SENATE BILL 539 (LRB -2825)

An Act relating to: repealing, consolidating, renumbering, amending, and revising various provisions of the statutes for the purpose of correcting errors, supplying omissions, correcting and clarifying references, eliminating defects, anachronisms, conflicts, ambiguities, and obsolete provisions, reconciling conflicts, and repelling unintended repeals (Revisor's Correction Bill).

2006

03-01.	S.	Introduced by **LAW REVISION COMMITTEE**.	
01-31.	S.	Read first time and referred to committee on Veterans, Homeland Security, Military Affairs, Small Business and Government Reform	564
02-22.	S.	Public hearing held.	
02-22.	S.	Executive action taken.	
02-24.	S.	Report passage recommended by committee on Veterans, Homeland Security, Military Affairs, Small Business and Government Reform, Ayes 5, Noes 0.	
02-24.	S.	Available for scheduling.	
03-01.	S.	Placed on calendar 3-2-2006 by committee on Senate Organization.	
03-02.	S.	Read a second time.	
03-02.	S.	Ordered to a third reading.	
03-02.	S.	Rules suspended.	
03-02.	S.	Read a third time and **passed**.	
03-02.	S.	Ordered immediately messaged.	
03-07.	A.	Received from Senate	910
03-07.	A.	Read first time and referred to committee on Rules	912
03-07.	A.	Placed on calendar 3-9-2006 by committee on Rules.	
03-07.	A.	Made a special order of business at 10:56 A.M. on 3-9-2006 pursuant to Assembly Resolution 51	933
03-09.	A.	Read a second time	955
03-09.	A.	Ordered to a third reading	955
03-09.	A.	Rules suspended to read a third time, Ayes 93, Noes 1	955
03-09.	A.	Read a third time and **concurred in**	955
03-09.	A.	Rules suspended to order immediately messaged, Ayes 93, Noes 1	955
03-10.	S.	Received from Assembly concurred in.	

SB

2005
ENROLLED BILL

05en S B- 539

ADOPTED DOCUMENTS:

☒ Orig ☐ Engr ___ SubAmdt ___ 05 -2825/1

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

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

Topic Revisor's Correction Bill

3-15-06 S R Miller

Date Enrolling Drafter

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2005 SENATE BILL 539

January 31, 2006 – Introduced by LAW REVISION COMMITTEE. Referred to Committee on Veterans, Homeland Security, Military Affairs, Small Business and Government Reform.

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, eliminating defects,
4 anachronisms, conflicts, ambiguities, and obsolete provisions, reconciling
5 conflicts, and repelling unintended repeals (Revisor's Correction Bill).

Analysis by the Legislative Reference Bureau

This revisor's correction bill is explained in the NOTES provided by the revisor of statutes in the body of the bill. 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.

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

6 **SECTION 1.** 6.47 (5) (a) 1. of the statutes is amended to read:

7 6.47 **(5)** (a) 1. The clerk receives notification from a sheriff or chief of police
8 under sub. ~~(8)~~ (10).

NOTE: There is no notification procedure under s. 6.47 (8). Section 6.47 (10) provides for notice from a sheriff or chief of police to a municipal clerk.

SECTION 2. 6.97 (2) of the statutes is amended to read:

6.97 **(2)** Whenever any individual who votes by absentee ballot is required to provide identification in order to be permitted to vote and does not provide the required identification, the inspectors shall write on the back of the absentee ballot the serial number of the individual corresponding to the number kept at the election on the poll list or other list maintained under s. 6.79 and the notation "s. 6.97". The inspectors shall indicate on the list the fact that the individual is required to ~~provided~~ provide identification but did not do so. The inspectors shall promptly notify the municipal clerk or executive director of the municipal board of election commissioners of the name, address, and serial number of the individual. The inspectors shall then place the ballot inside an envelope on which the name and serial number of the elector is entered and shall place the envelope in a separate carrier envelope.

NOTE: Corrects spelling.

SECTION 3. 6.97 (4) of the statutes is amended to read:

6.97 **(4)** Whenever a board of canvassers receives timely notification from the municipal clerk or executive director of the board of election commissioners under sub. (3) that an individual who has voted under this section is qualified to vote in the ward or election district where the individual's ballot is cast, the board of ~~canvasers~~ canvassers shall promptly reconvene and, if the ballot cast by the individual is otherwise valid, shall count the ballot and adjust the statements, certifications and determinations accordingly. If the municipal clerk or executive director transmits returns of the election to the county clerk or board of election commissioners, the municipal clerk or executive director shall transmit to the county clerk or board of

election commissioners a copy of the amended returns together with all additional ballots counted by each board of canvassers.

NOTE: Corrects spelling.

SECTION 4. 8.05 (3) (f) of the statutes is amended to read:

8.05 **(3)** (f) The ballot used for the referendum question shall be arranged under s. 5.60 (7) and shall ask: "Shall all candidates in the town of .... for elective town offices be nominated at a nonpartisan primary~~"?~~?".

NOTE: Corrects punctuation. The change has been made in the printed volumes.

SECTION 5. Chapter 9 (title) of the statutes is amended to read:

CHAPTER 9

~~POST ELECTION~~ POST–ELECTION

ACTIONS; DIRECT LEGISLATION

NOTE: Corrects spelling. The change has been made in the printed volumes.

SECTION 6. 13.48 (21) (b) of the statutes is amended to read:

13.48 **(21)** (b) If the state does not wish to exercise the option, and if the building is sold to any ~~third~~ 3rd party, such agreement shall provide that the state has the right to receive an amount equal to construction grant from the net proceeds of any such sale after the mortgage has been satisfied and all other secured debts have been paid. This right shall be paramount to the right of the college to the proceeds upon such sale.

NOTE: Makes spelling consistent with current style and the majority of statutes.

SECTION 7. 15.07 (2) (L) of the statutes is amended to read:

15.07 **(2)** (L) The governor shall serve as chairperson of the information technology management board and the ~~the~~ secretary of administration or his or her designee shall serve as secretary of that board.

NOTE: Deletes repeated word.

1 **SECTION 8.** 15.105 (23) (b) (intro.) of the statutes is amended to read:

2 15.105 **(23)** (b) (intro.) No member of the incorporation review board may
3 review a petition referred to the board under s. 66.0203 (8) (b) if any of the following
4 ~~apply~~ applies:

NOTE: Corrects grammar.

5 **SECTION 9.** 15.105 (28) of the statutes is amended to read:

6 **15.105 (28)** INFORMATION TECHNOLOGY MANAGEMENT BOARD. There is created an
7 information technology management board that is attached to the department of
8 administration under s. 15.03. The board shall consist of the governor, the
9 cochairpersons of the joint committee on information policy and technology or a
10 member of the legislature from the same house as a cochairperson designated by that
11 cochairperson, one member of the minority party in each house of the legislature,
12 appointed in the same manner as members of standing committees are appointed,
13 ~~the secretary of administration,~~ 2 heads of departments or independent agencies
14 appointed to serve at the pleasure of the governor, 2 other members appointed to
15 serve for 4–year terms, and the secretary of administration or his or her designee.

NOTE: 2003 Wis. Act 33 renumbered s. 15.215 (1) to s. 15.105 (28) and amended it by replacing "chief information officer" with "secretary of administration or his or her designee." The subsection already included the secretary of administration. "(O)r his or her designee" is retained consistent with the treatment of s. 15.07 (2) (L) by 2003 Wis. Act 33, which provides: "The governor shall serve as chairperson of the information technology management board and the secretary of administration or his or her designee shall serve as secretary of that board."

16 **SECTION 10.** 15.107 (9) of the statutes is repealed.

NOTE: By its terms, s. 15.107 (9) has no application after June 30, 2002.

17 **SECTION 11.** 16.007 (7) of the statutes is amended to read:

18 16.007 **(7)** EXCEPTION. This section shall not be construed as relieving any ~~3rd~~
19 ~~party~~ 3rd–party liability or releasing any joint tort–feasor.

NOTE: Corrects spelling.

1 **SECTION 12.** 16.115 (3) (c) of the statutes is repealed.

NOTE: Section 16.115 (3) (intro.) and (c) provide: "The fees established under subs. (1) and (2) shall cover all of the following costs: (c) The actual and necessary expenses of the low–level radioactive waste advisory council created under s. 15.107 (9)." Section s. 15.107 (9) is repealed by this bill as by its terms it has no application after June 30, 2002. Accordingly, there are no actual and necessary expenses of the low–level radioactive waste advisory council after June 30, 2002.

2 **SECTION 13.** 16.135 of the statutes is repealed.

NOTE: By its terms, s. 16.135 has no application after June 30, 2002.

3 **SECTION 14.** 16.63 (4) (b) 4. of the statutes is amended to read:

4 16.63 **(4)** (b) 4. A security interest perfected under this paragraph is
5 enforceable against the debtor, any assignee or grantee, and all ~~third~~ 3rd parties,
6 including creditors under any lien obtained by judicial proceedings, subject only to
7 the rights of any ~~third~~ 3rd parties holding security interests in the tobacco settlement
8 revenues previously perfected under this paragraph. Unless the applicable security
9 agreement provides otherwise, a perfected security interest in the tobacco
10 settlement revenues is a continuously perfected security interest in all tobacco
11 settlement revenues existing on the date of the agreement or arising after the date
12 of the agreement. A security interest perfected under this paragraph has priority
13 over any other lien created by operation of law or otherwise, which subsequently
14 attaches to the tobacco settlement revenues.

NOTE: Makes spelling consistent with current style and the majority of statutes.

15 **SECTION 15.** 16.63 (4) (c) 3. of the statutes is amended to read:

16 16.63 **(4)** (c) 3. The sale, assignment, or transfer is perfected automatically as
17 against ~~third~~ 3rd parties, including any ~~third~~ 3rd parties with liens created by
18 operation of law or otherwise, upon attachment under ch. 409.

NOTE: Makes spelling consistent with current style and the majority of statutes.

19 **SECTION 16.** 19.36 (8) (a) 2. of the statutes is amended to read:

19.36 **(8)** (a) 2. "Law enforcement agency" has the ~~the~~ meaning given in s. 165.83 (1) (b), and includes the department of corrections.

NOTE: Deletes repeated word.

SECTION 17. 20.505 (1) (ge) of the statutes is amended to read:

20.505 **(1)** (ge) *High–voltage transmission line annual impact fee distributions.* All moneys received from the payment of fees under the rules promulgated under s. 16.969 (2) (a) for distributions to ~~to~~ towns, villages and cities under s. 16.969 (3) (a).

NOTE: Deletes repeated word.

SECTION 18. 21.78 (4) of the statutes, as created by 2005 Wisconsin Act 22, is amended to read:

21.78 **(4)** If the leave of absence under sub. (1) is granted to an elected or appointed official or employee and the official or employee has begun service in the U.S. armed forces, a temporary vacancy exists and a successor may be appointed to fill the unexpired term of the official or employee, or until the official or employee returns and files <u>an</u> election to resume the office if the date of the filing is prior to the expiration of the term. The appointment shall be made in the manner provided for the filling of vacancies caused by death, resignation, or otherwise, except that no election need be held to fill a temporary vacancy. The appointee has all the powers, duties, liabilities, and responsibilities and shall be paid and receive the compensation and other benefits of the office or position, unless otherwise provided by the governing body. Within 40 days after the termination of service in the U.S. armed forces, the elected or appointed official or employee, upon filing with the clerk of the governmental unit, a statement under oath of termination and that the official or employee elects to resume the office or position, may resume the office or position

for the remainder of the term for which elected or appointed. The person temporarily filling the vacancy shall cease to hold the office on the date of the filing.

NOTE: Inserts missing article.

SECTION 19. 21.80 (3) (d) (intro.) of the statutes is amended to read:

21.80 **(3)** (d) *Exceptions.* (intro.) An employer is not required to reemploy a person under this section if the employer shows that any of the following ~~apply~~ applies:

NOTE: Corrects grammar.

SECTION 20. 23.33 (6m) (a) of the statutes is renumbered 23.33 (6m).

NOTE: Section 23.33 (6m) has no other paragraphs.

SECTION 21. 23.51 (2p), (3c), (3g), (3m), (5), (5g), (6), (6m), (9) and (10) of the statutes are repealed.

NOTE: 2003 Wis. Act 139 changed the term "assessment" or "payment" to "surcharge" throughout the statutes, including in all of the definitions in s. 23.51 except s. 23.51 (2p) where "assessment" was inadvertently left unchanged, in relation to certain costs assessed in court cases under ch. 814. However, in the remainder of ch. 23, Act 139 removed all of the references to the specific surcharges that were defined in s. 23.51 and replaced them with a general reference to "surcharges under ch. 814." As a result those defined terms are never used in ch. 23 and the definitions are now removed.

SECTION 22. 24.60 (1v) of the statutes is amended to read:

24.60 **(1v)** "Federated public library system" means a federated public library system whose territory lies within 2 or more counties.

NOTE: Inserts missing quotation marks.

SECTION 23. 29.229 (2) (intro.) of the statutes is amended to read:

29.229 **(2)** AUTHORIZATION FOR ISSUANCE. (intro.) The band may issue one or more types of fishing approvals that are equivalent to one or more of the ~~the~~ following types of approvals by authorizing the same types of fishing by the same persons and in the same bodies of water:

NOTE: Deletes repeated word.

SECTION 24. 30.207 (1m) of the statutes is amended to read:

1 30.207 **(1m)** OPTIONAL AREA. In addition to the ~~the~~ Wolf River and Fox River
2 basin area, the secretary may designate another area of the state in which general
3 permits may be issued under this section. If the secretary designates an area under
4 this subsection, the secretary shall do so within 6 months after the effective date of
5 the first permit issued for the Wolf River and Fox River basin area.

NOTE: Deletes repeated word.

6 **SECTION 25.** 30.285 (1) (intro.) of the statutes is amended to read:

7 30.285 **(1)** (intro.) On an annual basis, the department shall keep records of all
8 of the following:

NOTE: Inserts missing colon. The change has been made in the printed volumes.

9 **SECTION 26.** 36.11 (34) of the statutes is repealed.

NOTE: By its terms, s. 36.11 (34) has no application after June 30, 2003.

10 **SECTION 27.** 38.24 (4) (intro.) of the statutes is amended to read:

11 38.24 **(4)** FEE EXEMPTIONS. (intro.) A graduate of an associate degree program
12 or vocational diploma program who is a resident of this state is exempt from the fees
13 under sub. (1m) (b) and (c) for up to 6 credits within the same occupational program
14 for which the degree or diploma was awarded if the graduate applies for the
15 exemption within 6 months of graduation and any of the following ~~apply~~ applies:

NOTE: Corrects grammar.

16 **SECTION 28.** 41.11 (1) (h) of the statutes is amended to read:

17 41.11 **(1)** (h) Annually report to the senate natural resources committee and
18 the assembly committee on tourism the activities, receipts and disbursements of the
19 ~~division of tourism~~ department for the previous fiscal year.

NOTE: 1995 Wis. Act 27 created the department of tourism in ch. 41 and renumbered provisions in ch. 560 relating to the division of tourism to ch. 41. Section 41.11 (1) (h) was renumbered from s. 560.23 (1) (h) but was not amended accordingly. "Department" is defined as the department of tourism in ch. 41.

1 **SECTION 29.** 45.01 (11) (b) (intro.) of the statutes, as affected by 2005 Wisconsin
2 Act 22, is amended to read:
3 45.01 **(11)** (b) *Middle East crisis.* (intro.) A person shall be considered to have
4 served in a Middle East crisis if, because of active duty in the U.S. armed forces or
5 forces incorporated as a part of U.S. armed forces, any of the following ~~apply~~ applies:

NOTE: Corrects grammar.

6 **SECTION 30.** 45.33 (2) (a) 2. (intro.) of the statutes, as affected by 2005 Wisconsin
7 Act 22, is amended to read:
8 45.33 **(2)** (a) 2. (intro.) The person has a previous loan outstanding under this
9 subchapter, unless any of the following ~~apply~~ applies:

NOTE: Corrects grammar.

10 **SECTION 31.** 46.279 (1) (c) of the statutes is amended to read:
11 46.279 **(1)** (c) "Nursing facility" has the meaning given under 42 USC ~~1369r~~
12 1396r (a).

NOTE: Corrects cross–reference.

13 **SECTION 32.** 48.357 (1) (a) of the statutes is amended to read:
14 48.357 **(1)** (a) The person or agency primarily responsible for implementing the
15 dispositional order, the district attorney, or the corporation counsel may request a
16 change in the placement of the child or expectant mother, whether or not the change
17 requested is authorized in the dispositional order,~~,~~ as provided in par. (am) or (c),
18 whichever is applicable.

NOTE: Deletes unnecessary comma. The change has been made in the printed volumes.

19 **SECTION 33.** 49.45 (6m) (ag) (intro.) of the statutes is amended to read:
20 49.45 **(6m)** (ag) (intro.) Payment for care provided in a facility under this
21 subsection made under s. 20.435 (4) (b), (gp), (o), (pa), ~~(o),~~ (w), or (wm) shall, except

as provided in pars. (bg), (bm), and (br), be determined according to a prospective payment system updated annually by the department. The payment system shall implement standards that are necessary and proper for providing patient care and that meet quality and safety standards established under subch. II of ch. 50 and ch. 150. The payment system shall reflect all of the following:

NOTE: Places cross–references in alphabetical order consistent with current style.

SECTION 34. 49.45 (6m) (bm) (intro.) of the statutes is amended to read:

49.45 **(6m)** (bm) (intro.) Except as provided in par. (bo), the department may establish payment methods for a facility for which any of the following ~~apply~~ applies:

NOTE: Corrects grammar.

SECTION 35. 49.45 (46) of the statutes is repealed.

NOTE: By its terms, s. 49.45 (46) has no application after June 30, 2003.

SECTION 36. 49.46 (2) (b) 18. of the statutes is repealed.

NOTE: By its terms, s. 49.46 (2) (b) 18. has no application after June 30, 2003.

SECTION 37. 49.46 (2) (d) of the statutes is amended to read:

49.46 **(2)** (d) Benefits authorized under this subsection may not include payment for that part of any service payable through ~~3rd party~~ 3rd–party liability or any federal, state, county, municipal or private benefit system to which the beneficiary is entitled. "Benefit system" does not include any public assistance program such as, but not limited to, Hill–Burton benefits under 42 USC 291c (e), in effect on April 30, 1980, or relief funded by a relief block grant.

NOTE: Corrects spelling.

SECTION 38. 49.47 (6) (c) 2. of the statutes is amended to read:

49.47 **(6)** (c) 2. That part of any service otherwise authorized under this section which is payable through ~~3rd party~~ 3rd–party liability or any federal, state, county,

1 municipal or private benefit systems, to which the beneficiary may otherwise be
2 entitled.

NOTE: Corrects spelling.

3 **SECTION 39.** 55.06 (11) (a) of the statutes is amended to read:

4 55.06 **(11)** (a) If, from personal observation of a sheriff, police officer, fire
5 fighter, guardian, if any, or authorized representative of a board designated under
6 s. 55.02 or an agency designated by it, it appears probable that an individual will
7 suffer irreparable injury or death or will present a substantial risk of serious physical
8 harm to others as a result of developmental disabilities, infirmities of aging, chronic
9 mental illness or other like incapacities if not immediately placed, the person making
10 the observation may take into custody and transport the individual to an appropriate
11 medical or protective placement facility. The person making placement shall prepare
12 a statement at the time of detention providing specific factual information
13 concerning the person's observations and the basis for emergency placement. The
14 statement shall be filed with the director of the facility and shall also be filed with
15 any petition under sub. (2). At the time of placement the individual shall be informed
16 by the director of the facility or the director's designee, both orally and in writing, of
17 his or her right to contact an attorney and a member of his or her immediate family
18 and the right to have an attorney provided at public expense, as provided under s.
19 967.06 and ch. 977, if the individual is a child or is indigent. The director or designee
20 shall also provide the individual with a copy of the statement by the person making
21 emergency placement.

NOTE: Inserts commas.

22 **SECTION 40.** 66.0713 (3) of the statutes is amended to read:

1 66.0713 **(3)** GENERAL OBLIGATION–LOCAL IMPROVEMENT BONDS. For the purpose
2 of anticipating the collection of special assessments payable in installments as
3 provided in s. ~~66.0621~~ 66.0715 (3) and after the installments have been determined,
4 the governing body may issue general obligation–local improvement bonds under s.
5 67.16.

NOTE: Section 66.0715 relates to the payment of special assessments in installments. Section 66.0621 relates to revenue obligations and contains no provision relating to special assessments. 1999 Wis. Act 150 renumbered s. 66.0713 (3) from s. 66.54 (9) (a) and amended the above amended cross–reference from "this section" to s. 66.0621 (3). Act 150 also renumbered and amended s. 66.54 (10), changing the identical cross–reference to "special assessments payable in installments" from "this section" to s. 66.0715 (3). Prior to Act 150, special assessments payable in installments were provided for under s. 66.54 (7), which was renumbered to s. 66.0715 (3) by Act 150. There is no indication that the cross–reference in the former 66.54 (9) should have been treated differently than that in s. 66.54 (10).

6 **SECTION 41.** 66.1031 (3) (a) of the statutes, as affected by 2003 Wisconsin Act
7 214, is repealed and recreated to read:

8 66.1031 **(3)** (a) Alter or void the established width.

NOTE: Section 80.64 was renumbered by 2003 Wis. Act 214 to s. 66.1031. Due to a transcription error s. 66.1031 (3) (a) was inadvertently omitted from the published volumes.

9 **SECTION 42.** 67.16 (2) (a) of the statutes is amended to read:

10 67.16 **(2)** (a) For the purpose of anticipating the collection of special
11 assessments payable in installments under s. ~~66.0621~~ 66.0715 (3), the governing
12 body of a local governmental unit, after the installments have been determined, may
13 issue general obligation–local improvement bonds under this section.

NOTE: Section 66.0715 relates to the payment of special assessments in installments. Section 66.0621 relates to revenue obligations and contains no provision relating to special assessments. 1999 Wis. Act 150 renumbered s. 66.0713 (3) from s. 66.54 (9) (a) and amended a cross–reference from "special assessments payable in installments under this section" to "special assessments payable in installments under s. 66.0621 (3)." 1999 Wis. Act 150 also created s. 67.16 (2) (a) with language paralleling s. 66.54 (9) (a) and renumbered s. 66.54 (9) (b) and (c) to 67.16 (2) (b) and (c). Act 150 also renumbered and amended s. 66.54 (10), changing the identical cross–reference to "special assessments payable in installments" from "this section" to s. 66.0715 (3). Prior to Act 150, special assessments payable in installments were provided for under s. 66.54 (7), which was renumbered to s. 66.0715 (3) by Act 150. There is no indication that the

cross–reference in the former 66.54 (9) or the new s. 67.16 should have been treated differently than that in s. 66.54 (10).

1 **SECTION 43.** 70.18 (1) of the statutes is amended to read:

2 70.18 **(1)** Personal property shall be assessed to the owner thereof, except that
3 when it is in the charge or possession of some person other than the owner it may be
4 assessed to the person so in charge or possession of the same. Telegraph and
5 telephone poles, posts, railroad ties, lumber and all other manufactured forest
6 products shall be deemed to be in the charge or possession of the person in occupancy
7 or possession of the premises upon which the same shall be stored or piled, and the
8 same shall be assessed to such person, unless the owner or some other person
9 residing in the same assessment district, shall be actually and actively in charge and
10 possession thereof, in which case it shall be assessed to such resident owner or other
11 person so in actual charge or possession; but nothing contained in this ~~clause~~
12 subsection shall affect or change the rules prescribed in s. 70.13 respecting the
13 district in which such property shall be assessed.

NOTE: Corrects cross–reference.

14 **SECTION 44.** 75.63 (1) (a) 2. of the statutes is amended to read:

15 75.63 **(1)** (a) 2. All legal charges for assessing and collecting the taxes described
16 in subd. 1, and interest thereon at the rate of 8% per year from the January 15 in each
17 year during which the ~~the~~ lands were assessed, commencing with the January
18 following the first assessment after the sale.

NOTE: Deletes repeated word.

19 **SECTION 45.** 77.89 (2) (a) of the statutes is amended to read:

20 77.89 **(2)** (a) Each municipal treasurer shall pay 20% of each payment received
21 under sub. (1) and under ss. 77.84 (2) (a)~~,~~ and (am), 77.85, and 77.876 to the county
22 treasurer and shall deposit the remainder in the municipal treasury. The payment

to the county treasurer for money received before November 1 of any year shall be made on or before the November 15 after its receipt. For money received on or after November 1 of any year, the payment to the county treasurer shall be made on or before November 15 of the following year.

NOTE: Corrects punctuation.

SECTION 46. 77.996 (6) of the statutes is amended to read:

77.996 **(6)** "Gross receipts" has the meaning given in s. 77.51 (4) (a), (b) 1. and 5., (c) 1. to 4., and (d). "Gross receipts" does not include the license fee imposed under s. ~~77.9661~~ 77.9961 (1m) that is passed on to customers.

NOTE: Inserts correct cross–reference. There is no s. 77.9661. Section 77.996 creates definitions applicable to ss. 77.996 to 77.9965, and s. 77.9961 (1m) imposes a license fee on dry cleaning facilities.

SECTION 47. 79.03 (3c) (f) of the statutes is amended to read:

79.03 **(3c)** (f) *Distribution amount.* If the total amounts calculated under pars. (c) to (e) exceed the total amount to be distributed under this subsection, the amount paid to each eligible municipality shall be paid on a prorated basis. The total amount to be distributed under this subsection from s. 20.835 (1) (b) is $10,000,000 beginning in 1996 and ending in 1999; and $11,000,000 in the year 2000 and in the year 2001. The total amount to be distributed under this subsection from ~~ss.~~ s. 20.855 (4) (rb), 2001 stats., and s. 20.835 (1) (b) ~~and 20.855 (4) (rb), 2001 stats.,~~ in 2002 is $11,110,000 and the total amount to be distributed under this subsection from s. 20.835 (1) (b) in 2003 is $11,221,100 less the reductions under s. 79.02 (3) (c) 3.

NOTE: Changes order of citations in conformity with current style.

SECTION 48. 79.04 (7) (b) 1. of the statutes is renumbered 79.04 (7) (b).

NOTE: Section 79.04 (7) (b) does not contain other subdivisions. 2003 Wis. Act 31 created s. 79.04 (7) (b) 1. and 2. The creation of s. 79.04 (7) (b) 2. was removed from 2003 Wis. Act 31 by the governor's partial veto.

1 **SECTION 49.** 82.03 (2) (a) of the statutes, as affected by 2003 Wisconsin Act 214,
2 is repealed and recreated to read:

3 82.03 **(2)** (a) A greater sum is authorized by the town meeting.

NOTE: Section 81.01 (3) was renumbered by 2003 Wis. Act 214 to s. 82.03 (2). Due to a transcription error s. 82.03 (2) (a) was inadvertently omitted from the published volumes.

4 **SECTION 50.** 85.205 (1) of the statutes is repealed.

NOTE: By its terms, s. 85.205 (1) has no application after June 30, 2002.

5 **SECTION 51.** 85.205 (2) of the statutes is renumbered 85.205.

NOTE: After the repeal of s. 85.205 (1) by this bill, s. 85.205 has no other subsections.

6 **SECTION 52.** 86.03 (7) (title) of the statutes is created to read:

7 86.03 **(7)** (title) CUTTING OF VETERANS MEMORIAL TREES; PENALTY.

NOTE: All other subsections of s. 86.03 have titles.

8 **SECTION 53.** 88.01 (4) of the statutes is amended to read:

9 88.01 **(4)** "Cost of construction" includes damages to lands both within and
10 outside the district, reasonable ~~attorneys'~~ attorney fees for petitioners and the board,
11 and all other reasonable and necessary expenses incurred in the organization of and
12 in the construction and completion of the works of a drainage district.

NOTE: Makes spelling consistent with current style and the majority of statutes.

13 **SECTION 54.** 88.08 (4) of the statutes is amended to read:

14 88.08 **(4)** Before any order taxing costs is entered, a petitioner or the board or
15 a person contesting the proceedings shall file with the clerk of the court a duly
16 verified itemized statement of all costs, ~~attorneys'~~ attorney fees, and other liabilities
17 incurred in prosecuting or contesting such proceedings, upon which an order shall
18 be issued requiring the petitioners to show cause why an order taxing costs should
19 not be entered against them for the amount of costs, attorneys' fees and other
20 liabilities. Notice of hearing of such order to show cause shall be given to the

petitioners as provided in s. 88.05 (3). Such order need not contain an itemized statement of such account, but shall state where such account is filed.

NOTE: Makes spelling consistent with current style and the majority of statutes.

SECTION 55. 97.02 (14) (a) of the statutes is amended to read:

97.02 **(14)** (a) Has partially or completely imbedded therein any nonnutritive object: provided, that this ~~clause~~ paragraph shall not apply in the case of any nonnutritive object if, in the judgment of the department as provided by regulations, such object is of practical functional value to the confectionary product and would not render the product injurious or hazardous to health;

NOTE: Corrects cross–reference.

SECTION 56. 97.02 (14) (c) of the statutes is amended to read:

97.02 **(14)** (c) Bears or contains any nonnutritive substance; but this ~~clause~~ paragraph shall not apply to a safe nonnutritive substance which is in or on confectionary by reason of its use for some practical functional purpose in the manufacture, packaging, or storing of the confectionary if the use of the substance does not promote deception of the consumer or otherwise result in adulteration or misbranding in violation of this chapter. The department may, for the purpose of avoiding or resolving uncertainty as to the application of this ~~clause~~ paragraph, promulgate rules allowing or prohibiting the use of particular nonnutritive substances.

NOTE: Corrects cross–reference.

SECTION 57. 100.174 (1) (g) 2. of the statutes is amended to read:

100.174 **(1)** (g) 2. Delivery to a ~~3rd party~~ 3rd–party carrier for delivery to the buyer or the buyer's designee; or

NOTE: Corrects spelling.

SECTION 58. 100.201 (2) (f) of the statutes is amended to read:

100.201 **(2)** (f) Maintain or make repairs of any equipment owned by a retailer except those used exclusively for selected dairy products. On such repairs the wholesaler shall make charges for the service and parts at the same prices as are charged by ~~third~~ 3rd persons rendering such service in the community where the retailer is located but in no event shall the charges be less than the cost thereof to the wholesaler plus a reasonable margin of profit.

NOTE: Makes spelling consistent with current style and the majority of statutes.

SECTION 59. 101.9204 (1) (g) of the statutes is amended to read:

101.9204 **(1)** (g) If the manufactured home is a used manufactured home that was last previously titled in another jurisdiction, the applicant shall furnish any certificate of ownership issued by the other jurisdiction and a statement, in the form prescribed by the ~~the~~ department, pertaining to the title history and ownership of the manufactured home.

NOTE: Deletes repeated word.

SECTION 60. 102.29 (1) of the statutes is amended to read:

102.29 **(1)** The making of a claim for compensation against an employer or compensation insurer for the injury or death of an employee shall not affect the right of the employee, the employee's personal representative, or other person entitled to bring action, to make claim or maintain an action in tort against any other party for such injury or death, hereinafter referred to as a 3rd party; nor shall the making of a claim by any such person against a 3rd party for damages by reason of an injury to which ss. 102.03 to 102.64 are applicable, or the adjustment of any such claim, affect the right of the injured employee or the employee's dependents to recover compensation. The employer or compensation insurer who shall have paid or is obligated to pay a lawful claim under this chapter shall have the same right to make

1 claim or maintain an action in tort against any other party for such injury or death.
2 If the department pays or is obligated to pay a claim under s. 102.81 (1), the
3 department shall also have the right to maintain an action in tort against any other
4 party for the employee's injury or death. However, each shall give to the other
5 reasonable notice and opportunity to join in the making of such claim or the
6 instituting of an action and to be represented by counsel. If a party entitled to notice
7 cannot be found, the department shall become the agent of such party for the giving
8 of a notice as required in this subsection and the notice, when given to the
9 department, shall include an affidavit setting forth the facts, including the steps
10 taken to locate such party. Each shall have an equal voice in the prosecution of said
11 claim, and any disputes arising shall be passed upon by the court before whom the
12 case is pending, and if no action is pending, then by a court of record or by the
13 department. If notice is given as provided in this subsection, the liability of the
14 tort–feasor shall be determined as to all parties having a right to make claim, and
15 irrespective of whether or not all parties join in prosecuting such claim, the proceeds
16 of such claim shall be divided as follows: After deducting the reasonable cost of
17 collection, one–third of the remainder shall in any event be paid to the injured
18 employee or the employee's personal representative or other person entitled to bring
19 action. Out of the balance remaining, the employer, insurance carrier or, if
20 applicable, uninsured employers fund shall be reimbursed for all payments made by
21 it, or which it may be obligated to make in the future, under this chapter, except that
22 it shall not be reimbursed for any payments of increased compensation made or to
23 be made under s. 102.18 (1) (bp), 102.22, 102.35 (3), 102.57 or 102.60. Any balance
24 remaining shall be paid to the employee or the employee's personal representative
25 or other person entitled to bring action. If both the employee or the employee's

1 personal representative or other person entitled to bring action, and the employer,
2 compensation insurer or department, join in the pressing of said claim and are
3 represented by counsel, the ~~attorneys'~~ attorney fees allowed as a part of the costs of
4 collection shall be, unless otherwise agreed upon, divided between such attorneys as
5 directed by the court or by the department. A settlement of any ~~3rd party~~ 3rd–party
6 claim shall be void unless said settlement and the distribution of the proceeds thereof
7 is approved by the court before whom the action is pending and if no action is
8 pending, then by a court of record or by the department.

NOTE: Makes spelling consistent with current style and the majority of statutes.

9 **SECTION 61.** 102.29 (2) of the statutes is amended to read:

10 102.29 **(2)** In the case of liability of the employer or insurer to make payment
11 into the state treasury under s. 102.49 or 102.59, if the injury or death was due to the
12 actionable act, neglect or default of a ~~third~~ 3rd party, the employer or insurer shall
13 have a right of action against ~~such third~~ the 3rd party to recover the sum so paid into
14 the state treasury, which right may be enforced either by joining in the action
15 mentioned in sub. (1), or by independent action. Contributory negligence of the
16 employee because of whose injury or death such payment was made shall bar
17 recovery if such negligence was greater than the negligence of the person against
18 whom recovery is sought, and the recovery allowed the employer or insurer shall be
19 diminished in proportion to the amount of negligence attributable to such injured or
20 deceased employee. Any action brought under this subsection may, upon order of the
21 court, be consolidated and tried together with any action brought under sub. (1).

NOTE: Makes spelling consistent with current style and the majority of statutes.

22 **SECTION 62.** 102.29 (5) of the statutes is amended to read:

1 102.29 **(5)** An insurer subject to sub. (4) which fails to comply with the notice
2 provision of that subsection and which fails to commence a ~~3rd party~~ 3rd–party
3 action, within the 3 years allowed by s. 893.54, may not plead that s. 893.54 is a bar
4 in any action commenced by the injured employee under this section against any
5 such 3rd party subsequent to 3 years from the date of injury, but prior to 6 years from
6 such date of injury. Any recovery in such an action is limited to the insured liability
7 of the 3rd party. In any such action commenced by the injured employee subsequent
8 to the 3–year period, the insurer of the employer shall forfeit all right to participate
9 in such action as a complainant and to recover any payments made under this
10 chapter.

NOTE: Corrects spelling.

11 **SECTION 63.** 102.81 (2) of the statutes is amended to read:

12 102.81 **(2)** The department may retain an insurance carrier or insurance
13 service organization to process, investigate and pay claims under this section and
14 may obtain excess or stop–loss reinsurance with an insurance carrier authorized to
15 do business in this state in an amount that the secretary determines is necessary for
16 the sound operation of the uninsured employers fund. In cases involving disputed
17 claims, the department may retain an attorney to represent the interests of the
18 uninsured employers fund and to make appearances on behalf of the uninsured
19 employers fund in proceedings under ss. 102.16 to 102.29. Section ~~20.918~~ 20.930 and
20 subch. IV of ch. 16 do not apply to an attorney hired under this subsection. The
21 charges for the services retained under this subsection shall be paid from the
22 appropriation under s. 20.445 (1) (hp). The cost of any reinsurance obtained under
23 this subsection shall be paid from the appropriation under s. 20.445 (1) (sm).

NOTE: Inserts the correct cross–reference. Section 20.930 relates to authorization for incurring attorney fees. Section 20.918 relates to damaged personal articles. 1989 Act

64 created s. 102.81, which included the current reference to s. 20.918. 1989 Act 119 renumbered s. 20.918 to s. 20.930 and created a new, unrelated s. 20.918 without taking Act 64 into account.

1 **SECTION 64.** 103.56 (4) of the statutes is amended to read:

2 103.56 **(4)** A temporary restraining order issued under sub. (3) shall be effective
3 for no longer than 5 days and, at the expiration of the 5–day period, shall become void
4 and not subject to renewal or extension, except that if the hearing for a temporary
5 injunction ~~s~~ begins before the expiration of the ~~the~~ 5–day period the restraining order
6 may in the court's discretion be continued until a decision is reached on the issuance
7 of the temporary injunction.

NOTE: Deletes repeated word. Also deletes unnecessary letter "s".

8 **SECTION 65.** 108.09 (4) (c) of the statutes is amended to read:

9 108.09 **(4)** (c) *Late appeal.* If a party files an appeal which is not timely, an
10 appeal tribunal shall review the appellant's written reasons for filing the late appeal.
11 If those reasons, when taken as true and construed most favorably to the appellant,
12 do not constitute a reason beyond the appellant's control, the appeal tribunal may
13 dismiss the appeal without a hearing and issue a decision accordingly. Otherwise,
14 the department may schedule a hearing concerning the question of whether the ~~the~~
15 appeal was filed late for a reason that was beyond the appellant's control. The
16 department may also provisionally schedule a hearing concerning any matter in the
17 determination being appealed. After hearing testimony on the late appeal question,
18 the appeal tribunal shall issue a decision which makes ultimate findings of fact and
19 conclusions of law concerning whether the ~~the~~ appellant's appeal was filed late for
20 a reason that was beyond the appellant's control and which, in accordance with those
21 findings and conclusions, either dismisses the appeal or determines that the appeal
22 was filed late for a reason that was beyond the appellant's control. If the appeal is

not dismissed, the same or another appeal tribunal established by the department for this purpose, after conducting a hearing, shall then issue a decision under sub. (3) (b) concerning any matter in the determination.

NOTE: Deletes repeated word.

SECTION 66. 108.16 (8) (b) 2. of the statutes is amended to read:

108.16 **(8)** (b) 2. The transfer included at least 25% of the transferor's total business as measured by comparing the payroll experience assignable to the ~~the~~ portion of the business transferred with the transferor's total payroll experience for the last 4 completed quarters immediately preceding the date of the transfer.

NOTE: Deletes repeated word.

SECTION 67. 111.01 (2) of the statutes is amended to read:

111.01 **(2)** Industrial peace, regular and adequate income for the employee, and uninterrupted production of goods and services are promotive of all of these interests. They are largely dependent upon the maintenance of fair, friendly, and mutually satisfactory employment relations and the availability of suitable machinery for the peaceful adjustment of whatever controversies may arise. It is recognized that certain employers, including farmers and farmer cooperatives, in addition to their general employer problems, face special problems arising from perishable commodities and seasonal production which require adequate consideration. It is also recognized that whatever may be the rights of disputants with respect to each other in any controversy regarding employment relations, they should not be permitted, in the conduct of their controversy, to intrude directly into the primary rights of ~~third~~ 3rd parties to earn a livelihood, transact business, and engage in the ordinary affairs of life by any lawful means and free from molestation, interference, restraint, or coercion.

NOTE: Makes spelling consistent with current style and the majority of statutes.

SECTION 68. 111.70 (4) (jm) 4. h. of the statutes is amended to read:

111.70 **(4)** (jm) 4. h. Establish a system for resolving all disputes under the agreement, including final and binding ~~3rd party~~ 3rd–party arbitration.

NOTE: Corrects spelling.

SECTION 69. 111.825 (1) (intro.) of the statutes is amended to read:

111.825 **(1)** (intro.) It is the legislative intent that in order to foster meaningful collective bargaining, units must be structured in such a way as to avoid excessive fragmentation whenever possible. In accordance with this policy, collective bargaining units for employees in the classified service of the state, except employees in the collective bargaining units specified in ~~s. 111.825~~ sub. (1m), are structured on a statewide basis with one collective bargaining unit for each of the following occupational groups:

NOTE: Corrects form of cross–reference.

SECTION 70. 112.01 (6) (title) of the statutes is amended to read:

112.01 **(6)** (title) CHECK DRAWN BY FIDUCIARY PAYABLE TO ~~THIRD~~ 3RD PERSON.

NOTE: Makes spelling consistent with current style and the majority of statutes.

SECTION 71. 126.47 (4) (f) of the statutes is repealed.

NOTE: By its terms, s. 126.47 (4) (f) has no application after January 1, 2003.

SECTION 72. 138.12 (11) (a) of the statutes is amended to read:

138.12 **(11)** (a) A premium finance agreement may provide for the payment by the insured of a delinquency or default charge of $1 to a maximum of 5% of any delinquent installment which is in default for a period of 5 days or more. If the default results in the cancellation of any insurance contract listed in the agreement, the agreement may provide for the payment by the insured of a cancellation charge of $15. A premium finance agreement may also provide for the payment of statutory

1 ~~attorneys'~~ attorney fees and statutory court costs if the agreement is referred for
2 collection to an attorney not a salaried employee of the insurance premium finance
3 company.

NOTE: Makes spelling consistent with current style and the majority of statutes.

4 **SECTION 73.** 150.01 (2) of the statutes is amended to read:

5 150.01 **(2)** "Affected party" means the applicant, local planning agencies,
6 governmental agencies, other persons providing similar services in the applicant's
7 service area, the public to be served by the proposed project, ~~3rd party~~ 3rd–party
8 payers and any other person who the department determines to be affected by an
9 application for approval of a project.

NOTE: Corrects spelling.

10 **SECTION 74.** 153.01 (8) of the statutes is amended to read:

11 153.01 **(8)** "Payer" means a ~~3rd party~~ 3rd–party payer, including an insurer,
12 federal, state or local government or another who is responsible for payment of a
13 hospital charge.

NOTE: Corrects spelling.

14 **SECTION 75.** 165.93 (1) (c) of the statutes is repealed.

NOTE: Section 165.93 (1) (c) defines "sexual contact" for s. 165.93, but "sexual contact" is not used in s. 165.93.

15 **SECTION 76.** 165.93 (1) (d) of the statutes is repealed.

NOTE: Section 165.93 (1) (d) defines "sexual intercourse" for s. 165.93, but "sexual intercourse" is not used in s. 165.93.

16 **SECTION 77.** 166.03 (8) (e) of the statutes is amended to read:

17 166.03 **(8)** (e) Emergency management employees as defined in par. (d) shall
18 be indemnified by their sponsor against any tort liability to ~~third~~ 3rd persons
19 incurred in the performance of emergency management activities while acting in

good faith and in a reasonable manner. Emergency management activities constitute a governmental function.

NOTE: Makes spelling consistent with current style and the majority of statutes.

SECTION 78. 167.31 (2) (d) of the statutes is amended to read:

167.31 **(2)** (d) Except as provided in sub. (4) (a), ~~(bg)~~, (cg), (e), and (g), no person may discharge a firearm or shoot a bolt or an arrow from a bow or crossbow from or across a highway or within 50 feet of the center of a roadway.

NOTE: Section 167.31 (4) (bg) is repealed by this bill as by its terms that provision has no application after June 30, 2004.

SECTION 79. 167.31 (4) (bg) of the statutes is repealed.

NOTE: By its terms, s. 167.31 (4) (bg) has no application after June 30, 2004.

SECTION 80. 169.11 (1) (a) (intro.) of the statutes is amended to read:

169.11 **(1)** (a) (intro.) The department shall designate by rule cougars and members of the family ursidae as harmful wild animals. After consulting with the department of agriculture, trade and consumer protection and the department of health and family services, the department of natural resources may designate by rule other species of wild animals as harmful wild animals if any of the following ~~apply~~ applies:

NOTE: Corrects grammar.

SECTION 81. 170.12 (4) (intro.) of the statutes is amended to read:

170.12 **(4)** REVIEW BY OTHER AGENCIES. (intro.) Upon receipt of an application under sub. (3), the board shall immediately transmit copies of the application to the department of natural resources and to the historical society for review. The department of natural resources and the historical society shall, as appropriate, within 30 days after their receipt of the application, notify the board whether any of the following ~~apply~~ applies:

NOTE: Corrects grammar.

1 **SECTION 82.** 173.23 (4) (intro.) of the statutes is amended to read:

2 173.23 **(4)** INJURED OR DANGEROUS ANIMALS. (intro.) A political subdivision or
3 person contracting under s. 173.15 (1) who has custody of an animal may have the
4 animal euthanized if there are reasonable grounds to believe that any of the
5 following ~~apply~~ applies:

NOTE: Corrects grammar.

6 **SECTION 83.** 177.04 (2) of the statutes is amended to read:

7 177.04 **(2)** Subject to sub. (4), any sum payable on a money order or similar
8 written instrument, other than a ~~3rd party~~ 3rd–party bank check, that has been
9 outstanding for more than 7 years after its issuance is presumed abandoned unless
10 the owner, within 7 years, has communicated in writing with the issuer concerning
11 it or otherwise indicated an interest as evidenced by a memorandum or other record
12 on file prepared by an employee of the issuer.

NOTE: Corrects spelling.

13 **SECTION 84.** 177.04 (4) (intro.) of the statutes is amended to read:

14 177.04 **(4)** (intro.) No sum payable on a travelers check, money order or similar
15 written instrument, other than a ~~3rd party~~ 3rd–party bank check, described in subs.
16 (1) and (2) may be subjected to the custody of this state as unclaimed property unless
17 one of the following exists:

NOTE: Corrects spelling.

18 **SECTION 85.** 177.20 (7) of the statutes is amended to read:

19 177.20 **(7)** Property removed from a safe deposit box or other safekeeping
20 repository is received by the administrator subject to the holder's right to be
21 reimbursed for the actual cost of the opening and to any valid lien or contract
22 providing for the holder to be reimbursed for unpaid rent or storage charges and

subject to any ~~3rd party~~ 3rd–party lien. The administrator shall reimburse the holder from the proceeds remaining after deducting the administrator's selling cost.

NOTE: Corrects spelling.

SECTION 86. 177.31 (2) of the statutes is amended to read:

177.31 **(2)** Any business association that sells in this state its travelers checks, money orders or other similar written instruments, other than ~~3rd party~~ 3rd–party bank checks on which the business association is directly liable, or that provides such instruments to others for sale in this state, shall, for 3 years after the date the property is reportable, maintain a record of those instruments while they remain outstanding, indicating the state and date of issue.

NOTE: Corrects spelling.

SECTION 87. 178.04 (1) of the statutes is amended to read:

178.04 **(1)** Except as provided by s. 178.13, persons who are not partners as to each other are not partners as to ~~third~~ 3rd persons.

NOTE: Makes spelling consistent with current style and the majority of statutes.

SECTION 88. 178.07 (4) of the statutes is amended to read:

178.07 **(4)** Where the title to real property is in the name of one or more or all the partners, or in a ~~third~~ 3rd person in trust for the partnership, a conveyance executed by a partner in the partnership name, or in the partner's own name, passes the equitable interest of the partnership, provided the act is one within the authority of the partner under s. 178.06 (1).

NOTE: Makes spelling consistent with current style and the majority of statutes.

SECTION 89. 178.34 (1) and (2) of the statutes are amended to read:

178.34 **(1)** A lien on, or right of retention of, the surplus of the partnership property after satisfying the partnership liabilities to ~~third~~ 3rd persons for any sum of money paid by the party entitled to rescind for the purchase of an interest in the

partnership and for any capital or advances contributed by the party entitled to rescind.

(2) To stand, after all liabilities to ~~third~~ 3rd persons have been satisfied, in the place of the creditors of the partnership for any payments made by the party entitled to rescind in respect of the partnership liabilities.

NOTE: Makes spelling consistent with current style and the majority of statutes.

SECTION 90. 178.36 (4) of the statutes is amended to read:

178.36 **(4)** When all the partners or their representatives assign their rights in partnership property to one or more ~~third~~ 3rd persons who promise to pay the debts and who continue the business of the dissolved partnership, creditors of the dissolved partnership are also creditors of the person or partnership continuing the business.

NOTE: Makes spelling consistent with current style and the majority of statutes.

SECTION 91. 179.23 (title) of the statutes is amended to read:

179.23 (title) **Liability to ~~third~~ 3rd parties.**

NOTE: Makes spelling consistent with current style and the majority of statutes.

SECTION 92. 180.1807 (1) (title) of the statutes is amended to read:

180.1807 **(1)** (title) NOTICE OF ~~3RD PARTY~~ 3RD–PARTY OFFER.

NOTE: Corrects spelling.

SECTION 93. 185.93 (3) of the statutes is amended to read:

185.93 **(3)** If anything is recovered or obtained as the result of the action, whether by means of a compromise and settlement or by a judgment, the court may, out of the proceeds of the action, award the plaintiff the reasonable expenses of maintaining the action, including reasonable ~~attorneys'~~ attorney fees, and may direct the plaintiff to account to the association for the remainder of such proceeds.

NOTE: Makes spelling consistent with current style and the majority of statutes.

1 **SECTION 94.** 185.93 (4) of the statutes is amended to read:

2 185.93 **(4)** In any action brought in the right of an association by less than 3
3 per cent of the members or by holders of less than 3 per cent of any class of stock
4 outstanding, the defendants may require the plaintiff to give security for the
5 reasonable expenses of defending such action, including ~~attorneys'~~ attorney fees.
6 The amount of such security may thereafter be increased or decreased in the
7 discretion of the court upon showing that the security provided is or may be
8 inadequate or is excessive.

NOTE: Makes spelling consistent with current style and the majority of statutes.

9 **SECTION 95.** 186.11 (4) (bh) of the statutes is amended to read:

10 186.11 **(4)** (bh) A credit union service organization under par. (a) may provide
11 any service described under par. (b) or approved under par. (bd) through an
12 investment by the credit union service organization in a ~~third–party~~ 3rd–party
13 service provider. The amount that a credit union service organization may invest in
14 a ~~third–party~~ 3rd–party service provider under this paragraph may not exceed the
15 amount necessary to obtain the applicable services, or a greater amount if necessary
16 for the credit union service organization to obtain the services at a reduced cost.

NOTE: Makes spelling consistent with current style and the majority of statutes.

17 **SECTION 96.** 186.113 (5) of the statutes is amended to read:

18 186.113 **(5)** THIRD–PARTY CHECKS. Issue ~~third–party~~ 3rd–party checks from an
19 account of a member upon request of the member.

NOTE: Makes spelling consistent with current style and the majority of statutes.

20 **SECTION 97.** 192.71 of the statutes is amended to read:

21 **192.71 Lands may be sold; proceedings if terms of grant not complied**
22 **with.** Any railroad corporation upon which any lands granted to this state shall have

been conferred to aid in the construction of any railroad may sell, assign and transfer the lands so conferred upon it or any portion thereof to any other railroad corporation which shall by law have the right to construct a railroad along and upon the line or any portion of the line upon which such lands are applicable under the grant of this state, upon such terms and conditions as it shall fix; provided, that the corporation receiving such lands shall be bound to construct the part of the line of railroad, to aid in the construction of which the lands were granted to this state, to which the assigned lands are applicable according to the terms of the grant by congress, and to comply fully with all conditions and requirements contained in the act in and by which the state conferred said lands upon said corporation. The terms and conditions of every such transfer shall be embodied in an agreement in writing, which shall be recorded with the department of financial institutions; and provided further, that no such transfer or assignment shall be of any force or effect until two–thirds of the full–paid stockholders of the corporation making the same shall have assented in writing thereto and until such assent shall have been filed with the department of financial institutions. Whenever any grant of lands shall have been or shall hereafter be made to any corporation to aid in the construction of a railroad upon condition that such road or any portion thereof shall be completed within the period of time or times fixed or limited by the act or acts making such grant or grants or by any act or acts amendatory thereof, and such corporation shall have failed or shall hereafter fail to complete such railroad or any part or portions thereof within the time or times fixed or limited by such act or acts, it shall be the duty of the attorney general of the state to immediately institute, if the legislature shall not have revoked said grant, proceedings against such corporation in the supreme court of the state to ascertain judicially the facts in the premises, and if it shall appear that

1 such corporation has failed to complete its railway or any portion thereof within the
2 time limited by said act or acts, or has otherwise committed a breach of the condition
3 or conditions upon which said grant was conferred upon it, or of the requirements of
4 said act, judgment shall be entered in behalf of the state forfeiting, vacating and
5 setting aside such grant or grants and annulling all rights and interest of such
6 corporation in and to all lands granted to it and not fully earned and restoring such
7 lands to the state, and such corporation shall thereafter be barred and foreclosed of
8 all rights and interests in or to the lands so adjudged to be forfeited and restored to
9 the state, and of all right to in any manner thereafter acquire the same.

NOTE: The first comma inserted reinserts a comma that was contained in this provision as created by Chapter 160, Laws of 1872, as codified as section 1858 in the Revised Statutes of 1878, and as amended by Chapter 266, Laws of 1882, but was dropped from section 1858 without legislative action in the Annotated Statutes of 1898. The second comma inserted reinserts a comma that was contained in Chapter 160, Laws of 1872, but was dropped from Chapter 266, Laws of 1882, without apparent reason.

10 **SECTION 98.** 196.52 (9) (b) 8. a. of the statutes is amended to read:

11 196.52 **(9)** (b) 8. a. The public utility shall have the option, subject to
12 commission approval, to extend the contract, or purchase the electric generating
13 facility or the improvements to an electric generating facility, at fair market value
14 as determined by a valuation process that is conducted by an independent ~~third~~ 3rd
15 party and that is specified in the contract.

NOTE: Makes spelling consistent with current style and the majority of statutes.

16 **SECTION 99.** 223.05 (1) (b) of the statutes is amended to read:

17 223.05 **(1)** (b) Every security in which trust funds or property are invested shall
18 immediately upon the receipt of the security by the bank, be transferred to the bank
19 in its fiduciary capacity for the particular trust or fund by name and ~~be~~ entered in
20 the proper records as belonging to the particular trust whose funds have been
21 invested in the security. Any change in the investment of trust funds or property

shall be fully specified in the account of the particular trust to which it belongs, so that all trust funds and property shall be readily identified at any time by any person.

NOTE: The stricken language was inserted by 2001 Wis. Act 102 without being underscored. The insertion was unintended.

SECTION 100. 227.53 (1) (intro.) of the statutes is amended to read:

227.53 **(1)** (intro.) Except as otherwise specifically provided by law, any person aggrieved by a decision specified in s. 227.52 shall be entitled to judicial review of the decision as provided in this chapter and subject to ~~the~~ all of the following procedural requirements:

NOTE: Corrects error in 1999 Wis. Act 85.

SECTION 101. 234.01 (4) (b) of the statutes is amended to read:

234.01 **(4)** (b) Legal, organizational and marketing expenses, including payment of ~~attorneys'~~ attorney fees, project manager and clerical staff salaries, office rent, and other incidental expenses;

NOTE: Makes spelling consistent with current style and the majority of statutes.

SECTION 102. 254.345 of the statutes is repealed.

NOTE: By its terms, s. 254.345 has no application after December 31, 2002.

SECTION 103. 281.36 (2) (b) 2. of the statutes is amended to read:

281.36 **(2)** (b) 2. For purposes of subd. 1., the department shall initially determine whether a complete application has been submitted and, no later than 30 days after the application is submitted, notify the applicant in writing about the initial determination of completeness. If the department determines that the application is incomplete, the notice shall state the reason for the determination and the specific items of information necessary to make the application complete. An applicant may supplement and resubmit an application that the department has determined to be incomplete. There is no limit on the number of times that an

applicant may resubmit an application that the department has determined to be incomplete under this subdivision. The department may not demand items of information that are not specified in the notice as a condition for determining whether the application is complete unless both the department and the applicant agree or unless the applicant makes material additions or alterations to the project for which the ~~the~~ application has been submitted.

NOTE: Deletes repeated word.

SECTION 104. 299.83 (5) (c) 1. b. of the statutes is amended to read:

299.83 **(5)** (c) 1. b. Determined by the department to be appropriate to the nature, scale, and environmental impacts of the applicant's operations related to ~~to~~ each covered facility or activity.

NOTE: Deletes repeated word.

SECTION 105. 299.83 (6m) (d) 2. (intro.) of the statutes is amended to read:

299.83 **(6m)** (d) 2. (intro.) Notwithstanding subd. 1., this state may at any time begin a civil action to collect a forfeiture for a violation if any of the following ~~apply~~ applies:

NOTE: Corrects grammar.

SECTION 106. 299.85 (7) (b) (intro.) of the statutes is amended to read:

299.85 **(7)** (b) (intro.) Notwithstanding par. (a), this state may at any time begin a civil action to collect a forfeiture not limited in amount under par. (a) 2. or 4. for a violation if any of the following ~~apply~~ applies:

NOTE: Corrects grammar.

SECTION 107. 301.45 (1g) (intro.) of the statutes is amended to read:

301.45 **(1g)** WHO IS COVERED. (intro.) Except as provided in ~~sub.~~ subs. (1m) and (1p), a person shall comply with the reporting requirements under this section if he or she meets one or more of the following criteria:

NOTE: 2003 Wis. Act 50 created s. 301.45 (1p), "Exception to registration requirement; expungement of invasion of privacy adjudication or conviction," but the exception was not added as an exception to the general rule, stated in s. 301.45 (1g), in accordance with current drafting style.

SECTION 108. 343.12 (7) (c) 6. of the statutes, as created by 2003 Wisconsin Act 280, is amended to read:

343.12 **(7)** (c) 6. Felony battery under s. 940.19 (2), ~~(3),~~ (4), (5), or (6).

NOTE: 2001 Wis. Act 109 repealed s. 940.19 (3).

SECTION 109. 343.16 (1) (b) 3. (intro.) of the statutes is amended to read:

343.16 **(1)** (b) 3. (intro.) At least annually, the department shall conduct an on–site inspection of the 3rd–party tester to determine compliance with the contract and with department and federal standards for testing applicants for commercial driver licenses and with department standards for testing applicants for school bus endorsements. At least annually, the department shall also evaluate testing given by the ~~3rd–party~~ 3rd party by one of the following means:

NOTE: Corrects spelling.

SECTION 110. 346.70 (4) (i) 1. of the statutes is amended to read:

346.70 **(4)** (i) 1. As soon as practicable, contact the diplomatic security command center of the office of foreign missions, diplomatic motor vehicle office, within the ~~the~~ federal department of state, to verify the status and immunity, if any, of the driver claiming diplomatic immunity.

NOTE: Deletes repeated word.

SECTION 111. 401.202 of the statutes is amended to read:

401.202 Prima facie evidence by ~~third party~~ 3rd–party documents. A document in due form purporting to be a bill of lading, policy or certificate of insurance, official weigher's or inspector's certificate, consular invoice, or any other document authorized or required by the contract to be issued by a ~~third~~ 3rd party

shall be prima facie evidence of its own authenticity and genuineness and of the facts stated in the document by the ~~third~~ 3rd party.

NOTE: Makes spelling consistent with current style and the majority of statutes.

SECTION 112. 402.107 (3) of the statutes is amended to read:

402.107 **(3)** The provisions of this section are subject to any ~~third party~~ 3rd–party rights provided by the law relating to realty records, and the contract for sale may be executed and recorded as a document transferring an interest in land and shall then constitute notice to ~~third~~ 3rd parties of the buyer's rights under the contract for sale.

NOTE: Makes spelling consistent with current style and the majority of statutes.

SECTION 113. 402.305 (1) (c) of the statutes is amended to read:

402.305 **(1)** (c) The price is to be fixed in terms of some agreed market or other standard as set or recorded by a ~~third~~ 3rd person or agency and it is not so set or recorded.

NOTE: Makes spelling consistent with current style and the majority of statutes.

SECTION 114. 402.312 (2) and (3) of the statutes are amended to read:

402.312 **(2)** A warranty under sub. (1) will be excluded or modified only by specific language or by circumstances which give the buyer reason to know that the person selling does not claim title in himself or herself or that the person selling is purporting to sell only such right or title as the person selling or a ~~third~~ 3rd person may have.

(3) Unless otherwise agreed a seller who is a merchant regularly dealing in goods of the kind warrants that the goods shall be delivered free of the rightful claim of any ~~third~~ 3rd person by way of infringement or the like but a buyer who furnishes

specifications to the seller must hold the seller harmless against any such claim which arises out of compliance with the specifications.

NOTE: Makes spelling consistent with current style and the majority of statutes.

SECTION 115. 402.401 (intro.) of the statutes is amended to read:

402.401 Passing of title; reservation for security; limited application of this section. (intro.) Each provision of this chapter with regard to the rights, obligations, and remedies of the seller, the buyer, purchasers, or other ~~third~~ 3rd parties applies irrespective of title to the goods except where the provision refers to such title. Insofar as situations are not covered by the other provisions of this chapter and matters concerning title become material the following rules apply:

NOTE: Makes spelling consistent with current style and the majority of statutes.

SECTION 116. 402.503 (4) (b) of the statutes is amended to read:

402.503 **(4)** (b) Tender to the buyer of a nonnegotiable document of title or of a written direction to the bailee to deliver is sufficient tender unless the buyer seasonably objects, and receipt by the bailee of notification of the buyer's rights fixes those rights as against the bailee and all ~~third~~ 3rd persons; but risk of loss of the goods and of any failure by the bailee to honor the nonnegotiable document of title or to obey the direction remains on the seller until the buyer has had a reasonable time to present the document or direction, and a refusal by the bailee to honor the document or to obey the direction defeats the tender.

NOTE: Makes spelling consistent with current style and the majority of statutes.

SECTION 117. 402.515 (2) of the statutes is amended to read:

402.515 **(2)** The parties may agree to a ~~third~~ 3rd party inspection or survey to determine the conformity or condition of the goods and may agree that the findings shall be binding upon them in any subsequent litigation or adjustment.

NOTE: Makes spelling consistent with current style and the majority of statutes.

1 **SECTION 118.** 402.722 (intro.) and (1) of the statutes are amended to read:

2 **402.722 Who can sue ~~third~~ 3rd parties for injury to goods.** (intro.) Where
3 a ~~third~~ 3rd party so deals with goods which have been identified to a contract for sale
4 as to cause actionable injury to a party to that contract:

5 **(1)** A right of action against the ~~third~~ 3rd party is in either party to the contract
6 for sale who has title to or a security interest or a special property or an insurable
7 interest in the goods; and if the goods have been destroyed or converted a right of
8 action is also in the party who either bore the risk of loss under the contract for sale
9 or has since the injury assumed that risk as against the other;

NOTE: Makes spelling consistent with current style and the majority of statutes.

10 **SECTION 119.** 404.203 of the statutes is amended to read:

11 **404.203 Effect of instructions.** Subject to ~~to~~ s. 403.420 concerning
12 conversion of instruments and to s. 403.206 concerning restrictive endorsements,
13 only a collecting bank's transferor can give instructions that affect the bank or
14 constitute notice to it and a collecting bank is not liable to prior parties for any action
15 taken pursuant to the instructions or in accordance with any agreement with its
16 transferor.

NOTE: Deletes repeated word.

17 **SECTION 120.** 407.502 (2) of the statutes is amended to read:

18 407.502 **(2)** Subject to s. 407.503, title and rights so acquired are not defeated
19 by any stoppage of the goods represented by the document or by surrender of such
20 goods by the bailee, and are not impaired even though the negotiation or any prior
21 negotiation constituted a breach of duty or even though any person has been
22 deprived of possession of the document by misrepresentation, fraud, accident,

mistake, duress, loss, theft or conversion, or even though a previous sale or other transfer of the goods or document has been made to a ~~third~~ 3rd person.

NOTE: Makes spelling consistent with current style and the majority of statutes.

SECTION 121. 551.23 (19) (c) 1. (intro.) of the statutes is amended to read:

551.23 **(19)** (c) 1. (intro.) Unless the cause for disqualification is waived under subd. 2., no exemption under par. (a) is available for the securities of an issuer unless the issuer did not know and in the exercise of reasonable care could not have known that any of the following ~~apply~~ applies to any of the persons described in 17 CFR 230.262 (a), (b), or (c):

NOTE: Corrects grammar.

SECTION 122. 560.768 (3) (a) (intro.) of the statutes is amended to read:

560.768 **(3)** (a) (intro.) The department may reduce a limit established under sub. (1) or (2) if the department determines that any of the following ~~apply~~ applies:

NOTE: Corrects grammar.

SECTION 123. 560.78 (2) (intro.) of the statutes is amended to read:

560.78 **(2)** (intro.) Subsection (1) does not apply if, after a hearing, the department, or the local governing body under sub. (3) (a), determines that any of the following ~~apply~~ applies:

NOTE: Corrects grammar.

SECTION 124. 605.24 (3) (title) of the statutes is amended to read:

605.24 **(3)** (title) RIGHT OVER AGAINST ~~THIRD~~ 3RD PERSONS.

NOTE: Makes spelling consistent with current style and the majority of statutes.

SECTION 125. 645.41 (3) of the statutes is amended to read:

645.41 **(3)** That the insurer is engaging in a systematic practice of reaching settlements with and obtaining releases from policyholders or ~~third party~~ 3rd–party

claimants and then unreasonably delaying payment of or failing to pay the agreed upon settlements;

NOTE: Corrects spelling and makes word form consistent with current style and the majority of statutes.

SECTION 126. 645.54 (3) (b) of the statutes is amended to read:

645.54 **(3)** (b) *When liens are superior.* A lien obtainable by legal or equitable proceedings could become superior to the rights of a transferee, or a purchaser could obtain rights superior to the rights of a transferee within the meaning of sub. (2), if such consequences would follow only from the lien or purchase itself, or from the lien or purchase followed by any step wholly within the control of the respective lienholder or purchaser, with or without the aid of ministerial action by public officials. Such a lien could not, however, become superior and such a purchase could not create superior rights for the purpose of sub. (2) through any acts subsequent to the obtaining of such a lien or subsequent to such a purchase which require the agreement or concurrence of any ~~third~~ 3rd party or which require any further judicial action, or ruling.

NOTE: Makes spelling consistent with current style and the majority of statutes.

SECTION 127. 645.62 (1) (a) 7. of the statutes is amended to read:

645.62 **(1)** (a) 7. In the case of any ~~3rd party~~ 3rd–party claim based on a liability policy issued by the insurer, a conditional release of the insured pursuant to s. 645.64 (1).

NOTE: Corrects spelling.

SECTION 128. 645.64 (title) and (1) of the statutes are amended to read:

645.64 (title) **Special provisions for ~~third party~~ 3rd–party claims. (1)** THIRD PARTY'S CLAIM. Whenever any ~~third~~ 3rd party asserts a cause of action against an insured of an insurer in liquidation, the ~~third~~ 3rd party may file a claim with the

liquidator. The filing of the claim shall release the insured's liability to the ~~third~~ 3rd party on that cause of action in the amount of the applicable policy limit, but the liquidator shall also insert in any form used for the filing of ~~third-party~~ 3rd–party claims appropriate language to constitute such a release. The release shall be void if the insurance coverage is avoided by the liquidator.

NOTE: Corrects spelling and makes word form consistent with current style and the majority of statutes.

SECTION 129. 645.64 (4) of the statutes is amended to read:

645.64 **(4)** MULTIPLE CLAIMS. If several claims founded upon one policy are filed, whether by ~~third~~ 3rd parties or as claims by the insured under this section, and the aggregate allowed amount of the claims to which the same limit of liability in the policy is applicable exceeds that limit, each claim as allowed shall be reduced in the same proportion so that the total equals the policy limit. Claims by the insured shall be evaluated as in sub. (3). If any insured's claim is subsequently reduced under sub. (3), the amount thus freed shall be apportioned ratably among the claims ~~which~~ that have been reduced under this subsection.

NOTE: Makes spelling consistent with current style and the majority of statutes.

SECTION 130. 645.68 (3) of the statutes is amended to read:

645.68 **(3)** LOSS CLAIMS. All claims under policies for losses incurred, including ~~third-party~~ 3rd–party claims and federal, state, and local government claims, except the first $200 of losses otherwise payable to any claimant under this subsection other than the federal government. All claims under life insurance and annuity policies, whether for death proceeds, annuity proceeds, or investment values, shall be treated as loss claims. Claims may not be cumulated by assignment to avoid application of the $200 deductible provision.

NOTE: Corrects spelling and makes word form consistent with current style and the majority of statutes.

1 **SECTION 131.** 645.72 (1) of the statutes is amended to read:

2 645.72 **(1)** PAYMENTS TO CREDITORS. Subject to ch. 646 and under the direction
3 of the court, the liquidator shall pay dividends as promptly as possible to security
4 funds under sub. (2) and to other creditors in a manner that will assure the proper
5 recognition of priorities and a reasonable balance between the expeditious
6 completion of the liquidation and the protection of unliquidated and undetermined
7 claims, including ~~3rd party~~ 3rd–party claims. Distribution of assets in kind may be
8 made at valuations set by agreement between the liquidator and the creditor and
9 approved by the court.

NOTE: Corrects spelling.

10 **SECTION 132.** 646.13 (1) (b) of the statutes is amended to read:

11 646.13 **(1)** (b) Stand in the position of the insurer in the investigation,
12 compromise, settlement, denial, and payment of claims under s. 646.31 and the
13 defense of ~~3rd party~~ 3rd–party claims against insureds, subject to the limitations of
14 s. 645.43. The fund shall consult and cooperate with the liquidator in carrying out
15 these duties.

NOTE: Corrects spelling.

16 **SECTION 133.** 646.31 (2) (d) of the statutes is amended to read:

17 646.31 **(2)** (d) *~~Third party~~ Third–party claimants.* A claim under a liability or
18 workers' compensation insurance policy, if either the insured or the ~~3rd party~~
19 3rd–party claimant was a resident of this state at the time of the insured event.

NOTE: Corrects spelling.

20 **SECTION 134.** 646.35 (8) (d) (intro.) of the statutes is amended to read:

646.35 **(8)** (d) (intro.) If the fund transfers its obligations to another insurer and the fund and other insurer agree, unless the ~~the~~ fund has previously expressly determined in writing that it will not exercise an election under par. (b), the other insurer succeeds to the rights and obligations of the fund under pars. (b) and (c), regardless of whether the fund has exercised an election under par. (b). If the other insurer succeeds to the fund's rights and obligations under pars. (b) and (c):

NOTE: Deletes repeated word.

SECTION 135. 700.215 (title) of the statutes is amended to read:

700.215 (title) **Exception for equitable rights of cotenants and ~~third~~ 3rd persons.**

NOTE: Makes spelling consistent with current style and the majority of statutes.

SECTION 136. 700.40 (4) (intro.) of the statutes is amended to read:

700.40 **(4)** VALIDITY OF CONSERVATION EASEMENT. (intro.) A conservation easement is valid even though any of the following ~~apply~~ applies:

NOTE: Corrects grammar.

SECTION 137. 701.19 (11) of the statutes is amended to read:

701.19 **(11)** PROTECTION OF ~~THIRD~~ 3RD PARTIES. With respect to a ~~third~~ 3rd person dealing with a trustee or assisting a trustee in the conduct of a transaction, the existence of trust power and its proper exercise by the trustee may be assumed without inquiry. The ~~third~~ 3rd person is not bound to inquire whether the trustee has power to act or is properly exercising the power; and a ~~third~~ 3rd person, without actual knowledge that the trustee is exceeding the trustee's powers or improperly exercising them, is fully protected in dealing with the trustee as if the trustee possessed and properly exercised the powers the trustee purports to exercise. A ~~third~~

1 3rd person is not bound to assure the proper application of trust property paid or
2 delivered to the trustee.

NOTE: Makes spelling consistent with current style and the majority of statutes.

3 **SECTION 138.** 702.05 (3) (title) of the statutes is amended to read:

4 702.05 **(3)** (title) CONSENT OF ~~THIRD~~ 3RD PERSONS.

NOTE: Makes spelling consistent with current style and the majority of statutes.

5 **SECTION 139.** 704.05 (5) (c) (title) of the statutes is amended to read:

6 704.05 **(5)** (c) (title) *Rights of ~~third~~ 3rd persons.*

NOTE: Makes spelling consistent with current style and the majority of statutes.

7 **SECTION 140.** 767.25 (4m) (e) 1. of the statutes is amended to read:

8 767.25 **(4m)** (e) 1. If a parent who has been ordered by a court to provide
9 coverage of the health care expenses of a child who is eligible for medical assistance
10 under subch. IV of ch. 49 receives payment from a 3rd party for the cost of services
11 provided to the child but does not pay the health care provider for the services or
12 reimburse the department or any other person who paid for the services on behalf
13 of the child, the department may obtain a judgment against the parent for the
14 amount of the ~~3rd party~~ 3rd–party payment.

NOTE: Corrects spelling.

15 **SECTION 141.** 778.30 (2) (a) 1. of the statutes is amended to read:

16 778.30 **(2)** (a) 1. Upon entry of the assignment under sub. (1) (b), unless the
17 court finds that income withholding is likely to cause the defendant irreparable
18 harm, the clerk of circuit court shall provide notice of the assignment by regular mail
19 to the last–known address of the person from whom the defendant receives or will
20 receive money. If the clerk of circuit court does not receive the money from the person
21 notified, the ~~the~~ clerk of circuit court shall provide notice of the assignment to any
22 other person from whom the defendant receives or will receive money. Notice of an

assignment under sub. (1) (b) shall inform the intended recipient that, if a prior assignment under sub. (1) (b) has been received relating to the same defendant, the recipient is required to notify the clerk of circuit court that sent the subsequent notice of assignment that another assignment has already been received. A notice of assignment shall include a form permitting the recipient to designate on the form that another assignment has already been received.

NOTE: Deletes repeated word.

SECTION 142. 802.01 (1) of the statutes is amended to read:

802.01 **(1)** PLEADINGS. There shall be a complaint and an answer; a reply to a counterclaim denominated as such; an answer to a cross–claim, if the answer contains a cross–claim; a ~~third–party~~ 3rd–party complaint, if a person who was not an original party is summoned under s. 803.05, and a ~~third–party~~ 3rd–party answer, if a ~~third–party~~ 3rd–party complaint is served. No other pleading shall be allowed, except that the court may order a further pleading to a reply or to any answer.

NOTE: Makes spelling consistent with current style and the majority of statutes.

SECTION 143. 802.05 (3) (b) (intro.) of the statutes, as affected by Supreme Court Order 03–06, is amended to read:

802.05 **(3)** (b) *Nature of sanction; limitations.* (intro.) A sanction imposed for violation of this rule shall be limited to what is sufficient to deter repetition of such conduct or comparable conduct by others similarly situated. Subject to the limitations in subds. 1. and 2., the sanction may consist of, or include, directives of a nonmonetary nature, an order to pay a penalty into court, or, if imposed on motion and warranted for effective deterrence, an order directing payment to the movant of some or all of the reasonable ~~attorneys'~~ attorney fees and other expenses incurred as a direct result of the violation subject to all of the following:

NOTE: Makes spelling consistent with current style and the majority of statutes.

SECTION 144. 802.08 (1) of the statutes is amended to read:

802.08 **(1)** AVAILABILITY. A party may, within 8 months of the filing of a summons and complaint or within the time set in a scheduling order under s. 802.10, move for summary judgment on any claim, counterclaim, cross–claim, or ~~3rd party~~ 3rd–party claim which is asserted by or against the party. Amendment of pleadings is allowed as in cases where objection or defense is made by motion to dismiss.

NOTE: Corrects spelling.

SECTION 145. 803.02 (1) of the statutes is amended to read:

803.02 **(1)** A party asserting a claim to relief as an original claim, counterclaim, cross–claim, or ~~3rd party~~ 3rd–party claim, may join, either as independent or as alternate claims, as many claims, legal or equitable, as the party has against an opposing party.

NOTE: Corrects spelling.

SECTION 146. 803.03 (2) (b) 3. of the statutes is amended to read:

803.03 **(2)** (b) 3. Except as provided in par. (bm), if the party joined chooses to have his or her interest represented by the party who caused the joinder, the party joined shall sign a written waiver of the right to participate that shall express consent to be bound by the judgment in the action. The waiver shall become binding when filed with the court, but a party may withdraw the waiver upon timely motion to the judge to whom the case has been assigned with notice to the other parties. A party who represents the interest of another party and who obtains a judgment favorable to the other party may be awarded reasonable ~~attorneys~~ attorney fees by the court.

NOTE: Makes spelling consistent with current style and the majority of statutes.

SECTION 147. 803.05 (1) of the statutes is amended to read:

803.05 **(1)** At any time after commencement of the action, a defending party, as a ~~third–party~~ 3rd–party plaintiff, may cause a summons and complaint to be served upon a person not a party to the action who is or may be liable to the defending party for all or part of the plaintiff's claim against the defending party, or who is a necessary party under s. 803.03. The ~~third–party~~ 3rd–party plaintiff need not obtain leave to implead if he or she serves the ~~third–party~~ 3rd–party summons and ~~third–party~~ 3rd–party complaint not later than 6 months after the summons and complaint are filed or the time set in a scheduling order under s. 802.10; thereafter, the ~~third–party~~ 3rd–party plaintiff must obtain leave on motion upon notice to all parties to the action. The person served with the summons and ~~third–party~~ 3rd–party complaint, hereinafter called the ~~third–party~~ 3rd–party defendant, shall make defenses to the ~~third–party~~ 3rd–party plaintiff's claim as provided in s. 802.06 and counterclaims against the ~~third–party~~ 3rd–party plaintiff and cross–claims against any other defendant as provided in s. 802.07. The ~~third–party~~ 3rd–party defendant may assert against the plaintiff any defenses which the ~~third–party~~ 3rd–party plaintiff has to the plaintiff's claim. The ~~third–party~~ 3rd–party defendant may also assert any claim against the plaintiff if the claim is based upon the same transaction, occurrence or series of transactions or occurrences as is the plaintiff's claim against the ~~third–party~~ 3rd–party plaintiff. The plaintiff may assert any claim against the ~~third–party~~ 3rd–party defendant if the claim is based upon the same transaction, occurrence or series of transactions or occurrences as is the plaintiff's claim against the ~~third–party~~ 3rd–party plaintiff, and the ~~third–party~~ 3rd–party defendant thereupon shall assert defenses as provided in s. 802.06 and counterclaims and cross–claims as provided in s. 802.07.

NOTE: Makes spelling consistent with current style and the majority of statutes.

1 **SECTION 148.** 804.05 (3) (b) 5. of the statutes is amended to read:

2 804.05 **(3)** (b) 5. In this subsection, the terms "defendant" and "plaintiff"
3 include officers, directors, and managing agents of corporate defendants and
4 corporate plaintiffs, or other persons designated under sub. (2) (e), as appropriate.
5 A defendant who asserts a counterclaim or a cross–claim shall not be considered a
6 plaintiff within the meaning of this subsection, but a ~~3rd party~~ 3rd–party plaintiff
7 under s. 803.05 (1) shall be so considered with respect to the ~~3rd party~~ 3rd–party
8 defendant.

NOTE: Corrects spelling.

9 **SECTION 149.** 805.04 (3) of the statutes is amended to read:

10 805.04 **(3)** COUNTERCLAIM, CROSS–CLAIM, AND ~~3RD PARTY~~ 3RD–PARTY CLAIM. This
11 section applies to the voluntary dismissal of any counterclaim, cross–claim, or ~~3rd~~
12 ~~party~~ 3rd–party claim. A voluntary dismissal by the claimant alone shall be made
13 before a responsive pleading is served, or if there is none, before the introduction of
14 evidence at the trial or hearing.

NOTE: Corrects spelling.

15 **SECTION 150.** 805.05 (2) of the statutes is amended to read:

16 805.05 **(2)** SEPARATE TRIALS. The court, in furtherance of convenience or to avoid
17 prejudice, or when separate trials will be conducive to expedition or economy, or
18 pursuant to s. 803.04 (2) (b), may order a separate trial of any claim, cross–claim,
19 counterclaim, or ~~3rd party~~ 3rd–party claim, or of any number of claims, always
20 preserving inviolate the right of trial in the mode to which the parties are entitled.

NOTE: Corrects spelling.

21 **SECTION 151.** 805.07 (2) (b) of the statutes is amended to read:

805.07 **(2)** (b) Notice of a ~~third–party~~ 3rd–party subpoena issued for discovery purposes shall be provided to all parties at least 10 days before the scheduled deposition in order to preserve their right to object. If a ~~third–party~~ 3rd–party subpoena requests the production of books, papers, documents, or tangible things that are within the scope of discovery under s. 804.01 (2) (a), those objects shall not be provided before the time and date specified in the subpoena. The provisions under this paragraph apply unless all of the parties otherwise agree.

NOTE: Makes spelling consistent with current style and the majority of statutes.

SECTION 152. 805.14 (9) of the statutes is amended to read:

805.14 **(9)** INVOLUNTARY DISMISSAL OF COUNTERCLAIM, CROSS–CLAIM, OR ~~3RD PARTY~~ 3RD–PARTY CLAIM. This section applies to counterclaims, cross–claims, and ~~3rd party~~ 3rd–party claims.

NOTE: Corrects spelling.

SECTION 153. 809.80 (3) (b) 2. of the statutes is amended to read:

809.80 **(3)** (b) 2. Delivered to a ~~third–party~~ 3rd–party commercial carrier for delivery to the clerk within 3 calendar days.

NOTE: Makes spelling consistent with current style and the majority of statutes.

SECTION 154. 809.80 (4) (a) of the statutes is amended to read:

809.80 **(4)** (a) When a brief or appendix is filed by mail or commercial carrier in accordance with s. 809.80 (3) (b), the attorney or person filing the document shall append a certification or affidavit setting forth the date and manner by which the document was mailed or delivered to a ~~third–party~~ 3rd–party commercial carrier.

NOTE: Makes spelling consistent with current style and the majority of statutes.

SECTION 155. 810.11 of the statutes is amended to read:

810.11 Claims of ~~third~~ 3rd parties; indemnity to officer. If the property taken is claimed by a 3rd person, the 3rd person may make application to the judge

or judicial officer under ss. 810.02 and 810.03 for an order directing that the 3rd person be given delivery of the property so claimed. Any person having possession of the property may move the court to vacate or modify the order directing delivery to the ~~3rd party~~ 3rd–party claimant, or post bond in the same manner provided for the defendant.

NOTE: Makes spelling consistent with current style and the majority of statutes.

SECTION 156. 822.07 (3) (c) of the statutes is amended to read:

822.07 **(3)** (c) If substantial evidence concerning the child's present or future care, protection, training, and personal relationships is more readily available in another state~~:~~;

NOTE: Corrects punctuation.

SECTION 157. 822.07 (7) of the statutes is amended to read:

822.07 **(7)** If it appears to the court that it is clearly an inappropriate forum it may require the party who commenced the proceedings to pay, in addition to the costs of the proceedings in this state, necessary travel and other expenses, including ~~attorneys'~~ attorney fees, incurred by other parties or their witnesses. Payment is to be made to the clerk of the court for remittance to the proper party.

NOTE: Makes spelling consistent with current style and the majority of statutes.

SECTION 158. 822.08 (3) of the statutes is amended to read:

822.08 **(3)** In appropriate cases a court dismissing a petition under this section may charge the petitioner with necessary travel and other expenses, including ~~attorneys'~~ attorney fees, incurred by other parties or their witnesses.

NOTE: Makes spelling consistent with current style and the majority of statutes.

SECTION 159. 822.15 (2) of the statutes is amended to read:

822.15 **(2)** A person violating a custody decree of another state which makes it necessary to enforce the decree in this state may be required to pay necessary

travel and other expenses, including ~~attorneys'~~ attorney fees, incurred by the party entitled to the custody or his or her witnesses.

NOTE: Makes spelling consistent with current style and the majority of statutes.

SECTION 160. 880.75 (2) of the statutes is amended to read:

880.75 **(2)** SECURITY TRANSACTIONS INVOLVING MINORS; LIABILITY. A bank, broker, issuer, ~~third~~ 3rd party, or transfer agent incurs no liability by reason of his or her treating a minor as having capacity to transfer a security, to receive or to empower others to receive dividends, interest, principal, or other payments or distributions, to vote or give consent in person or by proxy, or to make elections or exercise rights relating to the security, unless prior to acting in the transaction the bank, broker, issuer,~~third~~ 3rd party, or transfer agent had received written notice in the office acting in the transaction that the specific security is held by a minor or unless an individual conducting the transaction for the bank, broker, issuer, ~~third~~ 3rd party, or transfer agent had actual knowledge of the minority of the holder of the security. Except as otherwise provided in this section, such a bank, broker, issuer, ~~third~~ 3rd party, or transfer agent may assume without inquiry that the holder of a security is not a minor.

NOTE: Makes spelling consistent with current style and the majority of statutes.

SECTION 161. 880.75 (3) of the statutes is amended to read:

880.75 **(3)** ACTS OF MINORS NOT SUBJECT TO DISAFFIRMANCE OR AVOIDANCE. A minor, who has transferred a security, received or empowered others to receive dividends, interest, principal, or other payments or distributions, voted or given consent in person or by proxy, or made an election or exercised rights relating to the security, has no right thereafter, as against a bank, broker, issuer, ~~third~~ 3rd party, or transfer agent to disaffirm or avoid the transaction, unless prior to acting in the transaction

1 the bank, broker, issuer, ~~third~~ 3rd party, or transfer agent against whom the
2 transaction is sought to be disaffirmed or avoided had received notice in the office
3 acting in the transaction that the specific security is held by a minor or unless an
4 individual conducting the transaction for the bank, broker, issuer, ~~third~~ 3rd party,
5 or transfer agent had actual knowledge of the minority of the holder.

NOTE: Makes spelling consistent with current style and the majority of statutes.

6 **SECTION 162.** 880.76 (2) of the statutes is amended to read:

7 880.76 **(2)** SECURITY TRANSACTIONS INVOLVING INCOMPETENT OR SPENDTHRIFT;
8 LIABILITY. A bank, broker, issuer, ~~third~~ 3rd party, or transfer agent incurs no liability
9 by reason of his or her treating an incompetent or spendthrift as having capacity to
10 transfer a security, to receive or to empower others to receive dividends, interest,
11 principal, or other payments or distributions, to vote or give consent in person or by
12 proxy, or to make elections or exercise rights relating to the security, unless prior to
13 acting in the transaction the bank, broker, issuer, ~~third~~ 3rd party, or transfer agent
14 had received written notice in the office acting in the transaction that the specific
15 security is held by a person who has been adjudicated an incompetent or a
16 spendthrift or unless an individual conducting the transaction for the bank, broker,
17 issuer, ~~third~~ 3rd party, or transfer agent had actual knowledge that the holder of the
18 security is a person who has been adjudicated an incompetent or a spendthrift, or
19 actual knowledge of filing of lis pendens as provided in s. 880.215. Except as
20 otherwise provided in this section, such a bank, broker, issuer, ~~third~~ 3rd party, or
21 transfer agent may assume without inquiry that the holder of a security is not an
22 incompetent or spendthrift.

NOTE: Makes spelling consistent with current style and the majority of statutes.

23 **SECTION 163.** 880.76 (3) of the statutes is amended to read:

880.76 **(3)** ACTS NOT SUBJECT TO DISAFFIRMANCE OR AVOIDANCE. An incompetent or spendthrift, who has transferred a security, received or empowered others to receive dividends, interest, principal, or other payments or distributions, voted or given consent in person or by proxy, or made an election or exercised rights relating to the security, has no right thereafter, as against a bank, broker, issuer, ~~third~~ 3rd party, or transfer agent to disaffirm or avoid the transaction, unless prior to acting in the transaction the bank, broker, issuer, ~~third~~ 3rd party, or transfer agent against whom the transaction is sought to be disaffirmed or avoided had received notice in the office acting in the transaction that the specific security is held by a person who has been adjudicated an incompetent or a spendthrift or unless an individual conducting the transaction for the bank, broker, issuer, ~~third~~ 3rd party, or transfer agent had actual knowledge that the holder is a person who has been adjudicated an incompetent or a spendthrift, or actual knowledge of filing of lis pendens as provided in s. 880.215.

NOTE: Makes spelling consistent with current style and the majority of statutes.

SECTION 164. 880.86 (title) of the statutes is amended to read:

880.86 (title) **Exemption of ~~third~~ 3rd person from liability.**

NOTE: Makes spelling consistent with current style and the majority of statutes.

SECTION 165. 880.865 (title) of the statutes is amended to read:

880.865 (title) **Liability to ~~third~~ 3rd person.**

NOTE: Makes spelling consistent with current style and the majority of statutes.

SECTION 166. 895.58 (3) of the statutes is amended to read:

895.58 **(3)** Special waste, when used in a public works project, is exempt from regulation as solid waste under ch. 289 if all of the applicable conditions included in the list ~~complied~~ compiled under sub. (2) are met.

NOTE: Corrects spelling. The change has been made in the printed volumes.

1 **SECTION 167.** 905.06 (4) of the statutes is amended to read:

2 905.06 **(4)** EXCEPTIONS. There is no privilege under this section concerning
3 observations or information that a member of the clergy, as defined in s. ~~49.981~~
4 48.981 (1) (cx), is required to report as suspected or threatened child abuse under s.
5 48.981 (2) (bm).

NOTE: Inserts correct cross–reference. "Member of the clergy" is defined at s. 48.981 (1) (cx).

6 **SECTION 168.** 938.34 (4h) (a) of the statutes is amended to read:

7 938.34 **(4h)** (a) The juvenile is 14 years of age or over and has been adjudicated
8 delinquent for committing a violation of s. 939.31, 939.32 (1) (a), 940.03, 940.21,
9 940.225 (1), 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g), 943.32
10 (2), 948.02 (1), 948.025 (1), or 948.30 (2) or the juvenile is 10 years of age or over and
11 has been adjudicated delinquent for attempting or committing a violation of s. 940.01
12 or for committing a violation of s. 940.02 or 940.05.

NOTE: Inserts missing "s."

13 **SECTION 169.** 939.48 (4) of the statutes is amended to read:

14 939.48 **(4)** A person is privileged to defend a ~~third~~ 3rd person from real or
15 apparent unlawful interference by another under the same conditions and by the
16 same means as those under and by which the person is privileged to defend himself
17 or herself from real or apparent unlawful interference, provided that the person
18 reasonably believes that the facts are such that the ~~third~~ 3rd person would be
19 privileged to act in self–defense and that the person's intervention is necessary for
20 the protection of the ~~third~~ 3rd person.

NOTE: Makes spelling consistent with current style and the majority of statutes.

21 **SECTION 170.** 940.25 (1m) (a) of the statutes is amended to read:

940.25 **(1m)** (a) A person may be charged with and a prosecutor may proceed upon an information based upon a violation of any combination of sub. (1) (a), (am), or (b); any ~~any~~ combination of sub. (1) (a), (am), or (bm); any combination of sub. (1) (c), (cm), or (d); or any combination of ~~or~~ sub. (1) (c), (cm), or (e) for acts arising out of the same incident or occurrence.

NOTE: Deletes repeated word. Conforms punctuation to current style. Corrects placement of "or".

SECTION 171. 942.01 (1) of the statutes is amended to read:

942.01 **(1)** Whoever with intent to defame communicates any defamatory matter to a ~~third~~ 3rd person without the consent of the person defamed is guilty of a Class A misdemeanor.

SECTION 172. 943.212 (2) (b) 2. of the statutes is amended to read:

943.212 **(2)** (b) 2. ~~Attorneys~~ Attorney fees under s. 799.25 for actions commenced under ch. 799.

NOTE: Makes spelling consistent with current style and the majority of statutes.

SECTION 173. 973.195 (1r) (d) of the statutes is amended to read:

973.195 **(1r)** (d) If the sentence for which the inmate ~~seek's~~ seeks adjustment is for an offense under s. 940.225 (2) or (3), 948.02 (2), or 948.08 and the district attorney does not object to the petition within 10 days of receiving notice under par. (c), the district attorney shall notify the ~~the~~ victim, as defined under s. 950.02 (4), of the inmate's petition. The notice to the victim shall include information on the sentence adjustment petition process under this subsection, including information on how to object to the inmate's petition. If the victim objects to adjustment of the inmate's sentence within 45 days of the date on which the district attorney received notice under par. (c), the court shall deny the inmate's petition.

NOTE: Deletes repeated word and corrects spelling.

1 **SECTION 174.** 980.101 (3) of the statutes is amended to read:

2 980.101 **(3)** An appeal may be taken from an ~~an~~ order entered under sub. (2)
3 as from a final judgment.

NOTE: Deletes repeated word.

4 **SECTION 175.** 2003 Wisconsin Act 327, section 30, is amended by replacing
5 "196.204 (5) (ar) 2. of the statutes, as created by 2003 Wisconsin Act 278, is amended
6 to read:" with "196.204 (5) (ar) 2. (intro.) of the statutes, as created by 2003 Wisconsin
7 Act 278, is amended to read:".

NOTE: This provision only affected s. 196.204 (5) (ar) 2. (intro.).

8 **SECTION 176.** 2005 Wisconsin Act 22, section 48 is amended by replacing
9 "~~45.356 (9) (a) and (b)~~" with "~~45.356 (9) (a) or (b)~~".

NOTE: Corrects stricken text.

10 **SECTION 177.** 2005 Wisconsin Act 22, section 95 is amended by replacing "~~the~~
11 ~~Wisconsin Veterans Home at King and the nursing care facility~~" with "~~the Wisconsin~~
12 ~~Veterans Home at King or to the nursing care facility~~".

NOTE: Corrects stricken text.

13 **SECTION 178.** 2005 Wisconsin Act 22, section 98 is amended by replacing "~~, in~~
14 ~~the Wisconsin Veterans Home at King and the nursing care facility~~" with "~~, in the~~
15 ~~Wisconsin Veterans Home at King and in the nursing care facility~~".

NOTE: Corrects stricken text.

16 **SECTION 179.** 2005 Wisconsin Act 22, section 102 is amended by replacing
17 "chiropractic examining board, and board of nursing" with "chiropractic examining
18 board, and board of nursing".

NOTE: The comma was inserted without being underscored. The change was intended.

19 **(END)**