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State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-0952/P2

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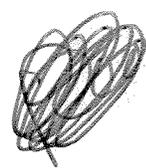
3-10-05

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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Revisors Bill
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inserts



1 AN ACT relating to: repealing, consolidating, renumbering, amending and
2 revising various provisions of the statutes for the purpose of correcting errors,
3 supplying omissions, correcting, and clarifying references, and eliminating
4 defects, anachronisms, conflicts, ambiguities, and obsolete provisions
5 (Revisor's Revision Bill).

Analysis by the Legislative Reference Bureau

This revisor's revision bill is explained in the NOTES provided by the revisor of statutes in the body of the bill. The overall purpose of this bill is to improve readability, add clarity, and conform existing statutes with current drafting style. In accordance with a change in drafting style, commas before the last item in a series are added throughout this bill. "Which" is replaced by "that" where grammatically correct. This bill is not intended to make any substantive changes.

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

***NOTE: There are some new 4-star notes in this draft. CJS

NOTE: This bill is not intended to make any substantive changes.

6 SECTION 1. 5.15 (1) (a) of the statutes is renumbered 5.15 (1) (a) 1. and amended
7 to read:

1 5.15 (1) (a) 1. Every city, village, and town in this state shall by its common
2 council or village or town board, respectively, be divided into wards as provided in
3 this section, except as authorized in sub. (2). The boundaries of the wards
4 established under this section, and the number assigned to each ward, are intended
5 to be as permanent as possible, and to this end each ward shall when created contain
6 a population at a convenient point within the applicable population range under sub.
7 (2) (b), with due consideration for the known trends of population increase or
8 decrease within that part of the municipality in which the ward is located.

9 2. Once established, the boundaries of each ward shall remain unchanged until
10 a further decennial federal census of population indicates that the population of a
11 ward is then above or below the applicable population range or until the ward
12 boundaries are required to be changed to permit creation of supervisory or
13 aldermanic districts of substantially equal population or to enhance the
14 participation of members of a racial or language minority group in the political
15 process and their ability to elect representatives of their choice.

16 3. If the population of a ward has increased above the maximum of its
17 population range or if the population of a ward must be decreased for a reason
18 specified in ~~this paragraph~~ subd. 2., the ward shall be divided into 2 or more wards
19 in compliance with sub. (2) (b). If the population of a ward has decreased below the
20 minimum of its population range or if the population of a ward must be increased for
21 a reason specified in ~~this paragraph~~ subd. 2., the ward shall, if possible, be combined
22 with an adjoining ward, or the underpopulated ward and one adjoining ward shall
23 be combined and together subdivided into 2 or more wards in compliance with sub.
24 (2).

NOTE: Divides long sentence to correct sentence agreement and subdivides long provision for improved readability and conformity with current style.

1 **SECTION 2.** 5.58 (intro.) (except 5.58 (title)) of the statutes is renumbered 5.58
2 (1a) and amended to read:

3 5.58 (1a) GENERALLY. At spring primary elections the following ballots under
4 subs. (1b) to (2r), when necessary, shall be provided for each ward, except as
5 authorized in s. 5.655. Except as provided under sub. (2r), only nonpartisan
6 candidates nominated for office by nomination papers shall have their names placed
7 on the official spring primary ballot under the proper office designation, but the
8 ballots shall allow room for write-in candidates.

NOTE: Renumbers provision that is not an introductory paragraph according to current style. Adds a title for conformity with the remainder of the section.

****NOTE: I removed the section title from the cited text. It is a technicality that I missed on the last version of draft. CJS

9 **SECTION 3.** 5.58 (1) (title) of the statutes is renumbered 5.58 (1b) (title).

NOTE: See the next section of this bill. CJS

10 **SECTION 4.** 5.58 (1) (intro.) (except 5.58 (1) (title)) of the statutes is renumbered
11 5.58 (1b) (am).

NOTE: Renumbers provision that is not an introductory paragraph according to current style.

12 **SECTION 5.** 5.58 (1) (a) and (c) of the statutes are renumbered 5.58 (1b) (bm) and
13 (cm).

NOTE: Renumbers provisions to accommodate the renumbering of s. 5.58 (1) (intro.) by this bill.

14 **SECTION 6.** 5.58 (2r) (intro.) (except 5.58 (2r) (title)) of the statutes is
15 renumbered 5.58 (2r) (am) and amended to read:

16 5.58 (2r) (am) Except as authorized in s. 5.655, there shall be a separate ballot
17 for each recognized political party filing a certification under s. 8.12 (1), listing the
18 names of all potential candidates of that party determined under s. 8.12 and

1 affording, in addition, an opportunity to the voter to nominate another potential
2 candidate by write-in vote or to vote for an uninstructed delegation to the party
3 convention. The order of such presidential candidates on the ballot shall be
4 determined by lot by or under the supervision of the board. Each voter shall be given
5 the ballots of all the parties participating in the presidential preference vote, but may
6 vote on one ballot only.

NOTE: Renumbers provision that is not an introductory paragraph according to current style. Replaces a disfavored term and inserts a specific reference.

7 **SECTION 7.** 5.58 (2r) (a) of the statutes is renumbered 5.58 (2r) (bm).

NOTE: Renumbers provision to accommodate the renumbering of s. 5.58 (2r) (intro.) by this bill.

8 **SECTION 8.** 5.60 (intro.) of the statutes is amended to read:

9 **5.60 Spring election ballots.** (intro.) At spring elections all of the following
10 ballots, when necessary, shall be provided for each ward, except as authorized in s.
11 5.655-;

NOTE: Conforms introductory provision to current style.

12 **SECTION 9.** 5.60 (1) (intro.) (except 5.60 (1) (title)) of the statutes is renumbered
13 5.60 (1) (ag) and amended to read:

14 **5.60 (1) (ag)** There shall be one separate ballot for state superintendent,
15 judicial officers, county executive, and county supervisor, except as authorized in s.
16 5.655. For county supervisor, the ballot shall be prepared in accordance with ss. 5.58
17 (2) and 59.10 (3). Arrangement of the names of candidates for county executive,
18 county supervisor, and municipal judge, if the judge is elected under s. 755.01 (4),
19 shall be determined by the county clerk or the executive director of the county board
20 of election commissioners determining ballot arrangement under s. 5.58 (1c), in the
21 manner prescribed in par. (b).

NOTE: Renumbers provision that is not an introductory provision according to current style.

1 **SECTION 10.** 5.60 (1) (a) of the statutes is renumbered 5.60 (1) (ar).

NOTE: Renumbers provision to accommodate the renumbering of s. 5.60 (1) (intro.) by this bill.

2 **SECTION 11.** 5.60 (3) (intro.) (except 5.60 (3) (title)) of the statutes is
3 renumbered 5.60 (3) (ag).

NOTE: Renumbers a provision that is not an introductory paragraph according to current style.

****NOTE: I created the note for this section. Please review. CJS

4 **SECTION 12.** 5.60 (3) (a) of the statutes is renumbered 5.60 (3) (am) and
5 amended to read:

6 5.60 (3) (am) No party designation shall appear on the official ballot for city
7 offices.

NOTE: Renumbers provision to accommodate renumbering of s. 5.60 (3) (intro.) by this bill and inserts specific reference.

****NOTE: I created the note for this section. Please review. CJS

8 **SECTION 13.** 5.60 (5) (intro.) (except 5.60 (5) (title)) of the statutes is renumbered
9 5.60 (5) (ag).

NOTE: Renumbers provision that is not an introductory provision according to current style.

10 **SECTION 14.** 5.60 (5) (a) of the statutes is renumbered 5.60 (5) (ar).

NOTE: Renumbers provision to accommodate the renumbering of s. 5.60 (5) (intro.) by this bill.

11 **SECTION 15.** 5.62 (4) (intro.) of the statutes is renumbered 5.62 (4) (ag).

NOTE: Renumbers provision that is not an introductory provision according to current style.

12 **SECTION 16.** 5.62 (4) (a) of the statutes is renumbered 5.62 (4) (ar).

NOTE: Renumbers provision to accommodate the renumbering of s. 5.62 (4) (intro.) by this bill.

13 **SECTION 17.** 5.64 (intro.) of the statutes is amended to read:

14 **5.64 General election ballots.** (intro.) At general elections all of the
15 following ballots, when necessary, shall be provided for each ward:

NOTE: Conforms introductory provision to current style.

1 ~~SECTION 18.~~ 5.64 (1) (intro.) (except 5.64 (1) (title)) of the statutes is renumbered
2 5.64 (1) (ag) and amended to read:

3 5.64 (1) (ag) Except as authorized in s. 5.655, there shall be a separate ballot
4 giving the names of all candidates for president and vice president and for statewide,
5 congressional, legislative, and county offices in the same form as prescribed by the
6 board under s. 7.08 (1) (a).

NOTE: Renumbers provision that is not an introductory provision according to current style.

7 ~~SECTION 19.~~ 5.64 (1) (a) of the statutes is renumbered 5.64 (1) (ar) 1. (intro.) and
8 amended to read:

9 5.64 (1) (ar) 1. (intro.) The ballot shall permit an elector to ~~vote~~ do any of the
10 following:

11 a. Vote a straight party ticket for president and vice president, whenever those
12 offices are contested, and for all statewide, congressional, legislative, and county
13 offices, ~~to vote.~~

14 b. Vote for individual candidates for each office ~~or to vote.~~

15 c. Vote for a person whose name does not appear on the ballot for any office.

16 2. When voting for governor and lieutenant governor, the ballot shall permit
17 an elector to vote only for the candidates on one ticket jointly or write in the names
18 of persons in both spaces.

NOTE: Renumbers provision to accommodate renumbering of s. 5.64 (1) (intro.) and subdivides provision by placing list in tabular form.

19 ~~SECTION 20.~~ 5.85 (2) of the statutes is renumbered 5.85 (2) (a) and amended to
20 read:

1 5.85 (2) (a) The election officials shall examine the ballots or record of votes cast
2 for write-in votes and shall count and tabulate the write-in votes. When an
3 electronic voting system is used in which ~~utilizes a ballot which is~~ ballots are
4 distributed to electors, before separating the remaining ballots from their respective
5 covering envelopes, the election officials shall examine the ballots for write-in votes.
6 When an elector has cast a write-in vote, the election officials shall compare the
7 write-in vote with the votes on the ballot to determine whether the write-in vote
8 results in an overvote for any office. In case of an overvote for any office, the election
9 officials shall make a true duplicate ballot of all votes on the ballot except for the
10 office ~~which~~ that is overvoted, by using an official ballot of that kind used by the
11 elector who voted the original ballot, and one of the marking devices so as to transfer
12 all votes of the elector except for the office overvoted, to an official ballot of that kind
13 used in the ward at that election. Unless election officials are selected under s. 7.30
14 (4) (c) without regard to party affiliation, the election officials shall consist in each
15 case of at least one election official of each of the 2 major political parties, whenever
16 officials of both parties are present.

17 **(b)** Write-in votes shall be counted as provided in s. 7.50 (2) (d). The original
18 ballot upon which there is an overvote shall be clearly labeled "Overvoted Ballot" and
19 the duplicate ballot so produced under par. (a) shall be clearly labeled "Duplicate
20 Overvoted Ballot", and each shall bear the same serial number which shall be placed
21 thereon by the. The election officials, shall place the same serial number on each
22 "Overvoted Ballot" and its corresponding "Duplicate Overvoted Ballot," commencing
23 with number "1" and continuing consecutively for each of the ballots of that kind for
24 which a "Duplicate Overvoted Ballot" is produced in that ward or election district.
25 The election officials shall initial the "Duplicate Overvoted Ballot" ballots and shall

1 place them in the container for return of the ballots. The "Overvoted Ballot" ballots
2 and their envelopes shall be placed in the "Original Ballots" envelope.

3 (c) Ballots bearing write-in votes marked in the place designated ~~therefor and~~
4 for write-in votes, bearing the initials of an election official ~~and~~, not resulting in an
5 overvote, and otherwise complying with the election laws as to marking shall be
6 counted, tallied, and their votes recorded on a tally sheet provided by the municipal
7 clerk. Ballots and ballot envelopes shall be separated and all ballots except any
8 ~~which~~ that are defective or overvoted shall be placed separately in the container for
9 return of the ballots, along with the ballots marked "Duplicate Overvoted Ballots".

NOTE: Divides long sentence, subdivides long provision, and inserts specific
references. Commas are added and periods are moved inside of quotes in conformity with
current style.

10 SECTION 21. 6.03 (1) (a) of the statutes is amended to read:

11 6.03 (1) (a) Any person who is incapable of understanding the objective of the
12 elective process or who is under guardianship pursuant to the order of a court under
13 ch. 880, except that when a person is under limited guardianship, the court may
14 determine that the person is competent to exercise the right to vote;

NOTE: Conforms punctuation to current style. Inserts "who is" for clarity.

15 SECTION 22. 6.22 (1) (b) 1. of the statutes is amended to read:

16 6.22 (1) (b) 1. Members of a uniformed service;

NOTE: Conforms punctuation to current style.

17 SECTION 23. 6.875 (4) of the statutes is renumbered 6.875 (4) (a) and amended
18 to read:

19 6.875 (4) (a) For the purpose of absentee voting in nursing homes and qualified
20 retirement homes and qualified community-based residential facilities, the
21 municipal clerk or board of election commissioners of each municipality in which one
22 or more nursing homes or qualified retirement homes or qualified community-based

1 residential facilities are located shall appoint at least 2 special voting deputies for
2 the municipality. Upon application under s. 6.86 (1) or (2) by one or more qualified
3 electors who are occupants of ~~such~~ a nursing home or qualified retirement home or
4 qualified community-based residential facility, the municipal clerk or board of
5 election commissioners of the municipality in which the home or facility is located
6 shall dispatch 2 special voting deputies to visit the home or qualified
7 community-based residential facility for the purpose of supervising absentee voting
8 procedure by occupants of the home or qualified community-based residential
9 facility. The 2 deputies designated to visit each nursing home or qualified retirement
10 home and qualified community-based residential facility shall be affiliated with
11 different political parties whenever deputies representing different parties are
12 available.

13 (b) Nominations for the special voting deputy positions described in par. (a)
14 may be submitted by the 2 recognized political parties whose candidates for governor
15 or president received the greatest numbers of votes in the municipality at the most
16 recent general election. The deputies shall be specially appointed to carry out the
17 duties under ~~this section~~ par. (a) for the period specified in s. 7.30 (6) (a). The clerk
18 or board of election commissioners may revoke an appointment at any time. No
19 individual who is employed or retained, or within the 2 years preceding appointment
20 has been employed or retained, at a nursing home or qualified retirement home or
21 qualified community-based residential facility in the municipality, or any member
22 of the individual's immediate family ~~of such an individual~~, as defined in s. 19.42 (7),
23 may be appointed to serve as a deputy.

NOTE: Subdivides long provision and inserts a specific reference.

1 ~~SECTION 24.~~ 6.875 (6) of the statutes is renumbered 6.875 (6) (a) and amended
2 to read:

3 6.875 (6) (a) Special voting deputies in each municipality shall, not later than
4 5 p.m. on the Friday preceding an election, arrange one or more convenient times
5 with the administrator of each nursing home, qualified retirement home, and
6 qualified community-based residential facility in the municipality from which one
7 or more occupants have filed an application under s. 6.86 to conduct absentee voting
8 for the election. The time may be no earlier than the 4th Monday preceding the
9 election and no later than 5 p.m. on the Monday preceding the election. ~~Upon request~~
10 ~~of a relative of an occupant of a nursing home or qualified retirement home or~~
11 ~~qualified community-based residential facility, the administrator may notify the~~
12 ~~relative of the time or times at which special voting deputies will conduct absentee~~
13 ~~voting at the home or facility, and permit the relative to be present in the room where~~
14 ~~the voting is conducted.~~ At the designated time, 2 deputies appointed under sub. (4)
15 shall visit the home or facility.

16 (b) The municipal clerk or executive director of the board of election
17 commissioners shall issue a supply of absentee ballots to the deputies sufficient to
18 provide for the number of valid applications for an absentee ballot received by the
19 clerk, and a reasonable additional number of ballots. The municipal clerk or
20 executive director shall keep a careful record of all ballots issued to the deputies and
21 shall require the deputies to return every ballot issued to them. The

22 (c) 1. Upon their visit to the home or facility under par. (a), the deputies shall
23 personally offer each elector who has filed a proper application for an absentee ballot
24 the opportunity to cast his or her absentee ballot. If an elector is present who has
25 not filed a proper application for an absentee ballot, the 2 deputies may accept an

1 application from the elector and shall issue a ballot to the elector if the elector is
2 qualified and the application is proper. The deputies shall each witness the
3 certification and may, upon request of the elector, assist the elector in marking the
4 elector's ballot. All voting shall be conducted in the presence of the deputies. Upon
5 request of the elector, a relative of the elector who is present in the room may assist
6 the elector in marking the elector's ballot. ~~All voting shall be conducted in the~~
7 ~~presence of the deputies.~~ No individual other than a deputy may witness the
8 certification and no individual other than a deputy or relative of an elector may
9 render voting assistance to the elector.

10 (d) Upon completion of the voting, the deputies shall promptly deliver, either
11 personally or by 1st class mail, any absentee ballot applications and the sealed
12 certificate envelope containing each ballot to the clerk or board of election
13 commissioners of the municipality in which the elector casting the ballot resides,
14 within such time as will permit delivery to the polling place serving the elector's
15 residence on election day. Personal delivery may be made by the deputies no later
16 than noon on election day.

17 (e) If a qualified elector is not able to cast his or her ballot on 2 separate visits
18 by the deputies to the home or facility, ~~they~~ the deputies shall so inform the municipal
19 clerk or executive director of the board of election commissioners, who may then send
20 the ballot to the elector no later than 5 p.m. on the Friday preceding the election.

NOTE: Subdivides long provision, inserts specific references, and reorders text. See
also the next section of this bill.

21 **SECTION 25. 6.875 (6) (c) 2.** of the statutes is created to read:

22 6.875 (6) (c) 2. Upon the request of a relative of an occupant of a nursing home
23 or qualified retirement home or qualified community-based residential facility, the

1 administrator of the home or facility may notify the relative of the time or times at
2 which special voting deputies will conduct absentee voting at the home or facility,
3 and permit the relative to be present in the room where the voting is conducted.

NOTE: Moves text within s. 6.875 (6) for more logical placement. See also the
previous section of this bill.

4 ~~SECTION 26.~~ 7.25 (6) (c) of the statutes is amended to read:

5 7.25 (6) (c) After the inspection under par. (b), on the ~~blanks~~ forms furnished,
6 ~~they~~ the election officials shall certify the condition of each voting machine and its
7 counters. Each form shall be signed by each election official. After the election, one
8 copy of each machine's certification shall be delivered with each copy of the election
9 returns.

NOTE: Replaces disfavored term and inserts specific reference.

10 ~~SECTION 27.~~ 7.30 (4) (b) (intro.) of the statutes is amended to read:

11 7.30 (4) (b) (intro.) The 2 dominant parties, under sub. (2), are each responsible
12 for submitting a list of names from which the appointees shall be chosen- as follows:

NOTE: Conforms structure of introductory paragraph with current style.

13 ~~SECTION 28.~~ 7.30 (4) (b) 2. of the statutes is renumbered 7.30 (4) (b) 2. a. and
14 amended to read:

15 7.30 (4) (b) 2. a. In municipalities other than cities and villages located in
16 counties having a population of more than 500,000, the committees organized under
17 s. 8.17 from each of the 2 dominant parties under sub. (2) shall submit a list
18 containing at least as many names as there are needed appointees from that party.
19 The list shall be submitted by the chairperson of each of the 2 committees to the
20 mayor, president, or chairperson of the municipality. If committees are organized in
21 subdivisions of a city, the list shall be submitted through the chairperson of the city
22 committee. If there is no municipal committee, the list shall be submitted by the

1 chairperson of the county or legislative district committee. Except as provided in par.
2 (c), only those persons submitted by the chairperson of each committee under s. 8.17
3 may act as election officials. The chairperson may designate any individual whose
4 name is submitted as a first choice nominee. The list shall contain the signature of
5 the chairperson and secretary of the submitting committee.

6 b. In cities or villages located in counties having a population of more than
7 500,000, other than cities where there is a board of election commissioners, the
8 aldermanic district or village committeeman or committeewoman for the ward or
9 wards where each polling place is located, if there is one, shall submit a list
10 containing at least as many names as there are needed appointees for inspector
11 positions from the party represented by the committeeman or committeewoman. For
12 appointments of inspectors in cities and villages where there is no aldermanic
13 district or village committeeman or committeewoman, nominations shall proceed in
14 the same manner as in municipalities located in counties having a population of
15 500,000 or less. The list shall be submitted to the mayor or president. Except as
16 provided in par. (c), only those persons whose names are submitted as provided in
17 this paragraph may act as election officials. The committeeman or committeewoman
18 may designate any individual whose name is submitted as a first choice nominee.
19 The list shall contain the signature of the aldermanic district or village
20 committeeman or committeewoman or the chairperson of the appropriate
21 committee.

22 c. Upon submission of each nominee's name, the governing body shall appoint
23 each first choice nominee for so long as positions are available, unless
24 nonappointment is authorized under par. (e), and shall appoint other nominees in its
25 discretion. If any nominee is not appointed, the mayor, president, or chairperson of

1 the municipality shall immediately nominate another person from the appropriate
2 lists submitted and continue until the necessary number of election officials from
3 each party is achieved at that meeting.

NOTE: Subdivides long provision.

4 **SECTION 29.** 8.05 (1) (j) of the statutes is amended to read:

5 8.05 (1) (j) 1. The municipal clerk shall notify in writing each candidate whose
6 name is certified as a nominee under par. (h) of his or her nomination. If a municipal
7 judge is elected under s. 755.01 (4), the county clerk of the county having the largest
8 portion of the population in the jurisdiction served by the judge shall make the
9 notification.

10 2. Upon receipt of the notice, each candidate shall file a declaration of
11 candidacy in the manner prescribed by s. 8.21 with the municipal clerk making the
12 notification no later than 5 p.m. on the 5th day after the notification is mailed or
13 personally delivered to the candidate by the municipal clerk, except as authorized
14 in this paragraph. If an incumbent whose name is certified as a nominee fails to file
15 a declaration of candidacy within the time prescribed by this paragraph, each
16 certified candidate for the office held by the incumbent, other than the incumbent,
17 may file a declaration of candidacy no later than 72 hours after the latest time
18 prescribed in this paragraph. If the candidate has not filed a registration statement
19 under s. 11.05 at the time of the notification, the candidate shall file the statement
20 with the declaration.

21 3. A candidate for municipal judge shall also, in addition to making the filings
22 required under subd. 2., file a statement of economic interests with the ethics board
23 under s. 19.43 (4) no later than 4:30 p.m. on the 5th day after notification of
24 nomination is mailed or personally delivered to the candidate, or no later than

1 4:30 p.m. on the next business day after the last day for filing a declaration of
2 candidacy whenever that candidate is granted an extension of time for filing a
3 declaration of candidacy under ~~this paragraph~~ subd. 2.

4 4. Upon receipt of the declaration of candidacy and registration statement of
5 each qualified candidate, and upon filing of a statement of economic interests by each
6 candidate for municipal judge, the municipal clerk, or the county clerk if the judge
7 is elected under s. 755.01 (4), shall place the name of the candidate on the ballot. No
8 later than the end of the 3rd day following qualification by all candidates, the
9 municipal clerk, or the county clerk if the judge is elected under s. 755.01 (4), shall
10 draw lots to determine the arrangement of candidates' names on the spring election
11 ballot.

NOTE: Subdivides long provision and adds specific reference.

12 **SECTION 30.** 8.21 of the statutes is renumbered 8.21 (1) and amended to read:

13 8.21 (1) Each candidate, except a candidate for presidential elector under s.
14 8.20 (2) (d), shall file a declaration of candidacy, no later than the latest time provided
15 for filing nomination papers under s. 8.10 (2) (a), 8.15 (1), 8.20 (8) (a) or 8.50 (3) (a),
16 or the time provided under s. 8.16 (2) or 8.35 (2) (c). A candidate shall file the
17 declaration with the officer or agency with which nomination papers are filed for the
18 office ~~which~~ that the candidate seeks, or if nomination papers are not required, with
19 the clerk or board of election commissioners of the jurisdiction in which the candidate
20 seeks office.

21 (2) The declaration of candidacy shall be sworn to before any officer authorized
22 to administer oaths. The declaration shall contain the name of the candidate in the
23 form specified under s. 8.10 (2) (b) for candidates for nonpartisan office or s. 8.15 (5)

1 (a) or 8.20 (2) (a) for candidates for partisan office, and shall state ~~that~~ all of the
2 following:

3 (a) That the signer is a candidate for a named office,~~that he or she.~~

4 (b) That the signer meets, or will at the time he or she assumes office meet,
5 applicable age, citizenship, residency, or voting qualification requirements, if any,
6 prescribed by the constitutions and laws of the United States and of this state,~~and~~
7 ~~that he or she.~~

8 (c) That the signer will otherwise qualify for office if nominated and elected.

9 (3) The declaration of candidacy shall include the candidate's name in the form
10 in which it will appear on the ballot.

11 (4) Each candidate for state and local office shall include in the declaration a
12 of candidacy all of the following:

13 (a) A statement that he or she the candidate has not been convicted of any
14 misdemeanor designated under state or federal law as a violation of the public trust
15 or any felony for which he or she the candidate has not been pardoned. In addition,
16 each candidate for state or local office shall include in the declaration a

17 (b) A statement that discloses his or her the candidate's municipality of
18 residence for voting purposes, and the street and number, if any, on which the
19 candidate resides.

20 (5) The declaration of candidacy is valid with or without the seal of the officer
21 who administers the oath.

22 (6) A candidate for state or local office shall file an amended declaration of
23 candidacy under oath with the same officer or agency if any information contained
24 in the declaration of candidacy changes at any time after the original declaration of

1 candidacy is filed and before the candidate assumes office or is defeated for election
2 or nomination.

NOTE: Subdivides long provision and adds specific reference. Inserts specific references.

3 **SECTION 31.** 8.30 (1) of the statutes is amended to read:

4 8.30 (1) Except as otherwise provided in this section, the official or agency with
5 whom declarations of candidacy are required to be filed may refuse to place the
6 candidate's name on the ballot if any of the following apply:

7 (a) ~~If the~~ The nomination papers are not prepared, signed, and executed, as
8 required under this chapter;

9 (b) ~~If it~~ It conclusively appears, either on the face of the nomination papers
10 offered for filing, or by admission of the candidate or otherwise, that the candidate
11 is ineligible to be nominated or elected;

12 (c) ~~If elected the~~ The candidate, if elected, could not qualify for the office sought
13 within the time allowed by law for qualification because of age, residence, or other
14 impediment.

NOTE: Conforms provision to current style.

15 **SECTION 32.** 9.01 (1) (a) of the statutes is renumbered 9.01 (1) (a) 1. and
16 amended to read:

17 9.01 (1) (a) 1. Any candidate voted for at any election or any elector who voted
18 upon any referendum question at any election may request petition for a recount.
19 The petitioner shall file a verified petition or petitions with the proper clerk or body
20 under par. (ar) not earlier than the time of completion of the canvass and not later
21 than 5 p.m. on the 3rd business day following the last meeting day of the municipal
22 or county board of canvassers determining the election for that office or on that
23 referendum question or, if more than one board of canvassers makes the

1 determination, not later than 5 p.m. on the 3rd business day following the last
2 meeting day of the last board of canvassers which makes a determination. If the
3 chairperson of the board or chairperson's designee makes the determination for the
4 office or the referendum question, the petitioner shall file the petition not earlier
5 than the last meeting day of the last county board of canvassers to make a statement
6 in the election or referendum and not later than 5 p.m. on the 3rd business day
7 following the day on which the elections board receives the last statement from a
8 county board of canvassers for the election or referendum.

9 2. Each verified petition under subd. 1. shall state ~~that~~ all of the following:

10 a. That at the election the petitioner was a candidate for the office in question
11 or that ~~he or she~~ the petitioner voted on the referendum question in issue; ~~that.~~

12 b. That the petitioner is informed and believes that a mistake or fraud has been
13 committed in a ^{or ward} specified ward or municipality in the counting and return of the votes
14 cast for the office or upon the question; or ~~shall specify any other~~ that another
15 specified defect, irregularity, or illegality occurred in the conduct of the election.

16 3. The petition under subd. 1. shall specify each ward, or each municipality
17 where no wards exist, in which a recount is desired. If a recount is requested for all
18 wards within a jurisdiction, each ward need not be specified.

19 4. The petition under subd. 1. may be amended to include information
20 discovered as a result of the investigation of the board of canvassers or the
21 chairperson of the board, or chairperson's designee, after the filing of the petition, if
22 the petitioner moves to amend the petition as soon as possible after the petitioner
23 ~~discovered~~ discovers, or reasonably should have discovered, the information ~~which~~
24 that is the subject of the amendment and if the petitioner was unable to include the
25 information in the original petition.

NOTE: Subdivides long provision and adds specific references for improved readability. Corrects punctuation. Replaces “request” with “petition for” for internal consistency. Replaces “discovered” with “discovers” and “which” with “that” to correct grammar. Reorders text in subd. 2. b. to correct sentence agreement.

1 **SECTION 33.** 9.01 (1) (b) 3. of the statutes is amended to read:

2 9.01 (1) (b) 3. ~~They~~ The board of canvassers shall then examine the container
3 or bag containing the ballots to be certain it has not been tampered with, opened, or
4 opened and resealed. Any irregularities or possible tampering with the container or
5 bag shall be noted.

NOTE: Inserts specific reference.

6 **SECTION 34.** 9.01 (1) (b) 4. of the statutes is renumbered 9.01 (1) (b) 4. a. and
7 amended to read:

8 9.01 (1) (b) 4. a. When the container or bag has been checked, it shall be opened
9 and the contents removed. The board of canvassers shall, without examination other
10 than what is necessary to determine that each is a single ballot, count the number
11 of ballots ~~therein~~ in the container or bag, excluding ballots removed under s. 7.51 (2)
12 (e). ~~Then~~

13 b. The board of canvassers shall then, for each opened absentee ballot envelope
14 that was laid aside as defective under subd. 2., ~~the board of canvassers shall,~~ without
15 inspection, randomly draw one absentee ballot from the container or bag. In
16 differentiating absentee ballots from other ballots, the board of canvassers shall
17 presume that a ballot initialed only by the municipal clerk, the executive director of
18 the board of election commissioners, or a deputy clerk or secretary is an absentee
19 ballot. If there are more defective absentee ballot envelopes than there are probable
20 absentee ballots, all of the probable absentee ballots shall be removed from the
21 container or bag. Additional ballots shall be removed only if the number of remaining
22 ballots still exceeds the number of voting electors recorded under subd. 1., reduced

1 by the number of defective envelopes set aside under subd. 2. All ballots removed
2 shall not be counted, but shall be marked as to the reason for their removal, set aside
3 and carefully preserved.

4 c. If, after completing the steps set forth in subd. 4. b., the number of ballots
5 still exceeds the number of voters, the board of canvassers shall place all ballots face
6 up to check for blank ballots. Any blank ballots shall be so marked, set aside and
7 carefully preserved.

8 d. If, after completing the steps set forth in subd. 4. c., the number of ballots
9 still exceeds the number of voters reduced by the number of defective envelopes set
10 aside under subd. 2., the board of canvassers shall place all ballots face down to check
11 the initials. Any ballot not properly initialed by 2 inspectors or any absentee ballot
12 not properly initialed by the municipal clerk, the executive director of the board of
13 election commissioners, or a deputy clerk or secretary shall be temporarily set aside
14 and the board of canvassers shall, without inspection, randomly draw from these
15 ballots as many as are necessary to reduce the number of ballots to equal the number
16 of voters. Any ballots removed for lack of initials shall not be counted but shall be
17 marked, set aside and carefully preserved.

18 e. If, after completing the steps set forth in subd. 4. d., the number of ballots
19 still exceeds the number of voters reduced by the number of defective envelopes set
20 aside under subd. 2., the remaining ballots shall be returned to the container or bag
21 and the board of canvassers shall draw a number of ballots equal to the excess
22 number of ballots by chance and without inspection from the container or bag. These
23 ballots shall not be counted but shall be marked as having been removed by the
24 canvassers on recount due to an excess number of ballots, set aside and carefully
25 preserved.

NOTE: Subdivides long provision, reorganizes text, and moves "then" for improved readability and internal consistency within s. 9.01 (1) (b).

1 ~~SECTION 35.~~ 9.01 (8) of the statutes is amended to read:

2 9.01 (8) (a) Unless the court finds a ground for setting aside or modifying the
3 determination of the board of canvassers or the chairperson of the board or
4 chairperson's designee, it shall affirm the determination.

5 (b) The court shall separately treat disputed issues of procedure,
6 interpretations of law, and findings of fact.

7 (c) The court may not receive evidence not offered to the board of canvassers
8 or the chairperson or chairperson's designee except for evidence that was
9 unavailable to a party exercising due diligence at the time of the recount or newly
10 discovered evidence that could not with due diligence have been obtained during the
11 recount, and except that the court may receive evidence not offered at an earlier time
12 because a party was not represented by counsel in all or part of a recount proceeding.
13 A party who fails to object or fails to offer evidence of a defect or irregularity during
14 the recount waives the right to object or offer evidence before the court except in the
15 case of evidence that was unavailable to a party exercising due diligence at the time
16 of the recount or newly discovered evidence that could not with due diligence have
17 been obtained during the recount or evidence received by the court due to
18 unavailability of counsel during the recount.

19 (d) The court shall set aside or modify the determination of the board of
20 canvassers or the chairperson of the board or chairperson's designee if it finds that
21 the board of canvassers or the chairperson or chairperson's designee has erroneously
22 interpreted a provision of law and a correct interpretation compels a particular
23 action. If the determination depends on any fact found by the board of canvassers

1 or the chairperson or chairperson's designee, the court may not substitute its
2 judgment for that of the board of canvassers or the chairperson or designee as to the
3 weight of the evidence on any disputed finding of fact. The court shall set aside the
4 determination if it finds that the determination depends on any finding of fact that
5 is not supported by substantial evidence.

NOTE: Subdivides long provision and inserts specific reference.

6 **SECTION 36.** 10.51 (intro.) (except 10.51 (title)) of the statutes is renumbered
7 10.51 (1g).

NOTE: Section 10.51 (intro.) is not introductory to the subsections in s. 10.51, but
contains discrete and separate subject matter, and is renumbered accordingly. See also
the next section of this bill.

8 **SECTION 37.** 10.51 (1) of the statutes is renumbered 10.51 (1r) and amended to
9 read:

10 10.51 (1r) All the listings contained in this subchapter relate to other
11 provisions of the statutes which that are referred to in each paragraph of these
12 listings.

NOTE: Accommodates the renumbering of s. 10.51 (intro.) by the previous section
of this bill.

13 **SECTION 38.** 10.53 (intro.) (except 10.53 (title)) of the statutes is renumbered
14 10.53 (1g) and amended to read:

15 10.53 (1g) In preparing each edition of the statutes for publication the revisor
16 shall, if the revisor finds that a conflict exists between the listings in ss. 10.62 to 10.82
17 and the substantive statutes to which ~~such~~ those sections refer, correct the listing in
18 this subchapter to properly reflect the intent of ~~said~~ the substantive statute or of the
19 act of the legislature on which the substantive statute is based.

NOTE: Section 10.53 (intro.) is not introductory to the subsections in s. 10.53, but
contains discrete and separate subject matter, and is renumbered accordingly. See also
the next section of this bill. Replaces disfavored terms.

1 ~~SECTION 39.~~ 10.53 (1) of the statutes is renumbered 10.53 (1r) and amended to
2 read:

3 **10.53 (1r)** For any correction made by the revisor under the authority of this
4 section, the revisor shall prepare a note explaining the correction and ~~such note~~ that
5 shall be printed with the affected listing in this subchapter.

NOTE: Accommodates the renumbering of s. 10.53 (intro.) by the previous section
of this bill. Replaces disfavored term.

6 ~~SECTION 40.~~ 10.62 (intro.) of the statutes is amended to read:

7 **10.62 Elections board; spring primary and election.** (intro.) The
8 following subsections set forth, in chronological order, dates relating to the spring
9 primary and election or occurrences during the spring period ~~which~~ that affect the
10 elections board.:

NOTE: Corrects punctuation.

11 ~~SECTION 41.~~ 10.64 (intro.) of the statutes is amended to read:

12 **10.64 County clerk; spring primary and election.** (intro.) The following
13 subsections set forth, in chronological order, dates relating to the spring primary and
14 election or occurrences during the spring period ~~which~~ that affect the county clerk.:

NOTE: Corrects punctuation.

15 ~~SECTION 42.~~ 10.66 (intro.) of the statutes is amended to read:

16 **10.66 Municipal clerk and governing body; spring primary and**
17 **election.** (intro.) The following subsections set forth, in chronological order, dates
18 relating to the spring primary and election occurrences during the spring primary
19 ~~which~~ that affect the municipal clerk and governing body.:

NOTE: Corrects punctuation.

20 ~~SECTION 43.~~ 10.68 (intro.) of the statutes is amended to read:

1 **10.68 Candidates; spring primary and election.** (intro.) The following
2 subsections set forth, in chronological order, dates relating to the spring primary and
3 election or occurrences during the spring period which that affect the candidates.;

NOTE: Corrects punctuation.

4 ~~SECTION 44.~~ 10.70 (intro.) of the statutes is amended to read:

5 **10.70 Public and general provisions; spring primary and election.**
6 (intro.) The following subsections set forth, in chronological order, dates relating to
7 the spring primary and election or occurrences during the spring period which that
8 affect the public.;

NOTE: Corrects punctuation.

9 ~~SECTION 45.~~ 10.72 (intro.) of the statutes is amended to read:

10 **10.72 Elections board; September primary and general election.**
11 (intro.) The following subsections set forth, in chronological order, dates relating to
12 the September primary and general election or occurrences during the fall period
13 which that affect the elections board.;

NOTE: Corrects punctuation.

14 ~~SECTION 46.~~ 10.74 (intro.) of the statutes is amended to read:

15 **10.74 County clerk; September primary and general election.** (intro.)
16 The following subsections set forth, in chronological order, dates relating to the
17 September primary and general election or occurrences during the fall period which
18 that affect the county clerk.;

NOTE: Corrects punctuation.

19 ~~SECTION 47.~~ 10.76 (intro.) of the statutes is amended to read:

20 **10.76 Municipal clerk and governing body; September primary and**
21 **general election.** (intro.) The following subsections set forth, in chronological

1 order, dates relating to the September primary and general election or occurrences
2 during the fall period ~~which~~ that affect the municipal clerk and governing body.;

NOTE: Corrects punctuation.

3 ~~SECTION 48.~~ 10.78 (intro.) of the statutes is amended to read:

4 **10.78 Candidates; September primary and general election.** (intro.)

5 The following subsections set forth, in chronological order, dates relating to the
6 September primary and general election or occurrences during the fall period ~~which~~
7 that affect the candidates.;

NOTE: Corrects punctuation.

8 ~~SECTION 49.~~ 10.80 (intro.) of the statutes is amended to read:

9 **10.80 Public and general provisions; September primary and general**

10 **election.** (intro.) The following subsections set forth, in chronological order, dates
11 relating to the September primary and general election or occurrences during the fall
12 period ~~which~~ that affect the public.;

NOTE: Corrects punctuation.

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13 ~~SECTION 50.~~ 13.55 (1) (a) of the statutes is renumbered 13.55 (1) (a) 1. (intro.)

14 and amended to read:

15 13.55 (1) (a) 1. (intro.) There is created a 9-member commission on uniform
16 state laws to advise the legislature with regard to uniform laws and model laws.
17 Except as provided under par. (b), the commission shall consist of ~~the~~ all of the
18 following:

19 a. The director of the legislative council staff or a professional employee of the
20 legislative council staff designated by the director, ~~the~~.

21 b. The chief of the legislative reference bureau or a professional employee under
22 s. 13.92 (1) (b) designated by the chief, ~~the~~.

1 c. The revisor of statutes, ~~2.~~

2 d. Two senators and 2 representatives to the assembly from the 2 major political
3 parties appointed as are members of standing committees for 2-year terms, ~~and 2.~~

4 e. Two public members appointed by the governor for 4-year terms.

5 2. The terms of members appointed by the governor or by the legislature shall
6 expire on May 1 of an odd-numbered year. The members, other than the appointees
7 of the governor or of the legislature, may each designate an employee to represent
8 them at any meeting of the conference under sub. (3).

NOTE: Subdivides provision by placing list in tabular form.

9 **SECTION 51.** 13.93 (2) (j) of the statutes is amended to read:

10 13.93 (2) (j) In cooperation with the law revision committee, systematically
11 examine and identify for revision by the legislature the statutes and session laws to
12 eliminate defects, anachronisms, conflicts, ambiguities, and unconstitutional or
13 obsolete provisions. ~~The revisor shall complete the initial examination of the~~
14 ~~statutes within 10 years after July 1, 1980.~~ The revisor shall prepare and, at each
15 session of the legislature, present to the law revision committee bills that eliminate
16 ~~such~~ identified defects, anachronisms, conflicts, ambiguities, and unconstitutional
17 or obsolete provisions. These bills may include minor substantive changes in the
18 statutes and session laws necessary to accomplish ~~such~~ the purposes of this
19 paragraph. The revisor may resubmit to the law revision committee in subsequent
20 sessions of the legislature any bill prepared under this paragraph ~~which~~ that was not
21 enacted.

NOTE: Deletes obsolete direction. Inserts specific references. Corrects
punctuation.

22 **SECTION 52.** 15.06 (2) (intro.) and (a) of the statutes are consolidated,
23 renumbered 15.06 (2) and amended to read:

1 15.06 (2) SELECTION OF OFFICERS. Each commission may annually elect officers
2 other than a chairperson from among its members as its work requires. Any officer
3 may be reappointed or reelected. At the time of making new nominations to
4 commissions, the governor shall designate a member or nominee of each commission
5 to serve as the commission's chairperson for a 2-year term expiring on March 1 of
6 the odd-numbered year except that: ~~(a) Commencing March 1, 1979, and thereafter,~~
7 the labor and industry review commission shall elect one of its members to serve as
8 the commission's chairperson for a 2-year term expiring on March 1 of the
9 odd-numbered year.

NOTE: There are no other paragraphs in s. 15.06 (2). Eliminates an obsolete transition provision.

10 SECTION 53. 15.135 (4) (b) (intro.) of the statutes is amended to read:

11 15.135 (4) (b) *Members.* (intro.) The board consists of all of the following
12 members:

NOTE: Conforms form of introductory provision to current style.

13 SECTION 54. 15.135 (4) (b) 1. of the statutes is amended to read:

14 15.135 (4) (b) 1. The secretaries of administration, of natural resources, and of
15 agriculture, trade and consumer protection or their designees;

NOTE: Corrects punctuation.

16 SECTION 55. 15.135 (4) (b) 2. of the statutes is amended to read:

17 15.135 (4) (b) 2. Three members of county land conservation committees
18 designated biennially by the county land conservation committees at their annual
19 meeting in even-numbered years, appointed for 2-year terms; and.

NOTE: Corrects punctuation.

20 SECTION 56. 15.435 (1) (a) 1. of the statutes is amended to read:

1 15.435 (1) (a) 1. The secretary of commerce and the secretary of revenue or their
2 designees;

NOTE: Corrects punctuation.

****NOTE: I changed the wording of the note to make it the same as the notes for the
bill sections that treat s. 15.135 (4) (b) 2. and 15.435 (1) (a) 3. CJS

3 SECTION 57. 15.435 (1) (a) 2. of the statutes is amended to read:

4 15.435 (1) (a) 2. Three public members;

NOTE: Corrects punctuation.

****NOTE: I changed the wording of the note to make it the same as the notes for the
bill sections that treat s. 15.135 (4) (b) 2. and 15.435 (1) (a) 3. CJS

5 SECTION 58. 15.435 (1) (a) 3. of the statutes is amended to read:

6 15.435 (1) (a) 3. Five local officials consisting of 2 municipal officials, 2 county
7 officials, and one school board member; and.

NOTE: Corrects punctuation.

8 SECTION 59. 16.42 (1) (a) of the statutes is amended to read:

9 16.42 (1) (a) A clear statement of the purpose or goal for each program or
10 subprogram;

NOTE: Corrects punctuation.

11 SECTION 60. 16.42 (1) (b) of the statutes is amended to read:

12 16.42 (1) (b) Clear statements of specific objectives to be accomplished and, as
13 appropriate, the performance measures used by the agency to assess progress
14 toward achievement of these objectives;

NOTE: Corrects punctuation.

15 SECTION 61. 16.42 (1) (c) of the statutes is amended to read:

16 16.42 (1) (c) Proposed plans and resources needed to carry out the p
17 resources needed to carry out the p

first and second #62

NOTE: Corrects punctuation.

18 SECTION 62. 16.42 (1) (d) of the statutes is amended to read:

1 16.42 (1) (d) A statement of legislation required to implement proposed
2 programmatic and financial plans; and.

NOTE: Corrects punctuation.

3 ~~SECTION 63.~~ 16.50 (3) of the statutes is renumbered 16.50 (3) (a) and amended
4 to read:

5 16.50 (3) (a) No department, except the legislature or the courts, may increase
6 the pay of any employee, expend money, or incur any obligation except in accordance
7 with the estimate that is submitted to the secretary as provided in sub. (1) and
8 approved by the secretary or the governor.

9 (b) No change in the number of full-time equivalent positions authorized
10 through the biennial budget process or other legislative act may be made without the
11 approval of the joint committee on finance, except for position changes made by the
12 governor under s. 16.505 (1) (c) or (2), by the University of Wisconsin Hospitals and
13 Clinics Board under s. 16.505 (2n), or by the board of regents of the University of
14 Wisconsin System under s. 16.505 (2m) or (2p).

15 (c) The secretary may withhold, in total or in part, the funding for any position,
16 as defined in s. 230.03 (11), as well as the funding for part-time or limited term
17 employees until such time as the secretary determines that the filling of the position
18 or the expending of funds is consistent with s. 16.505 and with the intent of the
19 legislature as established by law or in budget determinations, or the intent of the
20 joint committee on finance in creating or abolishing positions under s. 13.10, the
21 intent of the governor in creating or abolishing positions under s. 16.505 (1) (c) or (2),
22 or the intent of the board of regents of the University of Wisconsin System in creating
23 or abolishing positions under s. 16.505 (2m) or (2p). Until the release of funding
24 occurs, recruitment or certification for the position may not be undertaken.

1 (d) The secretary shall submit a quarterly report to the joint committee on
2 finance of any position changes made by the governor under s. 16.505 (1) (c).

3 (e) No pay increase may be approved unless it is at the rate or within the pay
4 ranges prescribed in the compensation plan or as provided in a collective bargaining
5 agreement under subch. V of ch. 111.

6 (f) At the request of the director of the office of state employment relations, the
7 secretary of administration may authorize the temporary creation of pool or surplus
8 positions under any source of funds if the director determines that temporary
9 positions are necessary to maintain adequate staffing levels for high turnover
10 classifications, in anticipation of attrition, to fill positions for which recruitment is
11 difficult. Surplus or pool positions authorized by the secretary shall be reported
12 quarterly to the joint committee on finance in conjunction with the report required
13 under s. 16.54 (8).

NOTE: Subdivides long provision to improve readability.

14 ~~SECTION 64.~~ 16.513 (3) of the statutes is renumbered 16.513 (3) (a) and amended
15 to read:

16 16.513 (3) (a) If there are insufficient moneys, assets, or accounts receivable,
17 as determined under s. 20.903 (2), that are projected by an agency or projected by the
18 department under s. 16.40 (7) to cover anticipated expenditures under a program
19 revenue appropriation or appropriation of segregated revenues from program
20 receipts, the agency shall propose and submit to the department a plan to assure that
21 there are sufficient moneys, assets, or accounts receivable to meet projected
22 expenditures under the appropriation.

23 (b) The department may approve, disapprove, or approve with modifications
24 each plan submitted by an agency under par. (a). If the department approves a plan,

1 or approves a plan with modifications, the department shall forward the plan to the
2 joint committee on finance. If the cochairpersons of the joint committee on finance
3 do not notify the secretary that the committee has scheduled a meeting for the
4 purpose of reviewing the proposed plan within 14 working days after the date of the
5 secretary's submittal, any portion of the plan ~~which~~ that does not require the action
6 of the legislature or the action of the committee under another law may be
7 implemented. If, within 14 working days after the date of the secretary's submittal,
8 the cochairpersons of the joint committee on finance notify the secretary that the
9 committee has scheduled a meeting for the purpose of reviewing the proposed plan,
10 no part of the plan may be implemented without the approval of the committee in
11 accordance with applicable law, or without the approval of the legislature if
12 legislative approval is required.

NOTE: Subdivides long provision to improve readability. Inserts specific references.

13 ~~SECTION 65.~~ 16.517 of the statutes is renumbered 16.517 (1) and amended to
14 read:

15 16.517 (1) No later than 30 days after the effective date of each biennial budget
16 act, the department shall provide to the joint committee on finance a report
17 indicating any initial modifications that are necessary to the appropriation levels
18 established under that act for program revenue and program revenue-service
19 appropriations as defined in s. 20.001 (2) (b) and (c) or to the number of full-time
20 equivalent positions funded from program revenue and program revenue-service
21 appropriations authorized by that act to account for any additional funding or
22 positions authorized under s. 16.505 (2) or (2m) or 16.515 in the fiscal year
23 immediately preceding the fiscal biennium of the budget that have not been included
24 in authorizations under the biennial budget act but ~~which~~ that should be included

1 as continued budget authorizations in the fiscal biennium of the budget. Such
2 modifications

3 (2) Modifications under sub. (1) shall be limited to adjustment of the
4 appropriation or position levels to the extent required to account for higher base
5 levels for the fiscal year immediately preceding the fiscal biennium of the budget due
6 to appropriation or position increases authorized under s. 16.505 (2) or (2m) or 16.515
7 during the fiscal year immediately preceding the fiscal biennium of the budget.

8 (3) If the cochairpersons of the joint committee on finance do not notify the
9 secretary that the committee has scheduled a meeting for the purpose of reviewing
10 the proposed modifications under sub. (1) within 14 working days after the date of
11 receipt of the department's report, the department may make the modifications
12 specified in the report. If, within 14 working days after the date of the department's
13 report, the cochairpersons of the committee notify the secretary that the committee
14 has scheduled a meeting for the purpose of reviewing the proposed modifications, the
15 department may not make the modifications specified in the report until the
16 committee approves the report.

NOTE: Subdivides long provision and inserts cross-references for improved readability.

17 **SECTION 62.** 16.85 (8) and (11) of the statutes are renumbered 16.8511 (1) and
18 (2).

NOTE: Section 16.85 (8) and (11) are stylistically different from the other subsections in s. 16.85 and cannot be amended to grammatically fit within the structure of 16.85 (intro.) and the remaining subsections. Renumbering 16.85 (8) and (11) eliminates the grammatical and stylistic conflicts.

***NOTE: I made some adjustments to your note so that it would better describe the changed approach. CJS

19 **SECTION 63.** 16.8511 (title) of the statutes is created to read:

20 **16.8511 (title) Secretary of administration; powers, duties.**

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NOTE: See the previous section of this bill.

SECTION 66. 16.85 (3) of the statutes is amended to read:

~~16.85 (3) To act and assist any department, board, commission, or officer requesting such cooperation and assistance, in letting contracts for engineering or architectural work authorized by law and in supervising the work done thereunder; under the contracts so let.~~

NOTE: Corrects punctuation. Replaces disfavored terms and inserts a specific reference.

let's just do nothing

***NOTE: It might be better to restore "such" and the comma preceding "in letting". As currently written, it is clear that "in letting" qualifies the verbs "act and assist". As amended, however, "in letting" seems to qualify "cooperation and assistance". Also, I think a more exact "translation" of "thereunder" in this sentence would be "under such contracts" — "so let" is more specific than "thereunder". CJS

***NOTE: Do you want to restore the change you made to s. 16.85 (15) in the original version — "To provide" in place of "Provide"? CJS

yes.

SECTION 67. 16.854 (3) of the statutes is amended to read:

16.854 (3) It shall be a goal of the department, with regard to each of the contracts described under sub. (2) (a), (b) and (c), to award at least 25% of the dollar value of such contracts to minority businesses and at least 5% of the dollar value of such contracts to women's businesses. Sections 16.85, 16.8511, 16.855, and 16.87 do not apply to services provided or contracted by the department under this section.

NOTE: Section 16.85 (8) and (11) are renumbered 16.8511 (1) and (2) by this bill.

***NOTE: I added this section and the accompanying revisor's note to the bill — please review. In reviewing the previous version of the draft, I didn't think to look for x-refs to s. 16.85 (the whole section); I looked only for x-refs to the specific subsections that were renumbered. However, there are two x-ref's in the statutes to s. 16.85 (the whole section). I showed these to JTK, and he determined that this one (but not the other) needs to be adjusted to reflect the renumbering of the subsections. CJS

seems to me the x-ref should be added to (3) as inspection of buildings under (8) would apply

SECTION 68. 21.75 (9) of the statutes is amended to read:

21.75 (9) STATUTES OF LIMITATIONS. The period of active state service may not be included in computing any period for the bringing of any action or proceeding in any court or before any public agency, as defined in s. 36.54 (2) (a) 2., by or against a person in active state service or by or against his or her heirs, executors,

1 ~~administrators~~ personal representatives, or assigns, whether the cause of action or
2 proceeding or the right to bring the action or proceeding accrued before or during the
3 period of active state service.

NOTE: Replaces “executors” and “administrators” consistent with 2001 Wis. Act
102.

4 **SECTION 69.** 23.25 (1) of the statutes is amended to read:

5 23.25 (1) The department shall do all of the following:

6 (a) Determine the correct and most appropriate names of the lakes, streams,
7 places, and other geographic features in the state, and the spelling thereof; of those
8 names.

9 (b) Pass upon and give names to lakes, streams, places, and other geographic
10 features in the state for which no single generally accepted name has been in use;

11 (c) In cooperation with county boards and with their approval, change the
12 names of lakes, streams, places, and other geographic features ~~with the end in view~~
13 ~~of eliminating in order to eliminate~~, as far as possible, duplication of names within
14 the state;

15 (d) Prepare and publish an official state dictionary of geographic names and
16 publish the ~~same~~ dictionary, either as a completed whole, or in parts, when ready;

17 (e) Serve as the state representative of the U.S. geographic board and cooperate
18 with the ~~said~~ U.S. geographic board ~~to the end so~~ that there shall be no conflict
19 between the state and federal designations of geographic features in the state.

NOTE: Corrects punctuation and replaces disfavored terminology for improved
readability and conformity with current style.

20 **SECTION 70.** 24.05 of the statutes is amended to read:

21 **24.05 Survey of lands.** Whenever it shall ~~appear~~ appear necessary to the
22 board ~~necessary~~ that surveys should be made in order to ascertain the true

1 boundaries of any tract or portion of the public lands, or to enable ~~it~~ the board to
2 describe and dispose of ~~the same~~ any tract or portion of the public lands in suitable
3 and convenient lots, ~~it~~ the board may cause all ~~such~~ necessary surveys to be made.

NOTE: Conforms verb to current style and inserts specific references.

4 **SECTION 71.** 24.06 of the statutes is amended to read:

5 **24.06 Plat of lands.** The board may subdivide any parcel of public lands into
6 smaller parcels or village lots, with streets and alleys if necessary, whenever it
7 believes a larger net price can be obtained by selling the land in ~~such~~ smaller parcels
8 or lots. A survey and plat of ~~such~~ the subdivision, verified by its maker as true and
9 correct, shall be returned and recorded in the office of the board, and the parcels or
10 lots designated ~~thereon~~ on the survey and plat shall be appraised before ~~they~~ the
11 parcels or lots are offered for sale. ~~Such~~ The subdivision shall be ordered, the
12 proceedings ~~therefor~~ for the subdivision governed, and ~~such~~ the appraisal made in
13 substantial ~~accord~~ compliance with s. 24.08.

NOTE: Replaces disfavored terms and inserts specific references.

14 **SECTION 72.** 24.09 (1) (b) of the statutes is amended to read:

15 **24.09 (1) (b)** Lands required for federal, state, county, city, village, town, or
16 school district use may be sold at the appraised value to, or exchanged for land of
17 approximately equivalent value with, the federal government, other state
18 departments, boards or commissions, counties, cities, villages, towns, or school
19 districts.

NOTE: Inserts commas for improved readability.

20 **SECTION 73.** 24.11 (2) of the statutes is amended to read:

21 **24.11 (2) PURCHASER TO PAY TAXES.** The board shall insert in every contract or
22 certificate of sale of public land a clause providing that the vendee, and the vendee's

1 heirs, administrators personal representatives, or assigns shall pay or cause to be
 2 paid all taxes that are or that may be assessed against the land from ~~and after~~ the
 3 date of the ~~said~~ contract or certificate of sale.

NOTE: Replaces "administrators" in accordance with 2001 Wis. Act 102. Deletes
 "and after" as redundant.

4 **SECTION 74.** 24.11 (3) of the statutes is renumbered 24.11 (3) (a) (intro.) and
 5 amended to read:

****NOTE: What follows is my rendering of the approach that we discussed via
 e-mail. Please review carefully. CJS

6 24.11 (3) (a) (intro.) Every contract, certificate of sale, or grant hereunder of
 7 public lands shall ~~reserve~~ do all of the following:

8 1. Reserve to the people the right of access to ~~such~~ the lands and to any
 9 meandered or nonmeandered stream, river, pond or lake navigable in fact for any
 10 purpose whatsoever, bordered by ~~such~~ the lands and all rights necessary to the full
 11 enjoyment of such waters, and of all ~~minerals in said~~ the lands, and all mining rights
 12 therein, ~~and shall also be~~.

****NOTE: The punctuation in the material above is not clear and can be read in
 more than one way, so I left it alone. I left "therein" alone because it is not clear whether
 it means "in the lands" or "in the minerals". CJS

13 2. Be subject to continued all of the following:

14 a. Continued ownership by the state of all waterpower rights on ~~such~~ the lands
 15 or in any manner appurtenant thereto. ~~Such conveyance shall also be subject to a~~
 16 to the lands.

17 b. A continuing easement in the state and its assigns to enter and occupy ~~such~~
 18 the lands in any manner necessary and convenient to the removal of ~~such~~ mineral
 19 from ~~such~~ the lands and to the proper exercise of ~~such~~ mineral rights, ~~and shall be~~
 20 further ~~subject to the~~ under subd. 1.

1 c. The continuing easement in the state and its assigns to enter and occupy such
 2 the lands in any manner necessary and convenient to the development, maintenance
 3 and use of any such water rights under subd. 1. or subd. 2. a.

****NOTE: It is necessary to replace "such" in some way because, due to the subdividing of this statute, the water rights in question are no longer described in the statutory unit in which the word "such" is used. However, the cross-reference I provided fails to preserve an ambiguity that exists in current law as to which water rights are referred to by "such" — is it just those under proposed subd. 1.? just those under proposed subd. 2. a.? or both? Can you think of a way to preserve the ambiguity that is present in current law? If not, should s. 24.11 (3) be left alone and not revised? Also, do you know whether the language of s. 24.11 (3) has ever been interpreted by a court — maybe that would help determine what to do with "such." I looked at 65 Att. Gen 207, which is cited in a note following s. 24.11, but while it was interesting it didn't quite hit this question.
 CJS

your right this is just too much a mess to fix

4 (b) Nothing contained in this section par. (a) shall be construed to provide for
 5 the continued ownership in the state of any stone used for building purposes nor of
 6 any sand or gravel.

NOTE: Subdivides provision and inserts specific references.

****NOTE: I made a change to your NOTE. CJS

7 **SECTION 75. 24.11 (4) of the statutes is amended to read:**

8 **24.11 (4) SPECIAL TERMS FOR ESCHEATED LANDS.** Upon the sale of any escheated
 9 lands the entire purchase price shall be paid at the time of the sale; ~~whereupon the.~~
 10 The board shall then execute and deliver to the purchaser a quitclaim deed of
 11 conveyance which shall vest that vests in the grantee all the right, title, and interest
 12 of the state in or to the land, and every right of action which that the state has
 13 respecting the same; but no land. No covenant or warranty of title, or of continued
 14 enjoyment, or against encumbrances, shall be expressed in or implied from such the
 15 quitclaim deed or any words therein in the quitclaim deed. If by virtue of a better
 16 title ~~a recovery of such land be had by,~~ any other person or party recovers the land
 17 within 20 years after such a purchase under this subsection, the state shall refund
 18 to the purchaser, or to the purchaser's assigns or legal representatives, the amount

1 paid by the purchaser for the land, together with interest ~~thereon~~ on the amount paid
 2 by the purchaser at the rate of 6% per year from the date of the purchase until the
 3 date of recovery, and also the amount of all taxes on the land actually paid by the
 4 purchaser with like interest on each payment from the time of payment to the date
 5 of the recovery.

NOTE: Divides long sentence, replaces the passive voice with the active, and inserts specific references for improved readability and conformity with current style.

6 SECTION 76. 24.12 of the statutes is amended to read:

7 **24.12 Forfeit for failure to pay.** Every purchaser of any lot or tract at any
 8 sale as aforesaid ~~subject to~~ ^{under} s. 24.11 shall pay the amount of the purchase money
 9 required by the terms of sale to be paid in-hand immediately after having bid off the
 10 same; and if as provided in s. 24.11 (1). If the purchaser shall refuse or neglect refuses
 11 or neglects to so pay, the lot or tract ~~so~~ bid off by the purchaser shall again be offered
 12 for sale; and the. The purchaser shall, for such refusal or neglect refusing or
 13 neglecting to pay, forfeit \$25 for each lot or tract ~~so~~ bid off by the purchaser, which
 14 the board shall, in the name of the state, cause to be immediately sued for and
 15 collected, and, when collected, paid into the school fund.

NOTE: Divides long sentence, inserts specific references, and replaces the passive voice with the active.

****NOTE: In the first sentence, would it be better to say simply "under s. 24.11" instead of "subject to s. 24.11"? Also, in the last sentence, did you intend to leave "so bid" as is — in the second to last sentence, you changed "so bid" to "bid". CJS

16 SECTION 77. 24.14 of the statutes is renumbered 24.14 (1) and amended to read:

17 24.14 (1) ~~Any person who has purchased from the United States or entered any~~
 18 ~~of the~~ In this section, "subject lands" means lands patented to this state as swamp
 19 and overflowed lands, or lands patented in lieu of such swamp and overflowed lands,

20 (2) Any person who has purchased from the United States or entered any
 21 subject lands prior to the execution of such Unites States patents to this state for the

1 subject lands, may whenever such those entries have been canceled by the United
2 States on account of a conflict with the right and title of this state to such the subject
3 lands, purchase the subject lands from this state, prior to the date fixed for the public
4 sale thereof, ~~such lands so purchased or entered from the United States of the subject~~
5 lands, upon making satisfactory proof to the board that such the person is the
6 identical person, or the heir, legal representative, or assign of the person, who
7 purchased or entered such the subject lands as aforesaid provided in this subsection,
8 and upon paying to this state for such the subject lands the same price at which such
9 the purchase or entries were made from the United States; ~~but nothing. Nothing~~
10 contained in this chapter ~~shall impair~~ impairs the rights acquired by any person who
11 has preempted any such subject lands under the laws of this state.

NOTE: Subdivides section, inserts definition, replaces disfavored terms, and deletes unnecessary verbiage.

12 **SECTION 78.** 24.145 of the statutes is renumbered 24.145 (1) and amended to
13 read:

14 24.145 (1) It is declared that none of the swamp and overflowed lands
15 heretofore granted to this state pursuant to an act of congress entitled "An Act to
16 enable the state of Arkansas and other states to reclaim the swamp lands within
17 their limits", approved September 28, 1850, and the proceeds derived from the sale
18 thereof, of those lands which that have not heretofore been actually applied for
19 reclamation of such those lands, are necessary for the purpose of reclaiming any such
20 swamp and overflowed lands by construction of levees and drains or otherwise.

21 **(2)** All such swamp and overflowed lands described in sub. (1) and the proceeds
22 derived from the sale thereof of those lands including those placed and being in the
23 drainage fund pursuant to chapter 537, laws of 1865, which that have not been

1 actually applied for the purpose of reclaiming such those lands, shall be ~~and they are~~
2 made a part of the normal school fund. This section shall be ~~controlling~~ controls over
3 any inconsistent act or statute.

NOTE: Subdivides section, replaces disfavored terms, and deletes unnecessary
verbiage.

4 ~~SECTION 79.~~ 24.15 of the statutes is amended to read:

5 **24.15 Private sale.** All public lands, including forfeited lands and mortgaged
6 lands bid in by the state, which shall have once been offered or reoffered at public sale
7 and remain unsold, shall be subject to private sale at the minimum price fixed
8 ~~therefor for the sale of the land~~ by law to the person first making application ~~therefor~~
9 for the purchase of the lands, if the person ~~forthwith~~ immediately complies with the
10 term of sale; ~~but if.~~ If 2 or more persons shall apply at the same time to purchase any
11 of such the same lands under this section, the same lands shall be offered to the
12 highest bidder, and the applicant who will pay the highest price shall be the
13 purchaser.

NOTE: Replaces disfavored terminology with specific references.

14 ~~SECTION 80.~~ 24.16 of the statutes is renumbered 24.16 (intro.) and amended to
15 read:

16 **24.16 Applications for private sale.** (intro.) Every person making
17 application under s. 24.15 for the purchase at private sale of any ~~such~~ public lands
18 shall file in the office of the board an application in writing, describing the lot or tract
19 ~~which~~ that the person proposes to purchase by the proper number of the section,
20 township and range, and the subdivision of the section, with the person's name
21 subscribed ~~thereto~~ to the application. The board shall, if the land applied for may
22 then be sold, enter do all of the following:

1 (1) Enter on books kept for that purpose a note of such the application,
2 specifying the day when made, the name of the applicant, and the description of the
3 land applied for, ~~and shall also give.~~

4 (2) Give to such the applicant a memorandum signed by the executive secretary
5 of the board, stating such the application and, describing the lot or tract applied for,
6 and stating the price at which the same lot or tract may be sold and the amount to
7 be paid at the time of the sale, ~~which memorandum shall be signed by the executive~~
8 ~~secretary of the board.~~

NOTE: Subdivides provision, reorders text, and replaces disfavored terminology
with specific references.

9 SECTION 81. 24.17 (1) of the statutes is amended to read:

10 24.17 (1) When the purchaser of any such public lands ~~shall make~~ makes
11 payment to the secretary of administration of the amount required to be paid on such
12 the sale, and, in case of a private sale, ~~shall also produce~~ produces the memorandum
13 mentioned described in s. 24.16, the secretary of administration shall give a receipt
14 ~~therefor to such the purchaser for the amount paid~~, and, unless ~~such the sale be made~~
15 is wholly for cash, the board shall execute and deliver to ~~such person~~ the purchaser
16 a duplicate certificate of sale, in which ~~it~~ the board shall certify all of the following:

- 17 (a) The description of the land sold;.
- 18 (b) The sum paid and the amount remaining due ~~thereon~~;
- 19 (c) The times, place, and terms of payments;.
- 20 (d) That if ~~such the payments shall be duly~~ are made in accordance with the
21 terms stated in the certificate of sale, the purchaser, or the purchaser's assigns or
22 other legal representatives, shall be entitled to a patent for ~~such the~~ the land;.

1 (e) ~~And that~~ That in case of the nonpayment into the state treasury of any of
 2 the following, the certificate of sale from the time of the nonpayment shall be void
 3 and the board may take possession of and resell the land described in the certificate:

4 1. The purchase money as it shall become becomes due, or of the,

5 2. The interest thereon on the purchase money by the first day of February in
 6 each year or on or before the next following June 30th thereafter, or of any,

7 3. Any taxes lawfully assessed thereon on the lands described in the certificate
 8 and then remaining unpaid by the purchaser or purchasers or by any person
 9 claiming under the purchaser or purchasers, then that the said certificate from the
 10 time of such failure shall be utterly void and of no effect, and that the board may take
 11 possession of the land described in such certificate and resell the same.

NOTE: Conforms punctuation to current style, deletes unnecessary verbiage,
 inserts preferred verb form, inserts specific reference, places a list in outline form, and
 reorders text for more logical placement.

12 ~~SECTION 82.~~ 24.17 (2) of the statutes is amended to read:

13 24.17 (2) When the sale of public lands under sub. (1) is wholly for cash, upon
 14 payment as above provided of the full purchase price to the secretary of
 15 administration, the secretary of administration shall thereupon immediately give to
 16 such the purchaser a receipt stating the amount paid and giving, a description of the
 17 lot or tract of land sold, and that such the purchaser is entitled to receive a patent
 18 according to law.

NOTE: Inserts specific reference, corrects punctuation, and deletes unnecessary
 verbiage.

****NOTE: I checked with PG about this section, to make sure that "full purchase
 price" was OK with him (it was), and he asked if, in addition, the end of the sentence could
 be amended like this: "stating the amount paid and, giving a description of the lot or tract
 of land sold, and stating that such the purchaser is entitled...". PG thought that "stating
 a description" rather than "giving" it sounded funny and that it was jarring to have
 "stating" govern nouns (like "amount") and noun clauses (like "that the purchaser is
 entitled") at the same time (this jarring effect is present in the current law version of the
 statute). CJS

Score
comma

stating

and giving

1 ~~SECTION 83.~~ 24.18 of the statutes is amended to read:

2 **24.18 Entry of sale and patent.** When any sale of public lands is made, the
3 board shall make a note ~~thereof~~ of the sale in the book of entries, ~~and shall enter~~
4 ~~therein,~~ entering the day of sale, the name of the purchaser, the number of the
5 certificate or patent, the sum paid, the amount of purchase money unpaid, if any, and
6 a description of the lot or tract sold. If ~~such~~ the sale be made is wholly for cash it,
7 the board shall thereupon immediately execute and deliver to the purchaser a patent
8 for ~~such~~ the lot or tract of land so sold. If the land is sold at public auction ~~it,~~ the board
9 shall note that fact.

NOTE: Inserts specific reference, corrects punctuation, and replaces disfavored terminology.

10 ~~SECTION 84.~~ 24.19 of the statutes is amended to read:

11 **24.19 Certificate of sale.** All original and duplicate certificates of sale issued
12 under s. 24.17 shall be properly numbered, and the original shall be filed in the office
13 of the board, ~~and as.~~ As many distinct lots or tracts of land hereafter purchased by
14 one person in one section at the same time as that person shall ~~request~~ requests shall
15 be included in one certificate or one patent, as the case may be. ~~All certificates~~
16 Certificates of sale may be acknowledged and recorded in the same manner ~~that as~~
17 ~~deeds may be.~~ They. Certificates of sale may also be assigned in writing, ~~which.~~ The
18 assignment may be acknowledged and recorded in ~~like~~ the same manner as deeds,
19 and the person ~~to whom the same shall be legally assigned~~ assignee shall have the
20 same rights and remedies ~~thereupon~~ under the certificate as the original purchaser
21 would have had.

NOTE: Inserts specific reference, corrects punctuation, and deletes unnecessary verbiage.

22 ~~SECTION 85.~~ 24.20 of the statutes is amended to read:

1 **24.20 Payments and accounts.** All money paid on account of sales of public
2 lands shall be paid to the secretary of administration who shall credit the proper fund
3 ~~therewith~~ with the amount paid, crediting the general fund with the proceeds of sales
4 of Marathon County lands, ~~and the.~~ The secretary of administration or the
5 secretary's designee, upon countersigning the receipt given ~~therefor~~ for the amount
6 paid, shall enter the name of the person ~~paying the same~~ making the payment, the
7 number of the certificate, if any, upon which the amount shall be paid, and the time
8 of the payment.

NOTE: Divides long sentence, inserts specific references, corrects punctuation, and
deletes unnecessary verbiage.

9 ~~SECTION 86.~~ 24.21 of the statutes is amended to read:

10 **24.21 Accounts with purchasers.** The board shall open and keep an account
11 with each purchaser for every lot or tract of land that ~~shall be~~ is sold, either at public
12 or private sale, in books kept for that purpose, in which ~~it~~ the board shall charge the
13 purchaser with the whole purchase money and give the purchaser credit for all the
14 purchaser's payments, making proper charges for interest as ~~the same shall become~~
15 it becomes due, and for all taxes returned to it as unpaid by the proper officer; ~~and~~
16 ~~upon.~~ Upon all payments being completed and the patent issued the account shall
17 be balanced.

NOTE: Divides long sentence and inserts specific references.

18 ~~SECTION 87.~~ 24.22 of the statutes is renumbered 24.22 (1) and amended to read:

19 **24.22 (1)** Whenever full payment of the principal due upon any certificate of
20 sale by the state ~~shall be~~ is made subsequent to the payment of the annual interest
21 ~~thereon~~ on the principal, the excess of the interest so paid shall be refunded to the
22 person entitled ~~thereto~~ to the excess payment, from the proper fund, on the warrant
23 of the department of administration; ~~and in case.~~

1 (2) In the event of the double or erroneous payment of interest, charges, or
2 taxes on any certificate of sale or loan by the state, the amount so erroneously paid
3 shall be ~~in like manner~~ refunded in the same manner as excess interest payments
4 under sub. (1).

NOTE: Divides long sentence, and inserts specific references.

5 ~~SECTION 88.~~ 24.23 of the statutes is amended to read:

6 **24.23 Title; patents.** The title and fee of all public lands shall remain in the
7 state until patents shall ~~issue for the same; and no such~~ for the land are issued. No
8 patent shall ~~issue~~ be issued except upon full payment of the purchase money and
9 interest and all taxes returned and lawful charges ~~thereon~~ on the lands being
10 purchased.

NOTE: Divides long sentence and inserts specific references.

11 ~~SECTION 89.~~ 24.24 of the statutes is amended to read:

12 **24.24 Effect of certificate. (1)** ~~The~~ Except when voided by forfeiture under
13 s. 24.28, a certificate of sale, issued pursuant to ~~under~~ s. 24.17, ~~until the same~~
14 ~~becomes void by forfeiture under s. 24.28, shall entitle~~ entitles the purchaser, ~~or~~ the
15 purchaser's heirs or assigns, to all the rents, benefits, and provisions of any lease
16 existing ~~thereon~~ on the lands described in the certificate at the time of ~~such~~ the land
17 purchase and thereafter accruing, and shall be after the purchase. ~~The certificate~~
18 of sale is sufficient evidence of title, and ~~shall vest~~ vests in the purchaser, ~~or~~ the
19 purchaser's heirs and assigns, the same rights of possession, enjoyment, descent,
20 transmission, and alienation of the lands ~~therein~~ described, in the certificate and the
21 same remedies for the protection of said those rights, ~~as~~ against all persons, except
22 the state, that the purchaser would possess if the purchaser were the owner thereof
23 in fee of the described lands.

1 (2) ~~No such~~ Notwithstanding sub. (1), a certificate shall of sale does not confer
2 the right to cut down, destroy ~~or~~, dig up, or carry off any standing wood or timber, or
3 any mineral, located on the lands described in the certificate without the written
4 consent of said the board, ~~except that such wood as follows:~~

5 (a) Wood or timber may be cut when ~~to be used, and it shall is to~~ be exclusively
6 used, in the erection of fences or buildings on such the described lands, ~~or~~.

7 (b) Wood or timber may be cut for necessary firewood for the household use of
8 the persons actually occupying ~~the same, or~~ the described lands.

9 (c) Wood or timber may be cut when done in good faith for the actual and fair
10 improvement of ~~such land~~ the described lands for cultivation.

11 (3) ~~But~~ Notwithstanding sub. (2) (c), no such cutting of wood or timber shall
12 be deemed to have been done for the purposes of cultivation unless the entire surface
13 from which ~~such~~ the wood and timber is cut ~~shall have been was~~ at the time further
14 prepared ~~therefor~~ for cultivation by thoroughly clearing it of all brush and growing
15 wood of every kind ~~thereon~~, except that shade or ornamental trees on not more than
16 10 adjoining acres selected for building purposes, and trees valuable for saw or rail
17 timber, not to exceed 20 upon each acre, may be left standing. ~~Any~~

18 (4) Except as provided in subs. (2) and (3), any wood, timber, or mineral
19 otherwise cut, dug out, or removed from any such land described in a certificate of
20 sale shall be and remain the property of the state.

NOTE: Subdivides provision, reorganizes text, deletes excess verbiage, and inserts
specific references.

21 SECTION 90. 24.25 (title) of the statutes is amended to read:

22 24.25 (title) **Patent Issuance and record thereof of patent.**

NOTE: Conforms title to current style.

23 SECTION 91. 24.25 of the statutes is renumbered 24.25 (1) and amended to read:

1 24.25 (1) Whenever full payment shall have been is made for any such lands
2 described in a certificate of sale issued under s. 24.17, as required by law, and the
3 purchaser, or the purchaser's legal representatives shall ~~produce~~, produces to the
4 board the duplicate certificate of sale, with the receipt of the secretary of
5 administration endorsed ~~thereon~~ on the duplicate certificate, showing that the whole
6 amount of the principal and interest due ~~thereon~~ on the purchase of the land
7 described in the certificate has been paid and that the holder of such the duplicate
8 certificate is entitled to a patent for the lands described ~~therein~~ in the certificate, the
9 original and duplicate certificates shall be canceled, and the board shall ~~thereupon~~
10 immediately execute and deliver a patent to the person entitled ~~thereto~~ to the patent
11 for the land described in such the certificate.

12 (2) All patents issued by the board shall be recorded in its the board's office;
13 and the ~~the~~ the board's record of patents heretofore issued by it is hereby declared
14 constitutes a legal record.

15 (3) Purchasers may, at any time before payment is due, pay any part or the
16 whole of such the purchase money for the land and the interest thereon. ~~In all cases~~
17 ~~where patents have been or may hereafter be owing on the purchase money.~~

18 (4) If a patent is issued to a person who ~~may have died or who shall die~~ dies
19 before the date ~~thereof~~ of the patent, the title to the land described therein shall inure
20 inures to and ~~become vested vests~~ vests in the decedent's heirs, devisees, or assignees of
21 such ~~person~~ to the same extent as if the patent had issued to ~~that person~~ the decedent
22 during ~~that person's~~ the decedent's lifetime.

NOTE: Subdivides provision, reorganizes text, replaces the passive voice with the
active, deletes excess verbiage, and inserts specific references.

23 SECTION 92. 24.251 of the statutes is amended to read:

1 **24.251 Patents, issuance; county may record.** Whenever it shall appear
2 ~~appears~~ to the board of commissioners of public lands that all the conditions relating
3 to the issuance of patents have been complied with, the board may issue patents, and
4 the county board of any county may cause such the patents to be recorded in the
5 county and pay the cost of such the recording.

NOTE: "Board" is defined in s. 24.01 as the board of commissioners of public lands.

6 ~~SECTION 93.~~ 24.26 of the statutes is amended to read:

7 **24.26 Patentee's rights.** Except as provided otherwise by under s. 24.11, any
8 person, or the person's heirs or assigns, who ~~shall receive~~ receives a patent pursuant
9 to law for any public lands shall ~~thereby acquire~~ acquires the right to all timber,
10 lumber, trees, wood, bark, stone, earth, and other materials cut, dug, taken, or
11 removed ~~therefrom~~ from the lands subject to the patent before the issue of such the
12 patent, unless ^{of said} the same shall have been materials were cut, dug, taken, or removed
13 by the assent of said the board or were sold by the state, and. The person receiving
14 the patent may maintain any ~~proper~~ an action for the recovery thereof of the
15 materials that were cut, dug, taken, or removed, or for any injury done to or trespass
16 committed upon said the lands before such the patent shall have been was issued,
17 in the same manner and, with the like same effect, and ~~the person shall be entitled~~
18 ~~to like~~ with the same entitlement to damages as if such the injury or trespass had
19 been committed after the patent had was issued.

NOTE: Deletes excess verbiage and inserts specific references.

20 ~~SECTION 94.~~ 24.28 of the statutes is renumbered 24.28 (1) (a) and amended to
21 read:

22 24.28 (1) (a) ~~In the case of the nonpayment~~ Nonpayment of interest when it is
23 due according to the terms of the certificate of sale, ~~or of~~.

1 **(b) Nonpayment of any taxes which that before said the annual interest**
2 **required by the certificate of sale is paid shall have been are returned to the board**
3 **of commissioners of public lands by the county treasurer as due and unpaid upon**
4 **such land, or the lands described in the certificate.**

5 **(c) Nonpayment of the principal owing on the purchase of the lands described**
6 **in the certificate of sale when required by the board, such certificate shall become**
7 **void from the time of such failure, and the purchaser, the purchaser's heirs and**
8 **assigns, shall forfeit all right and interest in the lands described in such certificate;**
9 **and.**

10 **(2) In the event of a forfeiture of lands under sub. (1), the board may take**
11 **immediate possession thereof and may of and resell the same the forfeited lands as**
12 **hereinafter provided under ss. 24.29 to 24.33.**

NOTE: Subdivides provision, reorganizes text, deletes excess verbiage, and inserts specific references. "Board" is defined in s. 24.01 as the board of commissioners of public lands. Language stricken in the new sub. (1) (c) is moved to a new s. 24.28 (1) (intro.) by the next section of this bill for more logical placement.

13 **SECTION 95.** 24.28 (1) (intro.) of the statutes is created to read:

14 **24.28 (1) (intro.)** A certificate of sale issued under s. 24.17 becomes void upon
15 the occurrence of any of the following, and the purchaser of the lands described in
16 the certificate, or the purchaser's heirs and assigns, shall forfeit all right and interest
17 in the lands:

NOTE: See the previous section of this bill.

18 **SECTION 96.** 24.29 of the statutes is amended to read:

19 **24.29 Redemption.** At any time before the 5 days next preceding the
20 reoffering of such land at public sale **of any land forfeited under s. 24.28,** the former
21 purchaser, or the former purchaser's assigns or legal representatives, may, **prevent**
22 **the resale of the forfeited lands and revive the original contract by the payment of**

1 paying the principal sum due, with interest, and all taxes returned thereon on the
2 forfeited lands to the secretary of administration ~~which that~~ are still unpaid, and all
3 costs occasioned by the delay, together with ~~3%~~ 3 percent damages on the whole sum
4 owing for ~~such land, prevent such resale and revive the original contract~~ the forfeited
5 lands.

NOTE: Reorganizes text, deletes excess verbiage, inserts specific references, and conforms the expression of "percent" to current style.

6 **SECTION 97.** 24.30 of the statutes is amended to read:

7 **24.30 Liability of former purchaser.** In case of such a forfeiture of lands
8 under s. 24.28, the former purchaser of ~~such land~~ the forfeited lands shall be liable
9 for any waste or unnecessary injury ~~which that~~ the former purchaser may have done
10 to the same, forfeited lands or to the timber or mineral thereon; ~~and any minerals~~
11 located upon the forfeited lands. An action therefor for waste or unnecessary injury
12 under this section may be prosecuted by the board in the name of the state.

NOTE: Divides long sentence and inserts specific references.

13 **SECTION 98.** 24.31 of the statutes is amended to read:

14 **24.31 Advertisement and resale of forfeited lands.** Whenever any public
15 lands have been forfeited under s. 24.28 for the nonpayment of either principal,
16 interest, or taxes, and the lands have remained forfeited for 3 months, the board shall
17 first cause such the forfeited lands to be appraised as provided by under s. 24.08 and
18 shall thereupon. Upon completion of the appraisal, the board shall advertise such
19 the forfeited land for sale as provided by under s. 24.09, and shall ~~further~~ state in the
20 notice that the lands have been forfeited and give the names of the former
21 purchasers. ~~Such~~ The sale of the forfeited lands shall be made either in the county
22 where the lands lie or at the capitol on a day not less than 3 months nor more than
23 6 months after the first insertion of the notice. The board shall publish a class 3