

**ASSEMBLY BILL 925**

1           **SECTION 117.** 625.03 (intro.) and (1) to (6) of the statutes are renumbered  
2           625.03 (1m) (intro.) and (a) to (e).

NOTE: The subject matter of this sub. (7) does not fit within the series under, and is grammatically incompatible with, s. 625.03 (intro.) and the renumbering by this section of this bill is made to separate sub. (7) from that list.

3           **SECTION 118.** 631.07 (3) (a) (intro.), 1. to 3. and 4. of the statutes are amended  
4           to read:

5           631.07 (3) (a) (intro.) *Consent unnecessary.* A life or disability insurance policy  
6           may be taken out without consent in any of the following cases:

7           1. A person may obtain insurance on a dependent who does not have legal  
8           capacity;

9           2. A creditor may at the expense of the creditor obtain life or disability  
10          insurance on the debtor in an amount reasonably related to the amount of the debt;

11          3. A person may obtain a life or disability insurance policy on members of the  
12          person's family living with or dependent on the person;

13          4. A person may obtain a disability insurance policy on others that would  
14          merely indemnify against expenses the policyholder would be legally or morally  
15          obligated to pay; and.

NOTE: Amends subsection (intro.) to conform with current style for (intro.) provisions and replaces punctuation for internal consistency and conformity with current style.

16          **SECTION 119.** 631.07 (3) (a) 5. of the statutes is renumbered 631.07 (3) (am) and  
17          amended to read:

18          631.07 (3) (am) Insurance for persons in international public service. The  
19          commissioner may promulgate rules permitting issuance of insurance for a limited  
20          term on the life or health of a person serving outside the continental United States

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1 in the public service of the United States, provided the policyholder is closely related  
2 by blood or by marriage to the person whose life or health is insured.

NOTE: The subject matter of this provision does not correspond to, nor does it fit grammatically within, the list of persons under s. 631.07 (3) (a) (intro.) and accordingly it is renumbered to a separate paragraph. A title is created because the other paragraphs have titles.

3 **SECTION 120.** 655.25 (1) of the statutes is renumbered 655.25.

NOTE: Eliminates unnecessary subsection designation. Section 655.25 is not divided into multiple subsections.

4 **SECTION 121.** 700.06 of the statutes is amended to read:

5 **700.06 Interest for life of another; succession.** An interest measured by  
6 the life of a person other than the owner of the interest passes on the death of the  
7 owner ~~(, if the owner's death is~~ prior to the death of the person who is the measuring  
8 life), as an asset of the owner's estate and is realty or personalty according to the  
9 nature of the property subject to the interest.

NOTE: Replaces parentheses consistent with current style and inserts clarifying language.

10 **SECTION 122.** 700.08 of the statutes is amended to read:

11 **700.08 Estate tail becomes fee simple; effect of gift over after**  
12 **attempted estate tail.** The use of language in an instrument appropriate to create  
13 a present or future interest in fee tail ~~(, such as to a named person "and the heirs of~~  
14 his body" or "and the heirs of her body" or "and his issue" or "and her issue"), creates  
15 a present or future interest in fee simple; ~~if.~~ If the same instrument attempts to  
16 create a future interest after the interest ~~which~~ that is made a fee simple by reason  
17 of this section, the future interest is valid.

NOTE: Replaces parentheses consistent with current style, divides long sentence and replaces improperly used "which".

18 **SECTION 123.** 700.17 (3) of the statutes is amended to read:

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1           700.17 (3) CHARACTERISTICS OF TENANCY IN COMMON. Each of 2 or more tenants  
2 in common has an undivided interest in the whole property for the duration of the  
3 tenancy. There is no right of survivorship incident to a tenancy in common, but a  
4 remainder may be created to vest ownership in the survivor of several persons who  
5 own as tenants in common other preceding interests (, such as a life interest), in the  
6 same property.

NOTE: Replaces parentheses and punctuation consistent with current style.

7           **SECTION 124.** 700.22 (1) of the statutes is renumbered 700.22 (1) (a) and  
8 amended to read:

9           700.22 (1) (a) ~~Nothing in ss. 700.17 to 700.21 governs the determination of~~  
10 ~~rights to~~ In this subsection, “deposits (including” include checking accounts or  
11 instruments deposited therein into or drawn thereon on checking accounts, savings  
12 accounts, certificates of deposit, investment shares or any other form of deposit).

13           (b) Nothing in ss. 700.17 to 700.21 governs the determination of rights to  
14 deposits in banks, building and loan associations, savings banks, savings and loan  
15 associations, credit unions or other financial institutions.

NOTE: Subdivides provision and reorders text to accommodate the replacement of  
parentheses and for improved readability and conformity with current style.

16           **SECTION 125.** 701.13 (3) of the statutes is amended to read:

17           701.13 (3) TERMINATION. In the case of a living trust where the whose settlor  
18 is deceased and in the case of any testamentary trust, regardless in either case of  
19 spendthrift or similar protective provisions, a court with the consent of the trustee  
20 may order termination of the trust, in whole or in part, and the distribution of the  
21 assets that it considers appropriate if the court is satisfied that because of any  
22 substantial reason existing at the inception of a testamentary trust or, in the case of  
23 any trust, arising from a subsequent change in circumstances (, including but not

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1 limited to the amount of principal in the trust, income produced by the trust and the  
2 cost of administering the trust), continuation of the trust, in whole or in part, is  
3 impractical. In any event, if the trust property is valued at less than \$50,000, the  
4 court may order termination of the trust and the distribution of the assets that it  
5 considers appropriate.

NOTE: Replaces parentheses consistent with current style. "Where" is replaced as  
it does not denote place.

6 **SECTION 126.** 701.13 (5) of the statutes is renumbered 701.13 (5) (b), and 701.13  
7 (5) (b) (intro.), 1., 2. and 3., as renumbered, are amended to read:

8 701.13 (5) (b) (intro.) Subsections (2) and (3) do not apply to a trust where under  
9 which a future interest is indefeasibly vested in any of the following:

10 1. The United States or a political subdivision for exclusively public purposes;

11 2. A corporation that is organized exclusively for religious, charitable,  
12 scientific, literary or educational purposes, including the encouragement of art and  
13 the prevention of cruelty to children or animals, no part of the net earnings of which  
14 inures to the benefit of any private shareholder or individual and no substantial part  
15 of the activities of which is carrying on propaganda or otherwise attempting to  
16 influence legislation, and ~~which~~ that does not participate or intervene in (~~including~~  
17 ~~the publishing or distributing of statements~~) any political campaign on behalf of any  
18 candidate for public office;

19 3. A trustee or a fraternal society, order or association operating under the lodge  
20 system, provided the principal or income of such trust is to be used by such trustee  
21 or by such fraternal society, order or association exclusively for religious, charitable,  
22 scientific, literary or educational purposes or for the prevention of cruelty to children  
23 and animals, and no substantial part of the activities of such trustee or of such

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1 fraternal society, order or association is carrying on propaganda or otherwise  
2 attempting to influence legislation, and such trustee or such fraternal society, order,  
3 or association does not participate or intervene in ~~(including the publishing or~~  
4 ~~distributing of statements)~~ any political campaign on behalf of any candidate for  
5 public office; ~~or.~~

NOTE: To remove parentheses, the material contained in the parentheses is moved to a separate definition provision by the next section of this bill. Replaces punctuation consistent with current style and “where” is replaced as it is not used to denote place. See the next section of the this bill.

6 **SECTION 127.** 701.13 (5) (a) of the statutes is created to read:

7 701.13 (5) (a) In this subsection, “participate or intervene in any political  
8 campaign” includes the publishing or distributing of statements.

NOTE: See the previous section of this bill.

9 **SECTION 128.** 701.19 (4) (intro.) and (a) to (d) of the statutes are renumbered  
10 701.19 (4) (am) (intro.) and 1. to 4., and 701.19 (4) (am) 4., as renumbered, is amended  
11 to read:

12 701.19 (4) (am) 4. ~~As to~~ For the period of time for which the business may be  
13 conducted and ~~such~~ any other conditions, restrictions, regulations, requirements  
14 and authorizations as the court orders.

NOTE: The subject matter of s. 701.19 (4) (e) does not correspond to, nor does it fit grammatically within, the list of persons under s. 701.19 (4) (intro.), and accordingly the provision is renumbered to separate par. (e) from that list. “As to” and “such” are replaced to improve clarity.

15 **SECTION 129.** 701.19 (4) (e) of the statutes is amended to read:

16 701.19 (4) (e) Nothing in this subsection shall be construed as requiring a  
17 trustee to liquidate a business, including a business operated as a closely held  
18 corporation, when ~~such action liquidating the business~~ is not required by the  
19 creating instrument or other applicable law.

NOTE: Inserts specific reference to improve clarity and readability.

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## SECTION 130

1           **SECTION 130.** 701.20 (4) (c) (intro.) of the statutes is amended to read:

2           701.20 (4) (c) (intro.) On termination of an income interest, the following  
3 amounts shall be classified as income and treated as if received prior to the  
4 termination:

NOTE: Inserts correct punctuation.

5           **SECTION 131.** 701.20 (4) (d) 2. of the statutes is amended to read:

6           701.20 (4) (d) 2. ~~Income~~ Except for corporate distributions to stockholders,  
7 income in the form of periodic payments (~~other than corporate distributions to~~  
8 ~~stockholders~~), including interest, rent and annuities, shall be treated as accruing  
9 from day to day.

NOTE: Reorders text to eliminate the need for parentheses, consistent with current style.

10          **SECTION 132.** 701.20 (5) (b) 1. of the statutes is renumbered 701.20 (5) (b) 1.  
11 (intro.) and amended to read:

12          701.20 (5) (b) 1. (intro.) To legatees and devisees of specific property other than  
13 money, the income from the property bequeathed or devised to them less any of the  
14 following recurrent and other ordinary expenses attributable to the specific  
15 property: ~~property~~

16           a. Property taxes (~~, excluding taxes prorated to the date of death~~), ~~interest~~ (~~,~~

17           b. Interest, excluding interest accrued to the date of death), ~~income~~.

18           c. Income taxes (~~, excluding taxes on income in respect of a decedent, capital~~  
19 ~~gains and any other income taxes chargeable against principal~~) ~~which, that~~ accrue  
20 during the period of administration, ~~ordinary~~.

21           d. Ordinary repairs, and other expenses of management and operation of the  
22 property.

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NOTE: Subdivides provision in outline form, replaces parentheses, replaces incorrectly used “which” and deletes comma for improved readability and conformity with current style.

1           **SECTION 133.** 703.02 (15) of the statutes is amended to read:

2           703.02 (15) “Unit” means a part of a condominium intended for any type of  
3 independent use, including one or more cubicles of air at one or more levels of space  
4 or one or more rooms or enclosed spaces located on one or more floors (, or parts  
5 thereof), in a building. A unit may include 2 or more noncontiguous areas.

NOTE: Replaces parentheses consistent with current style.

6           **SECTION 134.** 704.29 (2) of the statutes is renumbered 704.29 (2) (a) and  
7 amended to read:

8           704.29 (2) (a) ~~In any claim against a tenant for rent and damages, or for either,~~  
9 ~~the amount of recovery is reduced by the net rent obtainable by reasonable efforts~~  
10 ~~to rereat the premises. Reasonable~~ this subsection, “reasonable efforts” mean those  
11 steps which that the landlord would have taken to rent the premises if they had been  
12 vacated in due course, provided that such those steps are in accordance with local  
13 rental practice for similar properties.

14           (b) In any claim against a tenant for rent and damages, or for either, the amount  
15 of recovery is reduced by the net rent obtainable by reasonable efforts to rereat the  
16 premises. In the absence of proof that greater net rent is obtainable by reasonable  
17 efforts to rereat the premises, the tenant is credited with rent actually received  
18 under a rental agreement minus expenses incurred as a reasonable incident of acts  
19 under sub. (4), including a fair proportion of any cost of remodeling or other capital  
20 improvements. In any case the landlord can recover, in addition to rent and other  
21 elements of damage, all reasonable expenses of listing and advertising incurred in  
22 rereating and attempting to rereat (, except as taken into account in computing the

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1 net rent under the preceding sentence). If the landlord has used the premises as part  
2 of reasonable efforts to rerent, under sub. (4) (c), the tenant is credited with the  
3 reasonable value of the use of the premises, which is presumed to be equal to the rent  
4 recoverable from the defendant unless the landlord proves otherwise. If the landlord  
5 has other similar premises for rent and receives an offer from a prospective tenant  
6 not obtained by the defendant, it is reasonable for the landlord to rent the other  
7 premises for the landlord's own account in preference to those vacated by the  
8 defaulting tenant.

NOTE: Subdivides provision to properly locate a definition, replaces parentheses  
and replaces improperly used "which" and disfavored term consistent with current style.

9 **SECTION 135.** 706.001 (title) of the statutes is created to read:

10 **706.001 (title) Scope and construction.**

NOTE: The nondefinition statutes in s. 706.01 are renumbered s. 706.001. The  
definitions in s. 706.01 require a separate section, in accordance with current style.

11 **SECTION 136.** 706.01 (title) of the statutes is repealed.

NOTE: Section 706.01 contained nondefinitions and definitions. The nondefinitions  
are being renumbered to s. 706.001. The new title for 706.01 is created in the next section  
of this bill.

12 **SECTION 137.** 706.01 (intro.) of the statutes is created to read:

13 **706.01 Definitions.** (intro.) In this chapter:

NOTE: Creates an (intro.) that explicitly limits existing definitions to the chapter  
in accordance with current style.

14 **SECTION 138.** 706.01 (1) to (3) of the statutes are renumbered 706.001 (1) to (3).

NOTE: Separates the nondefinitions in this section into a separate section in  
accordance with current style by renumbering them into a new section.

15 **SECTION 139.** 706.01 (4) to (7m) (intro.) and (10) of the statutes are amended

16 to read:



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1           706.01 (4) ~~A “conveyance” is~~ “Conveyance” means a written instrument,  
2           evidencing a transaction governed by this chapter, ~~which~~ that satisfies the  
3           requirements of s. 706.02.

4           (5) “Conveyance of mineral interests” means any transaction under ~~sub. s.~~  
5           706.001 (1) entered into for the purpose of determining the presence, location, quality  
6           or quantity of metalliferous minerals or for the purpose of mining, developing or  
7           extracting metalliferous minerals, or both. Any transaction under ~~sub. s.~~ s. 706.001 (1)  
8           entered into by a mining company is rebuttably presumed to be a conveyance of  
9           mineral interests.

10          (6) “Grantor” means the person from whom an interest in lands passes by  
11          conveyance ~~and includes,~~ including, without limitation, lessors, vendors,  
12          mortgagors, optionors, releasors, assignors and trust settlors of interest in lands.  
13          ~~“Grantee”, and “grantee” means the person to whom such~~ the interest in land passes.  
14          Whenever consistent with the context, reference to the interest of a party includes  
15          the interest of the party’s heirs, successors, personal representatives and assigns.

16          (7) “Homestead”, as used in this chapter, means the dwelling, and so much of  
17          the land surrounding it as is reasonably necessary for use of the dwelling as a home,  
18          but not less than one-fourth acre (~~), if available~~), and not exceeding 40 acres.

19          (7m) (intro.) “Interest in minerals” means any fee simple interest in minerals  
20          beneath the surface of land ~~which~~ that is:

21          (10) “Signed” includes any handwritten signature or symbol on a conveyance  
22          intended by the person affixing or adopting the ~~same~~ signature or symbol to  
23          constitute an execution of the conveyance.

NOTE: Specific references are added, parentheses replaced and other modifications  
made to improve readability and conformity with current style. Replaces improperly  
used “which”. Section 706.01 (1) is renumbered s. 706.001 (1) by this bill.

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## SECTION 140

1           **SECTION 140.** 706.02 (1) (intro.) of the statutes is amended to read:

2           706.02 (1) (intro.) Transactions under s. ~~706.01~~ 706.001 (1) shall not be valid  
3 unless evidenced by a conveyance ~~which~~ that satisfies all of the following:

NOTE: Section 706.01 (1) is renumbered s. 706.001 (1) by this bill. Replaces improperly used “which” and conforms to current style.

4           **SECTION 141.** 706.07 (5) (a) 1. and 3. of the statutes are amended to read:

5           706.07 (5) (a) 1. A judge, clerk, or deputy clerk of a court;

6           3. An officer of the foreign service or consular officer of the United States; ~~or~~.

NOTE: Replaces punctuation for internal consistency and conformity with current style.

7           **SECTION 142.** 706.08 (1) (a) of the statutes is amended to read:

8           706.08 (1) (a) ~~Every conveyance (except~~ Except for patents issued by the United  
9 States or this state, or by the proper officers of either) ~~which, every conveyance that~~  
10 is not recorded as provided by law shall be void as against any subsequent purchaser,  
11 in good faith and for a valuable consideration, of the same real estate or any portion  
12 thereof of the same real estate whose conveyance ~~shall first be duly~~ is recorded first.

NOTE: Reorders text to eliminate the need for parentheses and replaces improperly used “which”, deletes “duly” as being superfluous and inserts specific reference for improved readability and conformity with current style.

13           **SECTION 143.** 708.10 (1) (g) of the statutes is amended to read:

14           708.10 (1) (g) “Transaction” means a transaction under s. ~~706.01~~ 706.001 (1),  
15 including a refinancing of an existing indebtedness that is secured by a mortgage on  
16 real property, except that “transaction” does not include an open end credit plan as  
17 defined under 15 USC 1602 (i).

NOTE: Section 706.01 (1) is renumbered s. 706.001 (1) by this bill.

18           **SECTION 144.** 765.02 (2) of the statutes is amended to read:

19           765.02 (2) If a person is between the age of 16 and 18 years, a marriage license  
20 may be issued with the written consent of the person’s parents, guardian, custodian

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1 under s. 767.23 (1) or 767.24, or parent having the actual care, custody and control  
2 of the person. The written consent must be given before the county clerk under oath,  
3 or certified in writing and verified by affidavit (or affirmation) before a notary public  
4 or other official authorized to take affidavits. The written consent shall be filed with  
5 the county clerk at the time of application for a marriage license. If there is no  
6 guardian, parent or custodian or if the custodian is an agency or department, the  
7 written consent may be given, after notice to any agency or department appointed  
8 as custodian and hearing proper cause shown, by the court having probate  
9 jurisdiction.

NOTE: Deletes unnecessary parentheses.

10 **SECTION 145.** 765.05 of the statutes is amended to read:

11 **765.05 Marriage license; by whom issued.** No person may be joined in  
12 marriage within this state until a marriage license has been obtained for that  
13 purpose from the county clerk of the county in which one of the parties has resided  
14 for at least 30 days immediately prior to making application therefor. If both parties  
15 are nonresidents of the state, the marriage license may be obtained from the county  
16 clerk of the county where the marriage ceremony is to be performed. If one of the  
17 persons is a nonresident of the county where the marriage license is to issue, the  
18 nonresident's part of the application may be completed and sworn to (or affirmed)  
19 before the person authorized to accept such marriage license applications in the  
20 county and state in which the nonresident resides.

NOTE: Deletes unnecessary parentheses and inserts specific reference.

21 **SECTION 146.** 765.09 (3) of the statutes is renumbered 765.09 (3) (a) and  
22 amended to read:

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## SECTION 146

1           765.09 (3) (a) Each ~~party~~ applicant for a marriage license shall present  
2 satisfactory, documentary proof of identification and residence and shall swear ( ~~to~~  
3 or affirm) ~~to~~ the application before the clerk who is to issue the marriage license or  
4 the person authorized to accept such marriage license applications in the county and  
5 state where the party resides. The application shall contain the social security  
6 number of each party, as well as any other informational items that the department  
7 of health and family services directs. The portion of the marriage application form  
8 that is collected for statistical purposes only shall indicate that the address of the  
9 marriage license applicant may be provided by a county clerk to a law enforcement  
10 officer under the conditions specified under s. 765.20 (2).

11           (b) Each applicant for a marriage license under 30 years of age shall exhibit to  
12 the clerk a certified copy of a birth certificate, and ~~any applicants~~ each applicant shall  
13 submit a copy of any ~~judgments~~ judgment or a death certificate affecting the  
14 applicant's marital status. If such any applicable birth certificate, death certificate  
15 or judgment is unobtainable, other satisfactory documentary proof of the requisite  
16 facts therein may be presented in lieu ~~thereof~~ of the birth certificate, death certificate  
17 or judgment. Whenever the clerk is not satisfied with the documentary proof  
18 presented, he or she shall submit the same, ~~for an opinion as to the sufficiency of the~~  
19 proof, presented proof to a judge of a court of record in the county of application for  
20 an opinion as to its sufficiency.

NOTE: Subdivides long subsection. Deletes unnecessary parentheses, changes plural word forms to the singular, inserts specific references and reorders text for improved readability and conformity with current style.

21           **SECTION 147.** 765.16 (intro.) and (1) to (3) of the statutes are amended to read:

22           **765.16 Marriage contract, how made; officiating person.** (intro.)

23           Marriage may be validly solemnized and contracted in this state only after a

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1 marriage license has been issued therefor, and only ~~in the following manner~~: by the  
2 mutual declarations of the 2 parties to be joined in marriage that they take each other  
3 as husband and wife, made before a ~~duly~~ an authorized officiating person and in the  
4 presence of at least 2 competent adult witnesses other than ~~such~~ the officiating  
5 person, ~~that they take each other as husband and wife~~. The following are ~~duly~~  
6 authorized to be officiating persons:

7 (1) Any ordained member of the clergy of any religious denomination or society  
8 who continues to be ~~such~~ an ordained member of the clergy;

9 (2) Any licentiate of a denominational body or an appointee of any bishop  
10 serving as the regular member of the clergy of any church of the denomination to  
11 which the member of the clergy belongs, if not restrained from so doing by the  
12 discipline of the church or denomination;

13 (3) The 2 parties themselves, by ~~such~~ mutual declarations that they take each  
14 other as husband and wife, in accordance with the customs, rules and regulations of  
15 any religious society, denomination or sect to which either of ~~said~~ the parties may  
16 belong;

NOTE: Reorders text and inserts specific reference and replaces for improved clarity  
and readability. Replaces punctuation for internal consistency and conformity with  
current style. Deletes "duly" as being superfluous.

17 **SECTION 148.** 799.14 (1) of the statutes is amended to read:

18 799.14 (1) PETITION; HEARING; TRIAL ON MERITS. In any action, where service of  
19 summons is made by mailing, a defendant, at any time within 15 days of receiving  
20 actual knowledge of the pendency of the action or of the entry of judgment against  
21 the defendant (, if judgment has been entered), but not more than one year after  
22 judgment was entered, may, by written verified petition, on forms provided by the  
23 court, petition to set aside the judgment if one has been entered and for an

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1 opportunity to be heard upon the merits. Thereupon the court shall set the matter  
2 for hearing at a time that will give the parties reasonable opportunity to appear and,  
3 if judgment has been entered, shall stay all proceedings on the judgment. At the time  
4 of the hearing the questions raised by the petition shall first be heard and  
5 determined by the court. If the court grants the petition, the court shall proceed to  
6 try the matter upon the merits or, if judgment has been entered, shall vacate the  
7 judgment and proceed to try the matter upon the merits. If the court denies the  
8 petition, it shall, if judgment has been entered, revoke its order staying proceedings  
9 thereon or, if a judgment has not been entered, it may give the defendant opportunity  
10 to be heard upon the merits.

NOTE: Replaces parentheses consistent with current style.

11 **SECTION 149.** 805.07 (6) (title) of the statutes is created to read:

12 805.07 (6) (title) MOTION HEARING PROCEDURE.

NOTE: The other subsections in s. 805.07 have titles.

13 **SECTION 150.** 807.13 (4) (title) of the statutes is amended to read:

14 807.13 (4) (title) NOTICE; REPORTING; ~~STIPULATION; WAIVERS; ETC.~~ EFFECT OF  
15 ACTIONS TAKEN; ACCESS.

NOTE: Inserts more descriptive phrase to eliminate the use of "etc.".

16 **SECTION 151.** 809.25 (1) (a) 1. to 3. of the statutes are amended to read:

17 809.25 (1) (a) 1. Against the appellant before the court of appeals when the  
18 appeal is dismissed or the judgment or order affirmed;

19 2. Against the respondent before the court of appeals when the judgment or  
20 order is reversed;

21 3. Against the petitioner before the supreme court when the judgment of the  
22 court of appeals is affirmed by the supreme court;

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NOTE: Replaces punctuation for internal consistency and conformity with current style.

1           **SECTION 152.** 814.28 (4) of the statutes is amended to read:

2           814.28 (4) DEPOSIT IN LIEU OF UNDERTAKING. The plaintiffs in lieu of ~~such~~ an  
3           undertaking under sub. (3) may deposit with the clerk of the court (~~, who shall give~~  
4           a receipt therefor~~),~~ money equal to the amount specified in the order for security, and  
5           give notice of ~~such~~ the deposit.

NOTE: Replaces parentheses and “such” for improved readability and conformity with current style.

6           **SECTION 153.** 815.05 (intro.) of the statutes is renumbered 815.05 (1g) (a)  
7           (intro.) and amended to read:

8           815.05 (1g) (a) (intro.) The execution shall be issued from and sealed with the  
9           seal of the court and signed by the clerk of circuit court where the judgment, ~~or~~ a  
10          certified copy of the judgment, or the transcript of the municipal judge’s judgment  
11          is filed. The execution shall be directed to the sheriff, or, except as provided for in  
12          par. (b), the coroner if the sheriff is a party or interested, and countersigned by the  
13          judgment owner or ~~his or her~~ the owner’s attorney. The execution shall intelligibly  
14          refer to the judgment, stating all of the following:

15                1. The court,~~the.~~

16                2. The county where the judgment or a certified copy of the judgment or the  
17          transcript is filed,~~the.~~

18                3. The names of the parties,~~the.~~

19                4. The amount of the judgment, if it is for money,~~the.~~

20                5. The amount due on the judgment,~~and the.~~

21                6. The time of entry in the judgment and lien docket in the county to which the  
22          execution is issued. ~~The execution shall require the officer, substantially as follows:~~

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## SECTION 153

NOTE: Subdivides provision in outline form consistent with current style. The directive to officers is deleted from this provision as it does not apply grammatically to all of subs. (1) to (8) and is inserted into each of those provisions to which it does apply. The deletion of the directive to officers renders this provision not an (intro.) and requires its renumbering to be a subsection. Section 815.13 allows directing an execution against a sheriff to persons other than the coroner. That section is renumbered to be sub. (1g)(b) of this section for more logical location. See the next 3 sections of this bill.

1           **SECTION 154.** 815.05 (1) of the statutes is renumbered 815.05 (1s) and amended  
2 to read:

3           815.05 (1s) ~~If it be~~ the execution is against the property of the judgment debtor,  
4 the execution shall require the officer to whom it is directed to satisfy the judgment  
5 out of the personal property of the debtor, and if sufficient personal property cannot  
6 be found, out of the real property belonging to the judgment debtor on the day when  
7 the judgment was entered in the judgment and lien docket in the county or at any  
8 time thereafter.

NOTE: The renumbering of s. 815.05 (intro.) by the previous section of this bill requires the renumbering of this provision to maintain its proper location within the section. A specific reference is inserted and the directive previously contained in s. 815.05 (intro.) is inserted for improved readability and conformity with current style. See also the previous section of this bill.

9           **SECTION 155.** 815.05 (2) to (8) of the statutes are amended to read:

10           815.05 (2) If real estate ~~shall have~~ has been attached and judgment rendered  
11 for the plaintiff, the execution may also direct a sale of the interest ~~which~~ that the  
12 defendant had in ~~such~~ the attached real estate at the time it was attached or at any  
13 time thereafter.

14           (3) ~~If the execution is~~ upon a judgment to enforce a lien upon specific property,  
15 the execution shall require the officer to whom it is directed to sell the interest ~~which~~  
16 that the defendant had in ~~such~~ that specific property at the time ~~such~~ that the lien  
17 attached.

18           (4) ~~If it be~~ the execution is against property in the hands of personal  
19 representatives, heirs, devisees, legatees, tenants of real property or trustees, the



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1 execution shall require the officer to whom it is directed to satisfy the judgment out  
2 of such that property.

3 (5) If ~~it be~~ the execution is against the person of the judgment debtor, the  
4 execution shall require the officer to whom it is directed to arrest the judgment  
5 debtor and commit the judgment debtor to the county jail until the judgment debtor  
6 ~~shall pay~~ pays the judgment or ~~be is~~ discharged according to law.

7 (6) If ~~it~~ the execution is for the delivery of property, the execution shall require  
8 the officer to whom it is directed to deliver the possession of the property, particularly  
9 describing the property, to the party entitled to the property, and may require the  
10 officer to satisfy any costs, damages or rents and profits covered by the judgment out  
11 of the personal property of the party against whom the judgment was rendered, and  
12 shall specify the value of the property for which the judgment was recovered. If  
13 delivery of the property is not possible and if sufficient personal property cannot be  
14 found, the officer may satisfy the judgment out of the real property belonging to the  
15 person against whom the execution was rendered on the day when the judgment was  
16 entered in the judgment and lien docket or at any time thereafter. ~~When~~

17 (6m) If a judgment in replevin is entered against the principal and also against  
18 the principal's sureties under s. 810.15, the execution shall direct that the property  
19 of the surety shall not be levied on unless the property found, belonging to the  
20 principal, is not sufficient to satisfy the judgment.

21 (7) ~~When~~ If the judgment is not all due, the execution may issue for the  
22 collection of such any instalments as that have become due, and shall direct the  
23 sheriff to collect the amount then due, with interest and costs, stating the amount  
24 of each; ~~the~~. The judgment shall remain as security for the instalments thereafter

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1 to become due, and whenever any further instalments ~~shall~~ become due, execution  
2 may in like manner be issued for their collection.

3 (8) Except as provided in s. 807.01 (4), every execution upon a judgment for the  
4 recovery of money shall direct the collection of interest at the rate of 12% per year  
5 on the amount recovered from the date of the entry ~~thereof~~ of the judgment until it  
6 is paid.

NOTE: Specific references are inserted and the directive previously contained in s.  
815.05 (intro.) is inserted where appropriate for improved readability and conformity  
with current style. Subsection (6m) is separated from sub. (6) because it relates to a  
separate subject. See also the previous 2 sections of this bill.

7 **SECTION 156.** 815.13 (title) of the statutes is repealed.

8 **SECTION 157.** 815.13 of the statutes is renumbered 815.05 (1g) (b) and amended  
9 to read:

10 815.05 (1g) (b) Whenever a judgment ~~shall be~~ is recovered in any court of record  
11 against the sheriff ~~instead of directing~~, the execution thereon ~~to the coroner of the~~  
12 ~~county~~ it may be directed and delivered to any person (, except a party in interest),  
13 designated by order of the court; ~~and such person~~ who shall perform the duties of a  
14 sheriff and be liable in all respects to all the provisions of law respecting sheriffs, ~~as~~  
15 ~~far as the same may be~~ to the extent that those laws are applicable.

NOTE: Section 815.05 provides that executions “shall be directed to the sheriff, or  
the “coroner if the sheriff is a party or interested”. This bill amends that provision to read  
that executions shall be directed to the sheriff, or, except as provided for in par. (b), [this  
provision as renumbered] the coroner if the sheriff is a party or interested”, eliminating  
the need for the reference to the coroner in this section. Section 815.13 is moved to s.  
815.05 to be placed with the related material in that section. Parentheses are replaced  
consistent with current style and more specific language is added.

16 **SECTION 158.** 840.01 of the statutes is renumbered 840.01 (intro.) amended to  
17 read:

18 **840.01 Definition of interest in real property.** (intro.) As used in chs. 840  
19 to 846 “interest;

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1           (1) Except as provided in sub. (2), “interest in real property” includes estates  
2 in, powers (~~as provided in ch. 702~~) under ch. 702 over, ~~and all~~ present and future  
3 rights to, title to, ~~or~~ and interests in real property, including, without limitation by  
4 enumeration, security interests and liens on land, easements, profits, rights of  
5 appointees under powers, rights under covenants running with the land, powers of  
6 termination and homestead rights; ~~the. The interest may be such as an interest that~~  
7 was formerly designated legal or equitable; ~~the. The~~ interest may be surface,  
8 subsurface, suprasurface, riparian or littoral; ~~but “interest.~~

9           (2) “Interest in real property” does not include interests held only as a member  
10 of the public nor does it include licenses.

NOTE: Rrecords text to eliminate need for parentheses and replaces language,  
subdivides long sentence and inserts the full defined term in the second quote for internal  
consistency, improved readability and conformity with current style.

11           **SECTION 159.** 863.07 of the statutes is amended to read:

12           **863.07 Assignment by distributee.** If any person interested in an estate  
13 assigns all or part of his or her interest ~~therein (in the estate, other than an interest~~  
14 ~~not assignable by the specific language of the will),~~ as collateral or otherwise and the  
15 assignee serves a copy ~~thereof~~ of the assignment on the personal representative of  
16 the estate and files a copy with the court in which the estate is being administered  
17 before the entry of the final judgment and before the property or interest covered by  
18 the assignment has been distributed under s. 863.01, the court shall assign to the  
19 assignee in the final judgment the interest or part of the interest of the assignor  
20 included within the assignment to the extent that the assignment is valid as  
21 determined by the court, after giving effect to any credits to which the assignor may  
22 prove himself or herself entitled. A personal representative incurs no liability to an  
23 assignee of a person interested for any acts performed or distribution made by the

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1 personal representative prior to the time a copy of the assignment is received by the  
2 personal representative or he or she has actual knowledge of the assignment.

NOTE: Inserts specific references and replaces parentheses for improved readability and conformity with current style.

3 **SECTION 160.** 867.04 of the statutes is amended to read:

4 **867.04 Termination of joint tenancy and life estate.** If a domiciliary of this  
5 state dies who immediately prior to death had an estate for life or an interest as a  
6 joint tenant in any property, or if a person not domiciled in this state dies having such  
7 an interest in property in this state, upon petition of any person interested in the  
8 property to the court of the county of domicile of the decedent (, or if the decedent was  
9 not domiciled in this state, of any county where the property is situated), the court  
10 shall issue a certificate, under the seal of the court. The certificate shall set forth the  
11 fact of the death of the life or joint tenant, the termination of the life estate or joint  
12 tenancy interest, the right of survivorship of any joint tenant and any other facts  
13 essential to a determination of the rights of persons interested. The certificate is  
14 prima facie evidence of the facts recited, and if the certificate relates to an interest  
15 in real property or to a debt ~~which~~ that is secured by an interest in real property, a  
16 certified copy or duplicate original of the certificate shall be recorded by the  
17 petitioner in the office of the register of deeds in each county in this state in which  
18 the real property is located.

NOTE: Replaces parentheses and improperly used “which” in conformity with current style.

19 **SECTION 161.** 880.06 (2) of the statutes is amended to read:

20 **880.06 (2) CHANGE OF RESIDENCE OF WARD OR GUARDIAN.** If a guardian removes  
21 from the county where appointed to another county within the state or a ward  
22 removes from the county in which he or she has resided to another county within the

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1 state, the circuit court for the county in which the ward resides may appoint a new  
2 guardian as provided by law for the appointment of a guardian. Upon verified  
3 petition of the new guardian, accompanied by a certified copy of appointment and  
4 bond if the appointment is in another county, and upon the notice prescribed by s.  
5 879.05 to the originally appointed guardian (~~), unless he or she is the same person~~),  
6 and to ~~such~~ any other persons as that the court shall order, the court of original  
7 appointment may order the guardianship accounts settled and the property  
8 delivered to the new guardian.

NOTE: Replaces parentheses and disfavored terms consistent with current style.

9 **SECTION 162.** 880.08 (3) (intro.) and (a) to (d) of the statutes are renumbered  
10 880.08 (3) (am) (intro.) and 1. to 4. and amended to read:

11 880.08 (3) (am) (intro.) When the proposed ward is a minor, notice shall be given  
12 as provided in s. 879.05 to all of the following persons, if applicable:

- 13 1. ~~To the~~ The proposed ward's spouse;
- 14 2. ~~To~~ The proposed ward's parents;
- 15 3. ~~To a~~ A minor proposed ward over 14 years of age unless the minor appears  
16 at the hearing;
- 17 4. ~~To any~~ Any other person, agency, institution, welfare department or other  
18 entity having the legal or actual custody of the minor.

NOTE: The subject matter of section 880.08 (3) (e) does not fit within the list under  
s. 880.08 (3) (intro.), nor does par. (e) fit grammatically within that list. The renumbering  
by this section separates par. (e) from the list.

19 **SECTION 163.** 880.08 (3) (e) of the statutes is amended to read:

20 880.08 (3) (e) No notice under par. (am) need be given to parents whose rights  
21 have been judicially terminated.

NOTE: Inserts a specific cross-reference. See the previous section of this bill. The  
underscored language is inserted for clarity and conformity with current style.

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## SECTION 164

1           **SECTION 164.** 880.26 (1) and (2) of the statutes are amended to read:

2           880.26 (1) GUARDIANSHIP OF THE PERSON. A guardianship of the person shall  
3 terminate when any of the following occurs:

4           (a) ~~When a~~ A minor ward attains his or her majority, unless the minor is  
5 incompetent.

6           (b) ~~When a~~ A minor ward lawfully marries.

7           (c) ~~When the~~ The court adjudicates a former incompetent to be competent.

8           **(2)** GUARDIANSHIP OF THE ESTATE. A guardianship of the estate shall terminate  
9 when any of the following occurs:

10          (a) ~~When a~~ A minor ward attains his or her majority.

11          (b) ~~When a~~ A minor ward lawfully marries and the court approves ~~such~~ the  
12 termination.

13          (c) ~~When the~~ The court adjudicates a former incompetent or a spendthrift to  
14 be capable of handling his or her property.

15          (d) ~~When a~~ A ward dies (~~unless, except when~~ the estate can be settled as  
16 provided by s. 880.28).

NOTE: Replaces parentheses and amends the (intro.) subsections and the  
subsequent paragraphs in conformity with current style.

17           **SECTION 165.** 880.60 (2) of the statutes is amended to read:

18           880.60 **(2)** ADMINISTRATOR AS PARTY IN INTEREST. (a) The administrator shall be  
19 a party in interest in any proceeding for the appointment or removal of a guardian  
20 or for the removal of the disability of minority or mental incapacity of a ward, and  
21 in any suit or other proceeding affecting in any manner the administration by the  
22 guardian of the estate of any present or former ward whose estate includes assets

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1 derived in whole or in part from benefits heretofore or hereafter paid by the U.S.  
2 department of veterans affairs.

3 (b) Not less than 15 days prior to a hearing in ~~such matter~~ a suit or proceeding  
4 described in par. (a), notice in writing of the time and place thereof of the hearing  
5 shall be given by mail ~~(, unless notice is waived in writing)~~, to the office of the U.S.  
6 department of veterans affairs having jurisdiction over the area in which ~~any such~~  
7 the suit or any such proceeding is pending.

NOTE: Replaces parentheses, subdivides provision and inserts specific references  
for improved readability and conformity with current style.

8 **SECTION 166.** 885.44 (12) of the statutes is renumbered 885.44 (12) (a) (intro.)  
9 and amended to read:

10 885.44 (12) (a) (intro.) The original videotape shall not be affected by any  
11 editing process. In its order for editing the court may: ~~(a) order~~ do any of the  
12 following:

13 1. Order the official to keep the original videotape intact and make an edited  
14 copy of the videotape ~~which that~~ deletes all references to objections and objectionable  
15 material; ~~(b) order~~.

16 2. Order the person showing the original videotape at trial to suppress the  
17 objectionable audio portions of the videotape; ~~or (c) order~~.

18 3. Order the person showing the original videotape at trial to suppress the  
19 objectionable audio and video portions of the videotape.

20 (b) If the court uses ~~alternative (b)~~ enters an order under par. (a) 2., it shall, in  
21 jury trials, instruct the jury to disregard the video portions of the presentation when  
22 the audio portion is suppressed.

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1           (c) If the court ~~uses alternative (e)~~ enters an order under par. (a) 3., it shall, in  
2 jury trials, instruct the jury to disregard any deletions apparent in the playing of the  
3 videotape.

NOTE: Subdivides provision in outline form and amends the (intro.) paragraph and  
the subsequent subdivisions for improved readability and conformity with current style.

4           **SECTION 167.** 891.23 of the statutes is renumbered 891.23 (1) and amended to  
5 read:

6           891.23 (1) Copies of the entries in the books of any life or mutual benefit  
7 insurance corporation or association engaged in doing business on the level premium  
8 or assessment plan, together with statements verified by the custodian of the books,  
9 showing the number of members insured in or belonging to the corporation or  
10 association, and the number of members in each class or grade thereof, and the  
11 aggregate amount ~~which~~ that would be due from them upon a single assessment, and  
12 that the copies are true and are taken from the regular books of the corporation or  
13 association used and kept for the transaction of its business, and that the books are  
14 now in his or her custody or under his or her control, shall be received in all  
15 proceedings as prima facie evidence of the entries or statements.

16           (2) No officer of any ~~such~~ corporation or association described in sub. (1) may  
17 be compelled (~~unless by special order of the court or officer before whom the action~~  
18 ~~or proceeding is pending~~) to produce any books or records ~~thereof~~ of the corporation  
19 or association, except by special order of the court or officer before whom the action  
20 or proceeding is pending. Verified copies and statements shall be furnished to the  
21 attorney who reasonably requires them, at least 6 days before the time set for the  
22 trial or hearing of the action or proceeding, and the books and records shall be subject



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1 to the inspection of any interested party or his or her attorney to the extent  
2 prescribed by the court or officer.

NOTE: Subdivides long paragraph, inserts specific reference and cross-reference and relocates text to accommodate the removal of parentheses for improved readability and conformity with current style. Replaces “which” with “that” to correct grammar.

3 SECTION 168. 893.17 (2) of the statutes is renumbered 893.17 (2) (intro.) and  
4 amended to read:

5 893.17 (2) (intro.) If Except as provided in sub. (2m), if a person entitled to  
6 commence any action for the recovery of real property or to make an entry or defense  
7 founded on the title to real property or to rents or services out of the ~~same~~ real  
8 property is, at the time ~~such~~ the title shall first descend or accrue, ~~either: within~~  
9 under any of the following disabilities, the time during which the disability continues  
10 is not a part of the time limited by this chapter for the commencement of the action  
11 or the making of the entry or defense:

12 (a) The person is under the age of 18 years; ~~or.~~

13 (b) The person is insane; ~~or.~~

14 (c) The person is imprisoned on a criminal charge or in execution upon  
15 conviction of a criminal offense, for a term less than for life, ~~the time during which~~  
16 ~~such disability shall continue shall not be deemed any portion of the time in this~~  
17 ~~chapter limited for the commencement of such action or the making of such entry or~~  
18 ~~defense; but such.~~

19 (2m) An action under sub. (2) may be commenced or entry or defense made,  
20 after the time limited and within 5 years after the disability shall cease ~~ceases~~ or  
21 after the death of the person entitled, who shall die ~~dies, if the person dies while~~  
22 under such the disability; ~~but such~~ the action shall not be commenced or entry or  
23 defense made after that period.

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## SECTION 168

NOTE: Subdivides provision in outline form and amends the (intro.) paragraph and the subsequent paragraphs for improved readability and conformity with current style and s. 893.18 (2), a similar and related provision.

1           **SECTION 169.** 893.18 (2) (intro.) of the statutes is amended to read:

2           893.18 (2) (intro.) ~~If a person entitled to bring an action mentioned in this~~  
3 ~~chapter, Except as provided in sub. (2m), and except in actions for the recovery of a~~  
4 ~~penalty or forfeiture or, actions against a sheriff or other officer for an escape, or~~  
5 ~~actions for the recovery or possession of real property or the possession thereof is,~~  
6 ~~if a person entitled to bring an action mentioned in this chapter was at the time the~~  
7 ~~cause of action accrued, either under any of the following disabilities, the time of the~~  
8 ~~disability is not a part of the time limited for the commencement of the action:~~

NOTE: Moves text from s. 893.18 (2) (c) and amends provision in order to conform the style of this (intro.) subsection and the numbering of the subsection to current style. Changes “is” to “was” for internal agreement, using the past tense as this section applies only to actions accruing prior to 7-1-80. See the next section of this bill.

9           **SECTION 170.** 893.18 (2) (a) to (c) of the statutes are amended to read:

10          893.18 (2) (a) ~~Within The person is under the age of 18 years, except for actions~~  
11 ~~against health care providers; or,~~

12          (b) ~~Insane; The person is insane.~~

13          (c) ~~Imprisoned The person is imprisoned on a criminal charge or in execution~~  
14 ~~under sentence of a criminal court for a term less than life, the time of such disability~~  
15 ~~is not a part of the time limited for the commencement of the action, except that the~~

16          **(2m)** ~~The period within which the an action must be brought cannot be~~  
17 ~~extended under sub. (2) more than 5 years by any such disability, except infancy; nor~~  
18 ~~can that period be so extended, in any case, longer than one year after the disability~~  
19 ~~occases.~~

NOTE: Separates language that does not fit within the subject matter of s. 893.18 (2) (c) into a separate sub. (2m) and amends pars. (a) to (c) in accordance with the treatment of s. 893.18 (2) (intro.) by the previous section of this bill.

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1           **SECTION 171.** 895.01 (1) of the statutes is renumbered 895.01 (1) (intro.) and  
2 amended to read:

3           895.01 (1) (intro.) In addition to the causes of action that survive at common  
4 law, all of the following shall also survive: ~~causes~~

5           (a) Causes of action to determine paternity;

6           (b) Causes of action for the recovery of personal property or the unlawful  
7 withholding or conversion of personal property;

8           (c) Causes of action for the recovery of the possession of real estate and for the  
9 unlawful withholding of the possession of real estate;

10          (d) Causes of action for assault and battery;

11          (e) Causes of action for false imprisonment;

12          (f) Causes of action for invasion of privacy;

13          (g) Causes of action for a violation of s. 968.31 (2m) or other damage to the  
14 person;

15          (h) Causes of action for all damage done to the property rights or interests of  
16 another;

17          (i) Causes of action for goods taken and carried away;

18          (j) Causes of action for damages done to real or personal estate, ~~equitable~~;

19          (k) Equitable actions to set aside conveyances of real estate;

20          (L) Equitable actions to compel a reconveyance of real estate, ~~or~~;

21          (m) Equitable actions to quiet the title to real estate, ~~and~~;

22          (n) Equitable actions for a specific performance of contracts relating to real  
23 estate.

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## SECTION 171

1           (o) Causes of action for wrongful death, which shall survive the death of the  
2 wrongdoer whether or not the death of the wrongdoer occurred before or after the  
3 death of the injured person.

NOTE: Subdivides long provision in outline form to break up long sentence,  
consistent with current style.

4           **SECTION 172.** 895.70 (2) (b) of the statutes is amended to read:

5           895.70 (2) (b) Notwithstanding ss. 801.09 (1), 801.095, 802.04 (1) and 815.05  
6 ~~(intro.)~~ (1g) (a), in an action brought under this section, the plaintiff may substitute  
7 his or her initials, or fictitious initials, and his or her age and county of residence for  
8 his or her name and address on the summons and complaint. The plaintiff's attorney  
9 shall supply the court the name and other necessary identifying information of the  
10 plaintiff. The court shall maintain the name and other identifying information, and  
11 supply the information to other parties to the action, in a manner ~~which~~ that  
12 reasonably protects the information from being disclosed to the public.

NOTE: Amends cross-reference. Section 815.05 (intro.) is renumbered s. 815.05  
(1g) (a) by this bill. Replaces incorrectly used "which" in conformity with current style.

13           **SECTION 173.** 902.01 (2) of the statutes is renumbered 902.01 (2) (intro.) and  
14 amended to read:

15           902.01 (2) KINDS OF FACTS. (intro.) A judicially noticed fact must be one not  
16 subject to reasonable dispute in that it is ~~either~~ any of the following:

17           (a) A fact generally known within the territorial jurisdiction of the trial court  
18 ~~or~~.

19           (b) A fact capable of accurate and ready determination by resort to sources  
20 whose accuracy cannot reasonably be questioned.

NOTE: Renumbers provision in outline form consistent with current style and  
amends the (intro.) subsection and subsequent paragraphs accordingly.

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1           **SECTION 174.** 906.11 (1) of the statutes is renumbered 906.11 (1) (intro.) and  
2 amended to read:

3           906.11 (1) (intro.) CONTROL BY JUDGE. The judge shall exercise reasonable  
4 control over the mode and order of interrogating witnesses and presenting evidence  
5 so as to do all of the following:

6           (a) ~~make~~ Make the interrogation and presentation effective for the  
7 ascertainment of the truth<sub>2</sub>.

8           (b) ~~avoid~~ Avoid needless consumption of time<sub>2</sub>, ~~and~~.

9           (c) ~~protect~~ Protect witnesses from harassment or undue embarrassment.

NOTE: Renumbers provision in outline form consistent with current style and  
amends the (intro.) subsection and subsequent paragraphs accordingly.

10           **SECTION 175.** 906.13 (2) of the statutes is renumbered 906.13 (2) (a) (intro.) and  
11 amended to read:

12           906.13 (2) (a) (intro.) Extrinsic evidence of a prior inconsistent statement by  
13 a witness is not admissible unless: ~~(a) the~~ any of the following is applicable:

14           1. The witness was so examined while testifying as to give the witness an  
15 opportunity to explain or to deny the statement; ~~or (b) the~~.

16           2. The witness has not been excused from giving further testimony in the  
17 action; ~~or (c) the~~.

18           3. The interests of justice otherwise require. ~~This provision~~

19           **(b) Paragraph (a)** does not apply to admissions of a party-opponent as defined  
20 in s. 908.01 (4) (b).

NOTE: Renumbers provision in outline form consistent with current style and  
amends the (intro.) subsection and subsequent paragraphs accordingly. Inserts specific  
cross-references.

21           **SECTION 176.** 908.03 (3) of the statutes is amended to read:

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1           908.03 (3) THEN EXISTING MENTAL, EMOTIONAL, OR PHYSICAL CONDITION. A  
2 statement of the declarant's then existing state of mind, emotion, sensation, or  
3 physical condition (, such as intent, plan, motive, design, mental feeling, pain, and  
4 bodily health), but not including a statement of memory or belief to prove the fact  
5 remembered or believed unless it relates to the execution, revocation, identification,  
6 or terms of declarant's will.

NOTE: Replaces parentheses consistent with current style.

7           **SECTION 177.** 908.03 (22) of the statutes is amended to read:

8           908.03 (22) JUDGMENT OF PREVIOUS CONVICTION. Evidence of a final judgment,  
9 entered after a trial or upon a plea of guilty (, but not upon a plea of no contest),  
10 adjudging a person guilty of a felony as defined in ss. 939.60 and 939.62 (3) (b), to  
11 prove any fact essential to sustain the judgment, but not including, when offered by  
12 the state in a criminal prosecution for purposes other than impeachment, judgments  
13 against persons other than the accused. The pendency of an appeal may be shown  
14 but does not affect admissibility.

NOTE: Replaces parentheses consistent with current style.

15           **SECTION 178.** 908.045 (5) (a) of the statutes is renumbered 908.045 (5) and  
16 amended to read:

17           908.045 (5) STATEMENT OF PERSONAL OR FAMILY HISTORY OF DECLARANT. A  
18 statement concerning the declarant's own birth, adoption, marriage, divorce,  
19 relationship by blood, adoption or marriage, ancestry, whether the person is a  
20 marital or nonmarital child, or other similar fact of personal or family history, even  
21 though declarant had no means of acquiring personal knowledge of the matter  
22 stated; or (b)-a.

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1           **(5m)** A statement concerning the foregoing matters, birth, adoption, marriage,  
2 divorce, relationship by blood, adoption or marriage, ancestry, whether the person  
3 is a marital or nonmarital child, or other similar fact of personal or family history and  
4 death also, of another a person other than the declarant, if the declarant was related  
5 to the other person by blood, adoption or marriage or was so intimately associated  
6 with the other's other person's family as to be likely to have accurate information  
7 concerning the matter declared.

NOTE: Eliminates numbering not in conformity with current style by dividing provision into 2 separate subsections and inserting specific references into the new sub. (5m). See the next section of this bill.

8           **SECTION 179.** 908.045 (5m) (title) of the statutes is created to read:  
9           908.045 **(5m)** (title) STATEMENT OF PERSONAL OR FAMILY HISTORY OF PERSON OTHER  
10 THAN THE DECLARANT.

NOTE: The remaining subsections of s. 908.045 have titles. See the previous section of this bill.

11           **SECTION 180.** 909.015 (intro.) of the statutes is amended to read:  
12           **909.015 General provision; illustrations.** (intro.) By way of illustration  
13 only, and not by way of limitation, the following are examples of authentication or  
14 identification conforming with the requirements of s. 909.01-:

NOTE: Replaces punctuation to conform provision to current style for an (intro.).

15           **SECTION 181.** 909.015 (8) of the statutes is renumbered 909.015 (8) (intro.) and  
16 amended to read:

17           909.015 **(8)** ANCIENT DOCUMENTS OR DATA COMPILATIONS. (intro.) Evidence that  
18 a document or data compilation, in any form;

19           (a) is Is in such a condition as to create that creates no suspicion concerning  
20 its authenticity;

21           (b) was Was in a place where it, if authentic, would likely be; and

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1 (c) ~~has~~ Has been in existence 20 years or more at the time it is offered.

NOTE: Renumbers provision in outline form consistent with current style.

2 **SECTION 182.** 909.02 (intro.) of the statutes is amended to read:

3 **909.02 Self-authentication.** (intro.) Extrinsic evidence of authenticity as  
4 a condition precedent to admissibility is not required with respect to any of the  
5 following:

NOTE: Adds language to conform provision to current style for an (intro.).

6 **SECTION 183.** 909.02 (3) of the statutes is amended to read:

7 **909.02 (3) PUBLIC DOCUMENTS OF FOREIGN COUNTRIES.** A document purporting  
8 to be executed or attested in his or her official capacity by a person authorized by the  
9 laws of a foreign country to make the execution or attestation, and accompanied by  
10 a final certification as to the genuineness of the signature and official position ~~(a)~~ of  
11 the executing or attesting person, or ~~(b)~~ of any foreign official whose certificate of  
12 genuineness of signature and official position relates to the execution or attestation  
13 or is in a chain of certificates of genuineness of signature and official position relating  
14 to the execution or attestation. A final certification may be made by a secretary of  
15 embassy or legation, consul general, consul, vice consul, or consular agent of the  
16 United States, or a diplomatic or consular official of the foreign country assigned or  
17 accredited to the United States. If reasonable opportunity has been given to all  
18 parties to investigate the authenticity and accuracy of official documents, the judge  
19 may, for good cause shown, order that they be treated as presumptively authentic  
20 without final certification or permit them to be evidenced by an attested summary  
21 with or without final certification.

NOTE: Deletes numbering not in conformity with current style.



1           **SECTION 184.** 938.991 (10) of the statutes is renumbered 938.991 (10) (intro.)  
2 and amended to read:

3           938.991 (10) ARTICLE X – SUPPLEMENTARY AGREEMENTS. (intro.) That the duly  
4 constituted administrative authorities of a state party to this compact may enter into  
5 supplementary agreements with any other state or states party hereto for the  
6 cooperative care, treatment and rehabilitation of delinquent juveniles whenever  
7 they shall find that such agreements will improve the facilities or programs available  
8 for such care, treatment and rehabilitation. Such care, treatment and rehabilitation  
9 may be provided in an institution located within any state entering into such  
10 supplementary agreement. Such supplementary agreements shall ~~(1) provide:~~

11           (a) Provide the rates to be paid for the care, treatment and custody of such  
12 delinquent juveniles, taking into consideration the character of facilities, services  
13 and subsistence furnished; ~~(2) provide~~

14           (b) Provide that the delinquent juvenile shall be given a court hearing prior to  
15 being sent to another state for care, treatment and custody; ~~(3) provide~~

16           (c) Provide that the state receiving such a delinquent juvenile in one of its  
17 institutions shall act solely as agent for the state sending such delinquent juvenile;  
18 ~~(4) provide~~

19           (d) Provide that the sending state shall at all times retain jurisdiction over  
20 delinquent juveniles sent to an institution in another state; ~~(5) provide~~

21           (e) Provide for reasonable inspection of such institutions by the sending state;  
22 ~~(6) provide~~

23           (f) Provide that the consent of the parent, guardian, person or agency entitled  
24 to the legal custody of said delinquent juvenile shall be secured prior to the  
25 delinquent juvenile's being sent to another state; and ~~(7) make~~

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1           (g) Make provision for such other matters and details as shall be necessary to  
2 protect the rights and equities of such delinquent juveniles and of the cooperating  
3 states.

NOTE: Replaces numbering not in conformity with current style.

4           **SECTION 185.** 939.62 (1) (intro.) of the statutes is amended to read:

5           939.62 (1) (intro.) If the actor is a repeater, as that term is defined in sub. (2),  
6 and the present conviction is for any crime for which imprisonment may be imposed  
7 (, except for an escape under s. 946.42 or a failure to report under s. 946.425), the  
8 maximum term of imprisonment prescribed by law for that crime may be increased  
9 as follows:

NOTE: Replaces parentheses consistent with current style.

10           **SECTION 186.** 940.20 (7) (title) of the statutes is created to read:

11           940.20 (7) (title) BATTERY TO EMERGENCY MEDICAL CARE PROVIDERS.

NOTE: The other subsections of s. 940.20 have titles.

12           **SECTION 187.** 941.27 (1) (title) of the statutes is created to read:

13           941.27 (1) (title) DEFINITION.

NOTE: The other subsection of s. 941.27 has a title.

14           **SECTION 188.** 943.03 of the statutes is amended to read:

15           **943.03 Arson of property other than building.** Whoever, by means of fire,  
16 intentionally damages any property (~~other than a building~~) of another without the  
17 person's consent, if the property is of the not a building and has a value of \$100 or  
18 more, is guilty of a Class E felony.

NOTE: Removes parentheses consistent with current style, and repositions text to  
accommodate the removal of parentheses and to improve readability.

19           **SECTION 189.** 943.04 of the statutes is amended to read:

20           **943.04 Arson with intent to defraud.** Whoever, by means of fire, damages  
21 any property (, other than a building), with intent to defraud an insurer of that

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1 property is guilty of a Class D felony. Proof that the actor recovered or attempted to  
2 recover on a policy of insurance by reason of the fire is relevant but not essential to  
3 establish the actor's intent to defraud the insurer.

NOTE: Replaces parentheses consistent with current style.

4 **SECTION 190.** 946.13 (2) (intro.) of the statutes is amended to read:

5 946.13 (2) (intro.) Subsection (1) does not apply to any of the following:

NOTE: Amends provision consistent with current style for (intro.) provisions.

6 **SECTION 191.** 946.13 (2) (b) to (e) of the statutes are amended to read:

7 946.13 (2) (b) Contracts involving the deposit of public funds in public  
8 depositories; ~~or.~~

9 (c) Contracts involving loans made pursuant to s. 67.12; ~~or.~~

10 (d) Contracts for the publication of legal notices required to be published,  
11 provided such notices are published at a rate not higher than that prescribed by law;  
12 ~~or.~~

13 (e) Contracts for the issuance to a public officer or employe of tax titles, tax  
14 certificates, or instruments representing an interest in, or secured by, any fund  
15 consisting in whole or in part of taxes in the process of collection, provided such titles,  
16 certificates, or instruments are issued in payment of salary or other obligations due  
17 such officer or employe; ~~or.~~

NOTE: Replaces punctuation for internal consistency and conformity with current  
style.

18 **SECTION 192.** 961.01 (2m) (a) of the statutes is amended to read:

19 961.01 (2m) (a) "Anabolic steroid" means any drug or hormonal substance,  
20 chemically or pharmacologically related to testosterone (, except estrogens,  
21 progestin, and corticosteroids), that promotes muscle growth. The term includes all  
22 of the substances included in s. 961.18 (7), and any of their esters, isomers, esters of

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1 isomers, salts and salts of esters, isomers and esters of isomers, that are theoretically  
2 possible within the specific chemical designation, and if such esters, isomers, esters  
3 of isomers, salts and salts of esters, isomers and esters of isomers promote muscle  
4 growth.

NOTE: Replaces parentheses consistent with current style.

5 **SECTION 193.** 967.04 (5) (a) of the statutes is renumbered 967.04 (5) (a) (intro.)  
6 and amended to read:

7 967.04 (5) (a) (intro.) At the trial or upon any hearing, a part or all of a  
8 deposition (, so far as it is otherwise admissible under the rules of evidence), may be  
9 used if it appears: That the any of the following conditions appears to have been met:

10 1. The witness is dead; ~~that the,~~

11 2. The witness is out of state, unless it appears that the absence of the witness  
12 was procured by the party offering the depositions; ~~that the deposition.~~

13 3. The witness is unable to attend or testify because of sickness or infirmity;  
14 ~~or that the,~~

15 4. The party offering the deposition has been unable to procure the attendance  
16 of the witness by subpoena.

NOTE: Replaces parentheses and renumbers provision in outline form consistent  
with current style and amends the (intro.) paragraph and subsequent subdivisions  
accordingly.

17 **SECTION 194.** 969.02 (2) (intro.) and (b) of the statutes are consolidated,  
18 renumbered 969.02 (2) and amended to read:

19 969.02 (2) In lieu of release pursuant to sub. (1), the judge may: ~~(b) Require~~  
20 require the execution of an appearance bond with sufficient solvent sureties, or the  
21 deposit of cash in lieu thereof.

NOTE: As there is only one paragraph under s. 969.02 (2), the subsection (intro.) and  
par. (b) are consolidated as one statutory unit.

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1           **SECTION 195.** 975.06 (6) of the statutes is amended to read:

2           975.06 (6) Persons committed under this section who are also encumbered with  
3 other sentences, whether concurrent with or consecutive to the commitment, may be  
4 placed by the department in any of the facilities listed in s. 975.08 (2) or (3) (a). Such  
5 facilities may be regarded as state prisons for the purpose of beginning the other  
6 sentences, crediting time served on them, and computing parole eligibility dates.

NOTE: Amends cross-reference consistent with renumbering by this bill.

7           **SECTION 196.** 975.08 (3) of the statutes is renumbered 975.08 (3) (a) and  
8 amended to read:

9           975.08 (3) (a) The department may make use of law enforcement, detention,  
10 parole, medical, psychiatric, psychological, educational, correctional, segregative  
11 and other resources, institutions and agencies, public or private, within the state.  
12 The department may enter into agreements with public officials for separate care  
13 and special treatment (, in existing institutions), of persons subject to the control of  
14 the department under this chapter.

15           (b) ~~Nothing herein contained shall give in par. (a) gives the department control~~  
16 any of the following:

17           1. Control over existing institutions or agencies not already under its control,  
18 ~~or give it power.~~

19           2. Power to make use of any private agency or institution without ~~its~~ that  
20 agency's or institution's consent.

NOTE: Subdivides provision, replaces parentheses and pronouns and inserts  
specific references for improved readability and conformity with current style.

21           **SECTION 197.** 978.12 (6) (a) of the statutes, as affected by 1999 Wisconsin Act  
22 9, is amended to read:

**ASSEMBLY BILL 925****SECTION 197**

1           978.12 (6) (a) 1. District attorneys and state employees of the office of district  
2 attorney shall be included within all insurance benefit plans under ch. 40, except as  
3 authorized in this paragraph. Alternatively, the state shall provide insurance  
4 benefit plans for district attorneys and state employees in the office of district attorney  
5 in the manner provided in this paragraph.

6           2. A district attorney or other employee of the office of district attorney who was  
7 employed in that office as a county employee on December 31, 1989, and who received  
8 any form of fringe benefits other than a retirement, deferred compensation or  
9 employe-funded reimbursement account plan as a county employee, as defined by  
10 that county pursuant to the county's personnel policies, or pursuant to a collective  
11 bargaining agreement in effect on January 1, 1990, or the most recent collective  
12 bargaining agreement covering represented employees who are not covered by such  
13 an agreement, may elect to continue to be covered under all such fringe benefit plans  
14 provided by the county after becoming a state employee. In a county having a  
15 population of 500,000 or more, the fringe benefit plans shall include health insurance  
16 benefits fully paid by the county for each retired employee who, on or after  
17 December 31, 1989, attains at least 15 years of service in the office of district  
18 attorney of that county, whether or not the service is as a county employee, for the  
19 duration of the employee's life. An employee may make an election under this  
20 ~~paragraph~~ subdivision no later than January 31, 1990, except that an employee who  
21 serves as an assistant district attorney in a county having a population of 500,000  
22 or more may make an election under this ~~paragraph~~ subdivision no later than  
23 March 1, 1990. An election under this ~~paragraph~~ subdivision shall be for the  
24 duration of the employee's employment in the office of district attorney for the same  
25 county by which the employee was employed or until the employee terminates the

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1 election under ~~this paragraph subd. 4.~~, at the same cost to the county as the county  
2 incurs for a similarly situated county employe.

3 3. Subject to par. (b), if the employer's cost for ~~such~~ fringe benefits described in  
4 subd. 2. for any ~~such~~ employe described in subd. 2. is less than or equal to the cost  
5 for comparable coverage under ch. 40, if any, the state shall reimburse the county for  
6 that cost. Subject to par. (b), if the employer's cost for such fringe benefits for any  
7 such employe is greater than the cost for comparable coverage under ch. 40, the state  
8 shall reimburse the county for the cost of comparable coverage under ch. 40 and the  
9 county shall pay the remainder of the cost. The cost of comparable coverage under  
10 ch. 40 shall equal the average cost of comparable coverage under ch. 40 for employes  
11 in the office of the state public defender, as contained in budget determinations  
12 approved by the joint committee on finance or the legislature under the biennial  
13 budget act for the period during which the costs are incurred.

14 4. An employe who makes the election under ~~this paragraph subd. 2.~~ may  
15 terminate that election, and shall then be included within all insurance benefit plans  
16 under ch. 40, except that the department of employe trust funds may require prior  
17 written notice, not exceeding one year's duration, of an employe's intent to be  
18 included under any insurance benefit plan under ch. 40.

NOTE: Subdivides long provision and inserts cross-references accordingly.

19 **SECTION 198.** 979.01 (1) (intro.) of the statutes is amended to read:

20 979.01 (1) (intro.) All physicians, authorities of hospitals, sanatoriums, public  
21 and private institutions (~~public and private~~), convalescent homes, authorities of any  
22 institution of a like nature, and other persons having knowledge of the death of any  
23 person who has died under any of the following circumstances, shall immediately

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## SECTION 198

1 report such the death to the sheriff, police chief, medical examiner or coroner of the  
2 county ~~wherein such~~ where the death took place, ~~and the~~.

3 **(1g)** A sheriff or police chief shall, immediately upon notification of a death  
4 under sub. (1), notify the coroner or the medical examiner and the coroner or medical  
5 examiner of the county where death took place, if the crime, injury or event occurred  
6 in another county, shall immediately report ~~such death immediately~~ all of the  
7 following to the coroner or medical examiner of that county:

NOTE: Repositions text to accommodate the removal of parentheses, replaces  
disfavored terms and inserts language to conform the provision with the current style for  
an (intro.).

8 **SECTION 199.** 985.01 (2) (intro.) and (a) to (c) of the statutes are amended to  
9 read:

10 985.01 (2) (intro.) ~~The term “legal~~ “Legal notice” is means every notice required  
11 by law or by order of a court to be published in a newspaper or other publication,  
12 except notices required by private and local laws to be published in newspapers, and  
13 includes all of the following:

14 (a) Every publication of laws, ordinances, resolutions, financial statements,  
15 budgets and proceedings intended to give notice in an area;.

16 (b) Every notice and certificate of election, facsimile ballot, referenda, notice  
17 of public hearing before a governmental body, and notice of meetings of private and  
18 public bodies required by law; ~~and~~.

19 (c) Every summons, order, citation, notice of sale or other notice ~~which~~ that is  
20 intended to inform a person that the person may or shall do an act or exercise a right  
21 within a designated period or upon or by a designated date.

NOTE: The subject matter of s. 985.01 (2) (d) does not fit within the list under s.  
985.01 (2) (intro.), nor does it under the section (intro.). The text of par. (d) is moved to  
the (intro.) by amendment and par. (d) is repealed by the following section of this bill.



