomination of a single bond issued.

(d) All such of the bonds shall contain a provision requiring redemption ~~thereof of the bond~~, in whole or in part, at the option of the district on any interest payment date after three 3 years from the date of the bonds.

(e) The authorization by the board of any such bonds shall be approved by a majority vote of the electors of the district voting at a referendum election noticed, held, conducted; and canvassed and the returns thereof made as nearly as may be in the manner provided for a referendum vote on the issuance of county bonds under ch. 67.

(f) The income of a district from any source other than taxation may be applied for the payment of part or all of the instalments of interest on and principal of such

the bonds due in any year; ~~and any.~~ Any surplus remaining ~~over~~ may be redistributed at any time to municipalities within the boundaries of such the district in proportion to, and in a total amount not more than, the taxes levied and collected by them the municipalities for the district during the existence of the district, or such the surplus may be held by the district for the payment of its expenses, including the payment of subsequent instalments of interest and principal as they fall become due.

(g) Any sums collected by taxation to be used for the payment of interest on and principal of such the bonds, and not required in any year for that purpose, shall be held by the district to be used for that purpose in any succeeding year; and the tax provided for in this section shall be collected in such the succeeding year only in an amount sufficient, together with any balance remaining over from the proceeds of taxation in previous years, to pay the instalments of interest on and principal of such the bonds due in that year.

(h) Except as otherwise provided by this chapter such, the bonds shall be issued as nearly as may be in the manner provided by ch. 67 for county bonds.

NOTE: Subdivides provision, breaks up long sentence, inserts specific references, replaces word form of numbers with digits and replaces other language.

SECTION 127. 198.145 (3) of the statutes is amended to read:

198.145 (3) The board shall appoint a general manager and may appoint and fix the duties of an attorney, a clerk, a treasurer and such any other officers ~~as they deem that the board considers necessary, which appointees.~~ Each appointee shall hold office during at the pleasure of the board; and ~~which appointees shall give such bonds and in such amounts as a bond in an amount that~~ the board may require.

NOTE: Breaks up long sentence and replaces language for greater readability and conformity with current style.

SECTION 128. 198.17 (1) of the statutes is renumbered 198.17 (1g) and amended to read:

198.17 (1g) (title) DECLARATION OF INTENTION; ~~NOTICE, OFFER TO SELL ACQUIRE UTILITY.~~ ~~Whenever the board of directors shall make and A district,~~ by resolution or ordinance, adopted by the affirmative votes of two-thirds of the its directors-elect, may declare the determination of the district to acquire any existing utility ~~or portion thereof, including any water power and hydroelectric power plant owned and operated therewith which utility or portion thereof is operated in whole or in part in the district.~~ Upon adoption of the declaration, the clerk of the district shall ~~forthwith~~ serve immediately on the commission and ~~on the owner of such utility or on the agent or representative of the owner in possession or charge thereof, a true a copy, duly of the declaration,~~ certified by the clerk under the seal of the district; ~~of such resolution or ordinance. If, within thirty,~~

(1m) (title) VOLUNTARY SALE OF UTILITY. (a) Within 30 days after the service of such resolution or ordinance the declaration upon the owner, or the agent or representative of the owner, such owner shall propose voluntarily may propose to sell and transfer such the utility to the district upon terms and conditions to be mutually agreed upon between such the owner and the directors of the district and approved by the commission, and, The owner shall serve a copy of such the proposal upon the district and upon the commission, the. The commission shall fix a time and place for a public hearing and consideration of such the proposal and notify the owner and the district thereof of the hearing.

(b) If terms and conditions of purchase and the sale shall be of the utility to the district are agreed upon by and between the directors and the owner and approved by the commission, all of the following shall occur:

1. The commission shall announce its approval thereof of the sale in writing and the board.

2. The directors shall by resolution authorize and direct the written execution on the part of the district of such each contract in writing and other instrument and take any and the taking of every other action with reference thereto necessary or appropriate to consummate such purchase and the sale and the transfer to the district of possession of such acquired property and payment therefor the utility in accordance with the terms of such the agreement between the owner and the district.

NOTE: Subdivides provision to group related material and creates a title, renumbers sub. (1) to accommodate definitions, deletes surplus verbiage, inserts specific references and defined terms, replaces word form of numbers with digits and replaces other language.

SECTION 129. 198.17 (1) of the statutes is created to read:

198.17 (1) **DEFINITIONS.** In this section:

(a) "Declaration" means a resolution or ordinance adopted by the directors of a district under sub. (1g) which identifies the utility which the district seeks to acquire.

(b) "Owner" means the owner of a utility, and, for purposes of the service of documents on the owner, includes all agents and representatives of the owner.

(c) "Utility" includes a portion of a public utility, including any water power and hydroelectric power plant owned and operated with the utility.

NOTE: Creates definition provision to simplify remainder of the section.

SECTION 130. 198.17 (2) of the statutes is renumbered 198.17 (2) (a) and amended to read:

198.17 (2) (a) If the owner shall fail has consented in any manner provided by law to the purchase of the utility by the public or any municipality and one of the following applies, the commission and the parties shall proceed to determine, in the manner provided in ss. 197.05 to 197.09, the just compensation to be paid to the owner by the district for the utility identified in the declaration:

1. The owner fails to make and serve on the district and upon the commission within the time limited therefor in sub. (1) a proposal voluntarily to sell and transfer to the district the property determined, as therein provided, to be acquired, or, if the utility identified in the declaration in the time and manner described in sub. (1m).

2. The owner and the board shall fail directors fail to agree upon terms and conditions of purchases and sales and of the transfer thereof for the sale of the utility identified in the declaration to the district, or if the.

3. The commission shall fail fails to approve the same if the terms of sale of the utility identified in the declaration agreed upon, and if the owner shall have consented in any manner provided by law to the purchase of such utility by the public or any municipality, the commission and the parties shall proceed to determine the just compensation to be paid by the district to the owner of such property therefor and to accomplish the transfer of the possession and ownership thereof to the district in the manner provided by ss. 197.05 to 197.09, and by the owner and the directors.

(b) Upon the determination of just compensation for the utility identified in the declaration, the commission shall certify to the district and to the owner or owners the amount of such compensation to be so paid for the utility identified in the declaration, and the directors shall provide for and authorize payment of the same that amount to the parties entitled thereto to payment.

NOTE: Subdivides provision and reorders text, inserts specific references and defined terms, and replaces other language.

SECTION 131. 198.17 (2a) of the statutes is renumbered 198.17 (5m) and amended to read:

198.17 (5m) (title) ALTERNATIVE MODE OF ACQUIRING UTILITY. Upon the initiation of steps for the formation of a district, or later, any municipality within a district or a proposed district may, in lieu of the other procedure provided by this section, determine, as provided by s. 197.02, upon the acquisition of to acquire any utility operating within the municipality under the terms of an indeterminate permit, as defined in s. 196.01, on behalf of and for the benefit of the district, subject to the conditions and by the procedure set forth and described in ch. 197; and any. Any 2 or more municipalities within such a district or proposed district may, in the same manner, determine in the same manner upon the joint acquisition in the same manner of such to jointly acquire utilities operating within such the municipalities, on behalf of and for the benefit of such the district. The municipalities and districts may enter into contracts for the transfer and conveyance of such the utilities to such the districts immediately upon the acquisition thereof of the utilities by such the municipalities, and for the simultaneous payment of the purchase price therefor for the utilities by such the districts; and to. The municipalities and districts may join in such any conveyances, and do all such acts as are

necessary to execute ~~such~~ the contracts; subject to the provisions of this chapter governing the powers of districts to enter into transactions, and incur indebtedness, generally.

NOTE: Renumbers provision for more logical placement within the section, breaks up long sentences, inserts specific references and replaces other language for greater readability and conformity with current style.

SECTION 132. 198.17 (3) (title) of the statutes is amended to read:

198.17 (3) (title) ACTION TO DETERMINE NECESSITY OF TAKING OF UTILITY.

SECTION 133. 198.17 (3) of the statutes is renumbered 198.17 (3) (a) and amended to read:

198.17 (3) (a) If the owner of ~~such~~ the utility ~~shall identified in the declaration has not have~~ consented in any manner provided by law and ~~shall has not have~~ become legally bound to consent to the purchase by the public or any municipality of ~~such~~ the utility ~~or any part thereof so determined to be acquired by the district,~~ the general counsel of the district shall, before proceedings are had under sub. (2), ~~cause to be instituted and prosecuted, commence an action to determine the necessity of the taking of the utility by the district. The action shall be brought~~ in the name and behalf of the district in the circuit court for the county in which the principal administrative office of the district is located, ~~an action~~ against the owner ~~or owners~~ of ~~such~~ public the utility as defendant ~~or defendants,~~ praying the court for an adjudication ~~as to of~~ the necessity of ~~such~~ the taking ~~by the district, in which the complaint. The complaint in the action shall be served with the summons.~~

(b) The defendant ~~or defendants~~ owner shall answer in ~~said~~ the action commenced under par. (a) within ~~ten~~ 10 days after ~~such~~ service of the summons and complaint on the owner and the action shall be at issue and stand ready for trial upon ~~ten~~ 10 days' notice by either party. Unless the parties ~~thereto~~ waive a jury, the question as to the necessity of the taking of ~~such~~ property the utility by the district shall be as speedily as possible submitted to a jury. If the jury or the court, in case a jury is waived, ~~shall find finds~~ that a necessity exists for the taking by the district of ~~such~~ property, or for the taking thereby of that part thereof to the public or municipal purchase of the utility, to which the owner shall not have consented, the directors shall cause speedy notice of ~~such~~ the finding of necessity to be certified to the commission and ~~to the owner or owners of such property, and the.~~ The commission and the parties shall then proceed to the ascertainment of the just compensation to be paid by the district to the ~~owners of such property therefor, and the owner for the utility. The~~ consummation of the transfer of the ~~same~~ utility to the district and the payment of ~~such~~ the compensation, to the owner shall be in the manner provided in sub. (2).

NOTE: Subdivides provision, breaks up long sentences, inserts specific references and replaces other language for greater readability and conformity with current style.

SECTION 134. 198.17 (4) of the statutes is amended to read:

198.17 (4) MUNICIPAL UTILITY EXEMPTION. No utility owned by any municipality within the district shall be acquired by the district, except by mutual agreement pursuant to sub. (1) ~~(1m)~~, until the district ~~shall have~~ has first obtained, from the commission, after notice and hearing accorded to the municipality, a certificate that public necessity and convenience require that ~~such~~ the utility be owned and operated by the district. If ~~such~~ the certificate is granted the consummation of the acquisition shall be in the manner provided in sub. (2).

NOTE: Amends cross-reference in accordance with renumbering by this bill and replaces other language for greater conformity with current style.

SECTION 135. 198.17 (5) of the statutes is renumbered 198.17 (5) (a) and amended to read:

198.17 (5) (a) If the ~~board of~~ directors of the district ~~shall be of the opinion~~ determine that the district should acquire any part ~~less than the whole~~ of the physical property of any utility which is or may be owned and operated as an entirety, the ~~board~~ directors shall, before adopting any resolution or ordinance declaring the determination of the district to acquire ~~such~~ the property, apply to the commission for and obtain the commission's certificate of authority ~~so to do~~ so. The application of the district for ~~such~~ the certificate shall state with reasonable certainty the part ~~or parts~~ of ~~such~~ the utility proposed to be acquired and the part ~~or parts thereof of the utility~~ not proposed to be acquired ~~and the.~~ The application shall also state the facts with respect to ~~such~~ the properties to be acquired and the considerations on which the board of directors rely to show that ~~such~~ only the part ~~or parts, rather than the whole of such~~ the utility sought by the district should be acquired by the district. A copy of ~~such~~ the application shall be served upon the owner ~~or owners~~ of the utility affected and upon any municipality, whether within or without the district, in which ~~such~~ the utility operates or furnishes any service.

(b) The commission shall fix a time and place for hearing ~~on such~~ the application made under par. (a) and shall give ~~ten~~ 10 days' notice ~~thereof of the hearing~~ to all parties interested ~~and.~~ The commission shall conduct a public hearing and investigation concerning the matters ~~therein~~ alleged in the application and shall make and file written findings and conclusions with respect ~~thereto~~ to those matters. Before approving ~~such~~ the application and granting the certificate of authority ~~herein~~ applied for, the commission shall ascertain and find:

1. That the acquisition by the district of the part ~~or parts~~ of ~~such~~ the utility, as ~~in such~~ application proposed in the application, will be of greater financial, economic and industrial advantage to the district than the acquisition of the ~~whole of such~~ utility as an entirety as operated.
2. That the acquisition by the district of the part ~~or parts~~ of ~~such~~ the utility, as ~~in such~~ application proposed

in the application, will not result in any substantial injury to public interests or impairment of public service that would not result if such the utility was acquired as an entirety and continued to be operated as such an entirety.

3. That the acquisition by the district of the part or parts of such the utility, as in such application proposed in the application, will not render the part or parts thereof of the utility that will not be acquired incapable of continuing to render any substantial public service being rendered thereby by the utility adequately and at reasonable rates, tolls or charges for such the service.

NOTE: Subdivides provision, replaces word form of number with digits, deletes redundancies, inserts specific references and replaces other language.

SECTION 136. 198.17 (8) of the statutes is amended to read:

198.17 (8) MUNICIPAL LOANS TO DISTRICTS. Any municipality situated within the boundaries of such a district may provide for a loan to such the district to pay the preliminary organization and administration expenses thereof of the district, on such the terms as that the governing bodies of such the municipality and such the district may agree upon; provided, that any such. The lending municipality shall have the right, at its option, to receive bonds or other obligations of any such the borrowing district of any issue, providing for the payment of an amount of principal equal to that of the loan hereby authorized under this subsection, in place of the obligations created by such the loan; and provided further that the. The terms of such a loan under this subsection shall in every case provide that such a the municipality making the loan shall receive interest from the date of the loan at not less than the rate of interest provided for in the first bonds or other securities issued by such the district, to become due at the date of issue of such the securities, or at some specified date theretofore, prior to or at some specified date not more than one year thereafter after the date of issue, subject to the limitation of total indebtedness of the district contained in s. 198.14 (9).

NOTE: Breaks up long sentences, inserts specific references and replaces other language for greater readability and conformity with current style.

SECTION 137. 198.20 of the statutes is renumbered 198.20 (1) and amended to read:

198.20 (1) Any two 2 power districts may be consolidated by ordinance, passed by a two-thirds vote of all of the members of the board of each power district, fixing the terms of the consolidation and ratified by the electors at a referendum held in each district. The ballots shall bear the words, "For Consolidation," and "Against Consolidation," and if. If a majority of the votes cast thereon on the question of consolidation in each district shall be for consolidation, the ordinance shall be in effect and have the force of a contract. Such

(2) The election, and all matters pertaining thereto to the election not otherwise provided for in this section, shall be held and conducted and the result thereof ascer-

tained, determined and declared in accordance with s. 198.06 (3) and (4). The ordinance and the result of the referendum shall be certified to the secretary of state. From and after such After certification said, the consolidation shall be deemed considered complete. Consolidation shall not affect the preexisting rights or liabilities of any power districts and actions thereon on those rights and liabilities may be commenced or completed as though no consolidation had been effected.

NOTE: Breaks up sentence, inserts specific references, deletes redundancy and replaces other language for greater readability and conformity with current style.

SECTION 138. 198.21 of the statutes is amended to read:

198.21 District obligations inviolate. Any provision of this chapter may be altered, amended or repealed at any time by the legislature, but no amendment, repeal or alteration thereof shall ever be enacted which shall release any district organized thereunder from any liability which it shall incur for the acquisition of property or for obtaining funds for the purposes of the district. The guarantees of this section shall be deemed and held to inhere in and become be a part of every contract authorized by this chapter and entered into by any district thereunder under this chapter.

NOTE: Inserts specific references, deletes redundancies and replaces other language for greater readability and conformity with current style.

SECTION 139. 198.22 (2) (intro.) of the statutes is amended to read:

198.22 (2) DEFINITIONS. (intro.) The provisions of ss. 198.01 to 198.04, 198.06 (2) to (7), 198.10 (5), 198.12 (1) to (5), 198.13 (3) to (5), 198.14 (1), (2), (5) to (8) and (10) to (15), 198.145, 198.15, 198.165, 198.17 (6) to (8), 198.18 (2) to (5), 198.21 and 893.77 (3) as now in effect or as subsequently amended shall apply to municipal water districts, except that in this section and in the above mentioned statutory provisions, adopted herein by reference as applied to this section the following shall apply:

NOTE: Eliminates unnecessary language and modernizes and clarifies remaining language.

SECTION 140. 213.02 (title) of the statutes is amended to read:

213.02 (title) Trustees; their City and village fire company trustees; election; powers.

SECTION 141. 213.02 of the statutes is renumbered 213.02 (1) and amended to read:

213.02 (1) The members of any fire engine, hook and ladder, sack or other fire company, in any city or village, which shall have has been duly organized and shall have has elected such those officers as they are by law required to do by law, and whose organization and election of officers shall have have been confirmed or sanctioned by the common council of such city or board of trustees of such the governing body of the city or village, may, when assembled at their usual place of meeting and according to the rules of such the company, elect annually not less than

three ~~3~~ nor more than nine ~~9~~ trustees to take. The trustees shall have the power to do any of the following:

(a) ~~Take~~ charge of the estate and property of such ~~the~~ fire company, and transact all business relative to the investment, care and disposal thereof; ~~they may have of the property.~~

(b) ~~Have~~ a common seal and ~~that the trustees may alter the same at their pleasure, and may take,~~

(c) ~~Take~~ possession of, and, pursuant to the rules and regulations of such ~~the~~ company, may manage, control, purchase, take, receive, recover and hold, sell, convey, mortgage, demise, lease and improve all ~~of~~ the property of such ~~the~~ company, including all burial places belonging ~~thereto to the company and~~ erect and put in repair all buildings necessary ~~therefor, and may sue for the company.~~

(d) ~~Sue~~ and be sued in all matters pertaining to such ~~the~~ property and the debts, claims, demands and liabilities of such ~~the~~ company; and ~~under~~ the name in which they shall sue or be sued shall be the "trustees of" (name the company of which they are trustees)". ~~And all real estate or other~~

(2) ~~All~~ property that has been or may hereafter be conveyed by devise, gift, grant, purchase or otherwise to such a fire company or to any person as trustee for the use thereof of a fire company shall vest in ~~them~~ the trustees of the company as fully as if originally conveyed to ~~them~~ the trustees, and shall be held by ~~them~~ the trustees and their successors in trust for such ~~the~~ company, but subject to be managed, improved, leased, conveyed and disposed of as above provided the provisions of sub. (1).

NOTE: Subdivides provision, inserts specific references and cross-references, replaces word form of number with digits, deletes redundancies and replaces other language for greater readability and conformity with current style. The title is amended to clarify the distinction between ss. 213.02 to 213.04 and ss. 213.05 to 213.08.

SECTION 142. 213.03 of the statutes is amended to read:

213.03 (title) ~~Term; City and village fire company trustees; term; vacancies.~~ Such ~~trustees~~ Trustees of a fire company, elected under s. 213.02, shall hold their offices office for one year and until their successors are elected, ~~but.~~ A trustee may be removed at any time by such ~~the~~ company for cause, after having the trustee has had an opportunity to be heard in his or her defense; and every. Every vacancy in the office of trustee may be filled for the residue of the term. Any ~~two~~ 2 trustees may call a meeting of the trustees and a majority, being convened according to the bylaws of such ~~the~~ company, may transact any business authorized to be done by them.

NOTE: Breaks up long sentence, inserts specific references and cross-references, replaces word form of number with digits and replaces other language for greater readability and conformity with current style. The title is amended to specify the section subject matter.

SECTION 143. 213.04 of the statutes is amended to read:

213.04 (title) ~~Fire City and village fire companies; how disbanded.~~ The common council of any city or the board of trustees of any village in which any such ~~fire~~ company may be located shall have power to disband any such ~~fire~~ company for misconduct or when they deem consider it proper; and whenever, Whenever any such ~~fire~~ company shall be so is disbanded under this section, the foreman thereof of the fire company shall immediately call a meeting of the company forthwith, at which ~~provision shall be made to provide~~ for the disposal of its real and personal the company's property; and the The powers of the trustees then in office shall continue for such ~~the~~ purpose of disposing of the company's property and settling up its business affairs.

NOTE: Breaks up long sentence, inserts specific references and replaces other language for greater readability and conformity with current style. The title is amended to clarify the distinction between ss. 213.02 to 213.04 and ss. 213.05 to 213.08.

SECTION 144. 213.05 of the statutes is amended to read:

213.05 (title) ~~Organization of town fire companies.~~ Any number of persons, not less than 15, not residing in any city or village may organize a ~~fire engine, hook and ladder, sack or other~~ fire company as a nonstock corporation under ch. 181 for the protection of life and property ~~in the manner prescribed in ch. 181 and thereupon.~~ A corporation organized under this section shall have all of the powers of a corporation, including the powers respecting real estate ~~under these statutes~~ necessary or proper to accomplish the purposes prescribed by its the company's articles of organization, and shall be governed by all of the provisions of ~~these the~~ statutes applicable ~~thereto to fire companies and nonstock corporations.~~

NOTE: Breaks up long sentence, inserts specific references deletes redundancies and replaces other language for greater readability and conformity with current style. The title is amended to clarify the distinction between ss. 213.02 to 213.04 and ss. 213.05 to 213.08.

SECTION 145. 213.06 of the statutes is amended to read:

213.06 (title) ~~Purposes of town fire companies; refusal to act.~~ The purposes and objects of such a corporation organized under s. 213.05 shall be to aid and assist in the extinguishment of fires at or near the place of its the corporation's location, ~~and for a refusal.~~ If the company refuses, when notified, to attend any fire within three-quarters of a mile from the location of the engine or truck house such, the corporation shall forfeit ~~the sum of fifty dollars~~ \$50.

NOTE: Inserts specific references and cross-references, replaces word form of number with digits and replaces other language for greater readability and conformity with current style. The title is amended to clarify the distinction between ss. 213.02 to 213.04 and ss. 213.05 to 213.08.

SECTION 146. 213.07 of the statutes is amended to read:

213.07 (title) **Reports Town fire company reports; exemptions.** The secretary of each ~~such~~ corporation ~~or-~~organized under s. 213.05 shall, within ~~ten~~ 10 days after the election of officers in each year, deliver to the town clerk a report giving the names of the officers elected for the ensuing year and the names of all ~~the~~ active members of ~~such~~ the corporation at on the date of ~~such~~ the election. The town clerk shall file the ~~same~~ report in the clerk's office; and, when required, give a receipt therefor. Each ~~and every~~ member of ~~such~~ the corporation ~~so reported to the clerk under this section~~ shall be exempted from military duty except in case of war, invasion or insurrection; ~~and such.~~ A corporation organized under s. 213.05 and each of the active members ~~thereof of the corporation~~ shall have and be entitled to all of the benefits conferred upon fire companies and the members ~~thereof of fire companies~~ by any general law of the state. Any ~~such~~ secretary of a corporation organized under s. 213.05 who shall falsely ~~report reports~~ to the town clerk that any person is a member of ~~any such~~ the corporation for the purpose of getting the person the benefits conferred in this section shall forfeit \$25 for each ~~such~~ offense ~~twenty-five dollars.~~

NOTE: Inserts specific references and cross-references, replaces word form of number with digits and replaces other language for greater readability and conformity with current style. The title is amended to clarify the distinction between ss. 213.02 to 213.04 and ss. 213.05 to 213.08.

SECTION 147. 213.08 of the statutes is amended to read:

213.08 (title) **What is a town fire department.** One ~~such fire company~~ or more companies organized under s. 213.05, with not less than 30 active members, having at least one good fire engine and not less than 500 feet of sound hose kept in an engine house, fit and ready at all times for actual service, and one ~~such hook and ladder company~~ or more companies organized under s. 213.05, with not less than 15 active members and equipped with at least one good hook and ladder truck, ~~both~~ located not more than one mile apart in the same town, shall constitute a fire department. The members of ~~such~~ the companies that make up the fire department may meet and elect one of their members chief of ~~such~~ the fire department; ~~who.~~ The chief shall hold the office for one year and until a successor is elected; ~~the.~~ The chief shall have control of ~~such~~ the companies that make up the fire department and ~~they~~ those companies shall obey the chief's orders at all times; ~~and the.~~ The chief shall also have all of the powers and privileges and be subject to the same penalties as fire wardens of ~~incorporated villages under ch. 61.~~

NOTE: Divides long sentence and adds specific references and cross-references. Restores "town" to title, which was dropped in the 1951 statutes without legislative action. Village fire wardens have not been provided for since the repeal of the then existing ch. 61 by Chapter 183, Laws of 1933.

SECTION 148. 213.095 of the statutes is renumbered 213.095 (intro.) and amended to read:

213.095 Police power of fire chief, rescue squads. (intro.) The chief, chief engineer, assistant engineer, captain, lieutenant, executive officer or other person in charge of any volunteer fire company, association, fire district, or any other organization organized or created for the purpose of extinguishing fires and preventing fire hazards, or first aid calls involving either persons or property, shall have authority to ~~suppress~~ do any of the following:

(1) Suppress any ~~tumult or~~ disorder and ~~to~~ order all individuals or companies to leave the neighborhood of any fire or first aid scene, ~~and to command.~~

(2) Command from the inhabitants of the city, village or town all ~~needful~~ necessary assistance for the suppression of fires and ~~in~~ the preservation of property exposed to fire; ~~the officers above enumerated shall also have authority to go upon and enter.~~

(3) Enter any property or premises ~~and~~ to do whatever may reasonably be necessary in the performance of ~~their~~ the officer's duties while engaged in the work of extinguishing any fire or performing any duties incidental thereto. ~~Such officers shall also have authority to go upon and enter~~

(4) Enter any property or premises ~~and to~~ do whatever may reasonably be necessary in the performance of ~~their~~ the officer's duties while engaged in the work of aiding persons or minimizing the loss to property at a first aid scene.

NOTE: Subdivides provision, deletes redundancies and inserts specific references. "(V)illage" is added for completeness. As created by Chapter 500, Laws of 1929, "village" was not included, but the enumerated officers are not exclusive to cities and towns and there is no indication of legislative intent to exclude the operation of this statute in villages.

SECTION 149. 213.10 (1) of the statutes is renumbered 213.10 (1m) (a) and amended to read:

213.10 (1m) (a) The members of the paid fire department in any city ~~heretofore or hereafter organized~~, who comply with the constitution and bylaws of the fire fighters relief association hereinafter mentioned organized in that city, are constituted a body corporate in such that city under the name of "The Fire Fighters Relief Association of the City of ...;" ~~for the.~~ Except as provided in par. (b), the purpose of a fire fighters relief association shall be giving relief to the sick and disabled members of such the association and their families and to such any other persons as for whom the constitution and bylaws of such the association may provide. Provided, that where

(b) If a member in good standing at the time of the member's death leaves no ~~one~~ person entitled to relief under the constitution and bylaws of ~~said~~ the association, such the board of trustees of the association is empowered to pay the expenses of the last illness and funeral costs of ~~said~~ the deceased member, ~~the amount to be paid hereunder to be~~ limited to a sum to be fixed by the constitution and bylaws of ~~said~~ the association.

NOTE: Subdivides provision and renumbers it to accommodate the renumbering of sub. (7) to (1g) for proper placement of definition, deletes superfluous language and redundancies and inserts specific references.

SECTION 150. 213.10 (1g) of the statutes is created to read:

213.10 (1g) In this section, "members of the paid fire department" means all fire department personnel who are engaged in the duties of fire fighting, fire fighting training and directly related skills, including fire prevention, investigation and inspection.

NOTE: Repositions definition from s. 213.10 (7) for conformity with current style.

SECTION 151. 213.10 (2) of the statutes is renumbered 213.10 (2) (a) and amended to read:

213.10 (2) (a) ~~In case any~~ A member of the a fire fighters relief association ~~shall cease for a city who ceases to be a member of such that city's fire department after a period of ten~~ 10 consecutive years of service ~~therein, that member shall be entitled to all of the advantages and benefits of the fire fighters relief association as long as that member pays dues and complies with the rules, regulations and bylaws of the same; provided, that any association.~~

~~(b) A member of such a fire department fighters relief association for a city who shall, at any time, before having has not served ten as a member of the city's fire department for 10 consecutive years as aforesaid, be retired on a pension by reason of permanent disability due to injuries suffered while in the performance of duties as such member, or who shall have been granted a duty disability for injuries suffered in like manner and whose actual term of service together with the period of time while on duty disability shall bring that member's period of service to ten years in such department, shall be entitled to all of the advantages and benefits of such the fire fighters relief association as long as that member pays dues and complies with the rules, regulations and bylaws of such the association; and meets one of the following criteria:~~

NOTE: Subdivides provision, reorders text by creating new subdivisions (see the next section of this bill), deletes superfluous language and redundancies, inserts specific references, replaces word form of number with digits and replaces other language for greater readability and conformity with current style.

SECTION 152. 213.10 (2) (b) 1. and 2. of the statutes are created to read:

213.10 (2) (b) 1. The member is retired on a pension by reason of permanent disability due to injuries suffered while in the performance of duties as a member of the fire department.

2. The member has been granted a duty disability for injuries suffered while in the performance of duties as a member of the fire department and the member's actual term of service in the fire department, together with the period of time while on duty disability, equals 10 or more years.

NOTE: See the previous section of this bill and its NOTE.

SECTION 153. 213.10 (3) of the statutes is amended to read:

213.10 (3) Each person on becoming a member of ~~said a~~ fire department whose members have formed a fire fighters relief association shall be required to pay the association an initiation fee not exceeding fifty ~~dollars~~ \$50 and annual dues so long as the person remains a member, ~~and that person of the fire department.~~ A person shall ~~be considered to~~ become a member of the association when that person's name is placed on the payroll of ~~such the~~ fire department.

NOTE: Breaks up sentence, replaces word form of number with digits, deletes superfluous language and redundancies and inserts specific references.

SECTION 154. 213.10 (4) of the statutes is amended to read:

213.10 (4) Every ~~such~~ fire fighters relief association shall have all of the usual powers of a corporation necessary and proper for the purpose of its organization, and may take by gift, grant or purchase, real and personal estate property, and hold, enjoy, lease, convey and dispose of ~~the same its~~ property subject to its the association's bylaws and regulations; ~~and all such.~~ All of the real and personal property belonging to an association and the rents, issues and profits ~~thereof from that property~~ shall be devoted solely to the purposes and objects of ~~such corporation the~~ association.

NOTE: Breaks up sentence and inserts specific references. Replaces "corporation" with "fire fighters relief association" or "association" for consistency with the remainder of the section.

SECTION 155. 213.10 (5) of the statutes is renumbered 213.10 (5) (a) and amended to read:

213.10 (5) (a) The control and disposal of the funds, property and estate and the direction and management of all of the concerns of ~~such corporation, under such a fire fighters relief association, subject to any directions and restrictions as that~~ may be imposed by the bylaws ~~thereof of the association,~~ shall be vested in a board of trustees ~~to.~~ The board of trustees shall consist of a president, vice president, treasurer, secretary and executive committee of ~~three~~ 3, who shall be elected at such time and place and by such members of the ~~corporation~~ association entitled to vote as ~~shall is provided~~ by the bylaws ~~thereof be entitled to vote at such election of the association.~~ The officers so elected shall hold their respective offices for one year, unless the bylaws provide otherwise, and until their successors are elected and qualified; ~~and such corporation.~~ An association may elect or appoint such other officers ~~and for such term~~ terms as its bylaws may prescribe. The officers of ~~such corporation~~ an association shall give bonds for the faithful performance of their respective duties when required ~~so to do~~ so by the ~~laws thereof~~ association's bylaws.

(b) No person shall be elected to or hold any office in ~~such corporation~~ a fire fighters relief association

unless the person is in the active employment of the fire department of the city to which this section becomes effective, and if the in which the association is organized. If a person's employment with such that city shall be terminated while holding the office of trustee or the person holds any other office of such corporation the association, the person's term of office shall thereupon be terminated, and the members of such corporation as shall, by the bylaws thereof, be the association who are entitled to vote, as provided in the association's bylaws, shall forthwith immediately elect a successor.

NOTE: Subdivides provision, breaks up long sentences and inserts specific references. Replaces "corporation" with "fire fighters relief association" or "association" for consistency with the remainder of the section.

SECTION 156. 213.10 (6) of the statutes is amended to read:

213.10 (6) The board of trustees of any such corporation a fire fighters relief association may purchase group life insurance for the members of the corporation association.

NOTE: Replaces "corporation" with "fire fighters relief association" or "association" for consistency with the remainder of the section.

SECTION 157. 213.10 (7) of the statutes is renumbered 213.10 (7) (a) and amended to read:

213.10 (7) (a) For purposes of this section, "members of the paid fire department" means all fire department personnel who are engaged in the duties of fire fighting, fire fighting training and directly related skills, including fire prevention, investigation and inspection. All other members of such a fire department who do not qualify as members of the paid fire department shall, upon commencement of their employment with a city department, have the option of joining such the fire fighters relief association upon commencement of their employment with such department; and such in that city.

(b) The employees described in par. (a) who are, together with others who are transferred to or are, on March 27, 1969, performing duties other than fire fighting, fire fighting training and directly related skills, including fire prevention, investigation and inspection, shall have the option of continuing their membership in such the fire fighters relief association.

NOTE: The stricken definition is moved to the beginning of section consistent with current style by creating it as 213.10 (1g). Inserts specific references and cross-references.

SECTION 158. 213.11 (6) of the statutes is amended to read:

213.11 (6) The board of trustees of any such corporation police relief association may purchase group life insurance for the members of the corporation association.

NOTE: Replaces "corporation" with "police relief association" or "association" for consistency with the remainder of the section as affected by 1997 Wis. Act (1997 AB-465).

SECTION 159. 213.12 of the statutes is amended to read:

213.12 Pay. The common council of any city and the board of trustees of any village which shall own owns a fire engine shall annually pay to each active fire fighter belonging to any fire or hook and ladder company organized by authority of such the city or village such sum as such an amount that the common council or board of trustees shall deem considers a reasonable compensation for the services of such the fire fighter.

NOTE: Replaces language for greater readability and consistency with style.

SECTION 160. 213.13 of the statutes is renumbered 213.13 (1) (intro.) and amended to read:

213.13 (1) (intro.) The Except as provided in subs. (2) and (3), the common council or governing body of every city having a paid fire department shall provide for, and the chief engineer of the department shall assign to, each fire fighter in the service of the city full rest days as follows:

(a) In 1st class cities of the first class, one full rest day of twenty-four 24 consecutive hours during each seventy-two 72 hours; in.

(b) In 2nd and 3rd class cities of the second and third classes, one full rest day of twenty-four 24 consecutive hours during each ninety-six 96 hours; in.

(c) In 4th class cities of the fourth class, one full rest day of twenty-four 24 consecutive hours during each one hundred and sixty-eight 168 hours, except in.

(2) The rest day requirements under sub. (1) do not apply in cases of positive necessity by some sudden and serious fire, accident or other peril, which, in the judgment of the chief engineer, or other officers in charge, demands that such a day of rest be not be given at such that time, but arrangements shall be made so that each full rest day may be had at such time or times as will not impair the efficiency of the department.

(3) The provisions of this section shall not apply to cities having the two 2 platoon or double shift.

NOTE: Subdivides provision and replaces word form of number with digits.

SECTION 161. 213.15 of the statutes is amended to read:

213.15 Fire hose threads and fittings to be uniform. All fire hose fittings, apparatus fittings, 1-1/2 1.5 and 2-1/2 2.5 inches in diameter purchased or procured after December 29, 1963 by a fire department or fire company shall be of the national standard hose thread as adopted by the national fire protection association. Any No fire department presently utilizing a nonstandard thread size shall have a period of 5 years from December 29, 1963 to bring all existing shall utilize hose and equipment into not in conformance with the requirement that all threads shall be national standard hose thread as adopted by the national fire protection association. Any person offering for sale nonstandard hose couplings, fit-

tings or apparatus fittings after December 29, 1963 may be fined not less than \$100 nor more than \$500.

NOTE: Deletes obsolete transition language and replaces fractions with decimals consistent with current style.

SECTION 162. 220.05 (6) of the statutes is renumbered 220.05 (6) (a) and amended to read:

220.05 (6) (a) Any bank or trust company holding any property in trust or in any fiduciary capacity or as custodian or bailee shall pay in addition to said the fees and assessments provided for in sub. (2) the actual reasonable cost of any and all examinations (whether or not they are in excess of 2 in any one year) conducted by the division of the books, records and business of said the bank or trust company insofar as they relate to said the property held in trust or other fiduciary capacity or as custodian or bailee, said.

(b) The cost to be paid under par. (a) shall include a fair charge for time of assistants and office overhead and to. The cost shall be determined by the division within a reasonable time after each said examination has been completed. A statement of such the charge determined by the division shall be promptly sent to said the bank or trust company. Each such bank or trust company shall pay such the charge within 10 days after receipt of such the statement. Said The cost determined under this subsection shall include the cost of furnishing a copy of the statement to the bank or trust company.

NOTE: Deletes unnecessary parenthetical phrase, subdivides provision, inserts specific references and cross-references and replaces other language for greater readability and consistency with current style.

SECTION 163. 226.14 (1) of the statutes, as affected by 1997 Wisconsin Act 35, is renumbered 226.14 (1) (a) and amended to read:

226.14 (1) (a) No common law trust organized in this state, and no such common law trust formed or organized under or by authority of the laws of any state or foreign jurisdiction, for the purpose of doing business under a declaration of trust which shall have issued to 5 or more persons, or which shall sell or propose to sell beneficial interests, certificates or memberships therein in the trust, shall transact business, or acquire, hold or dispose of property in this state until the trustees named in said the declaration of trust shall have caused to be filed with the department of financial institutions the original declaration of trust, or a true copy thereof of the declaration, and all amendments to the declaration which may be made, verified as such having been made by the affidavits of 2 of the signers thereof of each amendment.

(b) A like verified copy of the declaration of trust and such amendments verified in the manner described in par. (a), and a certificate of the department of financial institutions, showing the date when such the declaration was filed and accepted by the department of financial institutions shall, within 30 days of such filing and acceptance, shall by the department of financial institutions, be recorded with the register of deeds of the county in which

such the trust has its principal office or place of business in this state. No such common law trust shall transact business in this state until such the declaration of trust or such verified copy thereof be of the declaration is left for record. The register of deeds shall forthwith immediately transmit to the department of financial institutions a certificate stating the time when such copy the declaration or verified copy of the declaration was recorded and. The register of deeds shall be entitled to a fee of 25 cents therefor for the certificate, to be paid by the person presenting such the papers for record. Upon receipt of such the register of deed's certificate, the department of financial institutions shall issue to said the trustees of the trust a certificate of filing.

NOTE: Subdivides provision, inserts specific references and cross-references.

SECTION 164. 241.03 (1) of the statutes is amended to read:

241.03 (1) No land owner-cropper landowner-cropper contract is valid, except between the parties thereto to the contract, unless the contract, subscribed by the parties, describing the premises and containing the entire agreement between the parties, or a copy thereof of the contract, has been filed with the register of deeds of the county where such the premises are located. The register of deeds shall file, endorse, enter and index croppers' contracts filed with the register of deeds in substantially the same manner as provided for financing statements covering security interests in fixtures.

NOTE: Corrects spelling and inserts specific references.

SECTION 165. 281.47 (2) of the statutes is amended to read:

281.47 (2) The city, village or town or the owner of land through which the drain is constructed may apply to the circuit court of the county in which the land is located to determine the damages, if any. No injunction against the use shall be granted until the damages are finally determined and payment refused. Unless within six 6 months after the system is completed the owner of the land institutes such proceedings the owner is barred. The proceedings shall be according to ch. 32, so far as applicable.

NOTE: Replaces word form of number with digit.

SECTION 166. 616.71 (12) of the statutes is renumbered 616.71 (12) (intro.) and amended to read:

616.71 (12) (intro.) "Motor club service" means the rendering, furnishing or procuring of towing service, emergency road service, insurance service, bail bond service, legal service, discount service, financial service, buying and selling service, theft service, map service and touring service, or any three 3 or more thereof, as herein defined of the following, to any person, in connection with the that person's ownership, operation, use, or maintenance, of a motor vehicle by such person, in consideration of such other person that person's being or becoming a member of, affiliated with or entitled to

~~membership or other motor club service from any company rendering, procuring or furnishing the same, or being or becoming in any manner affiliated therewith, or being or becoming entitled to receive membership or other motor club service therefrom those services~~ by virtue of any agreement or understanding with any such company.;

NOTE: Replaces word form of number with digit, inserts specific reference, reorders text, deletes unnecessary language and with the next section of this bill subdivides provision.

SECTION 167. 616.71 (12) (a) to (k) of the statutes are created to read:

- 616.71 (12) (a) Towing service.
- (b) Emergency road service.
- (c) Insurance service.
- (d) Bail bond service.
- (e) Legal service.
- (f) Discount service.
- (g) Financial service.
- (h) Buying and selling service.
- (i) Theft service.
- (j) Map service.
- (k) Touring service.

NOTE: See the previous section of this bill.

SECTION 168. 617.23 (3) (c) of the statutes is amended to read:

617.23 (3) (c) *Joint and several liability.* If under pars. (a) and (b) two 2 persons are liable with respect to the same distributions, they shall be jointly and severally liable.

NOTE: Replaces word form of number with digit.

SECTION 169. 778.09 (1) of the statutes is renumbered 778.09 and amended to read:

778.09 Judgment, costs, commitment of defendant. Where judgment is recovered pursuant to this chapter it shall include costs and direct that if the same ~~be~~ judgment is not paid the defendant (if an individual), shall be imprisoned in the county jail for a specified time, not exceeding six 6 months, or until otherwise discharged pursuant to law. The commitment shall issue, as in ordinary criminal actions, and such ~~the~~ the defendant shall not be entitled to the liberties of the jail.

NOTE: Replaces parentheses and word form of number with digit. The subsection number is removed as this section does not have multiple subsections.

SECTION 170. 779.35 of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

779.35 Mining liens. Any person who shall perform performs any labor or services for any person or corporation ~~employer~~ engaged in or organized for the purpose of mining, smelting or manufacturing iron, copper, silver or other ores or minerals, and any bona fide holder of any draft, time check or order for the payment of money due for any such ~~that~~ that labor, issued or drawn by any such person or corporation ~~the employer~~, shall have a lien for the wages due for in the amount due on such ~~the~~ the draft, check

or order. ~~The lien shall be upon all of the personal property connected with such the mining, smelting or manufacturing industry belonging to such person or corporation the employer, including the ores or products of such the mine or manufactory, together with the machinery and other personal property used in the operation of such mine or manufactory and, subject to s. 779.36 (2), all of the employer's interest of such person or corporation in any real estate belonging thereto and connected with such the mining, smelting or manufacturing business, which said. The lien under this section shall take precedence of all other debts, judgments, decrees, liens or mortgages against such person or corporation the employer, except liens accruing for taxes, fines or penalties and liens under ss. 292.31 (8) (i) and 292.81, subject to the exceptions and limitations hereinafter set forth contained in this subchapter.~~

NOTE: Replaces "person or corporation" with "employer" for consistency with s. 779.36 and for greater clarity, deletes redundant language and inserts specific references and cross-references.

SECTION 171. 779.36 of the statutes is renumbered 779.36 (1) and amended to read:

779.36 (1) ~~The Subject to sub. (2), the~~ Subject to sub. (2), the lien under s. 779.35 extends only to the amount of the interest in the real property held by the employer, ~~and in. In~~ in case of the employer's death or insolvency, or of the sale or transfer of the ~~employer's interest in the~~ employer's interest in the works, mines, manufactories or business, ~~or the employer's interest therein by execution or otherwise,~~ all moneys that may be due for wages to any miner, mechanic or laborer shall be a lien upon all ~~said of the~~ of the property and shall be preferred and first paid out of the proceeds of the sale ~~thereof; provided, that no such.~~

(2) ~~No claim for wages shall be a lien under s. 779.35 upon any real estate unless it shall be the claim is~~ No claim for wages shall be a lien under s. 779.35 upon any real estate unless it shall be the claim is filed in the office of the clerk of the circuit court of the county in which the real estate, upon which a lien is claimed, is situated. ~~The claim shall be filed within sixty 60 days after the elaim, draft, time check or order upon which the claim is founded is due and payable, in the manner that claims for mechanics' liens are required to be filed.~~

NOTE: Subdivides provision, breaks up long sentences, reorders text, replaces word form of number with digits and inserts specific references and cross-references for improved readability and conformity with current style.

SECTION 172. 779.37 of the statutes is amended to read:

779.37 Satisfaction of lien. If an attachment, execution or similar writ shall be issued against any person or corporation ~~employer~~ engaged in a business as is within ~~described in~~ described in s. 779.35, any miner, laborer, mechanic or other person who is entitled to claim a lien ~~thereon under~~ under s. 779.35 may give notice in writing of the lien claim and the amount ~~thereof of the lien claimed,~~ thereof of the lien claimed, verified by affidavit, to the officer holding the writ at any time before the

actual sale of the property affected ~~thereby and the, that is subject to the writ. The officer shall retain out of the sale proceeds of the sale~~ a sufficient sum to satisfy all ~~such~~ lien claims, which sum shall be held by the officer, subject to ~~such the order as of the circuit court may make.~~

NOTE: Replaces “person or corporation” with “employer” for consistency with s. 779.36 and for greater clarity, breaks up long sentence, deletes redundant language and inserts specific references and cross-references.

SECTION 173. 779.43 (1) (a) of the statutes is amended to read:

779.43 (1) (a) “Boarding house” includes a house or other building where regular meals are generally furnished or served to ~~three~~ 3 or more persons at a stipulated amount for definite periods of one month or less.

NOTE: Replaces word form of number with digit and inserts “other” for clarity.

SECTION 174. 779.43 (1) (b) of the statutes is amended to read:

779.43 (1) (b) “Lodging house” includes any house or other building ~~or part thereof~~ where rooms or lodgings are generally rented to ~~three~~ 3 or more persons received or lodged for hire, or any part ~~thereof of a house or other building that is let in which to~~ for sleep at stipulated rentals for definite periods of one month or less, whether any or all ~~such of the~~ rooms or lodgings are let or used for light housekeeping or not, ~~provided except that so-called duplex flats or apartment houses actually divided into residential units shall not be considered a lodging-house lodging houses.~~

NOTE: Replaces word form of number with digit and inserts “other” for clarity.

SECTION 175. 779.43 (2) of the statutes is renumbered 779.43 (2) (a) and amended to read:

779.43 (2) (a) Every Except as provided in par. (b), every keeper of an inn, hotel, boarding house or lodging house shall have a lien upon and may retain the possession of all ~~the~~ baggage and other effects brought into the place by any guest, boarder or lodger, whether the baggage and effects are the property of or under the control of the guest, boarder or lodger, or are the property of any other person liable for ~~such the~~ board and lodging for the proper charges owing ~~such the~~ keeper for board, lodging and other accommodation furnished to or for ~~such a~~ guest, boarder or lodger, and for all moneys loaned, not exceeding fifty dollars \$50, and for extras furnished at the written request signed by the guest, boarder or lodger, until ~~such the~~ charges are paid, ~~and any. Any~~ execution or attachment levied upon ~~such the~~ baggage or effects shall be subject to ~~such the~~ lien given by this section and the costs of satisfying it. ~~But the~~

(b) The lien given by this section does not cover charges for alcohol beverages nor the papers of any soldier, sailor or marine that are derived from and evidence of military or naval service or adjusted compensation, compensation, pension, citation medal or badge.

NOTE: Subdivides provision, breaks up long sentences, replaces word form of number with digits and inserts specific

references and cross-references for improved readability and conformity with current style.

SECTION 176. 779.49 (1) of the statutes is renumbered 779.49 (1) (a) and amended to read:

779.49 (1) (a) Every Except as provided in par. (b), every owner of a stallion, jackass or bull, or semen from ~~such an animal a stallion, jackass or bull,~~ kept and used for breeding purposes shall have a lien upon any dam served and upon any offspring gotten by the animal, or by means of artificial insemination for the sum stipulated to be paid for the service ~~thereof, and of the dam. The owner of the stallion, jackass or bull, used to service, or semen used to artificially inseminate, the dam~~ may seize and take possession of the dam and offspring or either without process at any time before the offspring is one year old, in case the price agreed upon for the service remains unpaid, and sell the offspring at public auction. The sale of the offspring shall be upon 10 days’ notice, to be posted in at least 3 public places in the town where the service was rendered, ~~and apply the. The~~ proceeds of the sale shall be applied to the payment of the amount due for the service and the expenses of the seizure and sale, ~~returning the. The~~ residue, if any, shall be returned to the party entitled to it; ~~provided, no.~~

(b) No lien given under this subsection shall be effective for any purpose as against an innocent purchaser or mortgagee of the offspring or the dam of the offspring for value unless the owner having a claim for the service records with the register of deeds of the county where the owner of the dam served resides a statement showing that the service has been rendered and the amount due for the service.

NOTE: Subdivides provision, breaks up long sentences, reorders text, inserts specific references and replaces word form of number with digits.

SECTION 177. 779.49 (2) of the statutes is amended to read:

779.49 (2) Any person who sells, disposes of or gives a mortgage upon any dam which to the person’s knowledge has been ~~so~~ served by a stallion, jackass or bull, or artificially inseminated with semen owned by another, the fee for which ~~service~~ has not been paid, ~~without giving and who has not given~~ written information to the purchaser or mortgagee of the fact of ~~such the~~ service or artificial insemination, shall be guilty of a misdemeanor and upon conviction shall be fined not more than \$10 or ~~by confinement in the county jail imprisoned for~~ not to exceed more than 60 days.

NOTE: Inserts specific references.

SECTION 178. 779.50 (1) of the statutes is renumbered 779.50 (1) (a) and amended to read:

779.50 (1) (a) Every person who threshes grain, cuts, shreds, husks or shells corn or bales hay or straw by machine for another shall have a lien upon the ~~same~~ grain, corn, hay or straw for the value of the services to the extent ~~that~~ the person contracting for ~~such the~~ services has an interest ~~therein in the grain, corn, hay or straw,~~ from

the date of the commencement of such the service; ~~and in case such.~~

(b) The lien given under par. (a) may be foreclosed at any time within 6 months from the date of the last charge for the services described in par. (a) as long as the charges remain unpaid, the. For the purpose of foreclosing the lien, the lien claimant may take possession of so much of such the grain, corn, hay or straw as shall be necessary to pay for such the services and the expenses of enforcing such the lien, ~~for the purpose of foreclosing said lien at any time within six months from the last charge for such the services, and sell the same grain, corn, hay or straw at public auction, upon. The auction shall be held upon~~ notice of not less than ten 10 nor more than fifteen 15 days from the date of such the seizure of the grain, corn, hay or straw under this paragraph.

NOTE: Subdivides provision, breaks up long sentences, reorders text, inserts specific references and replaces word form of number with digits.

SECTION 179. 779.52 (title) of the statutes is repealed.

NOTE: See the next section of this bill.

SECTION 180. 779.52 of the statutes is renumbered 779.50 (4) (intro.) and amended to read:

779.50 (4) (intro.) The costs and expenses of seizure and sale aforesaid under this section shall be: ~~Seizing as follows:~~

(a) For seizing grain, corn, hay or straw, fifty 50 cents; posting up.

(b) For posting each notice, twelve 12 cents; serving.

(c) For serving each notice of sale, twenty-five 25 cents; for.

(d) For every copy of such a notice of sale delivered on request, twelve 12 cents; for.

(e) For each mile actually traveled, going and returning to serve any notice; or to give or to post up notices of sale, ten 10 cents; for.

(f) For conducting such the sale, fifty of the grain, corn, hay or straw, 50 cents; for.

(g) For collecting and paying over all sums upon such the sale, five per cent; but in no case shall the whole percentage exceed ten dollars, and all 5% of the sums collected or \$10 dollars, whichever is less.

(h) All necessary expenses incurred in taking possession of and preserving any grain, corn, hay or straw and preserving the same as shall be just and reasonable.

NOTE: Renumbers provision to be part of s. 779.50, for more logical placement, subdivides provision, deletes superfluous language, inserts specific references and replaces word form of number with digits.

SECTION 181. 779.70 (3) of the statutes is amended to read:

779.70 (3) The governing board of such a corporation described in sub. (1) shall declare the assessments so levied under sub. (2) due and payable at any time after thirty 30 days from the date of such the levy ~~and the. The corporation's~~ secretary or other officer shall notify the

owner of every lot so assessed of the action taken by the board, the amount of the assessment of each lot owned by such owner and the date such on which the assessment becomes due and payable. ~~Such~~ The secretary shall mail the notice shall be mailed by U.S. mail, postage prepaid, to the owner at the owner's last-known post-office address ~~by the secretary by United States mail, with postage prepaid.~~

NOTE: Inserts specific references, reorders text and replaces word form of number with digits.

SECTION 182. 779.70 (4) of the statutes is renumbered 779.70 (4) (intro.) and amended to read:

779.70 (4) (intro.) In the event that ~~the an~~ assessment levied under sub. (2) against any lot remains unpaid for a period of sixty 60 days from the date of the levy, ~~then~~ the governing board of such the levying corporation may, in its discretion, file a claim for a maintenance lien against such the lot at. All of the following apply to a claim for lien under this subsection:

(a) The claim may be filed at any time within six 6 months from the date of the levy; such.

(b) The claim to shall be filed in the office of the clerk of the circuit court of the county in which the lands affected thereby by the levy lie. Such claim for lien

(c) The claim shall contain a reference to the resolution authorizing such the levy and the date thereof of the resolution, the name of the claimant or assignee, the name of the person against whom the assessment is levied, a description of the property affected thereby by the levy and a statement of the amount claimed. It

(d) The claim shall be signed by the claimant or by its the claimant's attorney, and need not be verified, and may be amended, in case of an action is brought, by court order of court, as pleadings may be.

NOTE: Subdivides provision, inserts specific references and cross-references and replaces word form of number with digits.

SECTION 183. 780.04 of the statutes is renumbered 780.04 (1) and amended to read:

780.04 (1) In all cases where the owner of any ship, boat or vessel is personally liable for any claim mentioned in s. 780.01, the claimant, the claimant's personal representatives or the claimant's assigns may, in an action against such the owner of the ship, boat or vessel for the recovery of such the claim, have a writ of attachment, by virtue of which all ~~the~~ right and title such that the owner had in such the ship, boat or vessel at the time such that the claim accrued or at any time thereafter may be attached to secure the payment ~~thereof of the claim.~~

(2) Before any such attachment shall issue under this section is issued in any such action, the plaintiff or someone in the plaintiff's behalf shall make and annex thereto file in the action an affidavit stating all of the following:

(a) That the defendant in the action is indebted to the plaintiff or has a claim or demand against the plaintiff in

a sum named specified amount, over and above all legal set-offs.

(b) That ~~such~~ the indebtedness owed by the defendant is due for or accrued or arose out of or upon one or more of the causes specified in s. 780.01, specifying it the cause.

(c) The name of the ship, boat or vessel, if ~~it have~~ any name, and, if not, then a description of the ~~same as near as may be~~ ship, boat or vessel.

(d) That the action in which ~~such~~ the attachment is applied for was commenced within ~~twelve~~ 12 months after ~~such~~ the claimant's debt, demand or claim accrued or became payable, ~~and no other or further~~.

(3) No affidavit, except that required under sub. (2), shall be required for the purpose, and except issuance of an attachment under this section.

(4) (a) Except as provided in par. (b) or as otherwise provided in this chapter, the proceedings upon such an attachment in an action in the circuit court issued under this section shall be the same as provided in ch. 811, but no,

(b) No attachment shall be issued out of the circuit court in any such action under this section unless the amount claimed in such the affidavit shall exceed the sum of one hundred dollars filed under sub. (2) exceeds \$100.

NOTE: Subdivides provision, inserts specific references, deletes superfluous language, reorders text and replaces word form of number with digits.

SECTION 184. 780.09 (1) of the statutes is amended to read:

780.09 (1) Whenever any ship, boat or vessel, or its tackle, apparel or furniture, has been seized by virtue of any attachment issued under ~~the provisions of~~ this chapter the defendant or any other person in the defendant's behalf may file with the court ~~from which the same~~ that issued the attachment, at any time before a final judgment, an undertaking with at least ~~two~~ 2 sureties, to the effect that the defendant will pay to the plaintiff on demand any judgment that may be rendered in the plaintiff's favor, not exceeding double the amount claimed by the plaintiff in the affidavit.

NOTE: Inserts specific references, deletes superfluous language and replaces word form of number with digits.

SECTION 185. 782.08 (1) of the statutes is amended to read:

782.08 (1) If the person having the custody of the prisoner is designated, either by name of office, if any, or by the person's name, or if both names are unknown or uncertain the person may be described by an assumed name or title; ~~and any one,~~ Anyone who is served with the writ is ~~deemed~~ considered the person to whom it is directed, although it is directed to the person by a wrong name or description or to any other person.

NOTE: Breaks up long sentence, corrects spelling and replaces disfavored term.

SECTION 186. 782.30 of the statutes is amended to read:

782.30 Order of discharge, how enforced, action for damages. Obedience to any final order discharging or directing the discharge of any prisoner may be enforced by the court ~~or judge~~ making the ~~same~~ order by attachment, in the manner provided for a neglect to make a return to a writ of habeas corpus and with the like effect in all respects; ~~and the,~~ The person who is guilty of ~~such~~ disobedience of the order shall be liable to the prisoner in the sum of ~~one thousand two hundred and fifty dollars~~ \$1,250 for damages, in addition to any special damages ~~such party that the prisoner~~ may have sustained.

NOTE: Inserts specific references and replaces word form of number with digits.

SECTION 187. 782.37 of the statutes is amended to read:

782.37 Penalty for refusing papers. ~~Any~~ If any officer or other person ~~refusing~~ refuses to deliver a copy of any order, warrant, process or other authority, by which the officer or other person shall ~~detain~~ detains any person, to ~~any one~~ anyone who shall demand ~~such~~ demands the copy and tender who tenders the fees ~~therefor~~ for the copy, the officer or other person shall be liable to the person so detained in the sum of \$200 damages, to be recovered in an action.

NOTE: Inserts specific references and replaces word form of number with digits.

SECTION 188. 784.13 of the statutes is amended to read:

784.13 (title) Judgment if office, etc., franchise or privilege usurped. When a defendant against whom ~~such an~~ an action shall ~~have~~ has been brought under this chapter shall be adjudged guilty of usurping or intruding into or unlawfully holding or exercising any office, franchise or privilege, judgment shall be rendered that ~~such the~~ the defendant be excluded from ~~such the~~ the office, franchise or privilege and ~~also~~ that the plaintiff recover costs against ~~such the~~ the defendant. The court may also, in its discretion, fine ~~such the~~ the defendant a sum not exceeding ~~two thousand dollars~~ \$2,000, which fine, when collected, shall be paid into the treasury of the state.

NOTE: Inserts specific references and replaces word form of number with digits.

SECTION 189. 786.21 of the statutes is amended to read:

786.21 (title) Estate of incompetent, lease, etc., of management. The real estate of an incompetent person shall not be leased for more than ~~five~~ 5 years, or mortgaged or disposed of otherwise than is ~~hereinbefore~~ authorized and directed by this chapter.

NOTE: Inserts specific references and replaces word form of number with digits.

SECTION 190. 788.01 of the statutes is amended to read:

788.01 Arbitration clauses in contracts enforceable. A provision in any written contract to settle by arbitration a controversy thereafter arising out of ~~such the~~

contract, or out of the refusal to perform the whole or any part thereof of the contract, or an agreement in writing between ~~two~~ 2 or more persons to submit to arbitration any controversy existing between them at the time of the agreement to submit, shall be valid, irrevocable and enforceable ~~save~~ except upon such grounds as exist at law or in equity for the revocation of any contract. This chapter shall not apply to contracts between employers and employes, or between employers and associations of employes, except as provided in s. 111.10, nor to agreements to arbitrate disputes under s. 230.44 (4) (bm).

NOTE: Inserts specific references and replaces word form of number with digits.

SECTION 191. 802.08 (2) of the statutes is amended to read:

802.08 (2) MOTION. Unless earlier times are specified in the scheduling order, the motion shall be served at least 20 days before the time fixed for the hearing and the adverse party shall serve opposing affidavits, if any, at least ~~five~~ 5 days before the time fixed for the hearing. Prior to a hearing on the motion, any party who was prohibited under s. 802.02 (1m) from specifying the amount of money sought in the demand for judgment shall specify that amount to the court and to the other parties. The judgment sought shall be rendered if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law. A summary judgment, interlocutory in character, may be rendered on the issue of liability alone although there is a genuine issue as to the amount of damages.

NOTE: Replaces word form of number with digits.

SECTION 192. 804.05 (7) (b) of the statutes is renumbered 804.05 (7) (b) 1. (intro.) amended to read:

804.05 (7) (b) 1. (intro.) Documents and things produced for inspection during the examination of the deponent, shall, upon the request of a party, be marked for identification and annexed to and returned with the deposition, and may be inspected and copied by any party, except that ~~1) the:~~

a. The person producing the materials may substitute copies to be marked for identification, if the person ~~afford~~ affords to all parties fair opportunity to verify the copies by comparison with the originals, ~~and 2) if:~~ and

b. If the person producing the materials requests their return, the officer shall mark them, give each party an opportunity to inspect and copy them, and return them to the person producing them, ~~and the:~~

2. The original materials ~~copied or returned under subd. 1.~~ copied or returned under subd. 1. may ~~then~~ be used in the same manner as if annexed to and returned with the deposition to the court, pending final disposition of the case.

NOTE: Renumbers provision for consistency with current style.

SECTION 193. 809.25 (1) (c) of the statutes is amended to read:

809.25 (1) (c) A party seeking to recover costs in the court shall file a statement of the costs within 14 days of the filing of the decision of the court. An opposing party may file, within ~~seven~~ 7 days of the service of the statement, a motion objecting to the statement of costs.

NOTE: Replaces word form of number with digits.

SECTION 194. 814.04 (5) of the statutes is amended to read:

814.04 (5) DISBURSEMENTS IN TIMBER TRESPASS. In actions founded upon the unlawful cutting of timber, or such unlawful cutting of timber and its conversion, or such unlawful cutting of timber and its unlawful detention, when the value of such the timber or the damages recovered exceeds ~~fifty dollars~~ \$50, full costs shall be recovered by the plaintiff, ~~and there shall be included therein.~~ The recoverable costs shall include the actual reasonable expense of one survey and ascertainment of the quantity of timber cut, made after the commencement of the action, by one surveyor and one assistant, if proved as a necessary disbursement. ~~And the~~ The defendant shall recover like costs in the same manner in case the plaintiff is not entitled to costs.

NOTE: Breaks up long sentence, replaces word form of number with digits and inserts specific references.

SECTION 195. 814.131 of the statutes is amended to read:

814.131 Taxing costs on compulsory references.

In all cases of compulsory reference ~~wherein in which~~ the fees claimed by the referee shall exceed ~~fifty dollar,~~ \$50, the fees shall not be allowed until a hearing is had ~~thereon on the fees,~~ upon ~~ten~~ 10 days' notice to the district attorney of the county, accompanied by a copy of the bill.

NOTE: Replaces word form of number with digits and inserts specific references.

SECTION 196. 814.28 (2) of the statutes is amended to read:

814.28 (2) ORDER FOR SECURITY. Upon proof by affidavit entitling the defendant ~~thereto~~ to security for costs, the court ~~or judge~~ shall order the plaintiffs to file security for costs in a sum ~~therein~~ mentioned in the affidavit, not less than ~~two hundred and fifty dollars~~ \$250, within ~~twenty~~ 20 days after the service upon ~~them~~ the plaintiffs of a copy of such the order requiring the security for costs, and that all proceedings on the part of such the plaintiffs be stayed until security is filed.

NOTE: Replaces word form of number with digits and inserts specific references.

SECTION 197. 815.44 (1) of the statutes is amended to read:

815.44 (1) WHO MAY ACQUIRE. In case the premises sold on execution or any part of them shall are not be redeemed within the year prescribed by ss. 815.39 and 815.40 then the interest of the purchaser may be acquired within ~~three~~ 3 months after the expiration of the redemption period by the persons and on the terms prescribed in this section.

NOTE: Replaces word form of number with digits.

SECTION 198. 815.55 of the statutes is amended to read:

815.55 Execution sale; deed when to issue; limitation. If after the expiration of fifteen 15 months from the time of the sale of any real estate upon execution any part of the premises sold shall remain unredeemed, the sheriff of the county in which ~~such~~ the real estate is situated shall, on demand, execute a deed ~~of~~ for the unredeemed premises ~~unredeemed~~ to the person entitled thereto, ~~which to the deed.~~ The deed shall convey all of the right, title and interest which was sold upon such the execution. ~~But no such, except that no~~ deed shall be issued after twenty 20 years from the date of the sale.

NOTE: Replaces word form of number with digits and inserts specific references.

SECTION 199. 815.64 of the statutes is renumbered 815.64 (1) and amended to read:

815.64 (1) When any judgment debtor or person claiming under the judgment debtor ~~shall have~~ has redeemed the lands or any part ~~thereof~~ of or interest ~~therein~~ in the lands sold on execution the person or officer to whom the redemption money was paid shall execute, acknowledge and deliver to the redeemer a certificate, attested by ~~two 2~~ two 2 witnesses, stating containing all of the following:

(a) A statement of the fact of such the redemption, the

(b) The date thereof, the of the redemption.

(c) The amount of money paid, with a to redeem the lands or interests in lands.

(d) A description of the lands or interests therein in the lands so redeemed. Such certificates

(2) A certificate executed under sub. (1) may be recorded in the office of the register of deeds of the county in which the lands are situated, and shall be presumptive evidence of the redemption of the lands therein described in the certificate from such the execution sale and from the lien of the judgment by virtue of which such the execution sale was made.

NOTE: Subdivides provision, replaces word form of number with digits and inserts specific references.

SECTION 200. 846.01 of the statutes is renumbered 846.01 (1) and amended to read:

846.01 (1) ~~In~~ Except as provided in sub. (2), in actions for the foreclosure of mortgages upon real estate, if

the plaintiff recover, the court shall render judgment of foreclosure and sale, as ~~hereinafter~~ provided in this chapter, of the mortgaged premises or ~~such part thereof so much of the premises~~ as may be sufficient to pay the amount adjudged to be due upon the mortgage and obligation secured thereby by the mortgage, with costs. ~~But such judgment~~

(2) A judgment of foreclosure and sale shall not be entered until twenty 20 days after the lis pendens has been filed.

NOTE: Subdivides provision, replaces word form of number with digits and inserts specific references.

SECTION 201. 893.26 (4) (b) of the statutes is amended to read:

893.26 (4) (b) Where it has been protected by a substantial ~~inclosure~~ enclosure;

NOTE: Inserts preferred spelling.

SECTION 202. 893.26 (4) (c) of the statutes is amended to read:

893.26 (4) (c) Where, although not ~~inclosed~~ enclosed, it has been used for the supply of fuel or of fencing timber for the purpose of husbandry or for the ordinary use of the occupant; or

NOTE: Inserts preferred spelling.

SECTION 203. 893.26 (4) (d) of the statutes is amended to read:

893.26 (4) (d) Where a known farm or single lot has been partly improved the portion of the farm or lot that is left not cleared or not ~~inclosed~~ enclosed, according to the usual course and custom of the adjoining country, is ~~deemed~~ considered to have been occupied for the same length of time as the part improved or cultivated.

NOTE: Inserts preferred spelling and replaces disfavored term.

SECTION 204. 943.205 (5) of the statutes is amended to read:

943.205 (5) This section does not prevent ~~any one~~ anyone from using skills and knowledge of a general nature gained while employed by the owner of a trade secret.

NOTE: Inserts preferred spelling.

SECTION 205. Nonstatutory provisions.

(1) RECONCILIATION PROVISION. If 1997 Assembly Bill 465 is not enacted into law, the treatment of section 213.11 (6) of the statutes by this act is void.