



2001 ASSEMBLY BILL 934

May 1, 2002 - Introduced by LAW REVISION COMMITTEE. Referred to Committee on Rules.

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

Analysis by the Legislative Reference Bureau

This revisor's revision bill is explained in the NOTES provided by the revisor of statutes in the body of the bill. In accordance with a change in drafting style, serial commas are added throughout this bill. "Which" is replaced by "that" where grammatically correct. This bill is not intended to make any substantive changes.

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

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

6 **SECTION 1.** 1.11 (2) (c) 4. of the statutes is amended to read:
7 1.11 **(2)** (c) 4. The relationship between local short-term uses of the human
8 environment and the maintenance and enhancement of long-term productivity; and

ASSEMBLY BILL 934

SECTION 1

NOTE: Deletes improperly located "and." See also the next section of this bill.

1 **SECTION 2.** 1.11 (2) (c) 5. of the statutes is amended to read:

2 1.11 (2) (c) 5. Any irreversible and irretrievable commitments of resources
3 ~~which~~ that would be involved in the proposed action should it be implemented; and

 NOTE: Places "and" in the proper location in the paragraph, prior to the final
subdivision.

4 **SECTION 3.** 8.10 (3) (intro.), (a) to (f) and (h) of the statutes are amended to read:

5 8.10 (3) (intro.) The certification of a qualified elector under s. 8.15 (4) (a) shall
6 be appended to each nomination paper. The number of required signatures on
7 nomination papers filed under this section is as follows:

8 (a) For statewide offices, not less than 2,000 nor more than 4,000 electors;_

9 (am) For court of appeals judges, not less than 1,000 nor more than 2,000
10 electors;_

11 (b) For judicial offices not specified in pars. (a), (am),_ and (c), not less than 200
12 nor more than 400 electors;_

13 (c) For judicial offices in counties over 500,000 population, not less than 1,000
14 nor more than 2,000 electors;_

15 (cm) For county executives in counties over 500,000 population, not less than
16 2,000 nor more than 4,000 electors;_

17 (d) For county executives in counties between 100,000 and 500,000 population,
18 not less than 500 nor more than 1,000 electors;_

19 (e) For county executives in counties under 100,000 population, not less than
20 200 nor more than 400 electors;_

21 (f) For supervisors in counties over 500,000 population, not less than 200 nor
22 more than 400 electors;_

ASSEMBLY BILL 934

1 (h) For supervisors in counties under 100,000 population, not less than 20 nor
2 more than 100 electors;.

NOTE: Conforms the (intro.) to current style. Makes punctuation of the paragraph consistent.

3 **SECTION 4.** 11.01 (6) (a) (intro.) of the statutes is amended to read:

4 11.01 **(6)** (a) (intro.) ~~“Contribution”~~ Except as provided in par. (b),
5 “contribution” means any of the following:

NOTE: Conforms the (intro.) to current style.

6 **SECTION 5.** 11.01 (6) (b) (intro.) and 1. to 4. of the statutes are amended to read:

7 11.01 **(6)** (b) (intro.) ~~Notwithstanding the foregoing meanings of “contribution”,~~
8 ~~the term “Contribution”~~ does not include any of the following:

9 1. Services for a political purpose by an individual on behalf of a registrant
10 under s. 11.05 who is not compensated specifically for such ~~the~~ services;.

11 2. The use of real or personal property and the cost of invitations, food, and
12 beverages, voluntarily provided by an individual to a candidate in rendering
13 voluntary personal services on the individual’s residential premises for a purpose
14 under par. (a) 1. if no funds are raised with the knowledge of the host;.

15 3. Any unreimbursed payment for travel expenses made by an individual who
16 on his or her own behalf volunteers ~~the individual’s~~ his or her personal services for
17 political purposes;.

18 4. The costs of preparation and transmission of personal correspondence,
19 provided ~~such material~~ that the correspondence is not reproduced by machine for
20 distribution; ~~or~~.

NOTE: Conforms the (intro.) to current style. Makes punctuation of the paragraph consistent. Replaces “the individual’s” to improve readability. Inserts a specific reference and replaces a disfavored term.

ASSEMBLY BILL 934**SECTION 6**

1 **SECTION 6.** 11.01 (6) (c) of the statutes is renumbered 11.01 (6) (b) 7. and
2 amended to read:

3 11.01 **(6)** (b) 7. ~~Notwithstanding par. (a), when a committee or group not~~
4 ~~organized exclusively for political purposes receives a~~ A gift, subscription, loan,
5 advance, or deposit of anything of value and received by a committee or group not
6 organized exclusively for political purposes that the group or committee does not
7 utilize it for political purposes, it is not a “contribution”.

NOTE: Reorganizes text to conform provision with current style and to fit within
the list of other exclusions under par. (b).

8 **SECTION 7.** 11.01 (7) (a) (intro.) of the statutes is amended to read:

9 11.01 **(7)** (a) (intro.) “Disbursement” Except as provided in par. (b),
10 “disbursement” means any of the following:

NOTE: Conforms the (intro.) to current style.

11 **SECTION 8.** 11.01 (7) (b) (intro.) and 1. to 3. of the statutes are amended to read:

12 11.01 **(7)** (b) (intro.) ~~Notwithstanding the foregoing meanings of~~
13 ~~“disbursement”, the term “Disbursement” does not include~~ any of the following:

14 1. The use of real or personal property and the cost of invitations, food, and
15 beverages, voluntarily provided by an individual to a candidate in rendering
16 voluntary personal services on the individual’s residential premises for a purpose
17 under par. (a) 1. if no funds are raised with the knowledge of the host;

18 2. Any unreimbursed payment for travel expenses made by an individual who
19 on his or her own behalf volunteers the individual’s his or her personal services for
20 political purposes;

21 3. The costs of preparation and transmission of personal correspondence,
22 provided ~~such material~~ that the correspondence is not reproduced by machine for
23 distribution;

ASSEMBLY BILL 934

NOTE: Conforms the (intro.) to current style. Makes punctuation of the paragraph consistent. Replaces “the individual’s” to improve readability. Inserts a specific reference.

1 **SECTION 9.** 11.07 (3) of the statutes is amended to read:

2 11.07 (3) The secretary of state shall keep a record of all processes, notices, and
3 demands served upon the secretary of state under this section, ~~which~~ that shows the
4 date and hour of service and the date of mailing. The certificate of the secretary of
5 state that a summons and complaint ~~or,~~ notice of object of action, or any notice or
6 demand required or permitted by law was served upon the secretary of state and that
7 the same was mailed by the secretary of state as required by law, shall be evidence
8 of service upon the secretary of state. If the address of the individual, committee, or
9 group is not known or readily ascertainable, mailing is dispensed with, and a copy
10 of the process shall ~~then~~ be published as a class 1 notice, under ch. 985, in the county
11 ~~wherein~~ in which the last-known registered agent was located ~~and~~ or, if unknown,
12 in Dane ~~county~~ County.

NOTE: Conforms capitalization to current style, replaces disfavored terminology, and corrects punctuation.

13 **SECTION 10.** 11.20 (8) (intro.), (a) and (b) of the statutes are amended to read:

14 11.20 (8) (intro.) Reports filed under subs. (2), (4), and (4m) shall include all
15 contributions received and transactions made as of the end of:

16 (a) The 15th day preceding the primary or election in the case of the preprimary
17 and preelection report;

18 (b) December 31 in the case of the continuing report required by January 31;
19 ~~and~~.

NOTE: Conforms the (intro.) to current style. Makes punctuation of the paragraph consistent.

20 **SECTION 11.** 13.48 (21) (title) of the statutes is amended to read:

ASSEMBLY BILL 934**SECTION 11**

1 13.48 (21) (title) ~~DEBT INCREASE FOR MEDICAL COLLEGE~~ MEDICAL COLLEGE OF
2 WISCONSIN.

NOTE: Conforms capitalization to current style.

3 **SECTION 12.** 13.48 (21) (a) (intro.) of the statutes is amended to read:

4 13.48 (21) (a) (intro.) The building commission may authorize up to \$8,000,000
5 of general fund supported borrowing to aid in the construction of a basic science
6 education facility at the ~~medical college~~ Medical College of Wisconsin. Prior to the
7 approval of any state funding commitment, the building commission must satisfy
8 itself that the ~~medical college~~ Medical College of Wisconsin has secured additional
9 funding commitments of at least \$34,000,000 from other nonstate revenue sources;
10 that such revenue sources are reasonable and available; that the nonstate funding
11 commitments will not exceed \$10,000,000 in borrowed funds, the repayment of
12 which shall be amortized over a period of years equal to at least three-fourths of the
13 amortization period for retirement of the bond issue authorized under s. 20.866 (2)
14 (zb), and that the nonstate funding commitment will not jeopardize the operating
15 funds of the medical college; and that the total funding commitments will enable the
16 signing of contracts for the construction of a complete basic sciences educational
17 facility. If the building commission authorizes a construction grant to the ~~medieal~~
18 ~~college~~ Medical College of Wisconsin, the medical college, in return, shall provide the
19 state with an option-to-purchase with the following provisions:

NOTE: Conforms capitalization to current style.

20 **SECTION 13.** 15.157 (8) (b) of the statutes is amended to read:

21 15.157 (8) (b) A representative of the ~~medical college~~ Medical College of
22 Wisconsin, ~~inc.~~ Inc.

NOTE: Conforms capitalization to current style.

ASSEMBLY BILL 934

1 **SECTION 14.** 15.165 (3) (b) (intro.) of the statutes is amended to read:

2 15.165 **(3)** (b) *Wisconsin retirement board.* (intro.) There is created in the
3 department of employee trust funds a Wisconsin retirement board. The board shall
4 consist of 9 members, and board members appointed under subds. 1. to 8. shall serve
5 for staggered 5-year terms. The member appointed under subd. 1. shall be
6 appointed from a list of 5 names submitted by the board of directors of the league
7 League of Wisconsin municipalities Municipalities, and the member appointed
8 under subd. 4. shall be appointed from a list of 5 names submitted by the executive
9 committee of the Wisconsin Counties Association. Each member appointed under
10 subds. 1., 2., and 3. shall be from a different county. Each member appointed under
11 subds. 4., 5., and 6. shall be appointed from a different county. The board shall consist
12 of the following members:

NOTE: Conforms capitalization to current style. Adds comma to correct grammar.

13 **SECTION 15.** 15.435 (1) (e) 2. and 6. of the statutes are amended to read:

14 15.435 **(1)** (e) 2. One municipal official member shall be recommended by the
15 league League of Wisconsin municipalities Municipalities.

16 6. The Native American member shall be recommended by the Great Lakes
17 ~~inter-tribal council, inc.~~ Inter-Tribal Council, Inc. Preference should be given to the
18 appointment of a Native American who resides in a ~~township~~ town in which the
19 development of a metalliferous mineral ore body is occurring.

NOTE: Conforms capitalization to current style. Inserts correct municipality terminology.

20 **SECTION 16.** 15.467 (4) (h) of the statutes is amended to read:

21 15.467 **(4)** (h) A member of the Wisconsin district District Attorneys
22 Association, designated by the president thereof.

NOTE: Conforms capitalization to current style.

ASSEMBLY BILL 934**SECTION 17**

1 **SECTION 17.** 15.78 of the statutes is amended to read:

2 **15.78 Public defender board.** There is created a public defender board
3 consisting of 9 members appointed for staggered 3-year terms. No member may be,
4 or be employed on the staff of, a judicial or law enforcement officer, district attorney,
5 corporation counsel, or the state public defender. At least 5 members shall be
6 members of the ~~state bar~~ State Bar of Wisconsin.

NOTE: Conforms capitalization to current style.

7 **SECTION 18.** 16.375 (3) (intro.) and (d) of the statutes are consolidated,
8 renumbered 16.375 (3) and amended to read:

9 16.375 **(3)** TRANSFER OF REAL PROPERTY. The department may transfer real
10 property obtained under sub. (2) to an applicant ~~pursuant to~~ under a written
11 agreement that includes the following: ~~(d) The~~ a provision that the applicant agrees
12 to pay the department an amount to utilize the real property in conformance with
13 the agreement.

NOTE: The (intro.) and par. (d) are combined as there are no other paragraphs.

14 **SECTION 19.** 16.855 (10n) (a) (intro.) and 2. of the statutes are consolidated,
15 renumbered 16.855 (10n) (a) and amended to read:

16 16.855 **(10n)** (a) In this subsection: ~~2. "Minority,~~ "minority group member" has
17 the meaning given in s. 560.036 (1) (f).

NOTE: The (intro.) and subd. 2. are combined as there are no other subdivisions.

18 **SECTION 20.** 16.959 (4) of the statutes is amended to read:

19 16.959 **(4)** Train University of Wisconsin ~~System extension~~
20 Wisconsin-Extension staff to assist persons interested in siting wind energy
21 conversion systems.

NOTE: Makes reference to the university extension consistent with the remainder
of the statutes.

ASSEMBLY BILL 934

1 **SECTION 21.** 17.16 (2) of the statutes is renumbered 17.001 and amended to
2 read:

3 **17.001 Definition.** ~~The word “cause,” as used in~~ In this chapter, unless
4 qualified, “cause” means inefficiency, neglect of duty, official misconduct, or
5 malfeasance in office.

NOTE: Moves a definition applicable to the entire chapter to a separate section at
the beginning of the chapter, consistent with current style.

6 **SECTION 22.** 18.61 (3) (a) of the statutes is amended to read:

7 18.61 (3) (a) If the state fails to pay any revenue obligation in accordance with
8 its terms, and default continues for a period of 30 days or if the state fails or refuses
9 to comply with this subchapter or defaults in any agreement made with the owners
10 of any issue of revenue obligations, the owners of 25% in aggregate principal amount
11 of the revenue obligations of the issue then outstanding, by instrument recorded in
12 the office of the register of deeds of Dane ~~county~~ County and approved or
13 acknowledged in the same manner as a deed to be recorded, may appoint a trustee
14 to represent the owners of the revenue obligations for the purposes specifically
15 provided in the instrument.

NOTE: Conforms capitalization to current style and corrects punctuation.

16 **SECTION 23.** 20.115 (4) (e) of the statutes is amended to read:

17 20.115 (4) (e) ~~Aids to world dairy expo, inc.~~ World Dairy Expo, Inc. The amounts
18 in the schedule for aids to the ~~world dairy expo, inc.~~ World Dairy Expo, Inc., to be used
19 for the payments under s. 93.30.

NOTE: Capitalizes corporate title consistent with current style.

20 **SECTION 24.** 20.250 (intro.) of the statutes is amended to read:

21 **20.250 Medical College of Wisconsin.** (intro.) There is appropriated to the
22 ~~medical college~~ Medical College of Wisconsin, ~~inc.~~ Inc., for the following program:

ASSEMBLY BILL 934

NOTE: Conforms capitalization to current style.

1 **SECTION 25.** 20.285 (1) (h) of the statutes is amended to read:

2 20.285 (1) (h) *Auxiliary enterprises.* Except as provided under subs. (5) (i) and
3 (6) (g), all moneys received by the ~~university~~ University of Wisconsin system System
4 for or on account of any housing facility, commons, dining halls, cafeteria, student
5 union, athletic activities, stationery stand or bookstore, parking facilities or car fleet,
6 or such other auxiliary enterprise activities as the board designates and including
7 such fee revenues as allocated by the board and including such moneys received
8 under leases entered into previously with nonprofit building corporations as the
9 board designates to be receipts under this paragraph, to be used for the operation,
10 maintenance, and capital expenditures of activities specified in this paragraph,
11 including the transfer of funds to pars. (kd) and (ke) and to nonprofit building
12 corporations to be used by the corporations for the retirement of existing
13 indebtedness and such other payments as may be required under existing loan
14 agreements, and for optional rental payments in addition to the mandatory rental
15 payments under the leases and subleases in connection with the providing of
16 facilities for such activities. A separate account shall be maintained for each campus
17 and extension. Upon the request of the extension or any campus within the system,
18 the board of regents may transfer surplus moneys appropriated under this
19 paragraph to the appropriation account under par. (kp).

NOTE: Conforms capitalization to current style.

20 **SECTION 26.** 20.435 (2) (gk) of the statutes, as affected by 2001 Wisconsin Act
21 16, is amended to read:

22 20.435 (2) (gk) *Institutional operations and charges.* The amounts in the
23 schedule for care, other than under s. 51.06 (1r), provided by the centers for the

ASSEMBLY BILL 934

1 developmentally disabled, to reimburse the cost of providing the services and to
2 remit any credit balances to county departments that occur on and after
3 July 1, 1978, in accordance with s. 51.437 (4rm) (c); for care, other than under s.
4 46.043, provided by the mental health institutes, to reimburse the cost of providing
5 the services and to remit any credit balances to county departments that occur on and
6 after January 1, 1979, in accordance with s. 51.42 (3) (as) 2.; for maintenance of
7 state-owned housing at centers for the developmentally disabled and mental health
8 institutes; for repair or replacement of property damaged at the mental health
9 institutes or at centers for the developmentally disabled; and for reimbursing the
10 total cost of using, producing, and providing services, products, and care. All moneys
11 received as payments from medical assistance on and after August 1, 1978; as
12 payments from all other sources including other payments under s. 46.10 and
13 payments under s. 51.437 (4rm) (c) received on and after July 1, 1978; as medical
14 assistance payments, other payments under s. 46.10, and payments under s. 51.42
15 (3) (as) 2. received on and after January 1, 1979; as payments for the rental of
16 state-owned housing and other institutional facilities at centers for the
17 developmentally disabled and mental health institutes; for the sale of electricity,
18 steam, or chilled water; as payments in restitution of property damaged at the
19 mental health institutes or at centers for the developmentally disabled; for the sale
20 of surplus property, including vehicles, at the mental health institutes or at centers
21 for the developmentally disabled; and for other services, products, and care shall be
22 credited to this appropriation, except that any payment under s. 46.10 received for
23 the care or treatment of patients admitted under s. 51.10, 51.15, or 51.20 for which
24 the state is liable under s. 51.05 (3), of patients admitted under s. 55.06 (9) (d) or (e)
25 for which the state is liable under s. 55.05 (1), of forensic patients committed under

ASSEMBLY BILL 934

1 ch. 971 or 975, admitted under ch. 975, or transferred under s. 51.35 (3), or of patients
2 transferred from a state prison under s. 51.37 (5), to the Mendota mental health
3 ~~institute~~ Mental Health Institute or the Winnebago mental health institute Mental
4 Health Institute shall be treated as general purpose revenue — earned, as defined
5 under s. 20.001 (4).

NOTE: Conforms capitalization to current style and adds articles for better readability.

6 **SECTION 27.** 20.435 (6) (hx) of the statutes is amended to read:

7 20.435 (6) (hx) *Services related to drivers, receipts.* The amounts in the
8 schedule for services related to drivers. All moneys received by the state treasurer
9 from the driver improvement surcharge on court fines and forfeitures authorized
10 under s. 346.655 and all moneys transferred from the appropriation account under
11 s. 20.395 (5) (di) shall be credited to this appropriation. The secretary of
12 administration shall annually transfer to the appropriation account under s. 20.395
13 (5) (ek) 3.76% of all moneys credited to this appropriation from the driver
14 improvement surcharge. Any unencumbered moneys in this appropriation account
15 may be transferred to sub. (7) (hy) and ss. 20.255 (1) (hm), 20.285 (1) (ia), 20.395 (5)
16 (ci) and (di), and 20.455 (5) (h) by the secretary of administration, after consultation
17 with the secretaries of health and family services and transportation, the
18 superintendent of public instruction, the attorney general, and the president of the
19 ~~university~~ University of Wisconsin system System.

NOTE: Conforms capitalization to current style and corrects grammar.

20 **SECTION 28.** 20.485 (1) (d) of the statutes is amended to read:

21 20.485 (1) (d) *Cemetery maintenance and beautification.* The amounts in the
22 schedule for cemetery maintenance and beautification at the Wisconsin veterans

ASSEMBLY BILL 934

1 ~~memorial cemetery~~ Veterans Memorial Cemetery at the Wisconsin ~~veterans home~~
2 Veterans Home at King.

NOTE: Conforms capitalization to current style.

3 **SECTION 29.** 20.485 (1) (gd) of the statutes is amended to read:

4 20.485 (1) (gd) *Veterans home cemetery operations.* All moneys received from
5 the estate of the decedents under s. 45.37 (15) (c) for the burial of veterans and
6 non-veterans in the Wisconsin ~~veterans memorial cemetery~~ Veterans Memorial
7 Cemetery at the Wisconsin ~~veterans home~~ Veterans Home at King, to be used for that
8 purpose.

NOTE: Conforms capitalization to current style.

9 **SECTION 30.** 20.485 (2) (em) of the statutes is amended to read:

10 20.485 (2) (em) *Payments related to The Highground.* From the general fund,
11 as a continuing appropriation, the amounts in the schedule to make payments under
12 s. 45.03 (3) related to the veterans memorial at The Highground in Clark ~~county~~
13 County. Moneys may not be spent from this appropriation without the approval of
14 the joint committee on finance.

NOTE: Conforms capitalization to current style.

15 **SECTION 31.** 20.680 (3) (g) of the statutes is amended to read:

16 20.680 (3) (g) *Board of bar examiners.* All moneys received from the ~~state bar~~
17 State Bar of Wisconsin, attorney licensing exam fees, and attorney licensing fees for
18 the operational expenses of the board of bar examiners.

NOTE: Conforms capitalization to current style.

19 **SECTION 32.** 20.680 (3) (h) of the statutes is amended to read:

20 20.680 (3) (h) *Board of attorneys professional responsibility.* All moneys
21 received from the ~~state bar~~ State Bar of Wisconsin and any other revenue derived
22 from the activities of the board for the operational expenses of and the expenses of

ASSEMBLY BILL 934**SECTION 32**

1 disciplinary investigations and actions by the board of attorneys professional
2 responsibility.

NOTE: Conforms capitalization to current style.

3 **SECTION 33.** 20.866 (2) (zb) of the statutes is amended to read:

4 20.866 (2) (zb) *Medical college College of Wisconsin, inc. Inc.; basic science*
5 *education and health information technology facilities.* From the capital
6 improvement fund, a sum sufficient for the ~~medical college~~ Medical College of
7 Wisconsin, ~~inc. Inc.~~, to aid in the construction of a basic science education facility and
8 in the funding of a health information technology center. The state may contract
9 public debt in an amount not to exceed \$10,000,000 for these purposes.

NOTE: Conforms capitalization to current style.

10 **SECTION 34.** 20.916 (3) of the statutes is amended to read:

11 20.916 (3) FURNISHING OF GROUP TRANSPORTATION TO PLACE OF WORK. The
12 department of health and family services, the department of corrections, and the
13 department of natural resources may, with the approval of the governor and the
14 department of administration, provide group transportation, in the absence of
15 convenient and public scheduled transportation, for employees to and from the
16 Mendota and Winnebago mental health institutes and the centers for the
17 developmentally disabled in the case of employees of the department of health and
18 family services, to the Ethan Allen School, the Taycheedah Correctional Institution,
19 and the Fox Lake Correctional Institution in the case of employees of the department
20 of corrections, and to and from its temporary branch offices located at the Nevin fish
21 hatchery Fish Hatchery grounds in the case of employees of the department of
22 natural resources. Any employee, if injured while being so transported, shall be
23 ~~deemed~~ considered to have been in the course of his or her employment.

ASSEMBLY BILL 934

NOTE: Conforms capitalization to current style and inserts preferred term.

1 **SECTION 35.** 20.916 (4m) of the statutes is renumbered 20.916 (4m) (b) and
2 amended to read:

3 20.916 (**4m**) (b) Except as otherwise provided in this ~~subsection~~ paragraph, if
4 any state agency determines that ~~the~~ an employee's duties of an employee require
5 the use of a motor vehicle, and use of a personal motor vehicle is authorized by the
6 agency under similar circumstances, the agency shall authorize the employee to use
7 a personal motorcycle for ~~such~~ the employee's duties and shall reimburse the
8 employee for ~~such~~ the use of the motorcycle at rates determined biennially by the
9 secretary of employment relations under sub. (8), subject to the approval of the joint
10 committee on employment relations. No state agency may authorize an employee to
11 use or reimburse an employee for the use of a personal motorcycle under this
12 ~~subsection~~ paragraph if more than one individual is transported on the motorcycle.
13 All allowances for the use of a motorcycle shall be paid upon approval and
14 certification of the amounts payable by the head of the state agency for which the
15 employee performs duties to the department of administration. ~~In this subsection,~~
16 ~~“motorcycle” has the meaning given under s. 340.01 (32).~~

NOTE: Moves definition to a separate paragraph at the beginning of the subsection,
consistent with current style, and inserts specific references. See also the next section
of this bill.

17 **SECTION 36.** 20.916 (4m) (a) of the statutes is created to read:

18 20.916 (**4m**) (a) In this subsection, “motorcycle” has the meaning given under
19 s. 340.01 (32).

NOTE: See the previous section of this bill.

20 **SECTION 37.** 20.927 (1) of the statutes is renumbered 20.927 (1m).

NOTE: Accommodates the renumbering of a definition to the beginning of the
section, consistent with current style. See the next section of this bill.

ASSEMBLY BILL 934

1 **SECTION 38.** 20.927 (4) of the statutes is renumbered 20.927 (1g).

NOTE: Moves definition to the beginning of the section, consistent with current style.

2 **SECTION 39.** 24.39 (4) (h) of the statutes is amended to read:

3 24.39 (4) (h) All rights to submerged lands and rights above submerged lands
4 ceded, granted, or leased to municipalities, or other persons by ~~prior~~ acts of the state
5 ~~[1961]~~ that were effective prior to October 10, 1961, shall not be affected by this
6 subsection or by s. 30.11 (5).

NOTE: Inserts the effective date of ch. 355, laws of 1961, which created this provision, and language to clarify the applicability of this provision.

7 **SECTION 40.** 26.01 of the statutes is renumbered 26.01 (intro.) and amended
8 to read:

9 **26.01 Definition Definitions.** (intro.) In this chapter, ~~unless:~~

10 **(1) Unless** the context requires otherwise, “department” means the
11 department of natural resources.

NOTE: Accommodates the renumbering of s. 26.11 (2) by this bill.

12 **SECTION 41.** 26.11 (1) of the statutes is amended to read:

13 26.11 (1) The department is vested with power, authority, and jurisdiction in
14 all matters relating to the prevention, detection, and suppression of forest fires
15 outside the limits of ~~incorporated~~ villages and cities in the state except as provided
16 in ~~sub. s. 26.01~~ (2), and to do all things necessary in the exercise of such power,
17 authority, and jurisdiction.

NOTE: Deletes unnecessary term. Village means an incorporated village under s. 990.01 (45). Changes cross-reference in accordance with renumbering by this bill.

18 **SECTION 42.** 26.11 (2) of the statutes is renumbered 26.01 (2) and amended to
19 read:

ASSEMBLY BILL 934

1 26.01 (2) ~~The term “forest~~ “Forest fire” ~~as used in this chapter~~ means
2 uncontrolled, wild, or running fires occurring on forest, marsh, field, cutover, or other
3 lands or involving farm, city, or village property and improvements incidental to the
4 uncontrolled, wild, or running fires occurring on forest, marsh, field, cutover, or other
5 lands.

NOTE: Renumbers definition applicable to all of ch. 26 to the definitions section at the beginning of the chapter consistent with current style.

6 **SECTION 43.** 27.11 (5) (a) of the statutes is renumbered 27.11 (5).

NOTE: Eliminates unnecessary paragraph designation. This provision is not subdivided.

7 **SECTION 44.** 28.11 (6) (b) 4. of the statutes is amended to read:

8 28.11 (6) (b) 4. Within 90 days after completion of any cutting operation (,
9 including timber trespass), but not more than 2 years after filing the cutting notice,
10 the county shall transmit to the department on forms furnished by the department,
11 a report of merchantable wood products cut. The department may conduct ~~such~~ any
12 investigations on timber cutting operations as that it deems considers to be
13 advisable, including the holding of public hearings ~~thereon~~ on the timber cutting
14 operations, and may assess severance share payments accordingly.

NOTE: Replaces parentheses and disfavored terminology to improve readability and to conform to current style.

15 **SECTION 45.** 28.11 (11) (a) of the statutes is renumbered 28.11 (11) (a) 1. and
16 amended to read:

17 28.11 (11) (a) 1. The county board may by resolution adopted by not less than
18 two-thirds of its membership make application to the department to withdraw lands
19 entered under this section. The county board shall first refer the resolution to the
20 county forestry committee, which shall consult with an authorized representative of
21 the department in formulating its withdrawal proposal. The county board shall not

ASSEMBLY BILL 934**SECTION 45**

1 take final action ~~thereon~~ on the application until 90 days after such referral of the
2 application to the forestry committee or until the report ~~thereon~~ of the forestry
3 committee regarding the application has been filed with the board. ~~Such~~ The
4 application shall include the land description ~~and,~~ a statement of the reasons for
5 withdrawal, and any restrictions or other conditions of use attached to the land
6 proposed for withdrawal.

7 2. Upon the filing of such an application to withdraw lands under subd. 1., the
8 department shall investigate ~~the same and it may conduct a public hearing thereon~~
9 ~~if it deems it advisable at such time and place as it sees fit. If requested by the county~~
10 ~~in writing the department shall hold a public hearing~~ the application. During the
11 course of its investigation the department shall make an examination of the
12 character of the land, the volume of timber, improvements, and any other special
13 values ~~and in.~~ In the case of withdrawal for the purpose of sale to any purchaser
14 other than the state or a local unit of government ~~it,~~ the department shall establish
15 a minimum value on the lands to be withdrawn. In making its investigation the
16 department shall give full weight and consideration to the purposes and principles
17 set forth in sub. (1), and it shall also weigh and consider the benefits to the people
18 of the state as a whole, as well as to the county, from the proposed use against the
19 benefits accruing to the people of the state as a whole and to the county under the
20 continued entry of such the lands to be withdrawn. The department may conduct a
21 public hearing on the application, if it considers it advisable, at a time and place that
22 it determines, except that if the county requests a public hearing in writing, the
23 department shall hold a public hearing.

24 3. If the department finds that the benefits after withdrawal of the lands
25 described in the application under subd. 2. outweigh the benefits under continued

ASSEMBLY BILL 934

1 entry of the lands and that the lands will be put to a better and higher use, it shall
2 make an order withdrawing such the lands from entry,; otherwise it shall deny the
3 application.

4 4. If the application is denied, the county board may, by resolution adopted by
5 not less than two-thirds of its membership, appeal to a review committee. The
6 department shall submit the findings of its investigation and of any hearing on a
7 proposed withdrawal to the committee, which shall be composed of ~~one~~ the following
8 members:

9 a. One member appointed by the county board submitting the application for
10 withdrawal; ~~one.~~

11 b. One member who is appointed by the governor, who is from another county
12 which that has land enrolled under the county forest law, ~~this member to be~~
13 ~~appointed by the governor and to~~ and who shall be chairperson of the review
14 committee; ~~one.~~

15 c. One member appointed by the department; ~~one.~~

16 d. One member appointed by the University of Wisconsin from the college of
17 agriculture; and a 5th College of Agricultural and Life Sciences.

18 e. One member to be selected by unanimous vote of the appointed members or
19 by the governor, if they the appointed members fail to achieve unanimity. ~~This, by~~
20 the governor.

21 5. The review committee appointed under subd. 4. shall, by majority vote shall,
22 within 60 days after receiving the findings of the department, ~~either approve~~ do one
23 of the following:

ASSEMBLY BILL 934

1 a. Approve the application for withdrawal if it finds the proposed use to be of
2 a greater benefit considering all losses and benefits to the people of the state as a
3 whole, as well as to the people of the county, ~~or shall provisionally.~~

4 b. Provisionally deny the application for withdrawal giving specific reasons
5 why it finds the proposal deficient and making any suggestions for revising the
6 application to reduce the conflict of the proposed use with the public interest.

7 6. If the committee approves a withdrawal under subd. 5., it shall notify the
8 county board of its approval stating, as necessary, specific procedures to be followed
9 by the county relating to ~~such~~ the withdrawal. The county board may then by a
10 resolution approved by not less than two-thirds of its membership, withdraw the
11 lands from the county forest law and shall send copies of this resolution to the
12 department and to the county register of deeds who shall record the ~~same~~ resolution.

13 7. If the committee provisionally denies the proposed withdrawal under subd.
14 5., it may consider an amended application for withdrawal upon presentation of the
15 application and supporting information, or it may require additional investigation
16 of the amended application by the department before reconsidering the application.
17 Any additional investigation shall include additional public hearings if requested by
18 ~~either~~ the county, the department, ~~or by~~ the committee.

NOTE: Subdivides long provision, inserts specific references and cross-references,
replaces disfavored terminology, reorders text, and modifies punctuation to improve
readability and to conform to current style. Corrects and capitalizes college title.

19 **SECTION 46.** 30.207 (6) (intro.) of the statutes is renumbered 30.207 (6) (a).

NOTE: This provision is not introductory to the existing paragraph (b) that follows
it but is separate and distinct and is renumbered accordingly.

20 **SECTION 47.** 30.90 of the statutes is renumbered 30.90 (1) (a) and amended to
21 read:

ASSEMBLY BILL 934

1 30.90 (1) (a) Neither the county or town may provide, nor shall any subdivider
2 be required or permitted to provide, public access to Lake Lions Lake in the town of
3 Alban, Portage County, if such the public access will in any way interfere with the
4 use of the lake as a recreational area for the physically handicapped as long as such
5 use is continued.

6 (b) The department may stock said lake Lake Lions with fish as long as such
7 use is continued, any provision in ch. 29 to the contrary notwithstanding.

8 (2) The town board of the town of Alban shall have jurisdiction over Lake Lions,
9 and may enact and enforce such any ordinances necessary to prevent any
10 deterioration of the said waters of Lake Lions or any nuisances which that would
11 adversely affect the health or safety of the people.

NOTE: Makes lake name consistent and conforms capitalization to current style.
Reorganizes text and subdivides provision to improve readability and to conform to
current style, including moving text to a new sub. (1) (intro.) created by the next section
of this bill.

12 **SECTION 48.** 30.90 (1) (intro.) of the statutes is created to read:

13 30.90 (1) (intro.) As long as Lake Lions in the town of Alban, Portage County,
14 continues to be used as a recreational area for the physically handicapped, all of the
15 following shall apply:

NOTE: See the previous section of this bill.

16 **SECTION 49.** 33.44 (1) (f) 1. of the statutes is amended to read:

17 33.44 (1) (f) 1. Except as provided in subds. 2. and 3., one member who is not
18 a supervisor on the county board, who resides outside the city of Madison and whose
19 name is on a list of at least 2 nominees submitted to the county executive by the Dane
20 county towns association County Towns Association.

NOTE: Conforms capitalization to current style.

21 **SECTION 50.** 33.44 (1) (f) 2. of the statutes is amended to read:

ASSEMBLY BILL 934**SECTION 50**

1 33.44 (1) (f) 2. For terms subsequent to the initial term, the person appointed
2 under this paragraph must reside outside the city of Madison and the person's name
3 must be on a list of at least 2 nominees submitted to the county executive by the Dane
4 ~~county towns association~~ County Towns Association. Unless the person has served
5 continuously as the member appointed under this paragraph for all previous terms,
6 including the initial term, the person may not be a supervisor on the county board.

NOTE: Conforms capitalization to current style.

7 **SECTION 51.** 36.25 (3) (a) of the statutes is amended to read:

8 36.25 (3) (a) The board may establish through the ~~college of agricultural and~~
9 ~~life sciences~~ College of Agricultural and Life Sciences of the University of
10 Wisconsin-Madison demonstration stations for the purpose of aiding in agricultural
11 development. The location of the stations shall be determined by the board which
12 shall consider the opportunities for agricultural development in various regions of
13 the state.

NOTE: Conforms capitalization to current style.

14 **SECTION 52.** 36.25 (3) (c) of the statutes is amended to read:

15 36.25 (3) (c) The board shall, under the supervision of the dean of the ~~college~~
16 ~~of agricultural and life sciences~~ College of Agricultural and Life Sciences of the
17 University of Wisconsin-Madison, foster research and experimentation in the
18 control of bovine brucellosis (which is also known as Bang's disease), at various
19 points within this state as it deems that the board considers advisable. To facilitate
20 ~~such work~~ the bovine brucellosis research and experimentation, contracts may be
21 entered into with owners of bovine animals of various classes for the supervised
22 control of the animals and for the purchase of animals under conditions to be
23 specified in ~~such~~ contracts ~~which~~ that shall be retained for control purposes.

ASSEMBLY BILL 934

1 Payment for such animals under the contracts shall be made out of the appropriation
2 in s. 20.285 (1) (a).

NOTE: Conforms capitalization to current style. Inserts specific references, replaces parentheses, and replaces disfavored terminology to improve readability and to conform to current style.

3 **SECTION 53.** 36.25 (4) of the statutes is amended to read:

4 36.25 (4) DUTCH ELM DISEASE STUDIES. The board shall, through the college of
5 agricultural and life sciences College of Agricultural and Life Sciences of the
6 University of Wisconsin-Madison, authorize laboratory and field studies, research,
7 and experiments to determine the cause and control of Dutch elm disease. The
8 various departments of the state shall cooperate with the university in this program.

NOTE: Conforms capitalization to current style.

9 **SECTION 54.** 36.25 (29m) (intro.) of the statutes is amended to read:

10 36.25 (29m) CENTER FOR ENVIRONMENTAL EDUCATION ENVIRONMENTAL
11 EDUCATION. (intro.) There is established in the college of natural resources College
12 of Natural Resources at the University of Wisconsin-Stevens Point a center for
13 environmental education to assist in the development, dissemination,
14 implementation, and evaluation of environmental education programs for
15 elementary and secondary school teachers and pupils. The center shall do all of the
16 following:

NOTE: Conforms capitalization to current style.

17 **SECTION 55.** 36.25 (29m) (h) of the statutes is amended to read:

18 36.25 (29m) (h) Assist the University of Wisconsin-Stevens Point college of
19 natural resources College of Natural Resources in providing opportunities for
20 teachers to complete advanced training in environmental education through the
21 college's master's degree program.

NOTE: Conforms capitalization to current style.

ASSEMBLY BILL 934

1 **SECTION 56.** 36.25 (30m) of the statutes is amended to read:

2 36.25 **(30m)** AGRICULTURAL TECHNOLOGY AND FAMILY FARM PROGRAMS. The board
3 may establish agricultural technology and family farm programs in the college of
4 agriculture and life sciences College of Agricultural and Life Sciences at the
5 University of Wisconsin-Madison.

NOTE: Conforms capitalization to current style and corrects name.

6 **SECTION 57.** 36.33 (4) of the statutes is amended to read:

7 36.33 **(4)** PROCEEDS. The net proceeds from the sale of agricultural lands and
8 improvements authorized by this section shall be devoted to the purchase of land and
9 construction of improvements contemplated in sub. (1) but of any excess of revenue
10 beyond the amount required for this purpose a sum not to exceed \$7,200,000 shall
11 constitute a nonlapsible fund for the purpose of erecting facilities for research and
12 instruction in animal husbandry, agricultural engineering and agriculture
13 agricultural and life sciences at the University of Wisconsin-Madison, and such
14 funds shall become available upon consent and recommendation of the board and
15 authorization by the building commission.

NOTE: Corrects name.

16 **SECTION 58.** 39.15 (1) (a) of the statutes is amended to read:

17 39.15 **(1)** (a) One-third of the members of the board of trustees of the medical
18 college Medical College of Wisconsin, ~~inc.~~ Inc., shall be nominated by the governor,
19 and, with the advice and consent of the senate, appointed, for staggered 6-year terms
20 expiring on May 1.

NOTE: Conforms capitalization to current style.

21 **SECTION 59.** 39.15 (1) (b) of the statutes is amended to read:

ASSEMBLY BILL 934

1 39.15 (1) (b) The ~~medical college~~ Medical College of Wisconsin, ~~inc. Inc.~~, shall
2 give first preference in admissions to residents of this state.

NOTE: Conforms capitalization to current style.

3 **SECTION 60.** 39.15 (1) (c) of the statutes is amended to read:

4 39.15 (1) (c) The ~~medical college~~ Medical College of Wisconsin, ~~inc. Inc.~~, shall
5 make every effort to ensure that at least 5% of the total enrollment of the college
6 consists of minority students.

NOTE: Conforms capitalization to current style.

7 **SECTION 61.** 39.15 (2) of the statutes is amended to read:

8 39.15 (2) The legislative audit bureau shall biennially postaudit expenditures
9 under s. 20.250 so as to assure the propriety of expenditures and compliance with
10 legislative intent. State affirmative action policies, rules, and practices shall be
11 applied to the ~~medical college~~ Medical College of Wisconsin, ~~inc. Inc.~~, consistent with
12 their application to state agencies.

NOTE: Conforms capitalization to current style.

13 **SECTION 62.** 39.155 (title) and (1) of the statutes are amended to read:

14 **39.155 (title) Medical college College of Wisconsin; state aid policies.**
15 (1) Subject to sub. (3), all funds appropriated to the ~~medical college~~ Medical College
16 of Wisconsin, ~~inc. Inc.~~, under s. 20.250 (1) (a) shall be based on a per capita formula
17 for an amount for each Wisconsin resident enrolled at the college who is paying full
18 tuition. A student's qualification as a resident of this state shall be determined by
19 the higher educational aids board in accordance with s. 36.27, so far as applicable.

NOTE: Conforms capitalization to that of current style.

20 **SECTION 63.** 39.155 (2) of the statutes is amended to read:

21 39.155 (2) On or before January 15 and September 15 of each year, the ~~medical~~
22 college Medical College of Wisconsin, ~~inc. Inc.~~, shall submit to the higher educational

ASSEMBLY BILL 934**SECTION 63**

1 aids board for its approval a list of the Wisconsin residents enrolled at the college who
2 are paying full tuition. The state shall make semiannual payments to the ~~medical~~
3 ~~college~~ Medical College of Wisconsin, ~~inc.~~ Inc., from the appropriation under s.
4 20.250 (1) (a), upon approval of the list. If the appropriation under s. 20.250 (1) (a)
5 is insufficient to pay the amount specified to be disbursed under s. 20.250 (1) (a), the
6 payments shall be disbursed on a prorated basis for each student entitled to such aid.
7 No more than 8 such payments may be made to the ~~medical college~~ Medical College
8 of Wisconsin, ~~inc.~~ Inc., from the appropriation under s. 20.250 (1) (a), for any
9 individual student.

NOTE: Conforms capitalization to current style.

10 **SECTION 64.** 39.155 (3) of the statutes is amended to read:

11 39.155 (3) The ~~medical college~~ Medical College of Wisconsin, ~~inc.~~ Inc., may not
12 assess tuition for a Wisconsin resident enrolled at the college in an amount that
13 exceeds the difference between the tuition assessed a nonresident student enrolled
14 at the college and the amount disbursed under s. 20.250 (1) (a) for each Wisconsin
15 resident enrolled at the college. This subsection applies only to students enrolled in
16 the class entering the college in the 1986-87 academic year and thereafter for whom
17 payments are made to the Medical College of Wisconsin, Inc., from the appropriation
18 under s. 20.250 (1) (a).

NOTE: Conforms capitalization to current style.

19 **SECTION 65.** 39.16 (intro.) of the statutes is renumbered 39.16 (1).

NOTE: This provision is not introductory to the existing subsection (2) that follows
it but is separate and distinct and is renumbered accordingly.

20 **SECTION 66.** 40.02 (48) (am) of the statutes is renumbered 40.02 (48) (am)
21 (intro.) and amended to read:

ASSEMBLY BILL 934

1 40.02 (48) (am) (intro.) “Protective occupation participant” includes any
2 participant whose name is certified to the fund as provided in s. 40.06 (1) (d) and (dm)
3 and who is ~~a~~ any of the following:

4 1. A conservation warden_;

5 2. A conservation patrol boat captain_;

6 3. A conservation patrol boat engineer_;

7 4. A conservation pilot_;

8 5. A conservation patrol officer_;

9 6. A forest fire control assistant_;

10 7. A member of the state traffic patrol_;

11 8. A state motor vehicle inspector_;

12 9. A police officer_;

13 10. A fire fighter_;

14 11. A sheriff_;

15 12. An undersheriff_;

16 13. A deputy sheriff_;

17 14. A state probation and parole officer_;

18 15. A county traffic police officer_;

19 16. A state forest ranger_;

20 17. A fire watcher employed at Wisconsin veterans facilities_;

21 18. A state correctional-psychiatric officer_;

22 19. An excise tax investigator employed by the department of revenue_;

23 20. A special criminal investigation agent in the department of justice_;

24 21. An assistant or deputy fire marshal_;~~or~~

25 22. A person employed under s. 61.66 (1).

ASSEMBLY BILL 934

NOTE: Subdivides long sentence for improved readability and greater conformity with current style.

1 **SECTION 67.** 41.41 (4) (c) of the statutes is amended to read:

2 41.41 (4) (c) The department of agriculture, trade and consumer protection, the
3 department of natural resources, the department of transportation, the department
4 of commerce, the department of administration, the state historical society, and the
5 ~~university~~ University of Wisconsin-Extension ~~Wisconsin-Extension~~ shall cooperate
6 with and assist the board in matters related to its functions.

NOTE: Conforms capitalization to current style.

7 **SECTION 68.** 43.17 (10) of the statutes is amended to read:

8 43.17 (10) **BORROWERS' CARDS.** Except as provided in sub. (11), all public libraries
9 in a public library system shall honor the valid borrowers' cards of a public library
10 in an adjacent public library system, other than the Milwaukee ~~county federated~~
11 ~~library system~~ County Federated Library System. The requirement under this
12 subsection does not apply to the Milwaukee County Federated Library System.

NOTE: Conforms capitalization to current style.

13 **SECTION 69.** 45.001 of the statutes is created to read:

14 **45.001 Definitions.** In this chapter, unless the context otherwise requires:

15 (2) "Department" means the department of veterans affairs.

16 (3) "Secretary" means the secretary of veterans affairs.

NOTE: Creates definitions applicable to the entire chapter for terms used throughout the chapter.

17 **SECTION 70.** 45.012 of the statutes, as affected by 2001 Wisconsin Act 16,
18 section 1448, is renumbered 45.001 (1) and amended to read:

19 45.001 (1) **Definition.** ~~In this subchapter, "board"~~ "Board" means the board
20 of veterans affairs.

NOTE: This bill creates, as the first section in ch. 45, s. 45.001, a section for definitions applicable to all of ch. 45, consistent with current style.

ASSEMBLY BILL 934

1 **SECTION 71.** 45.014 of the statutes, as affected by 2001 Wisconsin Act 16, section
2 1441, is amended to read:

3 **45.014 Wisconsin veterans museum.** The department of administration
4 shall provide suitable space for the purpose of a memorial hall, designated as the
5 Wisconsin ~~veterans museum~~ Veterans Museum, dedicated to the men and women of
6 Wisconsin who served in the armed forces of the United States in the civil war of 1861
7 to 1865 or who meet one of the conditions listed in s. ~~45.35 (5) (a) 1. a. to d.~~ 45.001
8 (4) (a) 1. a. to d., and the department of veterans affairs shall operate and conduct
9 the Wisconsin ~~veterans museum~~ Veterans Museum. The mission of the Wisconsin
10 ~~veterans museum~~ Veterans Museum is to acknowledge, commemorate, and affirm
11 the role of Wisconsin veterans in the United States of America's military past by
12 means of instructive exhibits and other educational programs.

NOTE: Section 45.35 (5) (a) is renumbered to s. 45.001 (4) (a) by this bill. Conforms capitalization to current style. Section 45.01 was renumbered 45.014 by 2001 Wisconsin Act 16.

13 **SECTION 72.** 45.02 of the statutes is renumbered 45.02 (intro.) and amended to
14 read:

15 **45.02 Memorial collection.** (intro.) The battle flags of Wisconsin units
16 serving in the nation's wars, and all relics and mementos of such the nation's wars
17 donated to or otherwise acquired by the state for display in the Wisconsin ~~veterans~~
18 ~~museum~~ Veterans Museum shall constitute the memorial collection. The
19 department of ~~veterans affairs~~ shall catalog do all of the following:

20 **(1)** Catalog and identify all war relics and mementos of the memorial collection,
21 ~~restore,~~

22 **(2)** Restore, preserve, and safeguard such items, procure the relics and
23 mementos of the memorial collection.

ASSEMBLY BILL 934**SECTION 72**

1 **(3)** Procure additions to such the memorial collection, ~~provide.~~

2 **(4)** Provide proper display equipment, and to so display such the memorial
3 collection as to make it instructive and attractive to visitors.

NOTE: "Department" in ch. 45 is defined as the department of veterans affairs by s. 45.001 (2), which is created by this bill. Inserts specific references and subdivides provision to improve readability and to conform to current style. Conforms the form of the (intro.) and capitalization to current style.

4 **SECTION 73.** 45.03 (1) (intro.) and (b) of the statutes are consolidated,
5 renumbered 45.03 (1) and amended to read:

6 45.03 (1) In this section:~~(b)~~ "Persian Gulf war" means the period of conflict
7 designated by the president of the United States as Operation Desert Shield and
8 Operation Desert Storm and any operation that is a successor to Operation Desert
9 Shield or Operation Desert Storm.

NOTE: This bill repeals section 45.03 (1) (a). Since par. (b) is the only remaining paragraph, the (intro.) and par. (b) are combined.

10 **SECTION 74.** 45.03 (1) (a) of the statutes is repealed.

NOTE: Repeals definition of "department" made unnecessary by the creation of s. 45.001 (2), which defines "department" for all of ch. 45.

11 **SECTION 75.** 45.03 (2) of the statutes is amended to read:

12 45.03 (2) From the appropriation under s. 20.485 (2) (d), the department shall
13 provide funding to the Wisconsin Vietnam veterans memorial project, ~~inc.~~ Veterans
14 Memorial Project, Inc., for the construction of 3 memorials, as defined in s. 45.04 (1)
15 (c), one memorial for the veterans of World War I, one memorial for the veterans of
16 World War II, and one memorial for the veterans of the Persian Gulf war. The
17 memorials shall be constructed at the veterans memorial site located at The
18 Highground in Clark County. The department may expend up to \$45,000 for the
19 memorial for the veterans of World War I, up to \$85,000 for the memorial for the
20 veterans of World War II, and up to \$60,000 for the memorial for the veterans of the

ASSEMBLY BILL 934

1 Persian Gulf war. If the moneys available under this section to construct one of these
2 memorials are in excess of the moneys needed to construct that memorial, and if the
3 moneys available under this section to construct another one of these memorials are
4 insufficient to construct that memorial, the department, with the approval of the
5 joint committee on finance, may allocate the excess moneys to construct the
6 memorial that is insufficiently funded.

NOTE: Conforms capitalization to current style.

7 **SECTION 76.** 45.04 (1) (a) of the statutes is repealed.

NOTE: Repeals definition of “department” made unnecessary by the creation of s.
45.001 (2), which defines “department” for all of ch. 45.

8 **SECTION 77.** 45.04 (1) (d) of the statutes is repealed.

NOTE: Repeals definition of “secretary” made unnecessary by the creation of s.
45.001 (3), which defines “secretary” for all of ch. 45.

9 **SECTION 78.** 45.052 (1) (c) of the statutes is amended to read:

10 45.052 (1) (c) It may convey any property under its control to any municipality
11 and lease it back under terms agreed upon by the commission or board of trustees
12 and the municipality.

NOTE: Inserts specific board. “Board” in ch. 45 is defined as the board of veterans
affairs, unless qualified, by s. 45.001 (1).

13 **SECTION 79.** 45.059 of the statutes is amended to read:

14 **45.059 Catalog of memorials.** The department of ~~veterans affairs~~ shall
15 prepare a catalog of memorials, describing each memorial and giving its location and
16 condition. The department shall update that catalog.

NOTE: “Department” in ch. 45 is defined as the department of veterans affairs by
s. 45.001 (2), which is created by this bill.

17 **SECTION 80.** 45.12 (1) of the statutes is amended to read:

18 45.12 (1) There is created in each county a “~~County Veterans’ Service~~
19 ~~Commission~~” county veterans’ service commission consisting of 3 residents of the

ASSEMBLY BILL 934**SECTION 80**

1 county who are veterans appointed for staggered 3-year terms by the county
2 executive or county board chairperson in a county ~~which~~ that does not have a county
3 executive.

NOTE: Conforms punctuation and capitalization to current style.

4 **SECTION 81.** 45.14 (1) of the statutes is amended to read:

5 45.14 (1) ~~Such~~ In this section, "commission" means the county veterans' service
6 commission.

7 **(1m)** The commission shall meet, at the courthouse or at ~~such~~ any other place
8 as ~~that~~ the county board shall ~~designate~~ designates, on or before the first Monday
9 of January in each year and at ~~such~~ any other times as ~~that~~ may be necessary.

NOTE: Inserts specific reference and modernizes language to improve readability
and to conform to current style.

10 **SECTION 82.** 45.14 (2) of the statutes is renumbered 45.14 (2) (a) and amended
11 to read:

12 45.14 (2) (a) Except as provided under sub. (3), the commission may furnish aid
13 to any person within s. 45.10 if the right of ~~such~~ that person to aid ~~shall be~~ is
14 established to ~~its~~ the commission's satisfaction.

15 **(b)** The secretary of the commission shall make and deposit with the county
16 clerk a list containing the name, place of residence, and ~~the amount to be paid to~~ each
17 ~~such~~ person furnished with aid under par. (a), which shall be signed by the
18 chairperson and secretary of the commission.

19 **(c)** The total disbursements made by the commission under this subsection
20 shall not exceed the amount collected from the tax levied. ~~When such lists are~~ a list
21 under par. (b) is filed, the county clerk shall issue an order upon the county treasurer
22 for the sum designated ~~therein~~ in the list in each case and deliver it ~~that sum~~ to the
23 person entitled ~~thereto~~ to that sum.

ASSEMBLY BILL 934

1 (d) The commission may furnish aid in a different manner than by supplying
2 money. The commission may request the county clerk to issue an order upon the
3 county treasurer to a purveyor of services or commodities for the purchase of such
4 services or commodities, or the commission may furnish such supplies, as it deems
5 considers best.

6 (e) The commission shall make a detailed report to the county board at each
7 annual session ~~thereof~~ of the county board showing the amount expended under this
8 subsection.

NOTE: Subdivides provision, creates a definition, inserts specific references and cross-references, and modifies language and punctuation to improve readability and to conform to current style.

9 **SECTION 83.** 45.185 (2) and (3) of the statutes are amended to read:

10 45.185 (2) ~~Such~~ The municipal governing bodies specified in sub. (1) shall
11 report to the county clerk of their respective counties, on or before September 1 of
12 each year, the respective locations of the graves ~~so taken care of~~ cared for by them
13 under sub. (1), together with the ~~name~~ names of the deceased and the amount
14 claimed for ~~such care of the graves for~~ a ~~the~~ the fiscal year from the previous July 1 to
15 June 30.

16 (3) The chairperson of the county board and the county clerk ~~of such county~~,
17 upon receipt of ~~such~~ the report under sub. (2), shall draw an order on the county
18 treasurer for the amount of the expenses ~~so incurred~~ in caring for the graves, payable
19 to the person or persons designated in ~~said~~ the report as being entitled thereto.

NOTE: Inserts specific references and cross-references, specifies that the board in sub. (3) is the county board, and otherwise modifies text and punctuation to improve readability and to conform to current style.

20 **SECTION 84.** 45.19 of the statutes is amended to read:

ASSEMBLY BILL 934**SECTION 84**

1 **45.19 Military honors funerals.** The department of ~~veterans affairs~~ shall
2 administer a program to coordinate the provision of military honors funerals to
3 deceased veterans by local units of member organizations of the council on veterans
4 programs and by members of the Wisconsin national guard activated under s. 21.11
5 (3). From the appropriation under s. 20.485 (2) (q), the department shall reimburse
6 a local unit of a member organization of the council on veterans programs for the
7 costs of providing a military honors funeral to a deceased veteran. The
8 reimbursement may not exceed \$50 for each military honors funeral.

NOTE: "Department" in ch. 45 is defined as the department of veterans affairs by
s. 45.001 (2), which is created by this bill.

9 **SECTION 85.** 45.21 of the statutes is amended to read:

10 **45.21 Registration of certificate of discharge.** Every person who has
11 served in the U.S. armed forces at any time, and who has been honorably discharged
12 or given a certificate of service or relieved from active service may record with the
13 register of deeds of any county, in a suitable book provided by the county for that
14 purpose, a certificate of discharge or release. The certificate shall be accessible only
15 to the discharged person or that person's dependents, the county veterans' service
16 officer, the department of ~~veterans affairs~~, or any person with written authorization
17 from the ~~person discharged~~ person or that person's dependents. The register of deeds
18 may not charge for recording, except that in counties where the register of deeds is
19 under the fee system and not paid a fixed salary, the county shall pay the fee specified
20 in s. 59.43 (2) (ag). The record of any ~~such certificate heretofore~~ of discharge or
21 release made prior to July 6, 1919, is hereby legalized.

NOTE: "Department" in ch. 45 is defined as the department of veterans affairs by
s. 45.001 (2), which is created by this bill. Inserts specific references and the effective date
of the last sentence to improve clarity and readability.

ASSEMBLY BILL 934

1 **SECTION 86.** 45.25 (1) of the statutes, as affected by 2001 Wisconsin Act 16, is
2 amended to read:

3 **45.25 (1) ADMINISTRATION.** ~~The department of veterans affairs~~ shall administer
4 a tuition and fee reimbursement program for eligible veterans enrolling as
5 undergraduates in any institution of higher education, as defined in s. 45.396 (1) (a),
6 in this state, enrolling in a school that is approved under s. 45.35 (9m), enrolling in
7 a proprietary school that is approved under s. 45.54, or receiving a waiver of
8 nonresident tuition under s. 39.47.

NOTE: "Department" in ch. 45 is defined as the department of veterans affairs by
s. 45.001 (2), which is created by this bill.

9 **SECTION 87.** 45.34 (2) (e) 3. of the statutes is amended to read:

10 **45.34 (2) (e) 3.** Between August 1, 1990, and the ending date of Operation
11 Desert Shield or Operation Desert Storm, as established by the department of
12 ~~veterans affairs~~ by rule.

NOTE: "Department" in ch. 45 is defined as the department of veterans affairs by
s. 45.001 (2), which is created by this bill.

13 **SECTION 88.** 45.34 (2) (f) 3. of the statutes, as created by 2001 Wisconsin Act
14 22, is amended to read:

15 **45.34 (2) (f) 3.** Between September 11, 2001, and the ending date of Operation
16 Enduring Freedom or an operation that is a successor to Operation Enduring
17 Freedom, as established by the department of ~~veterans affairs~~ by rule.

NOTE: "Department" in ch. 45 is defined as the department of veterans affairs by
s. 45.001 (2), which is created by this bill.

18 **SECTION 89.** 45.34 (4) of the statutes is amended to read:

19 **45.34 (4) SERVICE IN SOMALIA.** A person shall be considered to have served in
20 Somalia if the person was on active duty in the U.S. armed services in Somalia or in
21 territorial waters adjacent to Somalia under honorable conditions between

ASSEMBLY BILL 934

1 December 9, 1992, and the ending date of Operation Restore Hope, as established by
2 the department of veterans affairs by rule.

NOTE: "Department" in ch. 45 is defined as the department of veterans affairs by
s. 45.001 (2), which is created by this bill.

3 **SECTION 90.** 45.34 (5) (c) of the statutes is amended to read:

4 45.34 (5) (c) Between December 1, 1995, and the ending date of Operation
5 Balkan Endeavor or a successor operation, as established by the department of
6 veterans affairs by rule.

NOTE: "Department" in ch. 45 is defined as the department of veterans affairs by
s. 45.001 (2), which is created by this bill.

7 **SECTION 91.** 45.348 (1) of the statutes is created to read:

8 45.348 (1) In this section and ss. 45.35, 45.351, and 45.356 unless otherwise
9 modified, "child" means any natural child, any legally adopted child, any stepchild
10 or child if a member of the veteran's household, or any nonmarital child if the veteran
11 acknowledges paternity or paternity has been otherwise established.

NOTE: Moves the definition of "child" applicable to ss. 45.35, 45.351, and 45.356,
previously a part of the definition of "dependent" in s. 45.35 (5m), to a separate provision
for easier access. The definition of "dependent" is renumbered to s. 45.348 (2) by this bill.

12 **SECTION 92.** 45.35 (3d) (b) of the statutes, as affected by 2001 Wisconsin Act 16,
13 is amended to read:

14 45.35 (3d) (b) The council on veterans programs and the department, jointly
15 or separately, shall submit a report regarding the council on veterans programs to
16 the chief clerk of each house of the legislature for distribution to the legislature under
17 s. 13.172 (2) by November 1, 1989, and by September 30 of every odd-numbered year
18 thereafter. The report shall include a general summary of the activities and
19 membership over the past 2 years of the council and each organization on the council.

NOTE: An outdated transition provision is deleted.

ASSEMBLY BILL 934

1 **SECTION 93.** 45.35 (4) (a) of the statutes, as affected by 2001 Wisconsin Act 16,
2 is amended to read:

3 45.35 (4) (a) The secretary shall appoint under the classified service such
4 persons as are necessary to carry out the policy of the board and for the proper
5 conduct of the Wisconsin ~~veterans museum~~ Veterans Museum. All persons
6 appointed by the department shall, if possible, be veterans as defined in sub. (5) and
7 preference shall be given to disabled veterans.

NOTE: Conforms capitalization to current style.

8 **SECTION 94.** 45.35 (5) (title) of the statutes is repealed and recreated to read:

9 45.35 (5) (title) SPOUSES AND DEPENDENTS ENTITLEMENT TO BENEFITS.

NOTE: See the treatment of s. 45.35 (5) (d) by SECTION 98 this bill.

10 **SECTION 95.** 45.35 (5) (a) of the statutes is renumbered 45.001 (4) (a), and 45.001
11 (4) (a) (intro.), 1. (intro.) and a. to c. and 2. (intro.) and a., as renumbered, are
12 amended to read:

13 45.001 (4) (a) (intro.) ~~“Veteran” as used in this chapter, except~~ Except as used
14 in s. 45.358 or 45.37 and or subch. II or unless otherwise modified, and except as
15 provided in par. (b), “veteran” means any person who has served on active duty under
16 honorable conditions in the U.S. armed forces or in forces incorporated as part of the
17 U.S. armed forces, except service on active duty for training purposes, and who meets
18 all of the following conditions:

19 1. (intro.) ~~The person~~ Except as provided in par. (c), is a resident of and living
20 in this state at the time of making application, or is deceased, and meets one of the
21 following conditions:

22 a. Has served in Bosnia, Grenada, Lebanon, Panama, Somalia, or a Middle
23 East crisis under s. 45.34.

ASSEMBLY BILL 934**SECTION 95**

1 b. Was entitled to receive the armed forces expeditionary medal, established
2 by executive order 10977 on December 4, 1961, the Vietnam service medal
3 established by executive order 11231 on July 8, 1965, the navy expeditionary medal,
4 or the marine corps expeditionary medal.

5 c. Has served for 90 days or more during a war period ~~as enumerated under par.~~
6 ~~(e) or~~ under section 1 of executive order 10957 dated August 10, 1961, or if having
7 served less than 90 days was honorably discharged for a service-connected disability
8 or for a disability subsequently adjudicated to have been service connected or died
9 in service.

10 2. (intro.) ~~The person~~ Except as provided in par. (c), is a resident of and living
11 in this state at the time of making application or is deceased, and meets one of the
12 following conditions:

13 a. His or her selective service local board, if any, and home of record at the time
14 of entry or reentry into active service as shown on the veteran's report of separation
15 from the U.S. armed forces for a qualifying period were in this state.

NOTE: This bill creates, as the first section in ch. 45, s. 45.001, a section for definitions applicable to all of ch. 45, consistent with current style. Excepts statutes that contain a different definition of "veteran." Reorders text to improve readability and to conform to current style.

16 **SECTION 96.** 45.35 (5) (b) of the statutes is renumbered 45.001 (4) (b).

NOTE: Moves a part of the definition of "veteran" applicable to all of ch. 45 to the beginning of the chapter, consistent with current style.

17 **SECTION 97.** 45.35 (5) (c) of the statutes is renumbered 45.001 (4) (c).

NOTE: Moves a part of the definition of "veteran" applicable to all of ch. 45 to the beginning of the chapter, consistent with current style.

18 **SECTION 98.** 45.35 (5) (d) of the statutes is renumbered 45.35 (5).

NOTE: Sub. (5) (a) to (c) make up the definition of "veteran" as used in ch. 45 and are renumbered to s. 45.001 by this bill. This provision does not fit within the definition of veteran and is not renumbered.

ASSEMBLY BILL 934

1 **SECTION 99.** 45.35 (5) (e) (intro.) of the statutes is renumbered 45.001 (5) (intro.)
2 and amended to read:

3 45.001 (5) (intro.) The “War period” means any of the following are designated
4 as war periods:

NOTE: Moves the definition of “war period” applicable to all of ch. 45 to the beginning of the chapter and rearranges text, consistent with current style.

5 **SECTION 100.** 45.35 (5) (e) 1. to 7. of the statutes are renumbered 45.001 (5) (a)
6 to (g).

NOTE: Moves the definition of “war period” applicable to all of ch. 45 to the beginning of the chapter.

7 **SECTION 101.** 45.35 (5) (e) 8. of the statutes, as affected by 2001 Wisconsin Act
8 16, is renumbered 45.001 (5) (h).

NOTE: Moves the definition of “war period” applicable to all of ch. 45 to the beginning of the chapter.

9 **SECTION 102.** 45.35 (5) (e) 9. of the statutes, as created by 2001 Wisconsin Act
10 22, is renumbered 45.001 (5) (i).

NOTE: Moves the definition of “war period” applicable to all of ch. 45 to the beginning of the chapter.

11 **SECTION 103.** 45.35 (5m) (title) of the statutes is renumbered 45.348 (title) and
12 amended to read:

13 **45.348 (title) Dependent and child defined for ss. 45.35, 45.351, and**
14 **45.356.**

NOTE: See the next section of this bill.

15 **SECTION 104.** 45.35 (5m) (a) and (b) of the statutes are renumbered 45.348 (2)
16 (a) and (b) and amended to read:

17 45.348 (2) (a) ~~“Dependent” of a veteran as used in this section and In ss. 45.35~~
18 ~~and 45.351 and 45.356,~~ “dependent” includes only any of the following:

ASSEMBLY BILL 934**SECTION 104**

1 1. A ~~wife or husband~~ spouse, an unremarried widow or widower, or a divorced
2 ~~wife spouse, but only when if the divorced spouse is~~ receiving benefits under a court
3 order.

4 2. Any child of the veteran under 18 years of age, or under the age of 26 if in
5 full attendance at a recognized school of instruction, or of any age if incapable of
6 self-support by reason of mental or physical disability. ~~“Child” as used in this section~~
7 ~~means any natural child, any legally adopted child, any stepchild or child if a member~~
8 ~~of the veteran’s household or any nonmarital child if the veteran acknowledges~~
9 ~~paternity or the same has been otherwise established.~~

10 3. The natural ~~mother or natural father~~ parent or a person to whom the veteran
11 stands in the place of a parent and who has so stood for not less than 12 months prior
12 to the veteran’s entrance into active service.

13 4. A minor ~~sister or minor brother~~ sibling or a ~~brother or sister~~ sibling of any
14 age if incapable of self-support by reason of mental or physical disability.

15 (b) For purposes of defining “dependent” under ~~this subsection~~ par. (a),
16 “veteran” includes a person who served on active duty under honorable conditions
17 in the U.S. armed forces or in forces incorporated as part of the U.S. armed forces,
18 who was a resident of this state at the time of entry or reentry into active duty and
19 who died while on active duty if ~~that~~ the person’s death was not the result of the
20 ~~veteran’s wilful~~ person’s willful misconduct.

NOTE: Moves the definition of “dependent” applicable to multiple sections to a separate section for easier access. The definition of “child” is deleted from the definition of “dependent” and recreated as a separate definition by this bill as s. 45.348 (1). See SECTION 91 of this bill. Dependent is not used in s. 45.356 and that cross-reference is deleted. Gender neutral terms are inserted pursuant to s. 13.93 (1) (m) 2. Amends punctuation and inserts specific references and cross-references to improve readability and to conform to current style.

21 **SECTION 105.** 45.35 (6) of the statutes is amended to read:

ASSEMBLY BILL 934

1 45.35 (6) COORDINATION DUTIES. The department shall coordinate the activities
2 of all state agencies and the University of Wisconsin Hospitals and Clinics Authority
3 performing functions relating to the medical, hospital, or other remedial care;
4 placement and training; and educational, economic, or vocational rehabilitation of
5 persons who served in the armed forces of the United States at any time and who
6 were honorably discharged, including such persons with disabilities whether or not
7 service-connected or war-connected. In particular ~~it~~, the department shall
8 coordinate the activities of the technical college system board, state selective service
9 administration, department of health and family services, department of workforce
10 development, department of public instruction, the University of Wisconsin System
11 and other educational institutions, the University of Wisconsin Hospitals and
12 Clinics Authority, and all other departments or agencies performing any of the
13 functions specified, to the end that the benefits provided in this section may be made
14 available to veterans as promptly and effectively as possible.

NOTE: Replaces pronoun with specific reference to improve readability.

15 **SECTION 106.** 45.35 (13) (b) of the statutes is amended to read:

16 45.35 (13) (b) The department may also receive moneys or other gifts and
17 bequests in its name for the benefit of the Wisconsin ~~veterans museum~~ Veterans
18 Museum. All moneys ~~so~~ received shall be deposited in the state treasury and credited
19 to the veterans trust fund and is appropriated ~~therefrom~~ by from s. 20.485 (2) (zm)
20 to the department to be used, as far as practicable in accordance with the wishes of
21 the donors, and in accordance with the policies adopted by the board.

NOTE: Conforms capitalization to current style. Removes unnecessary language regarding appropriation.

22 **SECTION 107.** 45.35 (17) (c) 1. of the statutes is renumbered 45.35 (17) (c) 1m.

ASSEMBLY BILL 934**SECTION 107**

NOTE: Accommodates the renumbering of s. 45.35 (17) (c) 4. to s. 45.35 (17) (c) 1g. by this bill.

1 **SECTION 108.** 45.35 (17) (c) 3. of the statutes is amended to read:

2 45.35 (17) (c) 3. The department shall incorporate the payment acceleration
3 requirements of subd. 1. 1m. in all loan documents for programs administered by the
4 department under s. 45.351 or subch. II.

NOTE: Subdivision 1. is renumbered to subd. 1m. by this bill.

5 **SECTION 109.** 45.35 (17) (c) 4. of the statutes is renumbered 45.35 (17) (c) 1g.

NOTE: Renumbers a definition to the beginning of the section and modifies language, consistent with current style.

6 **SECTION 110.** 45.351 (1) of the statutes, as affected by 2001 Wisconsin Act 16,
7 is renumbered 45.351 (1) (a) and amended to read:

8 45.351 (1) (a) The department may grant subsistence aid to any incapacitated
9 individual who is a veteran or a dependent of a veteran in an amount that the
10 department determines is advisable to prevent want or distress. The department
11 may grant subsistence aid under this ~~subsection~~ paragraph to an individual whose
12 incapacitation is the result of the individual's abuse of alcohol or other drugs if the
13 individual is participating in an alcohol and other drug abuse treatment program
14 that is approved by the department. The department may grant subsistence aid on
15 a month-to-month basis or for a 3-month period. The department may grant
16 subsistence aid for a 3-month period if the veteran or dependent whose incapacity
17 is the basis for the aid will be incapacitated for more than 3 months and if earned or
18 unearned income or aid from sources other than those listed in the application will
19 not be available in the 3-month period. Subsistence aid is limited to a maximum of
20 3 months in a 12-month period unless the department determines that the need for

ASSEMBLY BILL 934

1 subsistence aid in excess of this maximum time period is caused by the aid recipient's
2 relapse.

3 (b) The department may submit a request to the joint committee on finance for
4 supplemental funds from the veterans trust fund to be credited to the appropriation
5 account under s. 20.485 (2) (vm) for subsistence grants to veterans. If the
6 cochairpersons of the committee do not notify the secretary of the department within
7 14 working days after the date of the department's submittal that the committee
8 intends to schedule a meeting to review the request, the appropriation account shall
9 be supplemented as provided in the request. If, within 14 working days after the date
10 of the department's submittal, the cochairpersons of the committee notify the
11 secretary of the department that the committee intends to schedule a meeting to
12 review the request, the appropriation account shall be supplemented only as
13 approved by the committee.

NOTE: Subdivides long provision for improved readability. "Secretary" in ch. 45 is defined as the secretary of veterans affairs by s. 45.001 (3), which is created by this bill.

14 **SECTION 111.** 45.356 (1m) of the statutes is repealed.

NOTE: Repeals definitions of "department" and "veteran" made unnecessary by the creation of s. 45.001, which defines those terms for all of ch. 45.

15 **SECTION 112.** 45.356 (2) of the statutes is amended to read:

16 45.356 (2) The department may lend a veteran, a veteran's unremarried
17 spouse, or a deceased veteran's child who meets the requirements of s. 45.35 (5m) (a)
18 2. not more than \$15,000, or a lesser amount established by the department by rule,
19 for the purchase of a mobile home, business, or business property, the education of
20 the veteran or his or her the veteran's spouse or children, the payment of medical or
21 funeral expenses, the payment under sub. (6) (c), or the consolidation of debt. The
22 department may prescribe loan conditions, but the term of the loan may not exceed

ASSEMBLY BILL 934**SECTION 112**

1 10 years. The department shall ensure that the proceeds of any loan made under this
2 section shall first be applied to pay any delinquent child support or maintenance
3 payments and then to pay any past support, medical expenses, or birth expenses.

NOTE: This bill incorporates the requirements for a child in s. 45.35 (5m) (a) 2. into a definition at s. 45.348 that is applicable to this section, which renders the text deleted by this section unnecessary. Punctuation is amended and a specific reference replaces pronouns to improve readability and to conform to current style.

4 **SECTION 113.** 45.356 (3) of the statutes is amended to read:

5 45.356 (3) The department may lend not more than \$15,000, or a lesser amount
6 established by the department by rule, to a veteran's remarried surviving spouse or
7 to the parent of a deceased veteran's child for the education of a child ~~who meets the~~
8 ~~requirements of s. 45.35 (5m) (a) 2.~~

NOTE: This bill incorporates the requirements for a child in s. 45.35 (5m) (a) 2. into a definition at s. 45.348 that is applicable to this section, which renders the text deleted by this section unnecessary.

9 **SECTION 114.** 45.357 (1) of the statutes is amended to read:

10 45.357 (1) The department ~~of veterans affairs~~ shall administer a program to
11 provide assistance to persons who served in the U.S. armed forces or in forces
12 incorporated as part of the U.S. armed forces and who were discharged under
13 conditions other than dishonorable. The department shall provide assistance to
14 persons whose need for services is based upon homelessness, incarceration, or other
15 circumstances designated by the department by rule. The department shall
16 designate the assistance available under this section, which may include assistance
17 in receiving medical care, dental care, education, employment, and transitional
18 housing. The department may provide grants to facilitate the provision of services
19 under this section.

NOTE: "Department" in ch. 45 is defined as the department of veterans affairs by s. 45.001 (2), which is created by this bill.

20 **SECTION 115.** 45.358 (2) of the statutes is amended to read:

ASSEMBLY BILL 934

1 45.358 (2) CONSTRUCTION AND OPERATION OF CEMETERIES. Subject to
2 authorization under ss. 13.48 (10) and 20.924 (1), the department of veterans affairs
3 may construct and operate veterans cemeteries in northwestern and southeastern
4 Wisconsin and may employ such any personnel as that are necessary for the proper
5 management of the cemeteries. The cemetery in southeastern Wisconsin is the
6 Southern Wisconsin Veterans Memorial Cemetery. The cemetery in northwestern
7 Wisconsin is the Northern Wisconsin Veterans Memorial Cemetery. The department
8 may acquire, by gift, purchase, or condemnation, lands necessary for the purposes
9 of the cemeteries. Title to the properties shall be taken in the name of this state.
10 Every deed of conveyance shall be immediately recorded in the office of the proper
11 register of deeds and thereafter filed with the secretary of state. All cemeteries
12 operated by the department are exempt from the requirements of ss. 157.061 to
13 157.70 and 440.90 to 440.95.

NOTE: "Department" in ch. 45 is defined as the department of veterans affairs by
s. 45.001 (2), which is created by this bill.

14 **SECTION 116.** 45.358 (4) of the statutes is amended to read:

15 45.358 (4) GIFTS, GRANTS, AND BEQUESTS. The department of veterans affairs
16 may accept for the state all gifts, grants, and bequests for the purposes of
17 maintenance, restoration, preservation, and rehabilitation of the veterans
18 cemeteries constructed under sub. (2).

NOTE: "Department" in ch. 45 is defined as the department of veterans affairs by
s. 45.001 (2), which is created by this bill.

19 **SECTION 117.** 45.36 (title) of the statutes is amended to read:

20 **45.36 (title) Release of information and records by the department of**
21 **veterans affairs and by county veterans' service offices.**

NOTE: "Department" in ch. 45 is defined as the department of veterans affairs by
s. 45.001 (2), which is created by this bill. "By" is added for clarification.

ASSEMBLY BILL 934

1 **SECTION 118.** 45.36 (1) (a) of the statutes is repealed.

NOTE: Repeals definition of "department" made unnecessary by the creation of s. 45.001 (2), which defines "department" for all of ch. 45.

2 **SECTION 119.** 45.36 (6) of the statutes is amended to read:

3 45.36 (6) DISCLOSURE OF OTHER INFORMATION. Except as provided in subs. (2) to
4 (5), all files, records, reports, papers, and documents pertaining to applications for
5 benefits from the department, and information contained therein, shall ~~only~~ be
6 released by the department or service office only pursuant to rules of the department.
7 The rules must provide for the furnishing of information required under sub. (5m)
8 and for official purposes by any agency of the U.S. government, by any agency of this
9 state, by any law enforcement or public welfare agency of any Wisconsin county, or
10 by members of the state senate and assembly, ~~and. The rules~~ will otherwise provide
11 for release of personal information pertaining to or contained in any application for
12 benefits, whether pending or adjudicated, ~~only where~~ when authorized in writing by
13 the applicants or ~~where~~ when necessary to assist applicants in securing veterans
14 benefits ~~to which they~~ that the applicants may be entitled to or ~~where~~ when
15 necessary for the efficient management of loans made by the department.

NOTE: Reorganizes and replaces language and punctuation to improve readability, sentence agreement, and conformity with current style.

16 **SECTION 120.** 45.365 (1) (a) 1. of the statutes is repealed.

NOTE: Repeals definition of "department" made unnecessary by the creation of s. 45.001 (2), which defines "department" for all of ch. 45.

17 **SECTION 121.** 45.37 (1a) of the statutes is amended to read:

18 45.37 (1a) DEFINITION OF VETERAN. Except as provided in sub. (15) (a) and (b),
19 in this section "veteran" has the meaning given in s. ~~45.35 (5) (a)~~ 45.001 (4) (a) or
20 means any person who served on active duty under honorable conditions in the U.S.
21 armed forces or in forces incorporated as part of the U.S. armed forces for at least one

ASSEMBLY BILL 934

1 day during a war period, ~~as defined in s. 45.35 (5) (e)~~ or under section 1 of executive
2 order 10957, dated August 10, 1961, and who was officially reported missing in
3 action or killed in action or who died in service, or who was discharged under
4 honorable conditions after 90 days or more of active service, or if having served less
5 than 90 days was honorably discharged for a service-connected disability or for a
6 disability subsequently adjudicated to have been service connected, or who died as
7 a result of a service-connected disability.

NOTE: Section 45.35 (5) (a) is renumbered to s. 45.001 (4) (a) by this bill. Section
45.35 (5) (e), the definition of "war period," is renumbered to s. 45.001 (5) and made
applicable to all of ch. 45, rendering the second stricken phrase unnecessary.

8 **SECTION 122.** 45.37 (9d) of the statutes is amended to read:

9 45.37 (9d) MEDICAL ASSISTANCE PAYMENTS. All moneys received under title XIX
10 of the ~~social security act~~ Social Security Act for the care of members shall be
11 transferred to the appropriation under s. 20.485 (1) (gk).

NOTE: Conforms capitalization to current style.

12 **SECTION 123.** 45.375 (1) of the statutes is amended to read:

13 45.375 (1) The department ~~of veterans affairs~~ may establish a hospital at the
14 Wisconsin Veterans Home at King.

NOTE: "Department" in ch. 45 is defined as the department of veterans affairs by
s. 45.001 (2), which is created by this bill.

15 **SECTION 124.** 45.38 (2) (d) of the statutes is amended to read:

16 45.38 (2) (d) All powers and duties conferred upon the board or the department
17 pursuant to this section shall be exercised and performed by resolution of the board.
18 All conveyances, leases, and subleases made pursuant to this section, when
19 authorized pursuant to resolution of the board, shall be made, executed, and
20 delivered in the name of the department ~~of veterans affairs~~ and shall be signed by
21 the director and sealed with the seal of the department.

ASSEMBLY BILL 934**SECTION 124**

NOTE: "Department" in ch. 45 is defined as the department of veterans affairs by s. 45.001 (2), which is created by this bill.

1 **SECTION 125.** 45.385 of the statutes is amended to read:

2 **45.385 Veterans residential, treatment, and nursing care facilities.**

3 Subject to authorization under ss. 13.48 (10) and 20.924 (1), the department of
4 ~~veterans affairs~~ may construct or renovate and operate residential, treatment, and
5 nursing care facilities in southeastern Wisconsin, including a community-based
6 residential facility, to be known as the Southern Wisconsin Veterans Retirement
7 Center. The department may employ ~~such~~ any personnel as that are necessary for
8 the proper management of the Southern Wisconsin Veterans Retirement Center.
9 The department may acquire by gift, purchase, or condemnation lands necessary for
10 the purposes of the Southern Wisconsin Veterans Retirement Center. Title to any
11 properties acquired under this section shall be taken in the name of this state. Every
12 deed of conveyance shall be immediately recorded in the office of the proper register
13 of deeds and filed with the secretary of state.

NOTE: "Department" in ch. 45 is defined as the department of veterans affairs by s. 45.001 (2), which is created by this bill.

14 **SECTION 126.** 45.42 (1) of the statutes is renumbered 45.42 (1) (intro.) and
15 amended to read:

16 45.42 (1) (intro.) The department may compile a record of ~~the~~ veteran's burial
17 places located within the state of ~~persons who meet the definition of a "veteran"~~
18 ~~under s. 45.35 (5) (a).~~ The record that may, so far as practicable, may indicate the
19 all of the following information:

20 (a) The deceased veteran's name of each person; the,

21 (b) The service in which the deceased veteran was engaged; the,

ASSEMBLY BILL 934

1 (c) The appropriate designation of the deceased veteran's armed forces unit;
2 ~~the.~~

3 (d) The deceased veteran's rank and period of service; ~~the.~~

4 (e) The name and location of the cemetery or other place in which the deceased
5 veteran's body is interred; ~~the.~~

6 (f) The location of the deceased veteran's grave in the cemetery or other place;
7 ~~and the of interment.~~

8 (g) The character of the headstone or other marker, if any, at the deceased
9 veteran's grave.

NOTE: Eliminates unnecessary cross-reference to the definition of "veteran," inserts specific references, and subdivides provision for improved readability and conformity with current style.

10 **SECTION 127.** 45.42 (2) of the statutes is amended to read:

11 45.42 (2) The department may ~~have prepare~~ blank forms ~~prepared whereby for~~
12 ~~the transmission to the department of~~ the information required for the record ~~may~~
13 ~~be transmitted to it and under sub. (1).~~ The department may distribute the forms
14 to county veterans' service officers. ~~The~~ A county veterans' service officer within
15 whose county ~~and any~~ cemetery or ~~other~~ burial place is located in which ~~deceased~~
16 veteran's bodies are interred ~~the bodies of persons who meet the definition of a~~
17 ~~"veteran" under s. 45.35 (5) (a)~~ shall submit the facts required for such ~~the~~ record
18 under sub. (1) to the department on the forms provided by it, if so requested by the
19 department.

NOTE: Eliminates unnecessary cross-reference to the definition of "veteran" and reorders and modifies text for improved readability and conformity with current style.

20 **SECTION 128.** 45.43 (7) (b) of the statutes is amended to read:

21 45.43 (7) (b) The department shall award a grant annually to a county that
22 meets the standards developed under this subsection and employs a county veterans'

ASSEMBLY BILL 934

1 service officer who, if chosen after August 9, 1989, is chosen from a list of candidates
2 who have taken a civil service examination for the position of county veterans' service
3 officer developed and administered by the division of merit recruitment and selection
4 in the department of employment relations, or is appointed under a civil service
5 competitive examination procedure under ch. 63 or s. 59.52 (8). The grant shall be
6 \$8,500 for a county with a population of ~~under~~ less than 20,000, \$10,000 for a county
7 with a population of 20,000 to 45,499, \$11,500 for a county with a population of
8 45,500 to 74,999, and \$13,000 for a county with a population of 75,000 or more. The
9 department of ~~veterans affairs~~ shall use the most recent Wisconsin official
10 population estimates prepared by the demographic services center when making
11 grants under this paragraph.

NOTE: "Department" in ch. 45 is defined as the department of veterans affairs
by s. 45.001 (2), which is created by this bill.

12 **SECTION 129.** 45.52 of the statutes is amended to read:

13 **45.52 Physical disability does not disqualify for public employment.**

14 A veteran, ~~as defined under s. 45.35 (5) (a)~~, who has suffered a physical disability as
15 a direct result of military or naval service shall not on that account be barred from
16 employment in any public position or employment whether under state, county, or
17 municipal civil service or otherwise, if the licensed physician making a physical
18 examination of the veteran for the public employer certifies that the applicant's
19 disability will not materially handicap the veteran in the performance of the duties
20 of the position.

NOTE: "Veteran" in ch. 45 is defined by s. 45.001, which is created by this bill.

21 **SECTION 130.** 45.54 (1) (e) 1. of the statutes is amended to read:

22 45.54 (1) (e) 1. In-state schools that are exempt from taxation under section
23 501 of the ~~internal revenue code~~ Internal Revenue Code and that either were

ASSEMBLY BILL 934

1 incorporated in this state prior to January 1, 1992, or had their administrative
2 headquarters and principal places of business in this state prior to 1970.

NOTE: Conforms capitalization to current style.

3 **SECTION 131.** 45.54 (5) of the statutes is amended to read:

4 45.54 (5) EMPLOYEES, QUARTERS. The board shall employ a person to perform
5 the duties of an executive secretary and ~~such~~ any other persons under the classified
6 service as that may be necessary to carry out ~~its~~ the board's purpose. The person
7 performing the duties of the executive secretary shall be in charge of the
8 administrative functions of the board. The board shall, to the maximum extent
9 practicable, keep its office with the department of ~~veterans affairs~~.

NOTE: "Department" in ch. 45 is defined as the department of veterans affairs
by s. 45.001 (2), which is created by this bill. A pronoun is replaced to improve
readability and to conform to current style.

10 **SECTION 132.** 45.71 (2m) of the statutes is repealed.

NOTE: Repeals definition of "board" made unnecessary because s. 45.001 (1), which
is renumbered from s. 45.35 (2) by this bill, defines "board" for all of ch. 45 as the the board
of veterans affairs.

11 **SECTION 133.** 45.71 (4) of the statutes is repealed.

NOTE: Repeals definition of "department" made unnecessary by the creation of s.
45.001 (2), which defines "department" for all of ch. 45.

12 **SECTION 134.** 45.71 (15) of the statutes is repealed.

NOTE: Repeals definition of "secretary" made unnecessary by the creation of s.
45.001 (3), which defines "secretary" for all of ch. 45.

13 **SECTION 135.** 45.71 (16) (a) 1m. c. of the statutes is amended to read:

14 45.71 (16) (a) 1m. c. Has served for 90 days or more during a war period as
15 ~~enumerated under par. (am)~~ or under section 1 of executive order 10957, dated
16 August 10, 1961, except service on active duty for training purposes, or if having
17 served less than 90 days was honorably discharged for a service-connected disability

ASSEMBLY BILL 934**SECTION 135**

1 or for a disability subsequently adjudicated to have been service-connected or died
2 in service.

NOTE: This bill renumbers the definition of "war period" at s. 45.35 (5) (e), which is identical to par. (am), to s. 45.001 (5) and makes it applicable to all of ch. 45, rendering the language deleted here unnecessary.

3 **SECTION 136.** 45.71 (16) (am) of the statutes is repealed.

NOTE: This bill renumbers the definition of "war period" at s. 45.35 (5) (e), which is identical to this provision, to s. 45.001 (5) and makes it applicable to all of ch. 45, rendering this provision unnecessary.

4 **SECTION 137.** 45.79 (6) (a) 2. and (c) 2. of the statutes are amended to read:

5 45.79 (6) (a) 2. The chairperson of the board shall certify that the chairperson
6 does not expect proceeds of state debt issued under this paragraph to be used in a
7 manner that would cause the debt to be arbitrage bonds as defined by the ~~internal~~
8 ~~revenue code~~ Internal Revenue Code, where that debt is a bond that is exempt from
9 federal taxation.

10 (c) 2. The chairperson of the board shall certify that the board and the
11 department do not expect and shall not use proceeds of revenue obligations issued
12 under this paragraph in a manner that would cause the revenue obligations to be
13 arbitrage bonds as defined in the U.S. ~~internal revenue code~~ Internal Revenue Code,
14 where that debt is a bond that is exempt from federal taxation.

NOTE: Conforms capitalization to current style.

15 **SECTION 138.** 46.04 (2) of the statutes is amended to read:

16 46.04 (2) PROGRAM. From the appropriations under s. 20.435 (2) (a) and (gk),
17 the department shall establish at the Winnebago ~~mental health institute~~ Mental
18 Health Institute a program of inpatient assessment and treatment to be known as
19 the "Anchorage program", which is designed primarily to meet the needs of
20 adolescents who are drug dependent, who evidence drug-related behavior which
21 that may be dangerous to the adolescent or to others, and who have a history of drug

ASSEMBLY BILL 934

1 dependency and resistance to less restrictive forms of treatment, but ~~which~~ that also
2 may be used by the department to provide inpatient assessment and treatment of
3 adolescents who have mental illness, who evidence mental illness-related behavior
4 that may be dangerous to the adolescent or to others, and who have a history of
5 mental illness and resistance to less restrictive forms of treatment. A county
6 department under s. 51.42 may refer an adolescent for assessment or treatment
7 under this section and shall approve all admissions to the program under this section
8 of adolescents committed under s. 51.20 or 51.45 or admitted under s. 51.13.
9 Transfers under s. 51.35 (3) or 51.37 (5) may also be made to the program under this
10 section.

NOTE: Conforms capitalization to current style.

11 **SECTION 139.** 46.041 (1) (intro.) of the statutes is amended to read:

12 46.041 (1) (intro.) A program to be known as the “children’s consultation
13 service” shall be provided. The service shall be established at the Mendota mental
14 health institute Mental Health Institute or the Winnebago mental health institute
15 Mental Health Institute, or at both institutions. The service shall:

NOTE: Conforms capitalization to current style.

16 **SECTION 140.** 46.042 of the statutes is amended to read:

17 **46.042 Treatment program for emotionally disturbed children.** The
18 department shall establish a program for the intensive treatment of emotionally
19 disturbed children. The program shall be operated by the Mendota mental health
20 institute Mental Health Institute and be subject to all federal and state laws, rules,
21 and regulations ~~which~~ that apply to the institute. Operational planning shall
22 provide close interrelationship between the department and the University of
23 Wisconsin Medical School for conduct of educational and research programs.

ASSEMBLY BILL 934

NOTE: Conforms capitalization to current style.

1 **SECTION 141.** 46.10 (14) (a) of the statutes is amended to read:

2 46.10 (14) (a) Except as provided in pars. (b) and (c), liability of a person
3 specified in sub. (2) or s. 46.03 (18) for inpatient care and maintenance of persons
4 under 18 years of age at community mental health centers, a county mental health
5 complex under s. 51.08, the centers for the developmentally disabled, the Mendota
6 mental health institute Mental Health Institute, and the Winnebago mental health
7 institute Mental Health Institute or care and maintenance of persons under 18 years
8 of age in residential, nonmedical facilities such as group homes, foster homes,
9 treatment foster homes, child caring institutions, and juvenile correctional
10 institutions is determined in accordance with the cost-based fee established under
11 s. 46.03 (18). The department shall bill the liable person up to any amount of liability
12 not paid by an insurer under s. 632.89 (2) or (2m) or by other ~~3rd party~~ 3rd-party
13 benefits, subject to rules ~~which~~ that include formulas governing ability to pay
14 promulgated by the department under s. 46.03 (18). Any liability of the patient not
15 payable by any other person terminates when the patient reaches age 18, unless the
16 liable person has prevented payment by any act or omission.

NOTE: Conforms capitalization and hyphenation to current style.

17 **SECTION 142.** 46.19 (1) of the statutes is amended to read:

18 46.19 (1) The trustees shall appoint a superintendent of each institution and
19 may remove the superintendent for cause, as defined in s. 17.16 (2) 17.001, on due
20 notice in writing and hearing of the charges against the superintendent.

NOTE: Section 17.16 (2) is renumbered s. 17.001 by this bill.

21 **SECTION 143.** 46.22 (1) (c) 1. b. of the statutes is amended to read:

ASSEMBLY BILL 934

1 46.22 (1) (c) 1. b. ‘State institutions.’ ~~The Mendota mental health institute,~~
2 ~~Mental Health Institute, the Winnebago mental health institute~~ Mental Health
3 Institute, centers for the developmentally disabled, and Type 1 secured correctional
4 facilities, as defined in s. 938.02 (19).

NOTE: Conforms capitalization to current style.

5 **SECTION 144.** 46.27 (7) (b) 1m. of the statutes is renumbered 46.27 (7) (b).

NOTE: Eliminates unnecessary subdivision designation. This provision is not subdivided.

6 **SECTION 145.** 46.27 (7g) (e) of the statutes is amended to read:

7 46.27 (7g) (e) From the appropriation under s. 20.435 (7) (im), the department
8 shall pay the amount of the payments under par. (d) and shall spend the remainder
9 of the funds recovered under this subsection for long-term community support
10 services funded under sub. (7) (b) ~~1m~~.

NOTE: Subsection (7) (b) 1m. is renumbered to sub. (7) (b) by the previous section of this bill.

11 **SECTION 146.** 46.281 (1) (d) 1. of the statutes is amended to read:

12 46.281 (1) (d) 1. Establish, in geographic areas in which resides no more than
13 29% of the population that is eligible for the family care benefit, a pilot project under
14 which the department may contract with a county, a family care district, a tribe or
15 band, or the Great Lakes ~~inter-tribal council, inc.~~ Inter-Tribal Council, Inc., or with
16 any 2 or more of these entities under a joint application, to operate a resource center.

NOTE: Conforms capitalization to current style.

17 **SECTION 147.** 46.282 (2) (am) of the statutes is amended to read:

18 46.282 (2) (am) *Appointment by a tribe or band or council.* If a tribe or band
19 or the Great Lakes ~~inter-tribal council, inc.~~ Inter-Tribal Council, Inc., intends to
20 apply for a contract to operate a resource center or for certification as a care

ASSEMBLY BILL 934

1 management organization, the tribe or band or the council shall, as a condition of the
2 application or the certification, appoint a local long-term care council.

NOTE: Conforms capitalization to current style and adds comma to correct grammar.

3 **SECTION 148.** 46.282 (2) (b) 3. of the statutes is amended to read:

4 46.282 (2) (b) 3. A local long-term care council that is appointed by a tribe or
5 band or by the Great Lakes ~~inter-tribal council, inc.~~ Inter-Tribal Council, Inc., shall
6 consist of 21 members, at least 11 of whom are older persons or persons with physical
7 or developmental disabilities or their family members or other representatives. The
8 age or disability represented by these 11 members shall correspond to the proportion
9 of numbers of persons, as determined by the department, receiving long-term care
10 in this state who are aged 65 or older or have a physical or developmental disability.
11 The total remaining 10 members shall consist of providers of long-term care services,
12 persons residing in the county with recognized ability and demonstrated interest in
13 long-term care, and up to 3 members of the governing board of the tribe or band or
14 the Great Lakes ~~inter-tribal council, inc.~~ Inter-Tribal Council, Inc., that appoints
15 the local long-term care council.

NOTE: Conforms capitalization to current style.

16 **SECTION 149.** 46.282 (2) (d) of the statutes is amended to read:

17 46.282 (2) (d) *Compensation and training.* Members of the local long-term care
18 council who are older persons, persons with physical or developmental disabilities,
19 or the family members or other representatives of these persons shall receive
20 compensation from the applicable county for reasonable expenses associated with
21 membership participation. The county board of supervisors or, in the case of a
22 member appointed by the governing body of a tribe or band or by the Great Lakes
23 ~~inter-tribal council, inc.~~ Inter-Tribal Council, Inc., the tribe or band or the Great

ASSEMBLY BILL 934

1 Lakes ~~inter-tribal council, inc.~~ Inter-Tribal Council, Inc., shall provide training to
2 these members to enable them to participate effectively.

NOTE: Conforms capitalization to current style.

3 **SECTION 150.** 46.282 (3) (a) 1. (intro.) of the statutes is amended to read:

4 46.282 (3) (a) 1. (intro.) Develop the initial plan for the structure of the county,
5 multicounty or tribal resource center, and care management organization or
6 organizations, including formulating recommendations to the county board or
7 boards of supervisors and, in a county with a county executive or a county
8 administrator, to the county executive or county administrator, to the governing body
9 of the tribe or band or of the Great Lakes ~~inter-tribal council, inc.~~ Inter-Tribal
10 Council, Inc., if applicable, and to the department on all of the following:

NOTE: Conforms capitalization to current style.

11 **SECTION 151.** 46.282 (3) (a) 1. a. of the statutes is amended to read:

12 46.282 (3) (a) 1. a. Whether or not the county, counties, tribe or band, or Great
13 Lakes ~~inter-tribal council, inc.~~ Inter-Tribal Council, Inc., should exercise its the
14 right to apply under s. 46.283 (1) for a contract to operate a resource center or to apply
15 under s. 46.284 (1) for a contract to operate a care management organization and how
16 the operation should proceed.

NOTE: Conforms capitalization to current style.

17 **SECTION 152.** 46.282 (3) (a) 1. d. of the statutes is amended to read:

18 46.282 (3) (a) 1. d. If applicable, how county-operated functions should interact
19 with a resource center or care management organization that is operated by a tribe
20 or band or by the Great Lakes ~~inter-tribal council, inc.~~ Inter-Tribal Council, Inc.

NOTE: Conforms capitalization to current style.

21 **SECTION 153.** 46.283 (1) (b) of the statutes is amended to read:

ASSEMBLY BILL 934

1 46.283 (1) (b) After considering recommendations of the local long-term care
2 council under s. 46.282 (3) (a) 1., the governing body of a tribe or band or of the Great
3 Lakes ~~inter-tribal council, inc.~~ Inter-Tribal Council, Inc., may decide whether to
4 authorize a tribal agency to apply to the department for a contract to operate a
5 resource center for tribal members and, if so, which client group to serve.

NOTE: Conforms capitalization to current style.

6 **SECTION 154.** 46.283 (1) (c) of the statutes is amended to read:

7 46.283 (1) (c) Under the requirements of par. (a), a county board of supervisors
8 may decide to apply to the department for a contract to operate a multicounty
9 resource center in conjunction with the county board or boards of one or more other
10 counties or a county-tribal resource center in conjunction with the governing body
11 of a tribe or band or the Great Lakes ~~inter-tribal council, inc.~~ Inter-Tribal Council,
12 Inc.

NOTE: Conforms capitalization to current style.

13 **SECTION 155.** 46.283 (1) (d) of the statutes is amended to read:

14 46.283 (1) (d) Under the requirements of par. (b), the governing body of a tribe
15 or band may decide to apply to the department for a contract to operate a resource
16 center in conjunction with the governing body or governing bodies of one or more
17 other tribes or bands or the Great Lakes ~~inter-tribal council, inc.~~ Inter-Tribal
18 Council, Inc., or with a county board of supervisors.

NOTE: Conforms capitalization to current style.

19 **SECTION 156.** 46.283 (2) (a) of the statutes is amended to read:

20 46.283 (2) (a) Before July 1, 2001, the department may contract only with a
21 county, a family care district, the governing body of a tribe or band or the Great Lakes

ASSEMBLY BILL 934

1 ~~inter-tribal council, inc.~~ Inter-Tribal Council, Inc., or ~~with~~ 2 or more of these entities
2 under a joint application, to operate a resource center.

NOTE: Conforms capitalization to current style.

3 **SECTION 157.** 46.283 (2) (b) (intro.) of the statutes is amended to read:

4 46.283 **(2)** (b) (intro.) After June 30, 2001, the department shall contract with
5 the entities specified under s. 46.281 (1) (d) 1. and may, in addition to contracting
6 with these entities and subject to approval of necessary funding, contract to operate
7 a resource center with counties, family care districts, or the governing body of a tribe
8 or band or the Great Lakes ~~inter-tribal council, inc., or~~ Inter-Tribal Council, Inc.,
9 under a joint application of any of these, or with a private nonprofit organization if
10 the department determines that the organization has no significant connection to an
11 entity that operates a care management organization and if any of the following
12 applies:

NOTE: Conforms capitalization to current style.

13 **SECTION 158.** 46.284 (1) (b) of the statutes is amended to read:

14 46.284 **(1)** (b) The governing body of a tribe or band or of the Great Lakes
15 ~~inter-tribal council, inc.~~ Inter-Tribal Council, Inc., may decide whether to authorize
16 a tribal agency to apply to the department for a contract to operate a care
17 management organization for tribal members and, if so, which client group to serve.

NOTE: Conforms capitalization to current style.

18 **SECTION 159.** 46.284 (1) (c) of the statutes is amended to read:

19 46.284 **(1)** (c) Under the requirements of par. (a), a county board of supervisors
20 may decide to apply to the department for a contract to operate a multicounty care
21 management organization in conjunction with the county board or boards of one or
22 more other counties or a county-tribal care management organization in conjunction

ASSEMBLY BILL 934**SECTION 159**

1 with the governing body of a tribe or band or the Great Lakes ~~inter-tribal council,~~
2 ~~inc. Inter-Tribal Council, Inc.~~

NOTE: Conforms capitalization to current style.

3 **SECTION 160.** 46.284 (1) (d) of the statutes is amended to read:

4 46.284 (1) (d) Under the requirements of par. (b), the governing body of a tribe
5 or band may decide to apply to the department for a contract to operate a care
6 management organization in conjunction with the governing body or governing
7 bodies of one or more other tribes or bands or the Great Lakes ~~inter-tribal council,~~
8 ~~inc. Inter-Tribal Council, Inc.~~, or with a county board of supervisors.

NOTE: Conforms capitalization to current style.

9 **SECTION 161.** 46.284 (2) (b) 1. b. of the statutes is amended to read:

10 46.284 (2) (b) 1. b. The governing body of a tribe or band or the Great Lakes
11 ~~inter-tribal council, inc. Inter-Tribal Council, Inc.~~, elects to operate a care
12 management organization within the area and is certified under sub. (3).

NOTE: Conforms capitalization to current style.

13 **SECTION 162.** 46.37 of the statutes is amended to read:

14 **46.37 Certain water and sewerage service in Winnebago County.** The
15 department, as a member of the tri-institutional Winnebago mental health institute
16 ~~Mental Health Institute, Winnebago county asylum County Asylum~~, and Sunny
17 View sanatorium Sanatorium sewer agreement in Winnebago county County, is
18 authorized to furnish and charge for water and sewage sewerage services to business
19 and dwelling units located in the privately owned area lying west of the Winnebago
20 ~~mental health institute Mental Health Institute~~ and bounded on the west by the
21 railroad properties and on the north, east, and south by the grounds of the
22 Winnebago mental health institute Mental Health Institute, together with such any

ASSEMBLY BILL 934

1 dwelling or other units ~~as now exist or as may be erected~~ located on the railroad
2 railroad-owned and ~~state-owned~~ state-owned property adjacent to this area.

NOTE: Substitutes the present tense “located” for “as now exist or as may be erected.” A statute is regarded as speaking in the present, as of the time it is read or applied. Also, under s. 990.001 (3) the present tense of a verb includes the future when applicable. Conforms capitalization and hyphenation to current style.

3 **SECTION 163.** 46.986 (6) (title) of the statutes is created to read:

4 46.986 (6) (title) EVALUATION.

NOTE: The remaining subsections of s. 46.986 have titles.

5 **SECTION 164.** 48.23 (1) of the statutes is renumbered 48.23 (1m).

NOTE: Accommodates the renumbering of s. 48.23 (6) to 48.23 (1g) by the next section of this bill.

6 **SECTION 165.** 48.23 (6) of the statutes is renumbered 48.23 (1g) and amended
7 to read:

8 48.23 (1g) DEFINITION. ~~For the purposes of~~ In this section, “counsel” means an
9 attorney acting as adversary counsel who shall advance and protect the legal rights
10 of the party represented, and who may not act as guardian ad litem or
11 court-appointed special advocate for any party in the same proceeding.

NOTE: Renumbers provision to beginning of section and modifies language, consistent with current style.

12 **SECTION 166.** 48.357 (1) of the statutes is renumbered 48.357 (1) (a) and
13 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, and shall cause written notice to
18 be sent to the child, the parent, guardian, and legal custodian of the child, any foster
19 parent, treatment foster parent, or other physical custodian described in s. 48.62 (2)

ASSEMBLY BILL 934

1 of the child, the child's court-appointed special advocate, and, if the child is the
2 expectant mother of an unborn child under s. 48.133, the unborn child by the unborn
3 child's guardian ad litem. If the expectant mother is an adult, written notice shall
4 be sent to the adult expectant mother and the unborn child by the unborn child's
5 guardian ad litem. The notice shall contain the name and address of the new
6 placement, the reasons for the change in placement, a statement describing why the
7 new placement is preferable to the present placement, and a statement of how the
8 new placement satisfies objectives of the treatment plan ordered by the court.

9 (b) Any person receiving the notice under ~~this subsection~~ par. (a) or notice of
10 a specific placement under s. 48.355 (2) (b) 2., other than a court-appointed special
11 advocate, may obtain a hearing on the matter by filing an objection with the court
12 within 10 days after receipt of the notice. Placements may not be changed until 10
13 days after that notice is sent to the court unless the parent, guardian, or legal
14 custodian and the child, if 12 years of age or over, or the child expectant mother, if
15 12 years of age or over, her parent, guardian, or legal custodian and the unborn child
16 by the unborn child's guardian ad litem, or the adult expectant mother and the
17 unborn child by the unborn child's guardian ad litem, sign written waivers of
18 objection, except that placement changes ~~which~~ that were authorized in the
19 dispositional order may be made immediately if notice is given as required ~~in this~~
20 ~~subsection~~ under par. (a). In addition, a hearing is not required for placement
21 changes authorized in the dispositional order except when an objection filed by a
22 person who received notice alleges that new information is available ~~which~~ that
23 affects the advisability of the court's dispositional order.

NOTE: Subdivides provision to improve the readability of that provision.

24 **SECTION 167.** 48.357 (2) of the statutes is amended to read:

ASSEMBLY BILL 934

1 48.357 (2) If emergency conditions necessitate an immediate change in the
2 placement of a child or expectant mother placed outside the home, the person or
3 agency primarily responsible for implementing the dispositional order may remove
4 the child or expectant mother to a new placement, whether or not authorized by the
5 existing dispositional order, without the prior notice provided in sub. (1) (a). The
6 notice shall, however, be sent within 48 hours after the emergency change in
7 placement. Any party receiving notice may demand a hearing under sub. (1) (b). In
8 emergency situations, a child may be placed in a licensed public or private shelter
9 care facility as a transitional placement for not more than 20 days, as well as in any
10 placement authorized under s. 48.345 (3).

NOTE: Corrects cross-references to conform to the renumbering and amendment
of s. 48.357 (1) by this bill.

11 **SECTION 168.** 48.357 (2m) of the statutes is renumbered 48.357 (2m) (a) and
12 amended to read:

13 48.357 (2m) (a) The child, the parent, guardian, or legal custodian of the child,
14 the expectant mother, the unborn child by the unborn child's guardian at ad litem,
15 or any person or agency primarily bound by the dispositional order, other than the
16 person or agency responsible for implementing the order, may request a change in
17 placement under this ~~subsection~~ paragraph. The request shall contain the name and
18 address of the place of the new placement requested and shall state what new
19 information is available ~~which~~ that affects the advisability of the current placement.
20 ~~This~~ The request shall be submitted to the court. In addition, the court may propose
21 a change in placement on its own motion.

22 (b) The court shall hold a hearing on the matter prior to ordering any change
23 in placement requested or proposed under ~~this subsection~~ par. (a) if the request

ASSEMBLY BILL 934

1 states that new information is available ~~which~~ that affects the advisability of the
2 current placement, unless written waivers of objection to the proposed change in
3 placement are signed by all persons entitled to receive notice under sub. (1) (a), other
4 than a court-appointed special advocate, and the court approves. If a hearing is
5 scheduled, the court shall notify the child, the parent, guardian, and legal custodian
6 of the child, any foster parent, treatment foster parent, or other physical custodian
7 described in s. 48.62 (2) of the child, the child's court-appointed special advocate, all
8 parties who are bound by the dispositional order, and, if the child is the expectant
9 mother of an unborn child under s. 48.133, the unborn child by the unborn child's
10 guardian ad litem, or shall notify the adult expectant mother, the unborn child by the
11 unborn child's guardian ad litem, and all parties who are bound by the dispositional
12 order, at least 3 days prior to the hearing. A copy of the request or proposal for the
13 change in placement shall be attached to the notice. If all the parties consent, the
14 court may proceed immediately with the hearing.

NOTE: Subdivides provision for improved readability and corrects an incorrect term.

15 **SECTION 169.** 48.357 (2r) of the statutes is amended to read:

16 48.357 **(2r)** If a hearing is held under sub. (1) (b) or (2m) (b) and the change in
17 placement would remove a child from a foster home, treatment foster home, or other
18 placement with a physical custodian described in s. 48.62 (2), the court shall give the
19 foster parent, treatment foster parent, or other physical custodian described in s.
20 48.62 (2) an opportunity to be heard at the hearing by permitting the foster parent,
21 treatment foster parent, or other physical custodian to make a written or oral
22 statement during the hearing or to submit a written statement prior to the hearing,
23 relating to the child and the requested change in placement. Any written or oral

ASSEMBLY BILL 934

1 statement made under this subsection shall be made under oath or affirmation. A
2 foster parent, treatment foster parent, or other physical custodian described in s.
3 48.62 (2) who receives notice of a hearing under sub. (1) (b) or (2m) (b) and an
4 opportunity to be heard under this subsection does not become a party to the
5 proceeding on which the hearing is held solely on the basis of receiving that notice
6 and opportunity to be heard.

NOTE: Corrects cross-references to conform to the renumbering and amendment
of s. 48.357 (1) and (2m) by this bill.

7 **SECTION 170.** 48.357 (2v) of the statutes, as created by 2001 Wisconsin Act 16,
8 is amended to read:

9 48.357 (2v) If a hearing is held under sub. (1) (b) or (2m) (b) and the change in
10 placement would place the child outside the home in a placement recommended by
11 the person or agency primarily responsible for implementing the dispositional order,
12 the change in placement order shall include a statement that the court approves the
13 placement recommended by that person or agency or, if the child is placed outside the
14 home in a placement other than a placement recommended by that person or agency,
15 a statement that the court has given bona fide consideration to the recommendations
16 made by that person or agency and all parties relating to the child's placement.

NOTE: Corrects cross-references to conform to the renumbering and amendment
of s. 48.357 (1) and (2m) by this bill.

17 **SECTION 171.** 48.375 (7) (a) 1. of the statutes is amended to read:

18 48.375 (7) (a) 1. Appoint legal counsel under s. 48.23 ~~(1)~~ (1m) (cm) for the minor
19 if the minor is not represented by counsel.

NOTE: Section 48.23 (1) is renumbered to s. 48.23 (1m) by this bill.

20 **SECTION 172.** 48.981 (2) of the statutes, as affected by 2001 Wisconsin Acts 38,
21 59 and 70, is renumbered 48.981 (2) (a) (intro.) and amended to read:

ASSEMBLY BILL 934

1 48.981 (2) (a) (intro.) ~~A physician, coroner, medical examiner, nurse, dentist,~~
2 ~~chiropractor, optometrist, acupuncturist, other medical or mental health~~
3 ~~professional, social worker, marriage and family therapist, professional counselor,~~
4 ~~public assistance worker, including a financial and employment planner, as defined~~
5 ~~in s. 49.141 (1) (d), school teacher, administrator or counselor, mediator under s.~~
6 ~~767.11, child care worker in a day care center or residential care center for children~~
7 ~~and youth, day care provider, alcohol or other drug abuse counselor, member of the~~
8 ~~treatment staff employed by or working under contract with a county department~~
9 ~~under s. 46.23, 51.42 or 51.437 or a residential care center for children and youth,~~
10 ~~physical therapist, physical therapist assistant, occupational therapist, dietitian,~~
11 ~~speech-language pathologist, audiologist, emergency medical technician, first~~
12 ~~responder or police or law enforcement officer having Any of the following persons~~
13 ~~who has reasonable cause to suspect that a child seen by the person in the course of~~
14 ~~professional duties has been abused or neglected or having who has reason to believe~~
15 ~~that a child seen by the person in the course of professional duties has been~~
16 ~~threatened with abuse or neglect and that abuse or neglect of the child will occur~~
17 ~~shall, except as provided under sub. (2m), report as provided in sub. (3):~~

18 **(b)** A court-appointed special advocate having who has reasonable cause to
19 suspect that a child seen in the course of ~~the court-appointed special advocate's~~
20 activities under s. 48.236 (3) has been abused or neglected or having who has reason
21 to believe that a child seen in the course of those activities has been threatened with
22 abuse and neglect and that abuse or neglect of the child will occur shall, except as
23 provided in sub. (2m), report as provided in sub. (3).

24 **(c)** Any ~~other~~ person not otherwise specified in par. (a) or (b), including an
25 attorney, having who has reason to suspect that a child has been abused or neglected

ASSEMBLY BILL 934

1 or who has reason to believe that a child has been threatened with abuse or neglect
2 and that abuse or neglect of the child will occur may ~~make such a~~ report as provided
3 in sub. (3).

4 (d) Any person, including an attorney ~~having~~, who has reason to suspect that
5 an unborn child has been abused or who has reason to believe that an unborn child
6 is at substantial risk of abuse may report as provided in sub. (3).

7 (e) No person making a report under this subsection may be discharged from
8 employment for so doing.

NOTE: Subdivides provision and modifies language for internal consistency and improved readability and to conform to current style. See also the next section of this bill.

9 **SECTION 173.** 48.981 (2) (a) 1. to 29. of the statutes are created to read:

10 48.981 (2) (a) 1. A physician.

11 2. A coroner.

12 3. A medical examiner.

13 4. A nurse.

14 5. A dentist.

15 6. A chiropractor.

16 7. An optometrist.

17 8. An acupuncturist.

18 9. A medical or mental health professional not otherwise specified in this
19 paragraph.

20 10. A social worker.

21 11. A marriage and family therapist.

22 12. A professional counselor.

ASSEMBLY BILL 934

1 13. A public assistance worker, including a financial and employment planner,
2 as defined in s. 49.141 (1) (d).

3 14. A school teacher.

4 15. A school administrator

5 16. A school counselor.

6 17. A mediator under s. 767.11.

7 18. A child-care worker in a day care center or residential care center for
8 children and youth.

9 19. A day care provider.

10 20. An alcohol or other drug abuse counselor.

11 21. A member of the treatment staff employed by or working under contract
12 with a county department under s. 46.23, 51.42, or 51.437 or a residential care center
13 for children and youth.

14 22. A physical therapist.

15 22m. A physical therapist assistant.

16 23. An occupational therapist.

17 24. A dietitian.

18 25. A speech-language pathologist.

19 26. An audiologist.

20 27. An emergency medical technician.

21 28. A first responder.

22 29. A police or law enforcement officer.

NOTE: Recreates language stricken from s. 48.981 (2) by the previous section of this
bill as a numbered series in order to accommodate the subdivision of s. 48.981 (2).

23 **SECTION 174.** 51.37 (8) (b) of the statutes is amended to read:

ASSEMBLY BILL 934

1 51.37 (8) (b) If the condition of any prisoner or inmate committed or transferred
2 under this section requires psychiatric or psychological treatment after his or her
3 date of release as determined under s. 302.11 or 302.113, whichever is applicable, the
4 director of the state treatment facility shall, within a reasonable time before the
5 release date of the prisoner or inmate, make a written application to the court ~~which~~
6 that committed the prisoner or inmate under sub. (5) (a). Thereupon, the proceeding
7 shall be upon application made under s. 51.20, but no physician or psychologist who
8 is connected with a state prison, Winnebago ~~or~~ Mental Health Institute, Mendota
9 ~~mental health institute~~ Mental Health Institute, or any county jail or house of
10 correction may be appointed as an examiner. If the court does not commit the
11 prisoner or inmate, it may dismiss the application and order the prisoner or inmate
12 returned to the institution from which he or she was transferred until the release
13 date of the prisoner or inmate. If the court commits the prisoner or inmate for the
14 period commencing upon his or her release date, the commitment shall be to the care
15 and custody of the county department under s. 51.42 or 51.437.

NOTE: Conforms capitalization to current style.

16 **SECTION 175.** 55.02 of the statutes is amended to read:

17 **55.02 Protective service system; establishment.** The department shall
18 develop a statewide system of protective service for mentally retarded and other
19 developmentally disabled persons, for aged infirm persons, for chronically mentally
20 ill persons, and for persons with other like incapacities incurred at any age in
21 accordance with rules promulgated by the department. The protective service
22 system shall be designed to encourage independent living and to avoid protective
23 placement whenever possible. The system shall use the planning and advice of
24 agencies, including the county department under s. 46.215, 46.22, 46.23, 51.42, or

ASSEMBLY BILL 934

1 51.437. The chairperson of each county board of supervisors shall designate a county
2 department under s. 46.215, 46.22, 51.42, or 51.437 which that is providing services
3 in his or her county or a joint mechanism of these county departments to have the
4 responsibility for local planning for the protective service system. The chairperson
5 of the Milwaukee county County board of supervisors shall designate the county
6 department under s. 46.215 to serve as the county protective services agency for
7 purposes of s. 55.043. The department and these county departments shall cooperate
8 in developing a coordinated system of services. The department shall provide direct
9 services and enter into contracts with any responsible public or private agency for
10 provision of protective services. In each county, the county department designated
11 under this section shall determine the reporting requirements applicable to the
12 county under s. 880.38 (3).

NOTE: Conforms capitalization to current style.

13 **SECTION 176.** 55.04 (1) (intro.) of the statutes is amended to read:

14 55.04 (1) (intro.) The department shall have all of the following responsibilities
15 in the administration of this chapter:

NOTE: Corrects introductory language to conform to the amendments to s. 55.04
(1) (a) 1. to 11.

16 **SECTION 177.** 55.04 (1) (a) 1. to 11. of the statutes are amended to read:

17 55.04 (1) (a) 1. Outreach;_

18 2. Identification of persons in need of services;_

19 3. Counseling and referral for services;_

20 4. Coordination of services for individuals;_

21 5. Tracking and follow-up;_

22 6. Provision of social services;_

23 7. Case management;_

ASSEMBLY BILL 934

- 1 8. Legal counseling or referral;₂
- 2 9. Guardianship referral;~~and~~₁
- 3 10. Diagnostic evaluation;₂
- 4 11. ~~Such~~ Any other responsibilities as that the department ~~deems~~ considers
- 5 appropriate.

NOTE: Replaces punctuation and disfavored terminology, consistent with current style.

6 **SECTION 178.** 55.043 (1) (a) (intro.) of the statutes is amended to read:

7 55.043 (1) (a) (intro.) If a county protective services agency has probable cause

8 to believe that there is misappropriation of property or neglect or abuse of a

9 vulnerable adult, the county protective services agency may conduct an

10 investigation in Milwaukee county County to determine if the vulnerable adult in

11 question is in need of protective services. The county protective services agency shall

12 conduct the investigation in accordance with standards established by the

13 department for conducting the investigations. The investigation shall include at

14 least one of the following:

NOTE: Conforms capitalization to current style.

15 **SECTION 179.** 60.30 (1e) (c) of the statutes is amended to read:

16 60.30 (1e) (c) If an ordinance is approved in a referendum under par. (b), the

17 change from an elective office to an appointive office may not take effect until the

18 term of office of the incumbent town clerk, town treasurer, or combined town clerk

19 and town treasurer expires. If an ordinance is approved under par. (b) at a general

20 election, the ordinance takes effect upon the expiration of the term or terms of the

21 incumbent officer or officers. If an ordinance is approved under par. (b) at a spring

22 election at which the office of town clerk or town treasurer is filled, the ordinance

23 takes effect upon the expiration of the term or terms of each officer who is elected at

ASSEMBLY BILL 934

1 that election. A person appointed to the office of town clerk, or town treasurer, or to
2 the combined office of town clerk and town treasurer, shall serve for a term, not to
3 exceed 3 years, that is set by the town board. The person may be reappointed and
4 may be dismissed by the board only for cause, as defined in s. ~~17.16 (2)~~ 17.001.

NOTE: Section 17.16 (2) is renumbered s. 17.001 by this bill. Corrects grammar.

5 **SECTION 180.** 60.30 (1e) (f) of the statutes is amended to read:

6 60.30 (1e) (f) If a person is appointed to office under par. (e), the person initially
7 appointed may not take office until the term of office of the incumbent town clerk,
8 town treasurer, or combined town clerk and town treasurer expires. A person
9 appointed to the office of town clerk, or town treasurer, or to the combined office of
10 town clerk and town treasurer, shall serve for a term, not to exceed 3 years, that is
11 set by the town board. The person may be reappointed and may be dismissed by the
12 board only for cause, as defined in s. ~~17.16 (2)~~ 17.001.

NOTE: Section 17.16 (2) is renumbered s. 17.001 by this bill. Corrects grammar.

13 **SECTION 181.** 66.0139 (3) of the statutes is amended to read:

14 66.0139 (3) A political subdivision may safely dispose of abandoned or
15 unclaimed flammable, explosive, or incendiary substances, materials, or devices
16 ~~posing~~ that pose a danger to life or property in their storage, transportation, or use
17 immediately after taking possession of the substances, materials, or devices without
18 a public auction. The political subdivision, by ordinance or resolution, may establish
19 disposal procedures. Procedures may include provisions authorizing an attempt to
20 return to the rightful owner substances, materials, or devices ~~which~~ that have a
21 commercial value in the normal business usage and do not pose an immediate threat
22 to life or property. If enacted, a disposal procedure shall include a presumption that

ASSEMBLY BILL 934

1 if the substance, material, or device appears to be or is reported stolen, an attempt
2 will be made to return the substance, material, or device to the rightful owner.

NOTE: Deletes unnecessary "the," replaces disfavored word form, and corrects punctuation.

3 **SECTION 182.** 66.0209 (4) of the statutes is amended to read:

4 66.0209 (4) An incorporation referendum ordered by the circuit court under s.
5 66.0203 (9) (f) may not be stayed pending the outcome of further litigation, unless the
6 court of appeals or the supreme court, upon an appeal or upon the filing of an original
7 action in the supreme court, concludes that a strong probability exists that the order
8 of the circuit court or the decision of the department will be set aside.

NOTE: Inserts missing articles.

9 **SECTION 183.** 66.0309 (14) (d) 1. of the statutes is amended to read:

10 66.0309 (14) (d) 1. Submit the issue to arbitration by 3 arbitrators, one to be
11 chosen by the local governmental unit, one to be chosen by the regional planning
12 commission, and the third to be chosen by the first 2 arbitrators. If the arbitrators
13 are unable to agree, the vote of 2 shall be the decision. ~~They~~ The arbitrators may
14 affirm or modify the report, and shall submit their decision in writing to the local
15 governmental unit and the regional planning commission within 30 days of their
16 appointment unless the time ~~be~~ is extended by agreement of the commission and the
17 local governmental unit. The decision ~~shall be~~ is binding. ~~Election~~ An election to
18 arbitrate ~~shall be~~ is a waiver of the right to proceed by action. Two-thirds of the
19 expenses of arbitration shall be paid by the party requesting arbitration and the
20 balance by the other.

NOTE: Inserts a specific reference and missing articles and replaces a disfavored term to improve readability and to conform to current style.

21 **SECTION 184.** 66.0413 (2) (c) 2. of the statutes is amended to read:

ASSEMBLY BILL 934

1 66.0413 (2) (c) 2. In an action under this subsection, the circuit court before
2 which the action is commenced shall exercise jurisdiction in rem or quasi in rem over
3 the property ~~which~~ that is the subject of the action. The owner of record of the
4 property, if known, and all other persons of record holding or claiming any interest
5 in the property shall be made parties defendant, and service of process may be made
6 upon them.

NOTE: Inserts missing word and corrects grammar.

7 **SECTION 185.** 66.0413 (2) (e) 1. of the statutes is amended to read:

8 66.0413 (2) (e) 1. A receiver appointed under par. (d) shall collect all rents and
9 profits accruing from the property held in receivership and pay all costs of
10 management, including all general and special real estate taxes or assessments and
11 interest payments on first mortgages on the property. A receiver under par. (d) shall
12 apply moneys received from the sale of property held in receivership to pay all debts
13 due on the property in the order set by law and shall pay any balance to the selling
14 owner if the circuit court approves.

NOTE: Inserts missing article.

15 **SECTION 186.** 66.0901 (2) of the statutes is amended to read:

16 66.0901 (2) BIDDER'S PROOF OF RESPONSIBILITY. A municipality intending to enter
17 into a public contract may, before delivering any form for bid proposals, plans, and
18 specifications to any person, except materialmen, suppliers, and others not
19 intending to submit a direct bid, require the person to submit a full and complete
20 statement sworn to before an officer authorized by law to administer oaths. The
21 statement shall consist of information relating to financial ability, equipment,
22 experience in the work prescribed in the public contract, and other matters that the
23 municipality requires for the protection and welfare of the public in the performance

ASSEMBLY BILL 934

1 of a public contract. The statement shall be in writing on a standard form of a
2 questionnaire that is adopted and furnished by the municipality. The statement
3 shall be filed in the manner and place designated by the municipality. The statement
4 shall not be received less than 5 days prior to the time set for the opening of bids.
5 The contents of the statement shall be confidential and may not be disclosed except
6 upon the written order of the person furnishing the statement, for necessary use by
7 the public body in qualifying the person, or in cases of ~~action~~ actions against, or by,
8 the person or municipality. The governing body of the municipality or the committee,
9 board, or employee charged with, or delegated by the governing body with, the duty
10 of receiving bids and awarding contracts shall properly evaluate the statement and
11 shall find the maker of the statement either qualified or unqualified. This subsection
12 does not apply to a 1st class city.

NOTE: Inserts missing article and replaces the singular form of a word with the plural for correct sentence agreement.

13 **SECTION 187.** 66.1103 (2) (f) of the statutes is amended to read:

14 66.1103 (2) (f) “Improve^{2,2}” “improving^{2,2}” “improvements²” and “facilities”
15 ~~embrace~~ include any real or personal property or mixed property of whatever useful
16 life that can be used or that will be useful in an industrial project including sites for
17 buildings, equipment, or other improvements, rights-of-way, roads, streets, sidings,
18 foundations, tanks, structures, pipes, pipelines, reservoirs, lagoons, utilities,
19 materials, equipment, fixtures, machinery, furniture, furnishings, improvements,
20 instrumentalities, pollution control facilities, and other real, personal, or mixed
21 property.

NOTE: Inserts preferred term and corrects punctuation.

22 **SECTION 188.** 66.1201 (9) (j) of the statutes is amended to read:

ASSEMBLY BILL 934

1 66.1201 **(9)** (j) To contract for the sale of, and to sell, any part or all of the
2 interest in real estate acquired and to execute contracts of sale and conveyances as
3 the authority considers desirable.

NOTE: Inserts missing article and other language and commas to improve readability and to conform to current style.

4 **SECTION 189.** 66.1205 (2) (b) of the statutes is amended to read:

5 66.1205 **(2)** (b) Pursuant to s. 66.1201 (16) vest in obligees the right, if the
6 authority defaults, to acquire title to a housing project or the property mortgaged by
7 the housing authority, free from all of the restrictions imposed by s. 66.1203 and this
8 section.

NOTE: Inserts missing word.

9 **SECTION 190.** 66.1331 (14) of the statutes is renumbered 66.1331 (14) (b) and
10 amended to read:

11 66.1331 **(14)** (b) For the purpose of carrying out or administering a
12 redevelopment plan or other functions authorized under this section, a city may issue
13 municipal obligations payable solely from and secured by a pledge of and lien upon
14 any or all of the income, proceeds, revenues, funds, and property of the city derived
15 from or held by it in connection with redevelopment projects, including the proceeds
16 of grants, loans, advances, or contributions from any public or private source.
17 Municipal obligations issued under this subsection may be registered under s. 67.09
18 but shall otherwise be in a form, mature at times, bear interest at rates, be issued
19 and sold in a manner, and contain terms, covenants, and conditions that the local
20 legislative body of the city, by resolution, determines. The municipal obligations
21 shall be fully negotiable, shall not require a referendum, and are not subject to the
22 provisions of any other law or charter relating to the issuance or sale of municipal
23 obligations. Obligations under this section sold to the United States government

ASSEMBLY BILL 934

1 need not be sold at public sale. In this subsection, “municipal obligation” has the
2 meaning specified in s. 67.01 (6).

NOTE: Definition is deleted from this provision and moved to separate paragraph
at the beginning of the subsection, consistent with current style. See the next section of
this bill.

3 **SECTION 191.** 66.1331 (14) (a) of the statutes is created to read:

4 66.1331 (14) (a) In this subsection, “municipal obligation” has the meaning
5 specified in s. 67.01 (6).

NOTE: See the previous section of this bill.

6 **SECTION 192.** 70.06 (2) (c) of the statutes is renumbered 70.06 (2) and amended
7 to read:

8 70.06 (2) The commissioner of assessments may, with the approval of the
9 common council, appoint one chief assessor, one or more supervising assessors and
10 supervising assessor assistants, one or more property appraisers, and other expert
11 technical personnel that the commissioner of assessments ~~deems~~ considers to be
12 necessary in order that all valuations throughout the city are uniformly made in
13 accordance with the law. The chief assessor, supervising assessors, and supervising
14 assessor assistants shall exercise the direction and supervision over assessment
15 procedure and shall perform the duties in relation to the assessment of property that
16 the commissioner of assessments determines. Together with the chief assessor and
17 the assessment analysis manager, they shall be members of the board of assessors
18 and shall hold office in the same manner as assessors. Certification of the
19 assessment roll shall be limited to the members of the board of assessors.

NOTE: Eliminates unnecessary paragraph designation; this provision is not
subdivided. Replaces disfavored terminology and inserts article to improve readability
and conformity with current style.

20 **SECTION 193.** 70.06 (3m) of the statutes is amended to read:

ASSEMBLY BILL 934

1 70.06 **(3m)** No person may assume the office of commissioner of assessments,
2 chief assessor, assessment analysis manager, systems and administration
3 supervisor, title records supervisor, supervising assessor, supervising assessor
4 assistant, or property appraiser appointed under sub. (2) (e), unless certified by the
5 department of revenue under s. 73.09 as qualified to perform the functions of the
6 office of assessor. If a person who has not been so certified is appointed to the office,
7 the office shall be vacant and the appointing authority shall fill the vacancy from a
8 list of persons so certified by the department of revenue.

NOTE: Corrects cross-reference. Subsection (2) (c) is renumbered to sub. (2) by the
previous section of this bill.

9 **SECTION 194.** 70.07 (2) of the statutes is amended to read:

10 70.07 **(2)** The commissioner of assessments shall publish a class 3 notice, under
11 ch. 985, that on the days named, the assessments for the city will be open for
12 examination by the taxable inhabitants of the city. On the 2nd Monday of May the
13 commissioner of assessments shall call together all of the assessors, and the other
14 members of the board of assessors as provided in s. 70.06 (2) (e), and they together
15 with the commissioner of assessments shall constitute an assessment board.

NOTE: Corrects cross-reference. Section 70.06 (2) (c) is renumbered s. 70.06 (2) by
SECTION 192 of this bill.

16 **SECTION 195.** 70.11 (3a) (title) of the statutes is amended to read:

17 70.11 **(3a)** (title) BUILDINGS AT THE WISCONSIN VETERANS HOME VETERANS HOME
18 AT KING OR IN SOUTHEASTERN WISCONSIN.

NOTE: Conforms capitalization to current style.

19 **SECTION 196.** 71.67 (5m) (title) of the statutes is created to read:

20 71.67 **(5m)** (title) WITHHOLDING FROM PAYMENTS TO PURCHASE ASSIGNMENT OF
21 LOTTERY PRIZE.

NOTE: The remainder of the subsections in s. 71.67 have titles.

ASSEMBLY BILL 934

1 **SECTION 197.** 71.85 (3) (intro.) and (a) of the statutes are consolidated,
2 renumbered 71.85 (3) and amended to read:

3 71.85 (3) ABATEMENT OF INTEREST AND PENALTIES. No penalty or interest that has
4 been imposed under this subchapter on a taxpayer who is eligible for the exemption
5 under: ~~(a) Section 71.05 (6) (b) 13. or 14.~~ may continue to accrue while the taxpayer
6 is in the Operation Desert Shield or Operation Desert Storm theater of operations
7 and for 180 days after the taxpayer leaves the Operation Desert Shield or Operation
8 Desert Storm theater of operations.

NOTE: The (intro.) and par. (a) are combined as there are no other paragraphs.

9 **SECTION 198.** 71.91 (5) (ag) (intro.) and 1. of the statutes are consolidated,
10 renumbered 71.91 (5) (ag) and amended to read:

11 71.91 (5) (ag) In this subsection: 1. ~~“File”, “file”~~ means mail, deliver, or submit
12 electronically.

NOTE: The (intro.) and subd. 1. are combined as there are no other subdivisions.

13 **SECTION 199.** 77.54 (14) of the statutes is amended to read:

14 77.54 (14) The gross receipts from the sales of and the storage, use, or other
15 consumption in this state of medicines that are any of the following:

16 (a) Prescribed for the treatment of a human being by a person authorized to
17 prescribe the medicines, and dispensed on prescription filled by a registered
18 pharmacist in accordance with law;₂

19 (b) Furnished by a licensed physician, surgeon, podiatrist, or dentist to a
20 patient for treatment of the patient;₂

21 (c) Furnished by a hospital for treatment of any person pursuant to the order
22 of a licensed physician, surgeon, podiatrist, or dentist;₂

ASSEMBLY BILL 934

1 (d) Sold to a licensed physician, surgeon, podiatrist, dentist, or hospital for the
2 treatment of a human being; ~~or,~~

3 (e) Sold to this state or any political subdivision or municipal corporation
4 thereof, for use in the treatment of a human being; ~~or furnished,~~

5 (em) Furnished for the treatment of a human being by a medical facility or
6 clinic maintained by this state or any political subdivision or municipal corporation
7 thereof.

8 (f) Furnished without charge to a physician, surgeon, nurse anesthetist,
9 advanced practice nurse, osteopath, dentist who is licensed under ch. 447, podiatrist
10 who is licensed under ch. 448, or optometrist who is licensed under ch. 449 if the
11 medicine may not be dispensed without a prescription.

NOTE: Conforms the form of the (intro.) and punctuation to current style. Divides
the two clauses in par. (e) into separate paragraphs consistent with the remainder of the
section.

12 **SECTION 200.** 77.54 (14g) of the statutes is amended to read:

13 77.54 (14g) "Medicines," as used in sub. (14), means any substance or
14 preparation that is intended for use by external or internal application to the human
15 body in the diagnosis, cure, mitigation, treatment, or prevention of disease and
16 ~~which~~ that is commonly recognized as a substance or preparation intended for such
17 use; but "medicines" do not include any of the following:

18 (a) Any auditory, prosthetic, ophthalmic, or ocular device or appliance.

19 (b) Articles ~~which~~ that are in the nature of splints, bandages, pads, compresses,
20 supports, dressings, instruments, apparatus, contrivances, appliances, devices, or
21 other mechanical, electronic, optical, or physical equipment or ~~article~~ articles, or the
22 component parts or accessories thereof.

ASSEMBLY BILL 934

1 (c) Any alcohol beverage the manufacture, sale, purchase, possession, or
2 transportation of which is licensed or regulated under the laws of this state.

NOTE: Conforms the form of the (intro.) to current style. Inserts the plural
“articles” for sentence agreement.

3 **SECTION 201.** 77.61 (5) (b) 2. of the statutes is amended to read:

4 77.61 (5) (b) 2. The attorney general, and department of justice employees.

NOTE: Replaces comma with “and” to correct poor grammar resulting from a partial
veto in ch. 418, Laws of 1977.

5 **SECTION 202.** 84.11 (5r) (title) of the statutes is amended to read:

6 84.11 (5r) (title) MILWAUKEE 6TH STREET ~~STREET~~ STREET VIADUCT COST SHARING.

NOTE: Conforms capitalization to current style.

7 **SECTION 203.** 88.11 (5) (intro.) of the statutes is amended to read:

8 88.11 (5) (intro.) The report of the department of agriculture, trade and
9 consumer protection under sub. (3) also shall include a report of the college of
10 agriculture and life sciences College of Agricultural and Life Sciences of the
11 University of Wisconsin-Madison on all of the following:

NOTE: Conforms capitalization to current style and the changes name of the college
with that used in the remainder of the statutes.

12 **SECTION 204.** 88.63 (1) of the statutes is renumbered 88.63 (1m).

NOTE: Renumbers subsection to accommodate the renumbering of the definition
in sub. (3) to the beginning of the section, consistent with current style.

13 **SECTION 205.** 88.63 (2) of the statutes is amended to read:

14 88.63 (2) The board shall establish a fund for the payment of costs of
15 maintenance and repair. Whenever the amount of the fund falls below an amount
16 equivalent to 5% of the confirmed benefits currently in effect in the district, the board
17 shall levy an additional assessment under s. 88.23 for maintenance and repair.
18 Assessments for costs of maintenance and repair shall be apportioned on the basis
19 of the confirmed benefits then in effect in the district but may be made

ASSEMBLY BILL 934

1 notwithstanding the fact that assessments of benefits in the district may have been
2 exhausted by previous assessments for other costs. Assessments for costs of
3 maintenance and repair, including costs incurred and per diems earned by board
4 members under sub. (1) (1m), are not limited by the extent of unexhausted
5 assessments of benefits in the district and shall not be counted in determining
6 whether there are unexhausted assessments of benefits against which assessments
7 for costs other than those authorized by this section may be made.

NOTE: Subsection (1) is renumbered to sub. (1m) by the previous section of this bill.

8 **SECTION 206.** 88.63 (3) of the statutes is renumbered 88.63 (1g).

NOTE: Renumbers a definition provision to the beginning of the section, consistent with current style.

9 **SECTION 207.** 93.06 (1f) of the statutes is amended to read:

10 93.06 (1f) ANIMAL HEALTH INSPECTION AND TESTING. Perform animal health
11 inspections and tests and examine animal health documentation at the state fair, the
12 world dairy expo, ~~inc.~~, the world beef expo, the midwest horse fair, and other livestock
13 exhibitions held in this state and attended by participants from outside of this state,
14 as specified by the department by rule. The department may charge a fee to the
15 sponsor of the exhibition to cover the reasonable costs of the department's inspection
16 and testing services whether or not the sponsor requests the services. This
17 subsection does not apply to county fairs or other local livestock exhibitions.

NOTE: Deletes inappropriate word.

18 **SECTION 208.** 93.30 (1) of the statutes is amended to read:

19 93.30 (1) The secretary shall approve any plans for the expenditure of
20 appropriations under s. 20.115 (4) (e) to the ~~world dairy expo, inc.~~ World Dairy Expo,
21 Inc., for activities that expand business opportunities for the persons of the dairy
22 industry that are located in this state. Of the amounts appropriated under s. 20.115

ASSEMBLY BILL 934

1 (4) (e), \$33,250 in each fiscal year may be expended only to the extent that a county,
2 city, village, or town pays to ~~world dairy expo, inc.~~ World Dairy Expo, Inc., an amount
3 that is not less than 50% of the department's payment.

NOTE: Conforms capitalization to current style.

4 **SECTION 209.** 93.30 (2) of the statutes is amended to read:

5 93.30 (2) Any moneys received by ~~world dairy expo, inc.~~ World Dairy Expo, Inc.,
6 under this section shall be used only for the purposes described in sub. (1).

NOTE: Conforms capitalization to current style.

7 **SECTION 210.** 93.30 (3) of the statutes is amended to read:

8 93.30 (3) Not later than 30 days after the close of the exposition each year ~~world~~
9 ~~dairy expo, inc.~~ World Dairy Expo, Inc., shall file with the department, on forms
10 provided by it, an itemized account verified on oath, showing amounts actually paid
11 or to be paid. The verified account shall correspond with the plans approved by the
12 secretary under sub. (1). On or before December 31 of the year in which the
13 exposition is held, ~~world dairy expo, inc.~~ World Dairy Expo, Inc., shall furnish the
14 department with a statement of receipts and disbursements, attendance, and such
15 other information relating to the exposition as the department may require. Upon
16 receipt of such statement the department shall pay ~~world dairy expo, inc.~~ World
17 Dairy Expo, Inc., the aid due for the preceding year.

NOTE: Conforms capitalization to current style.

18 **SECTION 211.** 93.41 (2) of the statutes is amended to read:

19 93.41 (2) The department shall develop informational and educational
20 materials on stray voltage and provide those materials to the public in cooperation
21 with the University of Wisconsin-System extension program Wisconsin-Extension
22 and the technical college system board and shall study the need for any other state

ASSEMBLY BILL 934

1 action not in effect under this section or s. 196.857 necessary to protect the public
2 health and welfare from the harmful effects of stray voltage.

NOTE: Makes reference to the university extension consistent with the remainder
of the statutes.

3 **SECTION 212.** 94.705 (5) (c) of the statutes is amended to read:

4 94.705 (5) (c) *Certification for emergency use.* A person may apply for an
5 emergency use certification. Only one emergency use certification shall be granted
6 to a person. Thereafter, certification under par. (a) or (b) is necessary. The
7 department shall conduct a specific evaluation of the applicant's ability to use and
8 apply the pesticide safely and correctly and make any other evaluations deemed
9 necessary by the department. The department shall notify the dealer by telephone
10 that the applicant has been granted an emergency use certification. Written notice
11 of the applicant's responsibility and liability shall be sent by the department to the
12 dealer and the applicant. This certification shall be valid for a ~~one-time~~ onetime
13 specific use only. The department's evaluation shall be conducted at a designated
14 department office, any University of Wisconsin-extension Wisconsin-Extension
15 office, or at any other site approved by the department.

NOTE: Conforms capitalization to current style. Deletes unnecessary "at."

16 **SECTION 213.** 95.14 (2) of the statutes is amended to read:

17 95.14 (2) Any corporation organized under this section shall be managed and
18 directed by a self-perpetuating board of directors of 5 members, consisting of the
19 dean of the College of Agricultural and Life Sciences of the University of
20 Wisconsin-Madison, who shall be permanent chairperson of the board, and 4 others
21 to be appointed in the first instance by the incorporators; at least 3 of the 5 members
22 shall always be representative livestock breeders of the state. If the dean of the
23 College of Agricultural and Life Sciences fails to act as a member of the board by

ASSEMBLY BILL 934

1 reason of refusal, disability, or vacancy in the chair of the dean, the remaining
2 members of the board shall appoint a representative livestock breeder to act in his
3 or her place on the board until the time as such refusal, disability, or vacancy in the
4 chair ceases to exist. Whenever the dean of the ~~college of agricultural and life~~
5 ~~sciences~~ College of Agricultural and Life Sciences becomes a member of the board of
6 directors after any such interim, the dean shall automatically become chairperson
7 of the board.

NOTE: Conforms capitalization to current style.

8 **SECTION 214.** 108.02 (4m) (e) of the statutes is amended to read:

9 108.02 (4m) (e) Back pay that an employee would have been paid during his
10 or her base period as a result of employment for an employer, if the payment of ~~such~~
11 the back pay is made no later than the end of the 104-week period beginning with
12 the earliest week to which ~~such~~ the back pay applies; ~~and~~

NOTE: Deletes incorrectly located "and" and inserts a specific reference.

13 **SECTION 215.** 108.02 (4m) (f) of the statutes is amended to read:

14 108.02 (4m) (f) All wages that an employer was legally obligated to pay in an
15 employee's base period but failed to pay, or was prohibited from paying as a result
16 of an insolvency proceeding under ch. 128 or as a result of a bankruptcy proceeding
17 under 11 USC 101 et seq.; and

NOTE: Makes punctuation consistent with the rest of the subsection.

18 **SECTION 216.** 109.03 (1) (intro.) of the statutes is amended to read:

19 109.03 (1) REQUIRED FREQUENCY OF PAYMENTS. (intro.) Every employer shall as
20 often as monthly pay to every employee engaged in the employer's business, except
21 those employees engaged in logging operations and farm labor, all wages earned by
22 ~~such~~ the employee to a day not more than 31 days prior to the date of ~~such~~ payment.

ASSEMBLY BILL 934

1 Employees engaged in logging operations and farm labor shall be paid all earned
2 wages no less often than at regular quarterly intervals. Any employee who is absent
3 at the time fixed for payment or who for any other reason is not paid at that time shall
4 be paid thereafter at any time upon 6 days' demand. The required frequency of wage
5 payments provided in this subsection does not apply to any of the following:

NOTE: Amends (intro.) ending for agreement with the subsequent paragraphs and replaces disfavored terminology.

6 **SECTION 217.** 109.03 (1) (a) of the statutes is amended to read:

7 109.03 (1) (a) Employees covered under a valid collective bargaining
8 agreement establishing a different frequency for ~~such~~ wage payments, including
9 deferred payments exercised at the option of employees; ~~or~~.

NOTE: Makes punctuation consistent with the remainder of the subsection and inserts a specific reference.

10 **SECTION 218.** 111.57 (3) (intro.) of the statutes is renumbered 111.57 (3) (a)
11 (intro.) and amended to read:

12 111.57 (3) (a) (intro.) ~~Where~~ If there is no contract between the parties, or ~~where~~
13 if there is a contract but the parties have begun negotiations looking to a new
14 contract or amendment of the existing contract, and wage rates or other conditions
15 of employment under the proposed new or amended contract are in dispute, the
16 factors, among others, to be given weight by the arbitrator in arriving at decision,
17 shall include all of the following:

NOTE: Renumbers provision to allow the separation of par. (d) and (e) 2. into stand alone provisions by this bill. Replaces disfavored terminology and amends the (intro.) ending, consistent with current style.

18 **SECTION 219.** 111.57 (3) (a) to (c) of the statutes are renumbered 111.57 (3) (a)
19 1. to 3. and amended to read:

ASSEMBLY BILL 934

1 111.57 (3) (a) 1. ~~Comparison~~ A comparison of wage rates or other conditions of
2 employment of the utility in question with prevailing wage rates or other conditions
3 of employment in the local operating area involved;.

4 2. ~~Comparison~~ A comparison of wage rates or other working conditions with
5 wage rates or other working conditions maintained for the same or similar work of
6 workers exhibiting like or similar skills under the same or similar working
7 conditions in the local operating area involved;.

8 3. The value of the service to the consumer in the local operating area involved;.

NOTE: Renumbers provision consistent with the treatment of the remainder of s.
111.57 (3) by this bill. Inserts articles and modifies punctuation, consistent with current
style.

9 **SECTION 220.** 111.57 (3) (d) of the statutes is amended to read:

10 111.57 (3) (d) ~~Where~~ In addition to considering the factors under par. (a), if a
11 public utility employer has more than one plant or office and some or all of such
12 ~~plurality of the employer's~~ plants or offices are found by the arbitrator to be located
13 in separate areas with different characteristics, consideration shall be given to the
14 establishment of separate wage rates or a schedule of wage rates and separate
15 conditions of employment for plants and offices in different areas;.

NOTE: This provision is separated from the remainder of the enumerated factors
due to a lack of sentence agreement with the subsection (intro.) and different subject
matter than the other factors included under the (intro.).

16 **SECTION 221.** 111.57 (3) (e) 1. of the statutes is renumbered 111.57 (3) (a) 4. and
17 amended to read:

18 111.57 (3) (a) 4. The overall compensation presently received by the employees,
19 having regard not only to wages for time actually worked but also to wages for time
20 not worked, including, without limiting the generality of the foregoing, vacation,
21 holidays, and other excused time, and all benefits received, including insurance and

ASSEMBLY BILL 934

1 pensions, medical and hospitalization benefits, and the continuity and stability of
2 employment enjoyed by the employees.

NOTE: Renumbers provision consistent with the treatment of the remainder of s.
111.57 (3) by this bill.

3 **SECTION 222.** 111.57 (3) (e) 2. of the statutes is renumbered 111.57 (3) (e) and
4 amended to read:

5 111.57 (3) (e) The enumeration of factors under ~~subd. 1.~~ pars. (a) and (d) shall
6 not be construed as precluding the arbitrator from taking into consideration other
7 factors not confined to the local labor market area that are normally or traditionally
8 taken into consideration in the determination of wages, hours, and working
9 conditions through voluntary collective bargaining or arbitration between the
10 parties.

NOTE: Corrects cross-reference inserted by 1999 Wis. Act 83, a nonsubstantive
revisor's revision bill. Drafting records indicate that the enumerated factors referred to
are all of those listed in the subsection rather than just those in the paragraph.

11 **SECTION 223.** 115.31 (1) (b) of the statutes, as affected by 2001 Wisconsin Act
12 57, is amended to read:

13 115.31 (1) (b) "Educational agency" means a school district, cooperative
14 educational service agency, state correctional institution under s. 302.01, secured
15 correctional facility, as defined in s. 938.02 (15m), secured child caring institution,
16 as defined in s. 938.02 (15g), the Wisconsin Center for the Blind and Visually
17 Impaired, the Wisconsin Educational Services Program for the Deaf and Hard of
18 Hearing, the Mendota ~~mental health institute~~ Mental Health Institute, the
19 Winnebago ~~mental health institute~~ Mental Health Institute, a state center for the
20 developmentally disabled, a private school, or a private, nonprofit, nonsectarian
21 agency under contract with a school board under s. 118.153 (3) (c).

NOTE: Conforms capitalization to current style.

ASSEMBLY BILL 934

1 **SECTION 224.** 120.13 (37) of the statutes, as affected by 2001 Wisconsin Act 38,
2 is amended to read:

3 120.13 **(37)** AWARDING HIGH SCHOOL DIPLOMAS TO VETERANS. Notwithstanding s.
4 118.33 (1), award a high school diploma to a person who is at least 65 years old,
5 attended high school in the school district, left high school before receiving a high
6 school diploma to join the U.S. armed forces during a war period under s. ~~45.35 (5)~~
7 ~~(e)~~ 45.001 (5), and served on active duty under honorable conditions in the U.S.
8 armed forces or in forces incorporated as part of the U.S. armed forces. A school board
9 may award a high school diploma to a person who received a high school equivalency
10 diploma under s. 115.29 (4) after serving on active duty if the person meets the other
11 conditions of this subsection.

NOTE: Corrects cross-reference. Section 45.35 (5) (e) is renumbered to s. 45.001
(5) by this bill.

12 **SECTION 225.** 120.21 (1) (a) of the statutes is amended to read:

13 120.21 **(1)** (a) ~~With the university extension division of the university~~
14 University of Wisconsin Wisconsin-Extension for extension courses for pupils
15 enrolled in high school.

NOTE: Conforms capitalization to current style and modifies extension title
consistent with the remainder of the statutes.

16 **SECTION 226.** 134.33 (6) (a) of the statutes is renumbered 134.33 (6).

NOTE: Eliminates unnecessary paragraph designation. This provision is not
subdivided.

17 **SECTION 227.** 148.01 of the statutes is amended to read:

18 **148.01 Definition.** In this chapter, “medical society” means the ~~state medical~~
19 ~~society~~ State Medical Society of Wisconsin and any county medical society organized
20 or continued under this chapter.

NOTE: Conforms capitalization to current style.

ASSEMBLY BILL 934

1 **SECTION 228.** 148.015 (1) of the statutes is amended to read:

2 148.015 (1) The ~~state medical society~~ State Medical Society of Wisconsin is
3 continued with the general powers of a corporation. It may from time to time adopt,
4 alter, and enforce constitution, bylaws, and regulations for admission and expulsion
5 of members, election of officers, and management.

NOTE: Conforms capitalization to current style.

6 **SECTION 229.** 157.02 (3) of the statutes is amended to read:

7 157.02 (3) NOTICE TO UNIVERSITY OR SCHOOL. If the corpse is in the Mendota
8 ~~mental health institute~~ Mental Health Institute district, the University of Wisconsin
9 shall be notified that it may have the corpse. If the corpse is in the Winnebago ~~mental~~
10 ~~health institute~~ Mental Health Institute district, ~~medical college~~ the Medical College
11 of Wisconsin, ~~inc.~~ Inc., or any accredited school of mortuary science at Milwaukee
12 shall be notified that it may have the corpse. The university or school so notified shall
13 immediately inform the superintendent or public officer whether it desires to have
14 the corpse. If it does, the corpse shall be delivered accordingly, properly encased, to
15 the most available facility for transportation to the consignee, the consignee to pay
16 the cost of transportation.

NOTE: Conforms capitalization to current style and inserts missing article.

17 **SECTION 230.** 157.02 (4) of the statutes is amended to read:

18 157.02 (4) STANDING APPLICATIONS. If there are advance applications for such
19 bodies, by ~~medical college~~ the Medical College of Wisconsin, ~~inc.~~ Inc., or any
20 accredited school of mortuary science, ~~such~~ the superintendent or public officer shall
21 make an equitable distribution between them.

NOTE: Conforms capitalization to current style.

22 **SECTION 231.** 157.06 (1) (c) 2. of the statutes is renumbered 157.06 (1) (c).

ASSEMBLY BILL 934

NOTE: Eliminates unnecessary subdivision designation. This provision is not subdivided.

1 **SECTION 232.** 157.065 (1) (intro.), (a) and (b) (intro.) and 1. to 5. of the statutes
2 are amended to read:

3 157.065 (1) (intro.) No cemetery may be used for burials except any of the
4 following:

5 (a) ~~Any~~ A cemetery in use on April 4, 1864; ~~or,~~

6 (b) (intro.) ~~Any~~ A cemetery organized and operated by any of the following:

7 1. ~~Any~~ A municipality; ~~;~~

8 2. ~~Any~~ A religious association; ~~;~~

9 3. ~~Any~~ A fraternal or benevolent society; ~~;~~

10 4. ~~Any~~ An incorporated college of a religious order; ~~;~~

11 5. ~~Any~~ A cemetery association created under s. 157.062; ~~or,~~

NOTE: Makes terminology and punctuation internally consistent.

12 **SECTION 233.** 186.22 (16) (a) of the statutes is renumbered 186.22 (16).

NOTE: Eliminates unnecessary paragraph designation. This provision is not subdivided.

13 **SECTION 234.** 187.14 (6) of the statutes is amended to read:

14 187.14 (6) ~~The consolidated society, when~~ When the incorporation ~~thereof of a~~
15 consolidated society is completed as provided in this section, ~~shall be the~~
16 consolidated society is vested with all the temporalities and property, real or
17 personal, of the constituent societies, ~~and any.~~ Any gifts, grants, devises, or bequests
18 ~~thereafter~~ accruing to either of the former societies after the completion of the
19 incorporation of the consolidated society, or to the consolidated society, by whatever
20 name designated, ~~shall be~~ are valid and ~~the same~~ shall pass to and vest in the
21 consolidated society, ~~it being the declared intent of this section that no.~~ No gift,
22 grant, devise, or bequest ~~shall fail by reason of the fact that the same may have been~~

ASSEMBLY BILL 934**SECTION 234**

1 given to either one of the former societies shall fail, but ~~that~~ instead the consolidated
2 society shall take ~~any such~~ the gift, grant, devise, or bequest as ~~would otherwise have~~
3 ~~passed to~~ either of the former societies would have.

NOTE: Deletes unnecessary and obsolete verbage and punctuation and otherwise
modifies the provision to improve readability and conformity with current style.

4 **SECTION 235.** 191.001 (intro.) and (1) of the statutes are consolidated,
5 renumbered 191.001 and amended to read:

6 **191.001 Definitions Definition.** In this chapter: ~~(1)~~ “Office”, “office” means
7 the office of the commissioner of railroads.

NOTE: Eliminates unnecessary subsection. This provision has only one subsection.

8 **SECTION 236.** 200.09 (10) of the statutes is amended to read:

9 200.09 **(10)** Sections 200.01 to 200.15 do not affect the continued validity of
10 contracts and obligations previously entered into by a metropolitan sewerage district
11 operating under ss. 66.20 to 66.209, 1969 stats., ~~prior to~~ before April 30, 1972, nor
12 the validity of ~~any such~~ the district.

NOTE: Inserts missing article and adopts current usage.

13 **SECTION 237.** 229.66 (3) of the statutes is amended to read:

14 229.66 **(3)** Upon appointment under sub. (2), the appointing authorities shall
15 certify the appointees to the secretary of administration. The term of office of 50%
16 of the persons appointed under sub. (2) (a) is 2 years, and the term of office of the other
17 50% of the persons appointed under sub. (2) (a) is 4 years, except that if an odd
18 number of persons is appointed under sub. (2) (a), there shall be one more office with
19 a term of 4 years than there are offices with terms of 2 years, and except that for the
20 initial appointments for a newly created district the initial terms shall expire on July
21 1 of the 2nd year beginning after creation of a district for persons appointed to 2-year
22 terms, and the initial terms shall expire on July 1 of the 4th year beginning after

ASSEMBLY BILL 934

1 creation of a district for persons appointed to 4-year terms. Persons appointed under
2 sub. (2) (a) may be removed from the district board before the expiration of their
3 terms by the appointing authority but only for cause, as defined in s. ~~17.16 (2)~~ 17.001.
4 Vacancies for persons appointed under sub. (2) (a) shall be filled by the appointing
5 authority who appointed the person whose office is vacant. A person appointed to
6 fill a vacancy under sub. (2) (a) shall serve for the remainder of the term to which he
7 or she is appointed. All of the appointing authorities shall ensure, to the greatest
8 extent possible, that the membership of the board is diverse with respect to race. Of
9 the persons appointed under sub. (2), not more than 4 may reside in any one county.

NOTE: Section 17.16 (2) is renumbered s. 17.001 by this bill.

10 **SECTION 238.** 229.842 (3) (c) of the statutes is amended to read:

11 229.842 (3) (c) Persons appointed under sub. (2) (b) to (d) must have resided
12 within 25 miles of the sponsoring city's city hall for at least one year before their
13 appointment. Persons appointed under sub. (2) (b) to (d) may be removed from the
14 district board before the expiration of their terms by the appointing authority but
15 only for cause, as defined in s. ~~17.16 (2)~~ 17.001. Vacancies shall be filled by the
16 appointing authority who appointed the person whose office is vacant. A person
17 appointed to fill a vacancy under sub. (2) (b) to (d) shall serve for the remainder of
18 the unexpired term to which he or she is appointed. The appointing authorities shall
19 confer with one another regarding their appointments with a view toward achieving
20 diversity on the district board.

NOTE: Section 17.16 (2) is renumbered s. 17.001 by this bill.

21 **SECTION 239.** 230.03 (14) (c) of the statutes is amended to read:

ASSEMBLY BILL 934

1 230.03 (14) (c) A person who served on active duty under honorable conditions
2 in the U.S. armed forces for at least one day during a war period, as defined in s. 45.35
3 ~~(5) (e)~~ 45.001 (5) or under section 1 of executive order 10957 dated August 10, 1961.

NOTE: Corrects cross-reference. Section 45.35 (5) (e) is renumbered to s. 45.001 (5) by this bill.

4 **SECTION 240.** 230.36 (1m) (b) (intro.) of the statutes is amended to read:

5 230.36 (1m) (b) (intro.) "Performance of duties" means duties performed in the
6 line of duty by any of the following:

NOTE: Inserts missing article.

7 **SECTION 241.** 232.03 (2) (b) of the statutes is amended to read:

8 232.03 (2) (b) Three nominees of the Bradley family foundation, ~~inc.~~ Family
9 Foundation, Inc.

NOTE: Conforms capitalization to current style.

10 **SECTION 242.** 233.10 (3) (a) 3. of the statutes is amended to read:

11 233.10 (3) (a) 3. The position in which the employee was employed under subd.
12 2. was at the University of Wisconsin ~~Hospital~~ Hospitals and Clinics.

NOTE: Conforms spelling to that used in the remainder of the statutes.

13 **SECTION 243.** 233.10 (3r) (a) 3. of the statutes is amended to read:

14 233.10 (3r) (a) 3. The position in which the employee was employed under subd.
15 2. was at the University of Wisconsin ~~Hospital~~ Hospitals and Clinics.

NOTE: Conforms spelling to that used in the remainder of the statutes.

16 **SECTION 244.** 236.20 (3) (a) of the statutes is amended to read:

17 236.20 (3) (a) The location of the subdivision by government lot, recorded
18 private claim, quarter-quarter section, section, township, range, and county noted
19 immediately under the name given to the subdivision.

NOTE: Inserts missing word.

20 **SECTION 245.** 252.15 (1) (ar) 3. of the statutes is amended to read:

ASSEMBLY BILL 934

1 252.15 (1) (ar) 3. An employee of the Mendota ~~mental health institute~~ Mental
2 Health Institute or the Winnebago ~~mental health institute~~ Mental Health Institute.

NOTE: Conforms capitalization to current style.

3 **SECTION 246.** 291.09 (1) of the statutes is amended to read:

4 291.09 (1) The department, in cooperation with the University of Wisconsin
5 ~~Extension~~ Wisconsin-Extension and other interested parties, shall develop
6 educational programs and offer technical assistance to persons interested in
7 hazardous waste management.

NOTE: Conforms capitalization to current style.

8 **SECTION 247.** 292.35 (9) (a) 1. of the statutes is renumbered 292.35 (9) (a).

NOTE: Eliminates unnecessary subdivision designation. This provision is not subdivided.

9 **SECTION 248.** 299.13 (2) (a) 2. of the statutes is amended to read:

10 299.13 (2) (a) 2. Recommend educational priorities to the ~~university~~ University
11 of Wisconsin ~~extension~~ Wisconsin-Extension for the center, considering volume and
12 toxicity of hazardous substances, toxic pollutants and hazardous waste produced,
13 lack of compliance with environmental standards, potential for pollution prevention,
14 and projected shortfalls in hazardous waste treatment or disposal facilities under
15 the capacity assurance plan.

NOTE: Conforms capitalization to current style.

16 **SECTION 249.** 301.15 of the statutes is amended to read:

17 **301.15 Medium security prison.** The department may construct a medium
18 security prison to be known as the Fox Lake ~~correctional institution~~ Correctional
19 Institution on state-owned land known as prison farm 10 in Dodge County. Inmates
20 from the Wisconsin state prisons may be transferred to this institution, and they
21 shall be subject to all laws pertaining to inmates of other penal institutions of this

ASSEMBLY BILL 934

1 state. Officers and employees of the institutions shall be subject to the same laws
2 as pertain to other penal institutions. Inmates shall not be received on direct
3 commitment from the courts.

NOTE: Conforms capitalization to current style and corrects grammar.

4 **SECTION 250.** 301.16 (1m) of the statutes is amended to read:

5 301.16 **(1m)** The medium security institution under sub. (1) shall be the
6 Oshkosh ~~correctional institution~~ Correctional Institution and shall be located north
7 of Oshkosh, north of Snell road Road and south of Sunnyview road Road at the site
8 ~~which that~~, on July 31, 1981, is was the site of the Winnebago ~~correctional farm~~
9 Correctional Farm.

NOTE: Conforms capitalization to current style.

10 **SECTION 251.** 301.18 (1) (b) of the statutes is amended to read:

11 301.18 **(1)** (b) Provide the facilities necessary for at least 45 additional beds for
12 a corrections drug abuse treatment program on the grounds of the Winnebago ~~mental~~
13 ~~health institute~~ Mental Health Institute.

NOTE: Conforms capitalization to current style.

14 **SECTION 252.** 301.18 (1) (bx) of the statutes is amended to read:

15 301.18 **(1)** (bx) Provide the facilities necessary for the Racine ~~correctional~~
16 ~~institution~~ Correctional Institution.

NOTE: Conforms capitalization to current style.

17 **SECTION 253.** 301.18 (1) (bz) of the statutes is amended to read:

18 301.18 **(1)** (bz) Provide the facilities necessary for not more than 170 additional
19 beds at the Kettle Moraine ~~correctional institution~~ Correctional Institution for use
20 associated with alcohol and other drug abuse treatment.

NOTE: Conforms capitalization to current style.

21 **SECTION 254.** 301.32 (2) of the statutes is amended to read:

ASSEMBLY BILL 934

1 301.32 **(2)** CENTRAL RECEPTION UNIT; EXCEPTION. Notwithstanding sub. (1) and
2 s. 302.13, an inmate account need not be opened or maintained for an inmate placed
3 at the central reception unit at the Dodge ~~correctional institution~~ Correctional
4 Institution.

NOTE: Conforms capitalization to current style.

5 **SECTION 255.** 302.01 of the statutes, as affected by 2001 Wisconsin Act 16, is
6 amended to read:

7 **302.01 State prisons defined and named and defined. (2)** The
8 penitentiary at Waupun is named “Waupun Correctional Institution.”

9 **(3)** The correctional treatment center at Waupun is named “Dodge Correctional
10 Institution.”

11 **(4)** The penitentiary at Green Bay is named “Green Bay Correctional
12 Institution.”

13 **(5)** The medium/maximum penitentiary at Portage is named “Columbia
14 Correctional Institution.”

15 **(6)** The medium security institution at Oshkosh is named “Oshkosh
16 Correctional Institution.”

17 **(7)** The medium security penitentiary near Fox Lake is named “Fox Lake
18 Correctional Institution.”

19 **(8)** The penitentiary at Taycheedah is named “Taycheedah Correctional
20 Institution.”

21 **(9)** The medium security penitentiary at Plymouth is named “Kettle Moraine
22 Correctional Institution.”

23 **(10)** The penitentiary at the village of Sturtevant in Racine ~~county~~ County is
24 named “Racine Correctional Institution.”

ASSEMBLY BILL 934**SECTION 255**

1 **(11)** The medium security penitentiary at Racine is named “Racine Youthful
2 Offender Correctional Facility.”

3 **(12)** The resource facility at Oshkosh is named “Wisconsin Resource Center”.
4 ~~The institutions named in this section, the medium security correctional institutions~~
5 ~~at Redgranite and New Lisbon, the correctional institutions authorized under s.~~
6 ~~301.16 (1n) and (1v), correctional institution authorized under 1997 Wisconsin Act~~
7 ~~4, section 4 (1) (a), correctional institution authorized under s. 301.046 (1),~~
8 ~~correctional institution authorized under s. 301.048 (4) (b), the correctional~~
9 ~~institution at Stanley authorized under 2001 Wisconsin Act 16, section 9107 (1) (b),~~
10 ~~minimum security correctional institutions authorized under s. 301.13, the~~
11 ~~probation and parole holding facilities authorized under s. 301.16 (1q), and~~
12 ~~state-local shared correctional facilities when established under s. 301.14, are state~~
13 ~~prisons.”~~

NOTE: Conforms capitalization to current style. Subdivides provision and moves definition to the beginning of the provision, consistent with current style, by moving the stricken sentence to a separate subsection. Reorders the title in accordance with the reordering of the text. See the next section of this bill.

14 **SECTION 256.** 302.01 (1) of the statutes is created to read:

15 **302.01 (1)** All of the following are state prisons:

16 (a) The institutions named in this section.

17 (b) The medium security correctional institutions at Redgranite and New
18 Lisbon.

19 (c) The correctional institutions authorized under s. 301.16 (1n) and (1v).

20 (d) The correctional institution authorized under 1997 Wisconsin Act 4, section
21 4 (1) (a).

22 (e) The correctional institution authorized under s. 301.046 (1).

23 (f) The correctional institution authorized under s. 301.048 (4) (b).

ASSEMBLY BILL 934

1 (g) The correctional institution at Stanley authorized under 2001 Wisconsin
2 Act 16, section 9107 (1) (b).

3 (h) The minimum security correctional institutions authorized under s. 301.13.

4 (i) The probation and parole holding facilities authorized under s. 301.16 (1q).

5 (j) The state-local shared correctional facilities when established under s.
6 301.14.

NOTE: See the previous section of this bill.

7 **SECTION 257.** 302.02 (title) of the statutes is amended to read:

8 **302.02 (title) Jurisdiction and extent of state correctional institutions;**
9 **service of process therein.**

NOTE: Subsection (5), which refers to the service of process, is renumbered to be
s. 302.025 by SECTION 262 of this bill.

10 **SECTION 258.** 302.02 (1) to (3m) of the statutes are renumbered 302.02 (1m) (a),
11 (b), (c) and (d) and amended to read:

12 302.02 (1m) (a) *Waupun correctional institution* Correctional Institution. For
13 all purposes of discipline and for judicial proceedings, the ~~The~~ Waupun correctional
14 institution Correctional Institution and the ~~its~~ precincts thereof shall be deemed are
15 considered to be in Dodge County, and the courts of that county shall have Dodge
16 County circuit court has jurisdiction of all crimes committed within the county.
17 ~~Every activity conducted under the jurisdiction of and by the institution, wherever~~
18 ~~located, is a precinct of the prison and each precinct is part of the institution.~~

19 (b) *Green Bay Correctional Institution*. For all purposes of discipline and for
20 judicial proceedings, the ~~The~~ Green Bay Correctional Institution and the ~~its~~
21 precincts thereof shall be deemed are considered to be in Brown County, and the
22 courts of that county shall have Brown County circuit court has jurisdiction of all
23 crimes committed within the county. ~~Every activity conducted under the jurisdiction~~

ASSEMBLY BILL 934**SECTION 258**

1 of and by the institution, wherever located, is a precinct of the institution; and each
2 precinct is part of the institution.

3 (c) *Taycheedah Correctional Institution.* ~~For all purposes of discipline and for~~
4 ~~judicial proceedings, the~~ The Taycheedah Correctional Institution and the its
5 ~~precincts thereof shall be deemed~~ are considered to be in Fond du Lac County, and
6 the courts of that county shall have Fond du Lac County circuit court has jurisdiction
7 of all crimes committed within the same. ~~Every activity conducted under the~~
8 ~~jurisdiction of and by such correctional institution, wherever located, is a precinct of~~
9 ~~the correctional institution; and each precinct is part of the correctional institution~~
10 county.

11 (d) *Correctional institution institutions under section 301.16.* ~~For all purposes~~
12 ~~of discipline and for judicial proceedings, the~~ The correctional institutions
13 authorized under s. 301.16 and the their precincts thereof shall be deemed are
14 considered to be in ~~a~~ the county in which the institution is physically located, and
15 ~~the courts of that county shall have~~ county's circuit court has jurisdiction of all crimes
16 committed within the county. ~~Every activity conducted under the jurisdiction of and~~
17 ~~by the institution, wherever located, is a precinct of the institution; and each precinct~~
18 ~~is part of the institution.~~

NOTE: Text repeated in each subsection treated by this section of the bill is moved to a single location in a section (intro.) applicable to all of the subsections to eliminate redundancy and improve readability. Terminology, capitalization, and sentence structure are modernized and made consistent with current style. See also the previous section and the next two sections of this bill.

19 **SECTION 259.** 302.02 (1m) (intro.) of the statutes is created to read:

20 302.02 (1m) INSTITUTIONS LOCATED WITHIN THE STATE. (intro.) Every activity
21 conducted under the jurisdiction of and by any institution or facility listed under this
22 section, wherever located, is a precinct of the prison, and each precinct is part of the

ASSEMBLY BILL 934

1 institution. For all purposes of discipline and judicial proceedings all of the following
2 apply:

NOTE: Text repeated in each subsection of this section, other than sub. (3t), is moved to a single location applicable to all of those subsections, to eliminate redundancy and improve readability. See also the next three sections of this bill.

3 **SECTION 260.** 302.02 (3t) of the statutes is amended to read:

4 302.02 (3t) INSTITUTIONS LOCATED IN OTHER STATES. For all purposes of discipline
5 and for judicial proceedings, each institution that is located in another state and
6 authorized for use under s. 301.21 and ~~the its~~ precincts of ~~the institution shall be~~
7 deemed *are considered* to be in ~~a~~ the county in which the institution is physically
8 located, and the courts of that county ~~shall~~ have jurisdiction of any activity, wherever
9 located, conducted by the institution.

NOTE: Sentence structure is modernized and made consistent with current style.
See also the previous two sections and the next section of this bill.

10 **SECTION 261.** 302.02 (4) to (4y) of the statutes are renumbered 302.02 (1m) (e)
11 to (k) and amended to read:

12 302.02 (1m) (e) *Fox Lake Correctional Institution.* ~~For all purposes of discipline~~
13 ~~and for judicial proceedings, the~~ The Fox Lake Correctional Institution and the its
14 precincts ~~thereof are deemed~~ considered to be in Dodge County, and the courts of that
15 county ~~shall have~~ Dodge County circuit court has jurisdiction of all crimes committed
16 within the county. ~~Every activity conducted under the jurisdiction of and by the Fox~~
17 ~~Lake Correctional Institution wherever located is a precinct of the institution.~~

18 (f) *Minimum security correctional institutions.* ~~For all purposes of discipline~~
19 ~~and judicial proceedings the~~ The minimum security correctional institutions and
20 their precincts ~~thereof shall be deemed~~, as to each inmate, are considered to be in the
21 county in which the institution to which the inmate is assigned is located, and the
22 courts of that county ~~shall have~~ that county's circuit court has jurisdiction of all

ASSEMBLY BILL 934**SECTION 261**

1 crimes committed within the same. ~~Every activity conducted under the jurisdiction~~
2 ~~of and by the minimum security correctional institutions wherever located is, as to~~
3 ~~each inmate, a precinct of the institution to which the inmate is assigned~~ county.

4 (g) ~~*Kettle Moraine correctional institution*~~ *Correctional Institution*. For all
5 ~~purposes of discipline and for judicial proceedings, the~~ The Kettle Moraine
6 ~~correctional institution~~ *Correctional Institution* and the ~~its~~ precincts thereof are
7 deemed considered to be in Sheboygan County, and the courts of that county shall
8 have Sheboygan County circuit court has jurisdiction of all crimes committed within
9 the same. ~~Every activity conducted under the jurisdiction of and by the Kettle~~
10 ~~Moraine correctional institution wherever located is a precinct of the institution~~
11 county.

12 (h) ~~*Dodge correctional institution*~~ *Correctional Institution*. For all purposes of
13 ~~discipline and for judicial proceedings, the~~ The Dodge correctional institution
14 *Correctional Institution* and the ~~its~~ precincts thereof shall be deemed are considered
15 to be in Dodge County, and the courts of that county shall have Dodge County circuit
16 court has jurisdiction of all crimes committed within the county. ~~Every activity~~
17 ~~conducted under the jurisdiction of and by the Dodge correctional institution,~~
18 ~~wherever located, is a precinct of the institution; and each precinct is part of the~~
19 ~~institution.~~

20 (i) ~~*State-local shared correctional facilities*~~. For all purposes of discipline and
21 ~~judicial proceedings, the~~ The state-local shared correctional facilities and their
22 precincts shall be deemed are considered, as to each inmate, to be in the county in
23 which the facility to which the inmate is assigned is located, and the courts of that
24 county shall have county's circuit court has jurisdiction over all crimes committed
25 within the facility. ~~Every activity conducted under the jurisdiction of and by the~~

ASSEMBLY BILL 934

1 ~~state-local shared correctional facility wherever located is, as to each inmate, a~~
2 ~~precinct of the facility to which he or she is assigned.~~

3 (j) *Correctional institution; community residential confinement.* ~~For all~~
4 ~~purposes of discipline and judicial proceedings the~~ The correctional institution under
5 s. 301.046 (1) and its precincts thereof shall be deemed are considered, as to each
6 inmate, to be in the county in which the inmate is confined, and the courts of that
7 county shall have jurisdiction of all crimes committed within the same. ~~Every~~
8 ~~activity conducted under the jurisdiction of and by the institution under s. 301.046~~
9 ~~(1) wherever located is a precinct of the institution~~ county.

10 (k) *Correctional institution; intensive sanctions program.* ~~For all purposes of~~
11 ~~discipline and judicial proceedings the~~ The correctional institution under s. 301.048
12 (4) (b) and its precincts thereof shall be deemed are considered, as to each inmate,
13 to be in the county in which the inmate is assigned, and ~~the courts of that county shall~~
14 ~~have~~ county's circuit court has jurisdiction of all crimes committed within the same.
15 ~~Every activity conducted under the jurisdiction of and by the institution under s.~~
16 ~~301.048 (4) (b) wherever located is a precinct of the institution~~ county.

NOTE: Text repeated in each subsection treated by this section of the bill is moved to a single location in a section (intro.) applicable to all the subsections to eliminate redundancy and improve readability. Terminology, capitalization, and sentence structure are modernized and made consistent with current style. See also the previous three sections of this bill.

17 **SECTION 262.** 302.02 (5) of the statutes is renumbered 302.025, and 302.025
18 (title) and (2), as renumbered, are amended to read:

19 **302.025** (title) **Service of process on prison officers, employees, or**
20 **inmates.**

21 **(2)** Except as provided in par. (a) sub. (1), service of process within any such
22 prison under s. 302.01 on any officer ~~or~~, employee, or inmate thereof of the prison

ASSEMBLY BILL 934

1 shall be made by the warden or superintendent or some person appointed by the
2 warden or superintendent to serve process.

NOTE: The subject matter of this provision is inconsistent with the remainder of
s. 302.02.

3 **SECTION 263.** 302.375 (1) of the statutes is renumbered 302.375 (1m).

NOTE: Accommodates the renumbering of a definition to the beginning of the
section, consistent with current style. See the next section of this bill.

4 **SECTION 264.** 302.375 (4) of the statutes is renumbered 302.375 (1g).

NOTE: Renumbers a definition provision to the beginning of the section, consistent
with current style.

5 **SECTION 265.** 341.14 (6) (a) of the statutes is amended to read:

6 341.14 (6) (a) Upon application to register an automobile or a motor truck or
7 dual purpose farm truck ~~which~~ that has a gross weight of not more than 8,000 pounds
8 by any person who was a member of any of the U.S. armed services and who was held
9 as a prisoner of war during any of the conflicts described in s. ~~45.35 (5) (e) 2. to 8.~~
10 45.001 (5) (b) to (i) or in Bosnia, Grenada, Lebanon, Panama, Somalia, or a Middle
11 East crisis under s. 45.34, and upon submission of a statement from the U.S.
12 department of veterans affairs certifying that the person was a prisoner of war
13 during one of the conflicts described in s. ~~45.35 (5) (e) 2. to 8.~~ 45.001 (5) (b) to (i) or
14 in Bosnia, Grenada, Lebanon, Panama, Somalia, or a Middle East crisis under s.
15 45.34, the department shall issue to the person a special plate ~~which~~ that is colored
16 red, white, and blue and ~~which~~ that has the words "ex-prisoner of war" placed on the
17 plate in the manner designated by the department.

NOTE: Corrects cross-reference. Section 45.35 (5) (e) is renumbered to s. 45.001
(5) by this bill.

18 **SECTION 266.** 341.40 of the statutes is amended to read:

19 341.40 (1) Except as to foreign-owned vehicles required by s. 341.07 to be
20 registered in this state, any vehicle ~~which~~ that is registered in another jurisdiction

ASSEMBLY BILL 934

1 is exempt from the laws of this state providing for the registration of such the vehicles
2 if all of the following apply:

3 (a) The vehicle carries a registration plate indicating the registration in such
4 ~~other~~ the other jurisdiction; ~~and~~.

5 (b) The vehicle is owned by a nonresident; ~~and~~.

6 (c) The jurisdiction in which the vehicle is registered allows such vehicles when
7 that are registered in Wisconsin to be operated tax free upon its highways under
8 conditions substantially as favorable to residents of Wisconsin as to its own
9 residents.

10 (d) The vehicle is operated in accordance with rules adopted by the secretary
11 based on the gross weight of the vehicle. The secretary may, by rule, determine the
12 gross weight exemption, giving consideration to reciprocity privileges extended to
13 Wisconsin residents in other jurisdictions.

14 **(1m)** Foreign owned or operated vehicles entering Wisconsin to have special
15 equipment or a body constructed or installed or for repair shall be exempt from the
16 registration requirements of this section.

17 **(2)** If the owner of any such vehicle exempted under sub. (1) or (1m) moves to
18 Wisconsin or if the vehicle is purchased by or leased to a Wisconsin resident, the
19 vehicle immediately becomes subject to the laws of this state providing for the
20 registration of vehicles.

NOTE: Subsection (1m) is separated from sub. (1) (d) because it is a separate factor
that does not fit grammatically within the list of factors in sub. (1).

21 **SECTION 267.** 346.50 (4) of the statutes is renumbered 346.50 (1m).

NOTE: Moves definition applicable to subs. (2) and (2a) so it precedes those
provisions.

ASSEMBLY BILL 934**SECTION 268**

1 **SECTION 268.** 551.02 (3) (intro.) and (a) to (g) of the statutes are amended to
2 read:

3 551.02 **(3)** (intro.) “Broker-dealer” means any person engaged in the business
4 of effecting transactions in securities for the account of others or for the person’s own
5 account. “Broker-dealer” does not include any of the following:

6 (a) An agent;_;

7 (b) An issuer;_;

8 (c) A bank, savings institution,_; or trust company, when effecting transactions
9 for its own account or as agent under s. 551.31 (5)_;

10 (d) An executor, administrator, guardian, conservator,_; or pledgee;_;

11 (e) A person whose dealings in securities are limited to transactions exempt by
12 s. 551.23 (5)_;

13 (f) A person licensed as a real estate broker under ch. 452 and whose
14 transactions in securities are isolated transactions incidental to that business;_{or}

15 (g) The investment board;_{or}

NOTE: Conforms punctuation and paragraph structure to current style.

16 **SECTION 269.** 560.01 (1) of the statutes is amended to read:

17 560.01 **(1) PURPOSES.** The functions of the department are of an advocacy,
18 regulatory, consultative, advisory, informational, coordinative,_; and promotional
19 nature. Through research, planning, consultation,_; and through promotion of the
20 development and maximum wise use of the natural and human resources of the
21 state, it shall foster the growth and diversification of the economy of the state. It
22 shall serve as the central agency and clearinghouse for developmental activities
23 concerning the economy of the state. It shall make recommendations to the governor
24 for the purpose of guiding a coordinated and economically efficient development of

ASSEMBLY BILL 934

1 the state and shall seek closer cooperation and coordination between units of state
2 government, educational institutions, local governments, local planning agencies,
3 including regional planning commissions, and business and industry to foster and
4 encourage a pattern of community development and of state-local and business
5 relationships so that the economy of the state may continue to develop fully and meet
6 citizen and community needs. It shall make continuing studies of the problems
7 affecting economic and community development and recommendations for relieving
8 those problems, and function in any other reasonable manner that will accomplish
9 the stated purposes of this chapter. The department may also coordinate training
10 for local government officials provided by state agencies including, but not limited
11 to, the University of ~~Wisconsin-extension~~ Wisconsin-Extension and the technical
12 college system.

NOTE: Conforms capitalization to current style and deletes repeated word.

13 **SECTION 270.** 560.04 (2m) of the statutes is amended to read:

14 560.04 **(2m)** DUTIES. The department may assign one or more full-time
15 equivalent positions to the ~~function~~ functions of coordinating the development and
16 scheduling of training programs for local government officials by the ~~university of~~
17 ~~Wisconsin-extension,~~ the University of Wisconsin-Extension, technical college
18 system, department of revenue, elections board, and other state agencies in order to
19 assure the effective delivery of training programs and to prevent duplication of effort
20 and of coordinating requests for management or personnel consultative services
21 from government units other than the state and directing those requests to the
22 appropriate division of the department of administration.

NOTE: Conforms capitalization to current style.

23 **SECTION 271.** 560.07 (3) (a) of the statutes is amended to read:

ASSEMBLY BILL 934

1 560.07 (3) (a) Serve as the state's official liaison agency between persons
2 interested in locating new economic enterprises in Wisconsin, and state and local
3 groups seeking new enterprises. In this respect the department shall aid
4 communities in organizing for and obtaining new business or expanding existing
5 business and shall respond to requests ~~which~~ that reflect interest in locating
6 economic enterprises in the state. When the secretary considers appropriate, the
7 department shall refer requests for economic development assistance to Forward
8 Wisconsin, ~~inc.~~ Inc., and shall attempt to prevent duplication of efforts between the
9 department and Forward Wisconsin, ~~inc.~~ Inc.

NOTE: Conforms capitalization to current style.

10 **SECTION 272.** 560.07 (3) (b) of the statutes is amended to read:

11 560.07 (3) (b) Contract with Forward Wisconsin, ~~inc.~~ Inc., if the secretary
12 determines it appropriate, to pay Forward Wisconsin, ~~inc.~~ Inc., an amount not to
13 exceed the amount appropriated under s. 20.143 (1) (bm), to establish and implement
14 a nationwide business development promotion campaign to attract persons
15 interested in locating new enterprises in this state, and to encourage the retention
16 and expansion of businesses and jobs in this state. Funds may be expended to carry
17 out the contract only as provided in s. 16.501.

NOTE: Conforms capitalization to current style.

18 **SECTION 273.** 560.07 (3) (c) of the statutes is amended to read:

19 560.07 (3) (c) Whenever appropriate, submit to the secretary of administration
20 a report setting forth the amount of private contributions received by Forward
21 Wisconsin, ~~inc.~~ Inc., since the time the department last submitted such a report.

NOTE: Conforms capitalization to current style.

22 **SECTION 274.** 560.07 (9) of the statutes is amended to read:

ASSEMBLY BILL 934

1 560.07 (9) On or before July 1, 1985, and every July 1 thereafter, submit to the
2 chief clerk of each house of the legislature, for distribution to the appropriate
3 standing committees under s. 13.172 (3), a report stating the net jobs gain due to the
4 funds provided to Forward Wisconsin, ~~inc.~~ Inc., under s. 20.143 (1) (bm).

NOTE: Conforms capitalization to current style.

5 **SECTION 275.** 560.09 (1) of the statutes is amended to read:

6 560.09 (1) LIAISON WITH STATE AND FEDERAL AGENCIES. The department shall
7 assist, cooperate with, and seek information and advice from other state agencies,
8 federal agencies, organizations of elected officials in the state, units of local
9 government, local business and industry, and other appropriate agencies or
10 organizations in carrying out its assigned functions and duties. Appropriate units
11 of the University of Wisconsin ~~System-Extension~~ Wisconsin-Extension shall
12 coordinate their activities with the department, and the department shall cooperate
13 by providing information necessary to the conduct of research and professional
14 advice. Particularly, the University of Wisconsin ~~System-Extension~~
15 Wisconsin-Extension and the department shall develop processes ~~which~~ that will
16 enhance coordination and cooperation in relation to the small business development
17 centers and business advisory service programs and recreation related programs.

NOTE: Makes references to the university extension consistent with the remainder
of the statutes and conforms capitalization to current style.

18 **SECTION 276.** 560.92 (1) of the statutes is amended to read:

19 560.92 (1) The department shall promote this state's science and technology
20 assets in cooperation with Forward Wisconsin, ~~inc.~~ Inc., and the department of
21 agriculture, trade and consumer protection.

NOTE: Conforms capitalization and punctuation to current style.

22 **SECTION 277.** 601.93 (1) of the statutes is renumbered 601.93 (1m).

ASSEMBLY BILL 934

NOTE: Accommodates the renumbering of a definition to the beginning of the section, consistent with current style. See the next section of this bill.

1 **SECTION 278.** 601.93 (3) of the statutes is renumbered 601.93 (1g).

NOTE: Renumbers definition to the beginning of the section, consistent with current style.

2 **SECTION 279.** 611.01 (intro.) of the statutes is amended to read:

3 **611.01 Definitions.** (intro.) In this chapter, unless the context requires
4 otherwise, all of the following apply:

NOTE: Conforms the form of the (intro.) to that of the remainder of the section and to current style.

5 **SECTION 280.** 611.01 (1) of the statutes is amended to read:

6 611.01 (1) STOCK CORPORATIONS. The definitions in s. 180.0103 (2), (3), (14), (15),
7 and (17) apply to stock corporations; ~~and~~.

NOTE: Conforms punctuation to that of the remainder of the section and current style.

8 **SECTION 281.** 614.01 (1) (c) (intro.) and 1. to 3. of the statutes are amended to
9 read:

10 614.01 (1) (c) (intro.) A “lodge system” exists ~~if and only if~~ all of the following
11 conditions are met:

12 1. There is a supreme governing body;

13 2. Subordinate to the supreme governing body, there are local lodges (~~,~~
14 whatever ~~they may be~~ the local lodges are called), into which natural persons are
15 admitted as members in accordance with the laws of the fraternal;

16 3. The local lodges are required by the laws of the fraternal to hold regular
17 meetings at least monthly; ~~and~~.

NOTE: Conforms punctuation and paragraph structure to current style. Eliminates parentheses, consistent with current style, and replaces a pronoun with a specific reference to improve readability.

18 **SECTION 282.** 620.22 (intro.) and (1) to (8) of the statutes are amended to read:

ASSEMBLY BILL 934

1 **620.22 Permitted classes of investments.** (intro.) ~~The~~ Any of the following
2 classes of investments may be counted for the purposes specified in s. 620.21,
3 whether ~~they~~ the investments are made by the insurer alone or as a participant in
4 a partnership or joint venture:

5 (1) Bonds or other evidences of indebtedness of governmental units in the
6 United States or Canada, or the instrumentalities of such governmental units, or of
7 private corporations domiciled ~~therein~~; in the United States or Canada.

8 (2) Loans secured by mortgages, trust deeds, or other security interests in
9 tangible property located in the United States or Canada or secured by insurance
10 against default issued by a government insurance corporation of the United States
11 or Canada or an insurer authorized to do business in this state;

12 (3) Preferred or common stock of any United States or Canadian corporation;

13 (4) Property needed for the convenient transaction of the insurer's business;

14 (5) Real property, together with the fixtures, furniture, furnishings, and
15 equipment pertaining thereto to the real property, that is located in the United
16 States or Canada, ~~which~~ and that produces, or after suitable improvement can
17 reasonably be expected to produce, substantial income;

18 (6) Loans upon the security of the insurer's own policies in amounts that are
19 adequately secured thereby and that in no case exceed the surrender values of the
20 policies;

21 (7) Investments in property and facilities for the development and production
22 of solar or geothermal energy, fossil or synthetic fuel, or gasohol, including, but not
23 limited to, ownership and control of such property and facilities, of up to 5% of the
24 portion of the insurer's assets ~~which~~ that exceeds \$2 billion;

ASSEMBLY BILL 934

1 (8) Such Any other investments as that the commissioner authorizes by rule;
2 and.

NOTE: Conforms punctuation and section structure to current style. A specific reference is added and a word is replaced to improve sentence agreement.

3 **SECTION 283.** 623.06 (2m) (a) 5. of the statutes is amended to read:

4 623.06 **(2m)** (a) 5. “Moody’s monthly average” means the corporate bond yield
5 monthly average (~~monthly average corporates~~), as published by Moody’s investors
6 service, inc. Investors Service, Inc.

NOTE: Conforms capitalization to current style.

7 **SECTION 284.** 632.475 (3) (b) of the statutes is amended to read:

8 632.475 **(3)** (b) Moody’s corporate bond yield monthly average (~~monthly
9 average corporates~~), as published by Moody’s investors service, inc. Investors
10 Service, Inc., or its successor, for the month ending 2 months before the rate is
11 applied. If such the monthly average is no longer published, a comparable average
12 shall be substituted by the commissioner by rule.

NOTE: Conforms capitalization to current style. Replaces disfavored term.

13 **SECTION 285.** 632.57 (2) (a) of the statutes is renumbered 632.57 (2).

NOTE: Deletes unnecessary paragraph designation. This subsection is not subdivided.

14 **SECTION 286.** 704.07 (2) (a) of the statutes is amended to read:

15 704.07 **(2)** (a) ~~Unless the repair was~~ Except for repairs made necessary by the
16 negligence of, or improper use of the premises by, the tenant, the landlord is ~~under~~
17 has a duty to do all of the following:

18 1. Keep in a reasonable state of repair portions of the premises over which the
19 landlord maintains control;

20 2. Keep in a reasonable state of repair all equipment under the landlord’s
21 control necessary to supply services ~~which~~ that the landlord has expressly or

ASSEMBLY BILL 934

1 impliedly agreed to furnish to the tenant, such as heat, water, elevator, or air
2 conditioning;

3 3. Make all necessary structural repairs;

4 4. Except for residential premises subject to a local housing code, and except
5 as provided in sub. (3) (b), repair or replace any plumbing, electrical wiring,
6 machinery, or equipment furnished with the premises and no longer in reasonable
7 working condition, ~~except as provided in sub. (3) (b)~~.

8 5. For a residential tenancy, comply with ~~a~~ any local housing code applicable
9 to the premises.

NOTE: Reorganizes text and replaces language and punctuation to correct sentence structure and improve readability, consistent with current style.

10 **SECTION 287.** 704.19 (7) (a) to (c) of the statutes are amended to read:

11 704.19 (7) (a) The day of giving or leaving under s. 704.21 (1) (a) and (2) (a) and
12 (b);

13 (b) The day of leaving or affixing a copy or the date of mailing, whichever is
14 later, under s. 704.21 (1) (b) and (c);

15 (c) The 2nd day after the day of mailing if the mail is addressed to a point within
16 the state, and the 5th day after the day of mailing in all other cases, under s. 704.21
17 (1) (d) and (2) (c);

NOTE: Replaces punctuation for internal consistency and to conform to current style.

18 **SECTION 288.** 706.06 (2) of the statutes is amended to read:

19 706.06 (2) Any public officer entitled by virtue of his or her office to administer
20 oaths, and any member in good standing of the state bar State Bar of Wisconsin, may
21 authenticate one or more of the signatures on an instrument relating to lands in this
22 state, by ~~indorsing~~ endorsing the instrument “Acknowledged”, “Authenticated,” or

ASSEMBLY BILL 934

1 “Signatures Guaranteed”²,” or other words to similar effect, adding the date of
2 authentication, his or her own signature, and his or her official or professional title.
3 ~~Such indorsement~~ The endorsement, unless expressly limited, shall operate as an
4 authentication of all signatures on the instrument; and shall constitute a
5 certification that each authenticated signature is the genuine signature of the
6 person represented; and, as to signatures made in a representative capacity, shall
7 constitute a certification that the signer purported, and was believed, to be such
8 representative.

NOTE: Conforms capitalization to current style. Inserts preferred spellings and
phrase for parallel construction.

9 **SECTION 289.** 707.49 (1) (d) 2. of the statutes is amended to read:

10 707.49 (1) (d) 2. An attorney who is a member of the ~~state bar~~ State Bar of
11 Wisconsin.

NOTE: Conforms capitalization to current style.

12 **SECTION 290.** 751.12 of the statutes is renumbered 751.12 (1) and amended to
13 read:

14 751.12 (1) The state supreme court shall, by rules promulgated by it from time
15 to time, regulate pleading, practice, and procedure in judicial proceedings in all
16 courts, for the ~~purpose~~ purposes of simplifying the same and of promoting the speedy
17 determination of litigation upon its merits. The rules shall not abridge, enlarge, or
18 modify the substantive rights of any litigant. The effective dates for all rules adopted
19 by the court shall be January 1 or July 1. A rule shall not become effective until 60
20 days after its adoption. All ~~such~~ rules promulgated under this section shall be
21 printed by the state printer and paid for out of the state treasury, and the court shall
22 direct the rules to be distributed as it ~~deems~~ considers proper.

ASSEMBLY BILL 934

1 **(2)** All statutes relating to pleading, practice, and procedure may be modified
2 or suspended by rules promulgated under this section. No rule modifying or
3 suspending such statutes relating to pleading, practice, and procedure may be
4 adopted until the court has held a public hearing with reference to the rule.

5 **(3)** Notice of public hearings shall be given by publication of a class 3 notice,
6 under ch. 985, the expense of the publication to be paid out of the state treasury.
7 Notice shall also be given in an official publication of the ~~state bar~~ State Bar of
8 Wisconsin, the notice to be published not more than 60 days nor less than 30 days
9 before the date of hearing. The ~~state bar~~ State Bar of Wisconsin shall not charge the
10 state treasury for publication of this notice. Proposed rules, including changes, if
11 any, in existing rules, shall be set forth in full in the notice.

12 **(4)** This section shall not abridge the right of the legislature to enact, modify,
13 or repeal statutes or rules relating to pleading, practice, or procedure.

14 **(5)** The judicial council shall act in an advisory capacity to assist the court in
15 performing its duties under this section.

NOTE: Subdivides long provision, inserts specific references, replaces a disfavored
term and conforms capitalization to current style.

16 **SECTION 291.** 753.26 of the statutes is amended to read:

17 **753.26 Office and records to be kept at county seat.** Except in branches
18 Nos. 4, 5, and 7 of the circuit court for Rock ~~county~~ County, every circuit judge in this
19 state shall maintain in his or her office, at the county seat of the county in which the
20 judge holds office, all of the books, papers, and records of the court at the county seat
21 of the county in which the judge holds office, which. The office and the books, papers,
22 and records ~~thereof~~ of the circuit judge shall at all reasonable times be open to access
23 and inspection by any person having any business ~~therewith~~ with the books, papers,

ASSEMBLY BILL 934**SECTION 291**

1 and records of the court, except as otherwise provided by law. Originals of judgments
2 or orders made under circuit court jurisdiction of branches Nos. 4, 5, and 7 of the Rock
3 County circuit court in Beloit, shall be kept at the county seat.

NOTE: Conforms capitalization to current style, reorders text and subdivides a sentence to improve readability, deletes disfavored terminology, and corrects punctuation.

4 **SECTION 292.** 753.35 (1) of the statutes is amended to read:

5 753.35 (1) A circuit court may, subject to the approval of the chief judge of the
6 judicial administrative district, adopt and amend rules governing practice in that
7 court that are consistent with rules adopted under s. 751.12 and statutes relating to
8 pleading, practice, and procedure. The court shall file each adopted or amended rule
9 with the clerk of circuit court. Except for a rule adopted or amended as an emergency
10 rule, the court shall file an adopted or amended rule prior to the rule's effective date.
11 The clerk of circuit court shall send a copy of the filed adopted or amended rule to the
12 secretary of the local bar association in that circuit, the court administrator for that
13 judicial administrative district, the ~~state bar~~ State Bar of Wisconsin, the state law
14 library, and the office of the director of state courts. A person may submit to the court
15 written comments on a rule for the court's consideration in determining whether
16 revision of the rule is needed. The clerk of circuit court shall print and make
17 available to the public, at cost, all rules adopted or amended under this section.

NOTE: Conforms capitalization to current style.

18 **SECTION 293.** 753.35 (2) of the statutes is amended to read:

19 753.35 (2) The chief judge of the judicial administrative district shall file a local
20 rule of trial court administration adopted or amended under SCR 70.34 with the
21 court administrator for the judicial administrative district. The chief judge of the
22 judicial administrative district shall file the local rule prior to the rule's effective

ASSEMBLY BILL 934

1 date. The court administrator for the judicial administrative district shall send a
2 copy of the filed adopted or amended rule to the clerks of circuit court in the judicial
3 administrative district, the secretaries of the local bar associations in the district, the
4 ~~state bar~~ State Bar of Wisconsin, the state law library, and the office of the director
5 of state courts. A person may submit to the chief judge of the judicial administrative
6 district written comments on a rule for the chief judge's consideration in determining
7 whether revision of the rule is needed. The clerks of circuit court in the judicial
8 administrative district shall print and make available to the public, at cost, all rules
9 adopted under SCR 70.34.

NOTE: Conforms capitalization to current style.

10 **SECTION 294.** 753.35 (3) of the statutes is amended to read:

11 753.35 (3) The ~~state bar~~ State Bar of Wisconsin, the state law library, and the
12 clerks of court to whom copies of rules are sent under this section shall serve as
13 repositories of the rules sent to them under subs. (1) and (2).

NOTE: Conforms capitalization to current style.

14 **SECTION 295.** 757.293 (3) of the statutes is amended to read:

15 757.293 (3) A member of the ~~state bar~~ State Bar of Wisconsin shall file with the
16 state bar annually, with payment of the member's state bar dues or upon such other
17 date as approved by the supreme court, a certificate stating whether the member is
18 engaged in the private practice of law in Wisconsin and, if so, the name of each bank,
19 trust company, credit union, savings bank, or savings and loan association in which
20 the member maintains a trust account, safe deposit box, or both, as required by this
21 section. A partnership or professional legal corporation may file one certificate on
22 behalf of its partners, associates, or officers who are required to file under this
23 section. The failure of a member to file the certificate required by this section is

ASSEMBLY BILL 934

1 grounds for automatic suspension of the member's membership in the state bar in
2 the same manner as provided in section 6 of rule 2 of the Rules of the State Bar of
3 Wisconsin for nonpayment of dues. The filing of a false certificate is unprofessional
4 conduct and is grounds for disciplinary action. The state bar shall supply to each
5 member, with the annual dues statement or at such other time as directed by the
6 supreme court, a form on which the certification must be made and a copy of this
7 section.

NOTE: Conforms capitalization to current style.

8 **SECTION 296.** 757.83 (1) (a) of the statutes is amended to read:

9 757.83 (1) (a) There is created a judicial commission of 9 members: 5
10 nonlawyers nominated by the governor and appointed with the advice and consent
11 of the senate; one trial judge of a court of record and one court of appeals judge
12 appointed by the supreme court; and 2 members of the ~~state bar~~ State Bar of
13 Wisconsin, who are not judges or court commissioners, appointed by the supreme
14 court. The commission shall elect one of its members as chairperson.

NOTE: Conforms capitalization to current style.

15 **SECTION 297.** 757.83 (4) of the statutes is amended to read:

16 757.83 (4) STAFF. The judicial commission shall hire an executive director, and
17 may hire one staff member, in the unclassified service. The executive director shall
18 be a member of the ~~state bar~~ State Bar of Wisconsin and shall provide staff services
19 to the judicial commission and the judicial council.

NOTE: Conforms capitalization to current style.

20 **SECTION 298.** 758.13 (3) (b) of the statutes is amended to read:

21 758.13 (3) (b) The council may promulgate and modify rules for the conduct of
22 its proceedings in the exercise of its powers. The council may meet at such time and

ASSEMBLY BILL 934

1 place as it determines but at least once every 3 months. It shall meet upon call of the
2 chairperson or a call signed by 5 members of the council. ~~Nine~~ Eleven members shall
3 constitute a quorum.

NOTE: Under s. 758.13 (1), the judicial council has 21 members, thus requiring 11
members for a quorum, not 9.

4 **SECTION 299.** 779.32 (8) (a) 2. of the statutes is amended to read:

5 779.32 (8) (a) 2. The person owing the commission or compensation pays an
6 amount equal to 125% of the commission or compensation owed into the trust
7 account of the broker or the trust account of any attorney who does not represent any
8 party to the dispute and who is in good standing with the ~~state bar~~ State Bar of
9 Wisconsin. The moneys shall be held in escrow until disbursed pursuant to the
10 written mutual agreement of the parties or pursuant to a court order.

NOTE: Conforms capitalization to current style.

11 **SECTION 300.** 788.04 (2) (a) of the statutes is amended to read:

12 788.04 (2) (a) One arbitrator shall be appointed by the court from a list of
13 attorneys with trial experience. The list shall be prepared and periodically revised
14 by the ~~state bar~~ State Bar of Wisconsin.

NOTE: Conforms capitalization to current style.

15 **SECTION 301.** 803.03 (2) (b) of the statutes is renumbered 803.03 (2) (b) 1.
16 (intro.) and amended to read:

17 803.03 (2) (b) 1. (intro.) Any party joined pursuant to par. (a) may ~~1. participate~~
18 do any of the following:

19 a. Participate in the prosecution of the action, ~~2. agree,~~

20 b. Agree to have his or her interest represented by the party who caused the
21 joinder, ~~or 3. move,~~

22 c. Move for dismissal with or without prejudice.

ASSEMBLY BILL 934**SECTION 301**

1 2. If the party joined chooses to participate in the prosecution of the action, the
2 party joined shall have an equal voice with other claimants in such the prosecution.

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

11 4. If the party joined moves for dismissal without prejudice as to his or her
12 claim, the party shall demonstrate to the court that it would be unjust to require the
13 party to prosecute the claim with the principal claim. In determining whether to
14 grant the motion to dismiss, the court shall weigh the possible prejudice to the
15 movant against the state's interest in economy of judicial effort.

NOTE: Subdivides provision to conform numbering with current style and to improve readability. Replaces disfavored terms.

16 **SECTION 302.** 814.60 (2) (intro.), (a) and (ag) of the statutes are amended to
17 read:

18 814.60 **(2)** (intro.) In addition to any fine imposed, a defendant shall be required
19 to pay any applicable of the following that applies:

20 (a) ~~Penalty~~ The penalty assessment imposed by s. 757.05;₂

21 (ag) ~~Jail~~ The jail assessment imposed by s. 302.46 (1);₂

NOTE: Conforms the form of the (intro.), paragraph beginnings, and punctuation to current style.

ASSEMBLY BILL 934

1 **SECTION 303.** 814.60 (2) (ai) of the statutes, as affected by 2001 Wisconsin Act
2 16, is amended to read:

3 814.60 (2) (ai) ~~Consumer~~ The consumer protection assessment imposed by s.
4 100.261.

NOTE: Conforms the form of the paragraph beginning to current style.

5 **SECTION 304.** 814.60 (2) (am) to (d) of the statutes are amended to read:

6 814.60 (2) (am) ~~Crime~~ The crime victim and witness assistance surcharge
7 imposed by s. 973.045;_

8 (an) ~~Crime~~ The crime laboratories and drug law enforcement assessment
9 imposed under s. 165.755.

10 (ap) ~~Deoxyribonucleic~~ The deoxyribonucleic acid analysis surcharge imposed
11 by s. 973.046;_

12 (b) ~~Domestic~~ The domestic abuse assessment imposed by s. 971.37 (1m) (c) 1.
13 or 973.055;_

14 (bm) ~~Uninsured~~ The uninsured employer assessment imposed by s. 102.85 (4);_

15 (c) ~~Driver~~ The driver improvement surcharge imposed by s. 346.655;_

16 (cg) ~~Enforcement~~ The enforcement assessment imposed by s. 253.06 (4) (c).

17 (cn) ~~Drug~~ The drug abuse program improvement surcharge imposed by s.
18 961.41 (5).

19 (cs) ~~Environmental~~ The environmental assessment imposed by s. 299.93.

20 (d) ~~Natural~~ The natural resources assessment imposed by s. 29.987; and_

NOTE: Conforms the form of the paragraph beginnings and punctuation to current
style.

21 **SECTION 305.** 814.60 (2) (e) of the statutes, as affected by 2001 Wisconsin Act
22 56, is amended to read.

ASSEMBLY BILL 934

1 814.60 (2) (e) ~~Natural~~ The natural resources restitution payment imposed by
2 s. 169.46 (2) or 29.989.

NOTE: Conforms the form of the paragraph beginning to current style.

3 **SECTION 306.** 814.60 (2) (eg) of the statutes, as created by 2001 Wisconsin Act
4 16, is amended to read:

5 814.60 (2) (eg) ~~Truck~~ The truck driver education assessment imposed by s.
6 349.04.

NOTE: Conforms the form of the paragraph beginning to current style.

7 **SECTION 307.** 814.60 (2) (em) and (f) of the statutes are amended to read:

8 814.60 (2) (em) ~~Wild~~ The wild animal protection assessment imposed by s.
9 29.983.

10 (f) ~~Weapons~~ The weapons assessment imposed by s. 167.31 (5).

NOTE: Conforms the form of the paragraph beginnings to current style.

11 **SECTION 308.** 840.10 (1) (b) of the statutes is amended to read:

12 840.10 (1) (b) A lis pendens that is prepared by a member of the ~~state bar~~ State
13 Bar of Wisconsin need not be authenticated.

NOTE: Conforms capitalization to current style.

14 **SECTION 309.** 893.36 (1) of the statutes is renumbered 893.36 (1m).

NOTE: Accommodates the renumbering of a definition to the beginning of the section, consistent with current style. See the next two sections of this bill.

15 **SECTION 310.** 893.36 (2) of the statutes is amended to read:

16 893.36 (2) This section does not apply to actions based upon a sale of livestock
17 occurring prior to April 3, 1980, nor to an action by a secured party against its debtor.
18 Section 893.35 or 893.51 applies to any action described in sub. (1) (1m) if the
19 limitation described in sub. (1) (1m) is not applicable.

NOTE: Sub. (1) is renumbered to sub. (1m) by this bill.

ASSEMBLY BILL 934

1 **SECTION 311.** 893.36 (3) of the statutes, as affected by 2001 Wisconsin Act 10,
2 is renumbered 893.36 (1g).

NOTE: Renumbers a definition provision to the beginning of the section, consistent with current style.

3 **SECTION 312.** 938.23 (1) of the statutes is renumbered 938.23 (1m).

NOTE: Accommodates the renumbering of s. 938.23 (6) to 938.23 (1g) by the next section of the bill.

4 **SECTION 313.** 938.23 (6) of the statutes is renumbered 938.23 (1g) and amended
5 to read:

6 938.23 (1g) DEFINITION. ~~For the purposes of~~ In this section, “counsel” means
7 an attorney acting as adversary counsel who shall advance and protect the legal
8 rights of the party represented, and who may not act as guardian ad litem for any
9 party in the same proceeding.

NOTE: Renumbers a definition provision to the beginning of the section, consistent with current style.

10 **SECTION 314.** 938.357 (1) of the statutes is renumbered 938.357 (1) (a) and
11 amended to read:

12 938.357 (1) (a) The person or agency primarily responsible for implementing
13 the dispositional order or the district attorney may request a change in the
14 placement of the juvenile, whether or not the change requested is authorized in the
15 dispositional order, and shall cause written notice to be sent to the juvenile or the
16 juvenile’s counsel or guardian ad litem, the parent, guardian, and legal custodian of
17 the juvenile, and any foster parent, treatment foster parent, or other physical
18 custodian described in s. 48.62 (2), ~~guardian and legal custodian of the juvenile~~. The
19 notice shall contain the name and address of the new placement, the reasons for the
20 change in placement, a statement describing why the new placement is preferable

ASSEMBLY BILL 934**SECTION 314**

1 to the present placement, and a statement of how the new placement satisfies
2 objectives of the treatment plan ordered by the court.

3 (b) Any person receiving the notice under ~~this subsection~~ par. (a) or notice of
4 ~~the a~~ specific foster or treatment foster placement under s. 938.355 (2) (b) 2. may
5 obtain a hearing on the matter by filing an objection with the court within 10 days
6 after receipt of the notice. Placements ~~shall~~ may not be changed until 10 days after
7 ~~such~~ that notice is sent to the court unless the parent, guardian, or legal custodian
8 and the juvenile, if 12 or more years of age, sign written waivers of objection, except
9 that placement changes ~~which~~ that were authorized in the dispositional order may
10 be made immediately if notice is given as required ~~in this subsection~~ under par. (a).
11 In addition, a hearing is not required for placement changes authorized in the
12 dispositional order except ~~where~~ when an objection filed by a person who received
13 notice alleges that new information is available ~~which~~ that affects the advisability
14 of the court's dispositional order.

NOTE: Subdivides provision for improved readability.

15 **SECTION 315.** 938.357 (2) of the statutes is amended to read:

16 938.357 (2) If emergency conditions necessitate an immediate change in the
17 placement of a juvenile placed outside the home, the person or agency primarily
18 responsible for implementing the dispositional order may remove the juvenile to a
19 new placement, whether or not authorized by the existing dispositional order,
20 without the prior notice provided in sub. (1) (a). The notice shall, however, be sent
21 within 48 hours after the emergency change in placement. Any party receiving
22 notice may demand a hearing under sub. (1) (b). In emergency situations, ~~the a~~
23 juvenile may be placed in a licensed public or private shelter care facility as a

ASSEMBLY BILL 934

1 transitional placement for not more than 20 days, as well as in any placement
2 authorized under s. 938.34 (3).

NOTE: Corrects cross-references to conform to the renumbering and amendment
of s. 938.357 (1) by this bill.

3 **SECTION 316.** 938.357 (2m) of the statutes is renumbered 938.357 (2m) (a) and
4 amended to read:

5 938.357 (2m) (a) The juvenile, the parent, guardian, or legal custodian of the
6 juvenile, or any person or agency primarily bound by the dispositional order, other
7 than the person or agency responsible for implementing the order, may request a
8 change in placement under this ~~subsection~~ paragraph. The request shall contain the
9 name and address of the place of the new placement requested and shall state what
10 new information is available ~~which~~ that affects the advisability of the current
11 placement. ~~This~~ The request shall be submitted to the court. In addition, the court
12 may propose a change in placement on its own motion.

13 (b) The court shall hold a hearing on the matter prior to ordering any change
14 in placement requested or proposed under ~~this subsection~~ par. (a) if the request
15 states that new information is available ~~which~~ that affects the advisability of the
16 current placement, unless written waivers of objection to the proposed change in
17 placement are signed by all parties entitled to receive notice under sub. (1) (a) and
18 the court approves. If a hearing is scheduled, the court shall notify the juvenile, the
19 parent, guardian, and legal custodian of the juvenile, any foster parent, treatment
20 foster parent, or other physical custodian described in s. 48.62 (2) of the juvenile, and
21 all parties who are bound by the dispositional order at least 3 days prior to the
22 hearing. A copy of the request or proposal for the change in placement shall be

ASSEMBLY BILL 934

1 attached to the notice. If all of the parties consent, the court may proceed
2 immediately with the hearing.

NOTE: Subdivides provision for improved readability.

3 **SECTION 317.** 938.357 (2r) of the statutes is amended to read:

4 938.357 (2r) If a hearing is held under sub. (1) (b) or (2m) (b) and the change
5 in placement would remove a juvenile from a foster home, treatment foster home, or
6 other placement with a physical custodian described in s. 48.62 (2), the court shall
7 give the foster parent, treatment foster parent, or other physical custodian described
8 in s. 48.62 (2) an opportunity to be heard at the hearing by permitting the foster
9 parent, treatment foster parent, or other physical custodian to make a written or oral
10 statement during the hearing or to submit a written statement prior to the hearing
11 relating to the juvenile and the requested change in placement. Any written or oral
12 statement made under this subsection shall be made under oath or affirmation. A
13 foster parent, treatment foster parent, or other physical custodian described in s.
14 48.62 (2) who receives notice of a hearing under sub. (1) (b) or (2m) (b) and an
15 opportunity to be heard under this subsection does not become a party to the
16 proceeding on which the hearing is held solely on the basis of receiving that notice
17 and opportunity to be heard.

NOTE: Corrects cross-references to conform to the renumbering and amendment
of s. 938.357 (1) and (2m) by this bill.

18 **SECTION 318.** 938.357 (2v) of the statutes, as created by 2001 Wisconsin Act 16,
19 is amended to read:

20 938.357 (2v) If a hearing is held under sub. (1) (b) or (2m) (b) and the change
21 in placement would place the juvenile outside the home in a placement recommended
22 by the person or agency primarily responsible for implementing the dispositional
23 order, the change in placement order shall include a statement that the court

ASSEMBLY BILL 934

1 approves the placement recommended by the person or agency or, if the juvenile is
2 placed outside the home in a placement other than a placement recommended by that
3 person or agency, a statement that the court has given bona fide consideration to the
4 recommendations made by that person or agency and all parties relating to the
5 juvenile's placement.

NOTE: Corrects cross-reference to conform to the renumbering and amendment of
s. 938.357 (1) and (2m).

6 **SECTION 319.** 938.357 (3) of the statutes is amended to read:

7 938.357 (3) Subject to ~~sub.~~ subs. (4) (b) and (c) and (5) (e), if the proposed change
8 in placement would involve placing a juvenile in a secured correctional facility, a
9 secured child caring institution, or a secured group home, notice shall be given as
10 provided in sub. (1) (a). A hearing shall be held, unless waived by the juvenile,
11 parent, guardian, and legal custodian, before the judge makes a decision on the
12 request. The juvenile shall be entitled to counsel at the hearing, and any party
13 opposing or favoring the proposed new placement may present relevant evidence and
14 cross-examine witnesses. The proposed new placement may be approved only if the
15 judge finds, on the record, that the conditions set forth in s. 938.34 (4m) have been
16 met.

NOTE: Corrects cross-reference to conform to the renumbering and amendment of
s. 938.357 (1) by this bill.

17 **SECTION 320.** 938.357 (4) (b) 1. of the statutes is amended to read:

18 938.357 (4) (b) 1. If a juvenile whom the department has placed in a Type 2
19 secured correctional facility operated by a child welfare agency violates a condition
20 of his or her placement in the Type 2 secured correctional facility, the child welfare
21 agency operating the Type 2 secured correctional facility shall notify the department
22 and the department, after consulting with the child welfare agency, may place the

ASSEMBLY BILL 934

1 juvenile in a Type 1 secured correctional facility under the supervision of the
2 department without a hearing under sub. (1) (b).

NOTE: Corrects cross-reference to conform to the renumbering and amendment of
s. 938.357 (1) by this bill.

3 **SECTION 321.** 938.357 (4) (b) 2. of the statutes, as affected by 2001 Wisconsin
4 Act 16, is amended to read:

5 938.357 (4) (b) 2. If a juvenile whom the court has placed in a Type 2 child
6 caring institution under s. 938.34 (4d) violates a condition of his or her placement in
7 the Type 2 child caring institution, the child welfare agency operating the Type 2
8 child caring institution shall notify the county department that has supervision over
9 the juvenile and, if the county department agrees to a change in placement under this
10 subdivision, the child welfare agency shall notify the department and the
11 department, after consulting with the child welfare agency, may place the juvenile
12 in a Type 1 secured correctional facility under the supervision of the department,
13 without a hearing under sub. (1) (b), for not more than 10 days. If a juvenile is placed
14 in a Type 1 secured correctional facility under this subdivision, the county
15 department that has supervision over the juvenile shall reimburse the child welfare
16 agency operating the Type 2 child caring institution in which the juvenile was placed
17 at the rate established under s. 46.037, and that child welfare agency shall reimburse
18 the department at the rate specified in s. 301.26 (4) (d) 2. or 3., whichever is
19 applicable, for the cost of the juvenile's care while placed in a Type 1 secured
20 correctional facility.

NOTE: Corrects cross-reference to conform to the renumbering and amendment of
s. 938.357 (1) by this bill.

21 **SECTION 322.** 938.357 (4) (c) 1. of the statutes is amended to read:

ASSEMBLY BILL 934

1 938.357 (4) (c) 1. If a juvenile is placed in a Type 2 secured correctional facility
2 operated by a child welfare agency under par. (a) and it appears that a less restrictive
3 placement would be appropriate for the juvenile, the department, after consulting
4 with the child welfare agency that is operating the Type 2 secured correctional
5 facility in which the juvenile is placed, may place the juvenile in a less restrictive
6 placement, and may return the juvenile to the Type 2 secured correctional facility
7 without a hearing under sub. (1) (b). The child welfare agency shall establish a rate
8 for each type of placement in the manner provided in s. 46.037.

NOTE: Corrects cross-reference to conform to the renumbering and amendment of
s. 938.357 (1) by this bill.

9 **SECTION 323.** 938.357 (4) (c) 2. of the statutes is amended to read:

10 938.357 (4) (c) 2. If a juvenile is placed in a Type 2 child caring institution under
11 s. 938.34 (4d) and it appears that a less restrictive placement would be appropriate
12 for the juvenile, the child welfare agency operating the Type 2 child caring
13 institution shall notify the county department that has supervision over the juvenile
14 and, if the county department agrees to a change in placement under this
15 subdivision, the child welfare agency may place the juvenile in a less restrictive
16 placement. A child welfare agency may also, with the agreement of the county
17 department that has supervision over a juvenile who is placed in a less restrictive
18 placement under this subdivision, return the juvenile to the Type 2 child caring
19 institution without a hearing under sub. (1) (b). The child welfare agency shall
20 establish a rate for each type of placement in the manner provided in s. 46.037.

NOTE: Corrects cross-reference to conform to the renumbering and amendment of
s. 938.357 (1) by this bill.

21 **SECTION 324.** 938.357 (4) (d) of the statutes is amended to read:

ASSEMBLY BILL 934

1 938.357 (4) (d) The department may transfer a juvenile who is placed in a Type
2 1 secured correctional facility to the Racine youthful offender correctional facility
3 named in s. 302.01 if the juvenile is 15 years of age or over and the office of juvenile
4 offender review in the department has determined that the conduct of the juvenile
5 in the Type 1 secured correctional facility presents a serious problem to the juvenile
6 or others. The factors that the office of juvenile offender review may consider in
7 making that determination shall include, but are not limited to, whether and to what
8 extent the juvenile's conduct in the Type 1 secured correctional facility is violent and
9 disruptive, the security needs of the Type 1 secured correctional facility, and whether
10 and to what extent the juvenile is refusing to cooperate or participate in the
11 treatment programs provided for the juvenile in the Type 1 secured correctional
12 facility. Notwithstanding sub. (1) (b), a juvenile is not entitled to a hearing regarding
13 the department's exercise of authority under this paragraph unless the department
14 provides for a hearing by rule. A juvenile may seek review of a decision of the
15 department under this paragraph only by the common law writ of certiorari. If the
16 department transfers a juvenile under this paragraph, the department shall send
17 written notice of the transfer to the parent, guardian, legal custodian, and
18 committing court.

NOTE: Corrects cross-reference to conform to the renumbering and amendment of
s. 938.357 (1) by this bill.

19 **SECTION 325.** 938.357 (5) (a) of the statutes is amended to read:

20 938.357 (5) (a) The department or a county department, whichever has been
21 designated as a juvenile's aftercare provider under s. 938.34 (4n), may revoke the
22 aftercare status of that juvenile. Revocation of aftercare supervision shall not
23 require prior notice under sub. (1) (a).

ASSEMBLY BILL 934

NOTE: Corrects cross-reference to conform to the renumbering and amendment of s. 938.357 (1) by this bill.

1 **SECTION 326.** 970.03 (12) (c) of the statutes is amended to read:

2 970.03 (12) (c) At any preliminary examination in Milwaukee ~~county~~ County,
3 a latent fingerprint report of the city of Milwaukee police department bureau of
4 identification division's latent fingerprint identification unit, certified as correct by
5 the police chief or a person designated by the police chief, shall, when offered by the
6 state or the accused, be received as evidence of the facts and findings stated, if
7 relevant. The expert who made the findings need not be called as a witness.

NOTE: Conforms capitalization to current style.

8 **SECTION 327.** 973.013 (3) of the statutes is amended to read:

9 973.013 (3) Female persons convicted of a felony may be committed to the
10 Taycheedah ~~correctional institution~~ Correctional Institution unless they are subject
11 to sub. (3m).

NOTE: Conforms capitalization to current style.

12 **SECTION 328.** 977.05 (1) of the statutes is amended to read:

13 977.05 (1) APPOINTMENT. The board shall appoint a state public defender, who
14 shall be a member of the ~~state bar~~ State Bar of Wisconsin. The state public defender
15 shall serve for a period of 5 years and shall continue until a successor is appointed,
16 except that at the conclusion of the 5-year term of the state public defender in office
17 as of July 1, 1980, the state public defender shall be appointed to serve at the pleasure
18 of the board. He or she shall devote full time to the performance of duties as state
19 public defender.

NOTE: Conforms capitalization to current style.

20 **SECTION 329.** 977.05 (5) (a) of the statutes is amended to read:

