

**BILL HISTORY FOR ASSEMBLY BILL 610 (LRB 3803)**

An Act to amend 40.08 (9), 46.95 (1) (b), 48.57 (3m) (a), 48.57 (3n) (a), 51.20 (9) (a), 77.25 (15), 77.25 (15m), 77.25 (15s), 102.07 (5) (c), 102.51 (2) (a), 103.90 (3) (a) 2., 106.04 (1m) (q), 146.34 (1) (j), 182.001 (1) (a), 196.52 (1) (g), 242.01 (11), 243.10 (1), 252.15 (1) (cg), 421.301 (32) (c), 421.301 (32) (d), 421.301 (33) (d), 615.03 (1) (c), 631.07 (3) (a) 5., 632.32 (6) (b) 1., 767.08 (1) (b), 805.08 (1), 813.12 (1) (b), 815.18 (3) (j) 6. b., 889.19, 908.03 (11), 938.02 (15) and 946.47 (3); and to repeal and recreate 979.05 (3) of the statutes; relating to: including relatives by adoption on the same basis as relatives by blood in certain definitions and references in the statutes.

1999

12-01. A. Introduced by Representatives **Hundertmark, Ward, Plale, Kestell, Musser, Rhoades, Ryba, Nass, Pettis, Albers, F. Lasee, Ainsworth, Owens, Ladwig, Goetsch, Olsen, Kelso, Balow, Sykora, Jeskewitz, Underheim and Waukau**; cosponsored by Senators **Grobschmidt, Wirch, Plache, Huelsman, Lazich, Rosenzweig and Darling**.

12-01. A. Read first time and referred to committee on Family Law ..... 570

2000

01-06. A. Public hearing held.

01-25. A. Executive action taken.

02-01. A. Report passage recommended by committee on Family Law, Ayes 9, Noes 0 ..... 619

02-01. A. Referred to committee on Rules ..... 619

02-01. A. Placed on calendar 2-3-2000 by committee on Rules.

02-03. A. Read a second time ..... 638

02-03. A. Ordered to a third reading ..... 638

02-03. A. Rules suspended ..... 638

02-03. A. Read a third time and passed ..... 638

02-03. A. Ordered immediately messaged ..... 638

02-08. S. Received from Assembly ..... 426

02-08. S. Read first time and referred to committee on Judiciary and Consumer Affairs ..... 426

03-07. S. Public hearing held.

03-07. S. Executive action taken.

03-09. S. Report concurrence recommended by committee on Judiciary and Consumer Affairs, Ayes 5, Noes 0 ..... 482

03-09. S. Available for scheduling.

03-30. S. Rules suspended and taken up.

03-30. S. Read a second time.

03-30. S. Ordered to a third reading.

03-30. S. Rules suspended.

03-30. S. Read a third time and concurred in.

03-30. S. Ordered immediately messaged.

**1999  
ENROLLED BILL**

99en AB-610

**ADOPTED DOCUMENTS:**

Orig     Engr         SubAmdt     

99-38031

Amendments to above (if none, write "NONE"): None

Corrections - show date (if none, write "NONE"): None

Topic Including relatives by adoption  
on the same basis as relatives  
by blood

4/4/00  
Date

Peter J. [Signature]  
Enrolling Drafter

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## 1999 ASSEMBLY BILL 610

December 1, 1999 – Introduced by Representatives HUNDERTMARK, WARD, PLALE, KESTELL, MUSSER, RHOADES, RYBA, NASS, PETTIS, ALBERS, F. LASEE, AINSWORTH, OWENS, LADWIG, GOETSCH, OLSEN, KELSO, BALOW, SYKORA, JESKEWITZ, UNDERHEIM and WAUKAU, cosponsored by Senators GROBSCHMIDT, WIRCH, PLACHE, HUELSMAN, LAZICH, ROSENZWEIG and DARLING. Referred to Committee on Family Law.

1     **AN ACT** *to amend* 40.08 (9), 46.95 (1) (b), 48.57 (3m) (a), 48.57 (3n) (a), 51.20 (9)  
 2           (a), 77.25 (15), 77.25 (15m), 77.25 (15s), 102.07 (5) (c), 102.51 (2) (a), 103.90 (3)  
 3           (a) 2., 106.04 (1m) (q), 146.34 (1) (j), 182.001 (1) (a), 196.52 (1) (g), 242.01 (11),  
 4           243.10 (1), 252.15 (1) (eg), 421.301 (32) (c), 421.301 (32) (d), 421.301 (33) (d),  
 5           615.03 (1) (c), 631.07 (3) (a) 5., 632.32 (6) (b) 1., 767.08 (1) (b), 805.08 (1), 813.12  
 6           (1) (b), 815.18 (3) (j) 6. b., 889.19, 908.03 (11), 938.02 (15) and 946.47 (3); and  
 7           **to repeal and recreate** 979.05 (3) of the statutes; **relating to:** including  
 8           relatives by adoption on the same basis as relatives by blood in certain  
 9           definitions and references in the statutes.

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### ***Analysis by the Legislative Reference Bureau***

Under current law, “relative” is defined or referenced in the statutes for certain purposes. Currently, some definitions of and references to “relative” include relatives by blood, by marriage or by adoption, and other definitions of and references to “relative” include relatives by blood or by marriage, but do not include relatives by adoption. This bill includes relatives by adoption in all of the following:

1. The definitions of “relative” for purposes of the Juvenile Justice Code, the fair housing law, filing a petition to prohibit a bone marrow donation by a minor,

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consenting to a human immunodeficiency virus (HIV) test for a person who is unable to consent due to his or her medical condition and compelling a nonlegally responsible relative (NLRR) to provide support for a child.

2. The definition of "person related to" for purposes of the Wisconsin consumer act, which among other things prohibits a debt collector from threatening or harassing a customer or a person related to a customer.

3. The definition of "family member" for purposes of granting a domestic abuse restraining order.

4. The exception for certain relatives to the law prohibiting the harboring of a felon.

5. The prohibition against the examiner of the subject of a mental commitment being related to that subject.

6. The prohibition against a witness to a power of attorney for finances and property being related to the person granting the power of attorney.

7. The requirement that a juror not be related to a party or an attorney for a party.

8. The hearsay exception for statements of relationship contained in the records of a religious organization.

9. The law permitting benefits under the public employe trust fund to be paid to a relative who is providing care for a person who has been adjudged mentally incompetent.

10. The exception to the law prohibiting a person from issuing a gift annuity that permits a gift annuity to be issued to certain relatives.

11. The exception to the law requiring the consent of the insured for the issuance of an individual life or disability insurance policy that permits a close relative to purchase such a policy on the life or health of a person serving outside of the United States in the public service of the United States.

12. The prohibition against an automobile insurance policy excluding from coverage a relative of the insured.

13. The exclusion from the law regulating migrant labor camp living quarters for the relatives of the employer.

14. The definition of "affiliated interests" of a public utility for purposes of the requirement that the public service commission approve a contract between a public utility and an affiliated interest of the public utility.

Under current law, certain statutes contain references to a person's lineal descendants, that is, the person's children, grandchildren and other direct descendants, and to a person's lineal ascendants or lineal ancestors, that is, the person's parents, grandparents and other direct ascendants. Current law does not specify whether those descendants and ascendants include a descendant or ascendant by adoption. This bill specifies that the descendants and ascendants referenced in all of the following include descendants and ascendants by blood or by adoption:

1. The exemption from the real estate transfer fee for a conveyance between a corporation and its shareholders, between a partnership and one of its partners or between a limited liability company and one of its members, if all of the shareholders,

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partners or members are related to each other and if the transfer is for no consideration or for the assumption of debt or an interest in the corporation, partnership or limited liability company.

2. The definition of “family farm corporation”, that is, a corporation engaged in farming all of whose shareholders are related, for purposes of excluding those shareholders from the definition of “employee” under the worker’s compensation law.

3. The law stating who may be considered a dependent of a deceased employe for purposes of entitlement to death benefits under the worker’s compensation law.

4. The prohibition against a corporation or trust engaging in farming unless certain standards are met, including a standard that the number of shareholders or beneficiaries may not exceed 15, with certain relatives collectively being counted as only one shareholder or beneficiary.

5. The definition of “person related to” for purposes of the Wisconsin consumer act, which among other things prohibits a debt collector from threatening or harassing a customer or a person related to a customer.

6. The definition of “owner-dominated plan”, that is, a retirement plan under which 90% or more of the accrued benefits are for the benefit of the owner-employe or certain relatives of the owner-employe, for purposes of exempting retirement benefits from execution.

Under current law, certain definitions of and references to “relative” include relatives by “consanguinity”, which means by blood, and relatives by “affinity”, which means by marriage. This bill substitutes “blood” for “consanguinity” and “marriage” for affinity” in all of the following:

1. The definitions of “relative” for purposes of the Juvenile Justice Code, the kinship care and long-term kinship care programs, the fair housing law, filing a petition to prohibit a bone marrow transplant by a minor, consenting to an HIV test for a person who is unable to consent due to his or her medical condition and compelling a NLRB to provide support for a child.

2. The exception for certain relatives to the law prohibiting the harboring of a felon.

Finally, the bill substitutes “blood” for “consanguinity” in the definition of “relative” for purposes of the Uniform Fraudulent Transfer Act and substitutes “blood relationship” for “consanguinity” in the rule of evidence permitting a pedigree recital in a deed or a will to be admitted as evidence that the recital is true.

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

1           **SECTION 1.** 40.08 (9) of the statutes is amended to read:

2           **40.08 (9) PAYMENTS OF BENEFITS TO MINORS AND INCOMPETENTS.** In any case in  
3           which a benefit amount becomes payable to a minor or to a person adjudged mentally  
4           incompetent, the department may waive guardianship proceedings, and pay the

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1 benefit to the person providing for or caring for the minor, or to the spouse, or the  
2 parent or ~~blood~~ other relative by blood or adoption providing for or caring for the  
3 incompetent person.

4 **SECTION 2.** 46.95 (1) (b) of the statutes is amended to read:

5 46.95 (1) (b) "Family member" means a spouse, a parent, a child or a person  
6 related by ~~consanguinity~~ blood or adoption to another person.

7 **SECTION 3.** 48.57 (3m) (a) of the statutes is amended to read:

8 48.57 (3m) (a) In this subsection, "kinship care relative" means a stepparent,  
9 brother, sister, stepbrother, stepsister, first cousin, nephew, niece, aunt, uncle or any  
10 person of a preceding generation as denoted by the prefix of grand, great or  
11 great-great, whether by ~~consanguinity, direct affinity~~ blood, marriage or legal  
12 adoption, or the spouse of any person named in this paragraph, even if the marriage  
13 is terminated by death or divorce.

14 **SECTION 4.** 48.57 (3n) (a) of the statutes is amended to read:

15 48.57 (3n) (a) In this subsection, "long-term kinship care relative" means a  
16 stepparent, brother, sister, stepbrother, stepsister, first cousin, nephew, niece, aunt,  
17 uncle or any person of a preceding generation as denoted by the prefix of grand, great  
18 or great-great, whether by ~~consanguinity, direct affinity~~ blood, marriage or legal  
19 adoption, or the spouse of any person named in this paragraph, even if the marriage  
20 is terminated by death or divorce.

21 **SECTION 5.** 51.20 (9) (a) of the statutes is amended to read:

22 51.20 (9) (a) If the court finds after the hearing that there is probable cause to  
23 believe the allegations under sub. (1), it shall appoint 2 licensed physicians  
24 specializing in psychiatry, or one licensed physician and one licensed psychologist,  
25 or 2 licensed physicians one of whom shall have specialized training in psychiatry,

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1 if available, or 2 physicians, to personally examine the subject individual. Such  
2 examiners shall have the specialized knowledge determined by the court to be  
3 appropriate to the needs of the subject individual. One of the examiners may be  
4 selected by the subject individual if such person makes his or her selection known  
5 to the court within 24 hours after completion of the hearing to determine probable  
6 cause for commitment. The court may deny the subject individual's selection if the  
7 examiner does not meet the requirements of this paragraph or such person is not  
8 available. If requested by the subject individual, the individual's attorney or any  
9 other interested party with court permission, the individual has a right at his or her  
10 own expense or if indigent with approval of the court hearing the petition, at the  
11 reasonable expense of the individual's county of legal residence, to secure an  
12 additional medical or psychological examination, and to offer the evaluator's  
13 personal testimony, as evidence at the hearing. The examiners may not be related  
14 to the subject individual by blood ~~or~~, marriage or adoption, and may have no interest  
15 in his or her property. Prior to the examination the subject individual shall be  
16 informed that his or her statements can be used as a basis for commitment and that  
17 he or she has the right to remain silent, and that the examiner is required to make  
18 a report to the court even if the subject individual remains silent. A written report  
19 shall be made of all such examinations and filed with the court. The issuance of such  
20 a warning to the subject individual prior to each examination establishes a  
21 presumption that the individual understands that he or she need not speak to the  
22 examiner. The examiners shall personally observe and examine the subject  
23 individual at any suitable place and satisfy themselves, if reasonably possible, as to  
24 the individual's mental condition, and shall make independent reports to the court.  
25 The subject individual's treatment records shall be available to the examiners. If the

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1 subject individual is not detained pending the hearing, the court shall designate the  
2 time and place where the examination is to be held and shall require the individual's  
3 appearance. The report and testimony, if any, by the examiners shall be based on  
4 beliefs to a reasonable degree of medical certainty, or professional certainty if an  
5 examiner is a psychologist, in regard to the existence of the conditions described in  
6 sub. (1), and the appropriateness of various treatment modalities or facilities. If the  
7 examiners are unable to make conclusions to a reasonable degree of medical or  
8 professional certainty, the examiners shall so state in their report and testimony, if  
9 any.

10 **SECTION 6.** 77.25 (15) of the statutes is amended to read:

11 77.25 (15) Between a corporation and its shareholders if all of the stock is  
12 owned by persons who are related to each other as spouses, as lineal ascendants,  
13 lineal descendants, or siblings, whether by blood or by adoption, or as spouses of  
14 siblings, if the transfer is for no consideration except the assumption of debt or stock  
15 of the corporation and if the corporation owned the property for at least 3 years.

16 **SECTION 7.** 77.25 (15m) of the statutes is amended to read:

17 77.25 (15m) Between a partnership and one or more of its partners if all of the  
18 partners are related to each other as spouses, as lineal ascendants, lineal  
19 descendants, or siblings, whether by blood or by adoption, or as spouses of siblings  
20 and if the transfer is for no consideration other than the assumption of debt or an  
21 interest in the partnership.

22 **SECTION 8.** 77.25 (15s) of the statutes is amended to read:

23 77.25 (15s) Between a limited liability company and one or more of its members  
24 if all of the members are related to each other as spouses, as lineal ascendants, lineal  
25 descendants, or siblings, whether by blood or by adoption, or as spouses of siblings



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1 and if the transfer is for no consideration other than the assumption of debt or an  
2 interest in the limited liability company.

3 **SECTION 9.** 102.07 (5) (c) of the statutes is amended to read:

4 102.07 (5) (c) A shareholder-employee of a family farm corporation shall be  
5 deemed a "farmer" for purposes of this chapter and shall not be deemed an employee  
6 of a farmer. A "family farm corporation" means a corporation engaged in farming all  
7 of whose shareholders are related as lineal ancestors or lineal descendants, whether  
8 by blood or by adoption, or as spouses, brothers, sisters, uncles, aunts, cousins,  
9 sons-in-law, daughters-in-law, fathers-in-law, mothers-in-law, brothers-in-law  
10 or sisters-in-law of such lineal ancestors or lineal descendants.

11 **SECTION 10.** 102.51 (2) (a) of the statutes is amended to read:

12 102.51 (2) (a) No person shall be considered a dependent unless ~~a member of~~  
13 ~~the family or that person is~~ a spouse, ~~or~~ a divorced spouse who has not remarried,  
14 or a lineal descendant or, lineal ancestor, or brother or, sister or other member of the  
15 family, whether by blood or by adoption, of the deceased employee.

16 **SECTION 11.** 103.90 (3) (a) 2. of the statutes is amended to read:

17 103.90 (3) (a) 2. Any other person who is not related by blood ~~or~~, marriage or  
18 adoption to his or her employer and who occasionally or habitually leaves an  
19 established place of residence to travel to another locality to accept seasonal  
20 employment in the planting, cultivating, raising, harvesting, handling, drying,  
21 packing, packaging, processing, freezing, grading or storing of any agricultural or  
22 horticultural commodity in its unmanufactured state.

23 **SECTION 12.** 106.04 (1m) (q) of the statutes is amended to read:

24 106.04 (1m) (q) "Relative" means a parent, grandparent, greatgrandparent,  
25 stepparent, step grandparent, brother, sister, child, stepchild, grandchild, step

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1 grandchild, greatgrandchild, first cousin, 2nd cousin, nephew, niece, uncle, aunt,  
2 stepbrother, stepsister, half brother or half sister or any other person related by  
3 blood, marriage, ~~consanguinity or affinity~~ or adoption.

4 **SECTION 13.** 146.34 (1) (j) of the statutes is amended to read:

5 146.34 (1) (j) “Relative” means a parent, grandparent, stepparent, brother,  
6 sister, first cousin, nephew or niece; or uncle or aunt within the 3rd degree of kinship  
7 as computed under s. 852.03 (2), 1995 stats. This relationship may be by  
8 ~~consanguinity or direct affinity~~ blood, marriage or adoption.

9 **SECTION 14.** 182.001 (1) (a) of the statutes is amended to read:

10 182.001 (1) (a) Its shareholders or beneficiaries do not exceed 15 in number.  
11 Lineal ancestors and lineal descendants, ~~whether by blood or by adoption~~, and aunts,  
12 uncles and 1st cousins thereof count collectively as one shareholder or beneficiary for  
13 purposes of this paragraph, but this collective authorization shall not be used for  
14 more than one family in a single corporation or trust.

15 **SECTION 15.** 196.52 (1) (g) of the statutes is amended to read:

16 196.52 (1) (g) Any other person whom the commission determines as a matter  
17 of fact after investigation and hearing to be actually exercising substantial influence  
18 over the policies and actions of the public utility in conjunction with one or more other  
19 persons with whom they are related by ownership ~~or, by~~ blood relationship or  
20 adoption or by action in concert that together they are affiliated with such public  
21 utility for the purpose of this section, even though no one of them alone is so affiliated  
22 under pars. (a) to (f).

23 **SECTION 16.** 242.01 (11) of the statutes is amended to read:

24 242.01 (11) “Relative” means an individual related by ~~consanguinity~~ blood  
25 within the 3rd degree of kinship as computed under s. 852.03 (2), 1995 stats., a

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1 spouse or an individual related to a spouse within the 3rd degree as so computed, and  
2 includes an individual in an adoptive relationship within the 3rd degree.

3 **SECTION 17.** 243.10 (1) of the statutes is amended to read:

4 **243.10 (1) FORM.** The following is the form for the Wisconsin basic power of  
5 attorney for finances and property:

6 **WISCONSIN BASIC POWER OF ATTORNEY**

7 **FOR FINANCES AND PROPERTY**

8 **NOTICE: THIS IS AN IMPORTANT DOCUMENT. BEFORE SIGNING THIS**  
9 **DOCUMENT, YOU SHOULD KNOW THESE IMPORTANT FACTS. BY SIGNING**  
10 **THIS DOCUMENT, YOU ARE NOT GIVING UP ANY POWERS OR RIGHTS TO**  
11 **CONTROL YOUR FINANCES AND PROPERTY YOURSELF. IN ADDITION TO**  
12 **YOUR OWN POWERS AND RIGHTS, YOU ARE GIVING ANOTHER PERSON,**  
13 **YOUR AGENT, BROAD POWERS TO HANDLE YOUR FINANCES AND**  
14 **PROPERTY. THIS BASIC POWER OF ATTORNEY FOR FINANCES AND**  
15 **PROPERTY MAY GIVE THE PERSON WHOM YOU DESIGNATE (YOUR**  
16 **“AGENT”) BROAD POWERS TO HANDLE YOUR FINANCES AND PROPERTY,**  
17 **WHICH MAY INCLUDE POWERS TO ENCUMBER, SELL OR OTHERWISE**  
18 **DISPOSE OF ANY REAL OR PERSONAL PROPERTY WITHOUT ADVANCE**  
19 **NOTICE TO YOU OR APPROVAL BY YOU. THE POWERS WILL EXIST AFTER**  
20 **YOU BECOME DISABLED, OR INCAPACITATED, IF YOU CHOOSE THAT**  
21 **PROVISION. THIS DOCUMENT DOES NOT AUTHORIZE ANYONE TO MAKE**  
22 **MEDICAL OR OTHER HEALTH CARE DECISIONS FOR YOU. IF YOU OWN**  
23 **COMPLEX OR SPECIAL ASSETS SUCH AS A BUSINESS, OR IF THERE IS**  
24 **ANYTHING ABOUT THIS FORM THAT YOU DO NOT UNDERSTAND, YOU**

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1 SHOULD ASK A LAWYER TO EXPLAIN THIS FORM TO YOU BEFORE YOU  
2 SIGN IT.

3 IF YOU WISH TO CHANGE YOUR BASIC POWER OF ATTORNEY FOR  
4 FINANCES AND PROPERTY, YOU MUST COMPLETE A NEW DOCUMENT  
5 AND REVOKE THIS ONE. YOU MAY REVOKE THIS DOCUMENT AT ANY TIME  
6 BY DESTROYING IT, BY DIRECTING ANOTHER PERSON TO DESTROY IT IN  
7 YOUR PRESENCE OR BY SIGNING A WRITTEN AND DATED STATEMENT  
8 EXPRESSING YOUR INTENT TO REVOKE THIS DOCUMENT. IF YOU  
9 REVOKE THIS DOCUMENT, YOU SHOULD NOTIFY YOUR AGENT AND ANY  
10 OTHER PERSON TO WHOM YOU HAVE GIVEN A COPY OF THE FORM. YOU  
11 ALSO SHOULD NOTIFY ALL PARTIES HAVING CUSTODY OF YOUR ASSETS.  
12 THESE PARTIES HAVE NO RESPONSIBILITY TO YOU UNLESS YOU  
13 ACTUALLY NOTIFY THEM OF THE REVOCATION. IF YOUR AGENT IS YOUR  
14 SPOUSE AND YOUR MARRIAGE IS ANNULLED, OR YOU ARE DIVORCED  
15 AFTER SIGNING THIS DOCUMENT, THIS DOCUMENT IS INVALID.

16 SINCE SOME 3RD PARTIES OR SOME TRANSACTIONS MAY NOT  
17 PERMIT USE OF THIS DOCUMENT, IT IS ADVISABLE TO CHECK IN  
18 ADVANCE, IF POSSIBLE, FOR ANY SPECIAL REQUIREMENTS THAT MAY BE  
19 IMPOSED.

20 YOU SHOULD SIGN THIS FORM ONLY IF THE AGENT YOU NAME IS  
21 RELIABLE, TRUSTWORTHY AND COMPETENT TO MANAGE YOUR AFFAIRS.

22 I .... (insert your name and address) appoint .... (insert the name and address  
23 of the person appointed) as my agent to act for me in any lawful way with respect to  
24 the powers initialed below. If the person appointed is unable or unwilling to act as

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1 my agent, I appoint .... (insert name and address of alternate person appointed) to  
2 act for me in any lawful way with respect to the powers initialed below.

3 TO GRANT ONE OR MORE OF THE FOLLOWING POWERS, INITIAL THE  
4 LINE IN FRONT OF EACH POWER YOU ARE GRANTING.

5 TO WITHHOLD A POWER, DO NOT INITIAL THE LINE IN FRONT OF IT.  
6 YOU MAY, BUT NEED NOT, CROSS OUT EACH POWER WITHHELD.

7 **HANDLING MY MONEY AND PROPERTY**

8 *Initials*

9 \_\_\_\_\_ 1. *PAYMENTS OF BILLS:* My agent may make payments that are  
10 necessary or appropriate in connection with the administration of my affairs.

11 \_\_\_\_\_ 2. *BANKING:* My agent may conduct business with financial  
12 institutions, including endorsing all checks and drafts made payable to my order and  
13 collecting the proceeds; signing in my name checks or orders on all accounts in my  
14 name or for my benefit; withdrawing funds from accounts in my name; opening  
15 accounts in my name; and entering into and removing articles from my safe deposit  
16 box.

17 \_\_\_\_\_ 3. *INSURANCE:* My agent may obtain insurance of all types, as  
18 considered necessary or appropriate, settle and adjust insurance claims and borrow  
19 from insurers and 3rd parties using insurance policies as collateral.

20 \_\_\_\_\_ 4. *ACCOUNTS:* My agent may ask for, collect and receive money,  
21 dividends, interest, legacies and property due or that may become due and owing to  
22 me and give receipt for those payments.

23 \_\_\_\_\_ 5. *REAL ESTATE:* My agent may manage real property; sell, convey and  
24 mortgage realty for prices and on terms as considered advisable; foreclose mortgages

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1 and take title to property in my name; and execute deeds, mortgages, releases,  
2 satisfactions and other instruments relating to realty.

3 \_\_\_\_\_ 6. *BORROWING*: My agent may borrow money and encumber my assets  
4 for loans as considered necessary.

5 \_\_\_\_\_ 7. *SECURITIES*: My agent may buy, sell, pledge and exchange securities  
6 of all kinds in my name; sign and deliver in my name transfers and assignments of  
7 securities; and consent in my name to reorganizations, mergers or exchange of  
8 securities for new securities.

9 \_\_\_\_\_ 8. *INCOME TAXES*: My agent may make and sign tax returns; represent  
10 me in all income tax matters before any federal, state, or local tax collecting agency;  
11 and receive confidential information and perform any acts that I may perform,  
12 including receiving refund checks and the signing of returns.

13 \_\_\_\_\_ 9. *TRUSTS*: My agent may transfer at any time any of my property to  
14 a living trust that has been established by me before the execution of this document.

**PROFESSIONAL AND TECHNICAL ASSISTANCE**

15  
16 *Initials*

17 \_\_\_\_\_ 10. *LEGAL ACTIONS*: My agent may retain attorneys on my behalf;  
18 appear for me in all actions and proceedings to which I may be a party; commence  
19 actions and proceedings in my name; and sign in my name all documents or pleadings  
20 of every description.

21 \_\_\_\_\_ 11. *PROFESSIONAL ASSISTANCE*: My agent may hire accountants,  
22 attorneys, clerks, workers and others for the management, preservation and  
23 protection of my property and estate.

**GENERAL AUTHORITY**

24  
25 *Initials*

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1           \_\_\_\_\_ 12. *GENERAL*: My agent may do any act or thing that I could do in my  
2 own proper person if personally present, including managing or selling tangible  
3 assets, disclaiming a probate or nonprobate inheritance and providing support for  
4 a minor child or dependent adult. The specifically enumerated powers of the basic  
5 power of attorney for finances and property are not a limitation of this intended  
6 broad general power except that my agent may not take any action prohibited by law  
7 and my agent under this document may not:

8           a. Make medical or health care decisions for me.

9           b. Make, modify or revoke a will for me.

10           c. Other than a burial trust agreement under section 445.125, Wisconsin  
11 Statutes, enter into a trust agreement on my behalf or amend or revoke a trust  
12 agreement, entered into by me.

13           d. Change any beneficiary designation of any life insurance policy, qualified  
14 retirement plan, individual retirement account or payable on death account or the  
15 like whether directly or by canceling and replacing the policy or roll over to another  
16 plan or account.

17           e. Forgive debts owed to me or disclaim or waive benefits payable to me, except  
18 a probate or nonprobate inheritance.

19           f. Appoint a substitute or successor agent for me.

20           g. Make gifts.

**COMPENSATION TO AGENT FROM PRINCIPAL'S FUNDS***Initials*

21  
22  
23           \_\_\_\_\_ 13. *COMPENSATION*. My agent may receive compensation only in an  
24 amount not greater than that usual for the services to be performed if expressly  
25 authorized in the special instructions portion of this document.

**ACCOUNTING**

*Initials*

\_\_\_\_ 14. *ACCOUNTING*. My agent shall render an accounting (monthly) (quarterly) (annually) (CIRCLE ONE) to me or to ... (insert name and address) during my lifetime and a final accounting to the personal representative of my estate, if any is appointed, after my death.

**NOMINATION OF GUARDIAN**

*Initials*

\_\_\_\_ 15. *GUARDIAN*: If necessary, I nominate ... (name) of ... (address) as guardian of my person and I nominate ... (name) of ... (address) as guardian of my estate.

**SPECIAL INSTRUCTIONS**

*Initials*

\_\_\_\_ 16. *SPECIAL INSTRUCTIONS*:

ON THE FOLLOWING LINES YOU MAY GIVE SPECIAL INSTRUCTIONS REGARDING THE POWERS GRANTED TO YOUR AGENT.

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**ASSEMBLY BILL 610**

1 .....  
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3 TO ESTABLISH WHEN, AND FOR HOW LONG, THE BASIC POWER OF  
4 ATTORNEY FOR FINANCES AND PROPERTY IS IN EFFECT, YOU MUST  
5 INITIAL ONLY ONE OF THE FOLLOWING 3 OPTIONS. IF YOU DO NOT  
6 INITIAL ONE, OR IF YOU INITIAL MORE THAN ONE, THIS BASIC POWER OF  
7 ATTORNEY FOR FINANCES AND PROPERTY WILL NOT TAKE EFFECT.

8 *Initials*

9 \_\_\_\_\_ This basic power of attorney for finances and property becomes effective  
10 when I sign it and will continue in effect as a durable power of attorney under section  
11 243.07, Wisconsin Statutes, if I become disabled or incapacitated.

12 \_\_\_\_\_ This basic power of attorney for finances and property becomes effective  
13 only when both of the following apply:

- 14 a. I have signed it; and
- 15 b. I become disabled or incapacitated.

16 \_\_\_\_\_ This basic power of attorney for finances and property becomes effective  
17 when I sign it BUT WILL CEASE TO BE EFFECTIVE IF I BECOME DISABLED  
18 OR INCAPACITATED.

19 I agree that any 3rd party who receives a copy of this document may act under  
20 it. Revocation of this basic power of attorney is not effective as to a 3rd party until  
21 the 3rd party learns of the revocation. I agree to reimburse the 3rd party for any loss  
22 resulting from claims that arise against the 3rd party because of reliance on this  
23 basic power of attorney.

24 Signed this .... day of ...., (year)

.....

**ASSEMBLY BILL 610**

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(Your Signature)

....

(Your Social Security Number)

By signing as a witness, I am acknowledging the signature of the principal who signed in my presence and the presence of the other witness, and the fact that he or she has stated that this power of attorney reflects his or her wishes and is being executed voluntarily. I believe him or her to be of sound mind and capable of creating this power of attorney. I am not related to him or her by blood ~~or~~ marriage or adoption, and, to the best of my knowledge, I am not entitled to any portion of his or her estate under his or her will.

Witness: ....

Dated: ....

By: ....

Print Name: .....

Address: ....

Witness: ....

Dated: ....

By: ....

Print Name: .....

Address: ....

State of ....

County of ....

This document was acknowledged before me on .... (date) by .... (name of principal).

....

**ASSEMBLY BILL 610**

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(Signature of Notarial Officer)

(Seal, if any)

(Title)

[My commission is permanent or expires: ....]

BY ACCEPTING OR ACTING UNDER THE APPOINTMENT, THE AGENT ASSUMES THE FIDUCIARY AND OTHER LEGAL RESPONSIBILITIES AND LIABILITIES OF AN AGENT.

....

(Name of Agent)

....

(Signature of Agent)

This document was drafted by .... (signature of person preparing the document).

**SECTION 18.** 252.15 (1) (eg) of the statutes is amended to read:

252.15 (1) (eg) "Relative" means a spouse, parent, grandparent, stepparent, brother, sister, first cousin, nephew or niece; or uncle or aunt within the 3rd degree of kinship as computed under s. 852.03 (2), 1995 stats. This relationship may be by consanguinity or direct affinity blood, marriage or adoption.

**SECTION 19.** 421.301 (32) (c) of the statutes is amended to read:

421.301 (32) (c) An ancestor or lineal descendant, by blood or adoption, of the natural person or that person's spouse; and

**SECTION 20.** 421.301 (32) (d) of the statutes is amended to read:

421.301 (32) (d) Any other relative, by blood ~~or~~, marriage or adoption, of the natural person or that person's spouse who shares the same home with the natural person.

## ASSEMBLY BILL 610

## SECTION 21

1           **SECTION 21.** 421.301 (33) (d) of the statutes is amended to read:

2           421.301 (33) (d) A relative by blood ~~or~~, marriage or adoption of a person related  
3 to the organization who shares the same home with that person.

4           **SECTION 22.** 615.03 (1) (c) of the statutes is amended to read:

5           615.03 (1) (c) A natural person who issues such an annuity to a relative by blood  
6 ~~or~~, marriage or adoption within the 3rd degree of kinship as computed according to  
7 s. 852.03 (2), 1995 stats.

8           **SECTION 23.** 631.07 (3) (a) 5. of the statutes is amended to read:

9           631.07 (3) (a) 5. The commissioner may promulgate rules permitting issuance  
10 of insurance for a limited term on the life or health of a person serving outside the  
11 continental United States in the public service of the United States, provided the  
12 policyholder is closely related by blood ~~or by~~, marriage or adoption to the person  
13 whose life or health is insured.

14           **SECTION 24.** 632.32 (6) (b) 1. of the statutes is amended to read:

15           632.32 (6) (b) 1. Persons related by blood ~~or~~, marriage or adoption to the  
16 insured.

17           **SECTION 25.** 767.08 (1) (b) of the statutes is amended to read:

18           767.08 (1) (b) "Relative" means any person connected with a child by  
19 ~~consanguinity or direct affinity~~ blood, marriage or adoption.

20           **SECTION 26.** 805.08 (1) of the statutes is amended to read:

21           805.08 (1) **QUALIFICATIONS, EXAMINATION.** The court shall examine on oath each  
22 person who is called as a juror to discover whether the juror is related by blood ~~or~~,  
23 marriage or adoption to any party or to any attorney appearing in the case, or has  
24 any financial interest in the case, or has expressed or formed any opinion, or is aware  
25 of any bias or prejudice in the case. If a juror is not indifferent in the case, the juror

## ASSEMBLY BILL 610

1 shall be excused. Any party objecting for cause to a juror may introduce evidence in  
2 support of the objection. This section shall not be construed as abridging in any  
3 manner the right of either party to supplement the court's examination of any person  
4 as to qualifications, but such examination shall not be repetitious or based upon  
5 hypothetical questions.

6 **SECTION 27.** 813.12 (1) (b) of the statutes is amended to read:

7 813.12 (1) (b) "Family member" means a spouse, a parent, a child or a person  
8 related by ~~consanguinity~~ blood or adoption to another person.

9 **SECTION 28.** 815.18 (3) (j) 6. b. of the statutes is amended to read:

10 815.18 (3) (j) 6. b. "Owner-dominated plan" means any plan or contract that  
11 meets the requirements of subd. 2. and under which 90% or more of the present value  
12 of the accrued benefits or 90% or more of the aggregate of the account is for the benefit  
13 of one or more individuals who are owner-employees. For purposes of this definition,  
14 the accrued benefits or account of an owner-employee under a plan or contract shall  
15 include the accrued benefits or account of the spouse ~~and~~, any ancestor, or lineal  
16 descendant, whether by blood or by adoption, or the spouse of such a lineal  
17 descendant, of the owner-employee under the same plan or contract.

18 **SECTION 29.** 889.19 of the statutes is amended to read:

19 **889.19 Pedigree recitals in deeds and wills.** Any deed, mortgage, land  
20 contract or other conveyance that has been duly recorded in the proper register's  
21 office for 20 years, and any will that has been admitted to probate, containing a  
22 recital in respect to pedigree, ~~consanguinity~~ blood relationship, marriage, celibacy,  
23 adoption or descent, and being in other respects admissible in evidence, shall be  
24 admitted as prima facie evidence that the recital is true.

25 **SECTION 30.** 908.03 (11) of the statutes is amended to read:

## ASSEMBLY BILL 610

## SECTION 30

1           908.03 (11) RECORDS OF RELIGIOUS ORGANIZATIONS. Statements of births,  
2 marriages, divorces, deaths, whether a child is marital or nonmarital, ancestry,  
3 relationship by blood ~~or~~, marriage or adoption, or other similar facts of personal or  
4 family history, contained in a regularly kept record of a religious organization.

5           **SECTION 31.** 938.02 (15) of the statutes is amended to read:

6           938.02 (15) “Relative” means a parent, grandparent, stepparent, brother,  
7 sister, first cousin, nephew, niece, uncle or aunt. ~~This relationship may be by~~  
8 ~~consanguinity or direct affinity, whether by blood, marriage or adoption.~~

9           **SECTION 32.** 946.47 (3) of the statutes is amended to read:

10           946.47 (3) This section does not apply to the felon ~~or~~, to the felon’s spouse, or  
11 to a parent, grandparent, child, grandchild, brother or sister by consanguinity or  
12 affinity of such felon of the felon, whether by blood, marriage or adoption.

13           **SECTION 33.** 979.05 (3) of the statutes, as affected by 1996 Supreme Court  
14 Order 8, is repealed and recreated to read:

15           979.05 (3) The judge or court commissioner shall examine on oath or  
16 affirmation each person who is called as a juror to discover whether the juror is  
17 related by blood, marriage or adoption to the decedent, any member of the decedent’s  
18 family, the district attorney, any other attorney appearing in the case or any  
19 members of the office of the district attorney or of the office of any other attorney  
20 appearing in the case, has expressed or formed any opinion regarding the matters  
21 being inquired into in the inquest or is aware of or has any bias or prejudice  
22 concerning the matters being inquired into in the inquest. If any prospective juror  
23 is found to be not indifferent or is found to have formed an opinion which cannot be  
24 laid aside, that juror shall be excused. The judge or court commissioner may select  
25 one or more alternate jurors if the inquest is likely to be protracted. This subsection

**ASSEMBLY BILL 610**

1 does not limit the right of the district attorney to supplement the judge's or court  
2 commissioner's examination of any prospective jurors as to qualifications.

3 **SECTION 34. Initial applicability.**

4 (1) **MENTAL EXAMINATIONS.** The treatment of section 51.20 (9) (a) of the statutes  
5 first applies to mental examiners appointed on the effective date of this subsection.

6 (2) **CONSUMER CREDIT TRANSACTIONS.** The treatment of section 421.301 (32) (c)  
7 and (d) and (33) (d) of the statutes first applies to consumer credit transactions, as  
8 defined in section 421.301 (10) of the statutes, and to residential mortgage loans, as  
9 defined in section 138.052 (1) (b) of the statutes, that are entered into, or that are  
10 modified, extended or renewed on the effective date of this subsection and to  
11 prohibited practices under section 427.104 (1) (g), (h) or (i) of the statutes that are  
12 committed on the effective date of this subsection.

13 (3) **POWER OF ATTORNEY FOR FINANCES AND PROPERTY.** The treatment of section  
14 243.10 (1) of the statutes first applies to powers of attorney for finances and property  
15 granted on the effective date of this subsection.

16 (4) **PAYMENT OF PUBLIC EMPLOYE TRUST FUND BENEFITS.** The treatment of section  
17 40.08 (9) of the statutes first applies to payments of public employe trust fund  
18 benefits made on the effective date of this subsection.

19 (5) **ANNUITIES AND INSURANCE POLICIES.**

20 (a) *Gift annuities.* The treatment of section 615.03 (1) (c) of the statutes first  
21 applies to gift annuities that are issued on the effective date of this paragraph.

22 (b) *Motor vehicle insurance policies.* The treatment of section 632.32 (6) (b) 1.  
23 of the statutes first applies to motor vehicle insurance policies that are issued, or that  
24 are extended, modified or renewed, on the effective date of this paragraph.

**ASSEMBLY BILL 610****SECTION 34**

1           (6) **EXAMINATIONS OF JURORS.** The treatment of sections 805.08 (1) and 979.05  
2           (3) of the statutes first applies to jurors examined on the effective date of this  
3           subsection.

4           (7) **ADMISSIBILITY INTO EVIDENCE.** The treatment of sections 889.19 and 908.03  
5           (11) of the statutes first applies to records admitted in evidence on the effective date  
6           of this subsection.

7           (8) **HARBORING A FELON.** The treatment of section 946.47 (3) of the statutes first  
8           applies to violations of section 946.47 (1) of the statutes committed on the effective  
9           date of this subsection.

10          (9) **PUBLIC UTILITY CONTRACTS.** The treatment of section 196.52 (1) (g) of the  
11          statutes first applies to contracts or arrangements that are entered into, or that are  
12          extended, modified or renewed, on the effective date of this subsection.

13          (10) **REAL ESTATE TRANSFER FEES.** The treatment of section 77.25 (15), (15m) and  
14          (15s) of the statutes first applies to conveyances of real estate made on the effective  
15          date of this subsection.

16          (11) **WORKER'S COMPENSATION.** The treatment of sections 102.07 (5) and 102.51  
17          (2)(a) of the statutes first applies to injuries or deaths occurring on the effective date  
18          of this subsection.

19          (12) **ENGAGING IN FARMING OPERATIONS.** The treatment of section 182.001 (1) (a)  
20          of the statutes first applies to farming operations engaged in on the effective date of  
21          this subsection.

22          (13) **EXECUTIONS ON RETIREMENT PLANS.** The treatment of section 815.18 (3) (j)  
23          6. b. of the statutes first applies to executions issued on the effective date of this  
24          subsection.



**ASSEMBLY BILL 610**

1           (14) DONATION OF BONE MARROW BY MINOR. The treatment of section 146.34 (1)  
2           (j) of the statutes first applies to petitions filed under section 146.34 (5) (a) of the  
3           statutes on the effective date of this subsection.

4           (15) ACTIONS TO COMPEL SUPPORT. The treatment of section 767.08 (1) (b) of the  
5           statutes first applies to actions to compel support commenced on the effective date  
6           of this subsection. This subsection does not preclude commencing an action to compel  
7           support that was legally required prior to the effective date of this subsection.

8           (16) DOMESTIC ABUSE RESTRAINING ORDERS AND INJUNCTIONS. The treatment of  
9           section 813.12 (1) (b) of the statutes first applies to actions commenced under section  
10          813.12 of the statutes on the effective date of this subsection. This subsection does  
11          not preclude the commencement of an action based on domestic abuse, as defined in  
12          section 813.12 (1) (a) of the statutes, occurring prior to the effective date of this  
13          subsection.

14          (17) JUVENILE JUSTICE. The treatment of section 938.02 (15) of the statutes first  
15          applies as follows:

16           (a) With respect to sections 938.13 (7), 938.25 (1) and 938.255 (1) (b) of the  
17           statutes, to petitions filed with the juvenile court on the effective date of this  
18           paragraph.

19           (b) With respect to sections 938.207 (1) (b) and 938.52 (1) (f) of the statutes, to  
20           a juvenile who is placed in the home of a relative on the effective date of this  
21           paragraph.

22           (c) With respect to section 938.235 (2) of the statutes, to a guardian ad litem  
23           who is appointed on the effective date of this paragraph.

24           (d) With respect to section 938.34 (3) (a) and (4) (a) of the statutes, to a  
25           dispositional order that is entered on the effective date of this paragraph.

**ASSEMBLY BILL 610**

1 (e) With respect to section 938.38 (4) (bm) of the statutes, to a permanency plan  
2 that is filed on the effective date of this paragraph and, with respect to section 938.38  
3 (5) (c) 6. am. of the statutes, to a permanency plan that is reviewed on the effective  
4 date of this paragraph.

5 (f) With respect to section 938.51 (1) (c) (intro.), 2. and 3., (1d) (a), (1g) (a) and  
6 (4) (a) of the statutes, to an adult relative of a victim of a juvenile's delinquent act who  
7 meets the criteria under section 938.51 (1) (c) of the statutes on the effective date of  
8 this paragraph.

9 (END)