

# State of Wisconsin



1999 Senate Bill 146

Date of enactment: April 4, 2000  
Date of publication\*: April 18, 2000

## 1999 WISCONSIN ACT 32

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

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

**SECTION 1.** 6.875 (1) (b) of the statutes is amended to read:

6.875 (1) (b) "Relative" means a spouse or individual related within the 1st, 2nd or 3rd degree of kinship under s. ~~852.03 (2)~~, 1995 stats 990.001 (16).

NOTE: Section 852.03 (2), 1995 stats., is recreated as s. 990.001 (16) by this bill for user convenience. See also the note to the creation of s. 990.001 (16) by this bill.

**SECTION 2.** 8.20 (2) (c) of the statutes is amended to read:

8.20 (2) (c) In the case of candidates for the offices of president and vice president, the nomination papers shall contain both candidates' names; the office for which each is nominated; the residence and post-office address of each; and the party or principles they represent, if any, in 5 words ~~of or~~ less. In the case of candidates for the offices of governor and lieutenant governor, the nomination papers shall contain both candidates' names; the office for which each is nominated; the residence and post-office address of each; and the party or principles they represent, if any, in 5 words or less.

NOTE: Inserts correct word.

**SECTION 3.** 11.26 (1) (d) of the statutes is renumbered 11.26 (1) (d) (intro.) and amended to read:

11.26 (1) (d) (intro.) Candidates for local offices, an amount equal to the greater of the following:

1) ~~\$250; or~~ Two hundred fifty dollars.

2) ~~one~~ One cent times the number of inhabitants of the jurisdiction or district, according to the latest federal census or the census information on which the district is based, as certified by the appropriate filing officer, but not more than \$3,000.

NOTE: Conforms numbering to current style.

**SECTION 4.** 13.63 (1) of the statutes, as affected by [1997 Wisconsin Acts 191](#) and [237](#), is amended to read:

13.63 (1) LICENSES. (a) An application for a license to act as a lobbyist may be obtained from and filed with the board. An applicant shall include his or her social security number on the application. The application shall be signed, under the penalty for making false statements under s. 13.69 (6m), by the lobbyist. Upon approval of the application and payment of the applicable license fee under s. 13.75 (1) or (1m) to the board, the board shall issue a license which entitles the licensee to practice lobbying on behalf of each registered principal who or which has filed an authorization under s. 13.65 for that lobbyist and paid the authorization fee under s. 13.75 (4). The

\* Section 991.11, WISCONSIN STATUTES 1997-98: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

license shall expire on December 31 of each even-numbered year.

(b) The board shall not issue a license to an applicant who does not provide his or her social security number. The board shall not issue a license to an applicant or shall revoke any license issued to a lobbyist if the department of revenue certifies to the board that the applicant or lobbyist is liable for delinquent taxes under s. 73.0301. The board shall refuse to issue a license or shall suspend any existing license for failure of an applicant or licensee to pay court-ordered payments of child or family support, maintenance, birth expenses, medical expenses or other expenses related to the support of a child or former spouse or failure of an applicant or licensee to comply, after appropriate notice, with a subpoena or warrant issued by the department of workforce development or a county child support agency under s. 59.53 (5) and related to paternity or child support proceedings, as provided in a memorandum of understanding entered into under s. 49.857. No other application may be disapproved by the board except an application for a license by a person who is ineligible for licensure under this subsection or s. 13.69 (4) or an application by a lobbyist whose license has been revoked under this subsection or s. 13.69 (7) and only for the period of such ineligibility or revocation.

(c) Denial of a license on the basis of a certification by the department of revenue may be reviewed under s. 73.0301. Except with respect to a license that is denied or suspended pursuant to a memorandum of understanding entered into under s. 49.857, denial or suspension of a license ~~Denial of any other license~~ may be reviewed under ch. 227.

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). The underscored language is inserted to give effect to the treatment of this provision by 1997 Wis. Act 237. The stricken language reconciles the treatments by 1997 Wis. Acts 191 and 237.

**SECTION 5.** 15.407 (4) (a) 1. of the statutes is repealed.

NOTE: By its terms, this provision has no application after June 30, 1993.

**SECTION 6.** 15.407 (4) (a) 2. of the statutes is renumbered 15.407 (4) (a) and amended to read:

15.407 (4) (a) Three speech-language pathologists registered under subch. II of ch. 459. ~~This subdivision applies after June 30, 1993.~~

NOTE: Deletes obsolete transition language.

**SECTION 7.** 15.407 (4) (b) 1. of the statutes is repealed.

NOTE: By its terms, this provision has no application after June 30, 1993.

**SECTION 8.** 15.407 (4) (b) 2. of the statutes is renumbered 15.407 (4) (b) and amended to read:

15.407 (4) (b) Two audiologists licensed under subch. II of ch. 459. ~~This subdivision applies after June 30, 1993.~~

NOTE: Deletes obsolete transition language.

**SECTION 9.** 16.72 (8) of the statutes, as created by 1997 Wisconsin Act 212, is renumbered 16.72 (9).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 1997 Wis. Act 27 also created a s. 16.72 (8).

**SECTION 10.** 16.971 (2) (m) of the statutes is amended to read:

16.971 (2) (m) Assist in coordination and integration of the plans of executive branch agencies relating to information technology approved under par. (L) and, using these plans and the statewide long-range telecommunications plan under s. 16.99 (2) (a), formulate and revise biennially a consistent statewide strategic plan for the use and application of information technology. The division shall, no later than September 15 of each even-numbered year, submit the statewide strategic plan to the cochairpersons of the joint committee on information technology policy and the governor.

NOTE: Inserts correct committee name. There is no joint committee on information technology.

**SECTION 11.** 19.01 (1) (intro.) of the statutes is amended to read:

19.01 (1) FORM OF OATH. (intro.) Every official oath required by article IV, section 28, of the constitution or by any statute shall be in writing, subscribed, and sworn to, and, except as provided otherwise by s. 757.02 and SCR 40.13 ~~40.15~~, shall be in substantially the following form:

NOTE: The attorney's oath is at SCR 40.15. SCR 40.13 has no relation to oaths.

**SECTION 12.** 19.55 (2) (d) of the statutes, as affected by 1997 Wisconsin Act 237, is amended to read:

19.55 (2) (d) Records of the social security number of any individual who files an application for licensure as a lobbyist under s. 13.63 or who registers as a principal under s. 13.64, except to the department of workforce development for purposes of administration of s. 49.22 or to the department of revenue for purposes of administration of s. 73.0301.

NOTE: The underscored language was deleted by 1997 Wis. Act 237 without being shown as stricken. No change was intended.

**SECTION 13.** The treatment of 19.85 (1) (d) of the statutes by 1997 Wisconsin Act 237 is not repealed by 1997 Wisconsin Act 283. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 14.** 20.143 (1) (c) of the statutes, as affected by 1997 Wisconsin Act 237, section 24, is amended to read:

20.143 (1) (c) *Wisconsin development fund; grants, loans, reimbursements and assistance.* Biennially, the amounts in the schedule for grants under s. 560.615; for grants and loans under ss. 560.62, 560.63 and 560.66; for grants under s. 560.145; for loans under s. 560.147; for grants under s. 560.16; for reimbursements under s. 560.167; for providing assistance under s. 560.06; for the ~~loan loans~~ under 1997 Wisconsin Act 27, section 9110 (7f), and 1997 Wisconsin Act 310, section 2 (2d); and for

the grants under 1995 Wisconsin Act 27, section 9116 (7gg), 1995 Wisconsin Act 119, section 2 (1), and 1997 Wisconsin Act 27, section 9110 (6g). Of the amounts in the schedule, \$50,000 shall be allocated in each of fiscal years 1997–98, 1998–99 and 1999–2000 for providing the assistance under s. 560.06. Notwithstanding s. 560.62 (4), of the amounts in the schedule, \$125,000 shall be allocated in each of 4 consecutive fiscal years, beginning with fiscal year 1998–99, for grants and loans under s. 560.62 (1) (a).

NOTE: 1997 Wis. Act 237, s. 24, repeals and recreates this provision effective 6–30–99 without taking the treatment by 1997 Wis. Act 310, s. 1, into account. Language deleted by the Act 237 repeal and recreation is reinserted to give effect to Act 310, s. 1.

**SECTION 15.** 20.143 (1) (c) of the statutes, as affected by 1997 Wisconsin Act 310, section 1c, is amended to read:

20.143 (1) (c) *Wisconsin development fund; grants, loans, reimbursements and assistance.* Biennially, the amounts in the schedule for grants under s. 560.615; for grants and loans under ss. 560.62, 560.63 and 560.66; for grants under s. 560.145; for loans under s. 560.147; for grants under s. 560.16; for reimbursements under s. 560.167; for providing assistance under s. 560.06; for the loan under 1997 Wisconsin Act 27, section 9110 (7f); and for the grants under 1995 Wisconsin Act 27, section 9116 (7gg), 1995 Wisconsin Act 119, section 2 (1), and 1997 Wisconsin Act 27, section 9110 (6g). Of the amounts in the schedule, \$50,000 shall be allocated in each of fiscal years 1997–98, 1998–99 and 1999–2000 for providing the assistance under s. 560.06. Notwithstanding s. 560.62 (4), of the amounts in the schedule, \$125,000 shall be allocated in each of 4 consecutive fiscal years, beginning with fiscal year 1998–99, for grants and loans under s. 560.62 (1) (a).

NOTE: 1997 Wis. Act 310, s. 1c, repeals and recreates this provision effective 7–1–99 without taking the treatment by 1997 Wis. Act 237, s. 24, into account. Language deleted by the Act 310 repeal and recreation is reinserted to give effect to Act 237, s. 24.

**SECTION 16.** The treatment of 20.143 (1) (c) of the statutes by 1997 Wisconsin Act 237, section 23, is not repealed by 1997 Wisconsin Act 310, section 1. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 17.** The treatment of 20.143 (1) (ie) of the statutes by 1997 Wisconsin Act 237 is not repealed by 1997 Wisconsin Act 310. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 18.** The treatment of 20.155 (1) (g) of the statutes by 1997 Wisconsin Act 140 is not repealed by 1997 Wisconsin Act 229. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 19.** 20.285 (2) (a) 1. of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

20.285 (2) (a) 1. Any moneys in program revenue appropriations to the board of regents for operation may

be temporarily transferred to or from any other program revenue appropriation, but any moneys so transferred shall be repaid to the appropriation from which taken before the close of the fiscal year in which the transfer was made. This subdivision does not apply to moneys transferred from the appropriation account under ~~par. sub. (1)~~ (h) to the appropriation account under ~~par. sub. (1)~~ (kp).

NOTE: Inserts the correct cross–references. There is no s. 20.285 (2) (kp). Section 20.285 (1) (h) and (kp) specifically provides for transfers between the accounts under those paragraphs.

**SECTION 20.** 20.370 (9) (hs) of the statutes, as created by 1997 Wisconsin Act 237, is amended to read:

20.370 (9) (hs) *Approval fees from Lac du Flambeau band.* All moneys received from the Lac du Flambeau band of the Lake Superior Chippewa under s. ~~29.138 29.229~~ (5r), to be paid to the band to be used for fishery management within the reservation, as defined in s. ~~29.138 29.229~~ (1) (b).

NOTE: Inserts the correct cross–references. 1997 Wis. Act 248 renumbered s. 29.138 to be s. 29.229.

**SECTION 21.** 20.370 (9) (mt) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

20.370 (9) (mt) *Aids administration — environmental improvement programs; state funds.* From the environmental improvement fund, the amounts in the schedule for the administration of ss. 281.58, ~~280.60 281.60~~, 281.61 and 281.62.

NOTE: Inserts the correct cross–reference. There is no s. 280.60. Section 281.60 relates to the state land recycling loan program.

**SECTION 22.** 20.434 (1) (b) of the statutes is amended to read:

20.434 (1) (b) *Grants to organizations.* The amounts in the schedule for grants to organizations under ~~ss. s. 46.93 (2) and 46.935 (5).~~

NOTE: Section 46.935 was repealed by 1997 Wis. Act 27.

**SECTION 23.** 20.435 (5) (jz) of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

20.435 (5) (jz) *Badger care premiums.* All moneys received from payments under s. 49.665 (5) to be used for the badger care health care program for low–income families under s. ~~49.466 49.665~~.

NOTE: Inserts the correct cross–reference consistent with other cross–references to “badger care” in s. 20.435 (5). There is no s. 49.466.

**SECTION 24.** 20.435 (5) (kz) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

20.435 (5) (kz) *Interagency and intra–agency local assistance.* All moneys received from other state agencies and all moneys received by the department from the department not directed to be deposited under ~~par. sub. (1) (km) or (6) (k)~~ for local assistance.

NOTE: The stricken word was rendered surplusage by the treatment of this provision by 1997 Wis. Act 27.

**SECTION 25.** The treatment of 20.445 (3) (dz) of the statutes by 1997 Wisconsin Act 27, section 627b, is not

repealed by [1997 Wisconsin Act 236](#). Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 26.** 20.445 (3) (r) of the statutes, as affected by [1997 Wisconsin Act 191](#), is amended to read:

20.445 (3) (r) *Support receipt and disbursement program; payments.* From the support collections trust fund, all moneys received under s. 49.854, except for moneys received under s. 49.854 (11) (b), all moneys received under ss. 767.265 and 767.29 for child or family support, maintenance, spousal support, health care expenses or birth expenses, and all other moneys received under judgments or orders in actions affecting the family, as defined in s. 767.02 (1), for disbursement to the persons for whom the payments are awarded, for returning seized funds under s. 49.854 (5) (f) and, if assigned under s. 46.261, 48.57 (3m) (b) 2. ~~or (3n) (b) 2.~~, 49.145 (2) (s), 49.19 (4) (h) 1. b. or 49.775 (2) (bm), for transfer to the appropriation account under par. (k). Estimated disbursements under this paragraph shall not be included in the schedule under s. 20.005.

NOTE: Gives effect to the treatment of this provision by [1997 Wis. Act 105](#). [1997 Wis. Act 191](#) repealed and recreated this provision without taking the treatment by Act 105 into account.

**SECTION 27.** 20.510 (1) (i) of the statutes, as created by [1997 Wisconsin Act 230](#), is renumbered 20.510 (1) (j).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). [1997 Wis. Act 27](#) also created a provision numbered s. 20.510 (1) (i).

**SECTION 28.** The treatment of 20.921 (2) (a) of the statutes by [1997 Wisconsin Act 191](#) is not repealed by [1997 Wisconsin Act 237](#). Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 29.** 23.09 (2) (d) 7. of the statutes is amended to read:

23.09 (2) (d) 7. For state recreation areas as defined in ~~s. 23.09 (1) designated under s. 23.091.~~

NOTE: Inserts correct cross-reference. Section 23.091 relates to state recreation areas. Section s. 23.09 (1) does not.

**SECTION 30.** 25.40 (1) (a) 13. of the statutes, as created by [1997 Wisconsin Act 255](#), is renumbered 25.40 (1) (a) 13m.

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). [1997 Wis. Act 27](#) also created a provision numbered s. 25.40 (1) (a) 13.

**SECTION 31.** 25.43 (2) (c) of the statutes, as affected by [1997 Wisconsin Acts 237](#) and [252](#), is amended to read:

25.43 (2) (c) The department of administration may establish and change accounts in the environmental improvement fund other than those under pars. (a), (ae), (am) and (b). The department of administration shall consult the department of natural resources before establishing or changing an account that is needed to administer the programs under ss. 281.58, 281.59 and ~~of~~ 281.61.

NOTE: The stricken "or" was inserted by [1997 Wis. Act 237](#) without being shown as underscored. No change was intended.

**SECTION 32.** 29.024 (2) (title), (b), (c), (d), (f) 1. and (g) of the statutes, as affected by [1997 Wisconsin Act 248](#), section 124, and [1997 Wisconsin Act 249](#), section 2, are amended to read:

29.024 (2) (title) CONDITIONS AND RESTRICTIONS ON LICENSES AND OTHER APPROVALS.

(b) Except as provided under ~~sub. (12) (a) s. 29.194 (1)~~, a resident hunting, trapping or fishing approval may be issued only to a person who presents to the issuing agent or the department definite proof of his or her identity and that he or she is a resident.

(c) No more than one of the same series of approval may be issued to the same person for the same hunting or fishing season in any year except as authorized by the department.

(d) Except as provided under s. ~~29.33~~ 29.519 (2) (d) or by rule, no person may transfer his or her approval or permit the use of any approval by any other person.

(f) 1. Except as provided under subd. 2. and as authorized by rules promulgated under sub. ~~(3m)~~ (5) (a) 2., no person may obtain a hunting, trapping or fishing approval for another person.

(g) No approval authorizing hunting, trapping, fishing or any other activity regulated by this chapter may be issued to any person who is prohibited from obtaining this type of an approval under ~~s. 29.226 or 29.227 (1) (e) this chapter.~~

NOTE: [1997 Wis. Act 248](#) amended and renumbered s. 29.09 (1m) to s. 29.024 (2) and [1997 Wis. Act 249](#), section 2, repealed and recreated s. 29.09 (1m), both effective 1-1-99. This provision confirms the incorporation of the amendment by Act 248 into the Act 249 treatment by the revisor under s. 13.93 (2) (b) and corrects an erroneous cross-reference to reflect renumbering by [1997 Wis. Act 248](#).

**SECTION 33.** 29.053 (3) of the statutes, as affected by [1997 Wisconsin Act 248](#), section 388, and [1997 Wisconsin Act 249](#), section 34, is amended to read:

29.053 (3) ~~this chapter 29.193 (2)~~ The department may modify any requirement of this chapter or rules promulgated under it, establish special seasons, authorize the use of special equipment or take any other action in order to provide additional hunting and fishing opportunities for persons who are physically disabled or visually handicapped and may limit the number of persons involved.

NOTE: The stricken language was inserted by [1997 Wis. Act 248](#), but was rendered without effect by the treatment of this provision by [1997 Wis. Act 249](#).

**SECTION 34.** 29.062 of the statutes, as created by [1997 Wisconsin Act 321](#), is renumbered 29.936, and 29.936 (1) and (2), as renumbered, are amended to read:

29.936 (1) Notwithstanding s. ~~29.06~~ 29.934, the department may distribute for free carcasses from fish and game seized or confiscated under s. ~~29.05~~ 29.931 that are suitable for eating to food distribution services, as defined in s. 46.765 (1) (b). The department may have the



fish or game that is seized or confiscated processed before distributing that fish or game to food distribution services. The department may collect the costs of the processing of the fish or game from the person from whom the fish and game was seized or confiscated.

(2) The department may notify the person from whom the fish or game was seized or confiscated under s. ~~29.05~~ 29.931 that he or she is liable for the costs incurred by the department for processing the fish or game under this section. The notification shall be mailed to the person's last-known address and shall include the amount that the person is required to pay as well as the address where payment shall be sent.

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). This section is moved for proper placement within the chapter and cross-references are amended to reflect the renumbering of ch. 29 by 1997 Wis. Act 248.

**SECTION 35.** ~~29.09~~ (11m) of the statutes, as created by 1997 Wisconsin Act 191, is renumbered 29.024 (2g), and ~~29.024~~ (2g) (a) 2. and 3., as renumbered, are amended to read:

29.024 (2g) (a) 2. Any permit issued under s. ~~29.38, 29.521, 29.525, 29.53 or 29.578~~ 29.537, 29.733, 29.735, 29.736 or 29.871.

3. A wild rice identification card issued under s. ~~29.544~~ 29.607.

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b) and amends cross-references to reflect renumbering by 1997 Wis. Act 248.

**SECTION 36.** ~~29.09~~ (11r) of the statutes, as created by 1997 Wisconsin Act 237, is renumbered 29.024 (2r), and ~~29.024~~ (2r) (a) 1. to 21., as renumbered, are amended to read:

29.024 (2r) (a) 1. A license issued under s. ~~29.134~~ 29.501.

2. A wholesale fish dealer license issued under s. ~~29.135~~ 29.503.

3. A taxidermist permit issued under s. ~~29.136~~ 29.506 (2).

4. A bait dealer license issued under s. ~~29.137~~ 29.509.

5. A guide license issued under s. ~~29.165~~ 29.512.

6. A sport trolling license issued under s. ~~29.166~~ 29.514.

7. A commercial fishing license issued under s. ~~29.33~~ 29.519.

8. A net license issued under s. ~~29.34~~ 29.523.

9. A slat net license issued under s. ~~29.343~~ 29.526.

10. A trammel net license issued under s. ~~29.344~~ 29.529.

11. A set or bank pole license issued under s. ~~29.36~~ 29.531.

12. A setline license issued under s. ~~29.37~~ 29.533.

13. A clamming license or permit issued under s. ~~29.38~~ 29.537.

14. A fish farm permit issued under s. ~~29.521~~ 29.733.

14m. A fish importation permit under s. ~~29.525~~ 29.735.

14r. A fish stocking permit under s. ~~29.53~~ 29.736.

15. A wild rice dealer license issued under s. ~~29.544~~ 29.607 (4) (b).

16. A wild ginseng dealer license issued under s. ~~29.547~~ 29.611 (7).

17. A license issued under s. ~~29.573~~ 29.865.

18. A game bird or animal farm license issued under s. ~~29.574~~ 29.867.

19. A fur animal farm license issued under s. ~~29.575~~ 29.869.

20. A deer farm license or a permit issued under s. ~~29.578~~ 29.871.

21. A wildlife exhibit license issued under s. ~~29.585~~ 29.877.

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b) and amends cross-references to reflect renumbering by 1997 Wis. Act 248.

**SECTION 37.** ~~29.145~~ (1cm) of the statutes, as created by 1997 Wisconsin Act 322, is renumbered 29.193 (4) and amended to read:

29.193 (4) FEDERAL MATCHING FUNDS. If the department determines that the fee collected for an annual fishing license issued under sub. (1e) (3) (c) is less or more than is necessary to qualify these licenses for matching funding under 16 USC 777c, the department shall submit proposed legislation to the legislature in the manner provided under s. 13.172- (2) to adjust the fee so that it equals the minimum amount necessary to qualify for the matching funding.

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b) and corrects cross-reference. Section ~~29.145~~ (1c) was renumbered to s. 29.193 (3) by 1997 Wis. Act 248.

**SECTION 38.** ~~29.148~~ (4) of the statutes is renumbered 29.237 (4).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). The remainder of s. ~~29.148~~ was renumbered to s. 29.237 by 1997 Wis. Act 248.

**SECTION 39.** ~~29.164~~ (2) (b) of the statutes, as affected by 1997 Wisconsin Act 168, section 1, 1997 Wisconsin Act 248, section 213, and 1997 Wisconsin Act 249, section 21, is amended to read:

29.164 (2) (b) *Type of hunting authorized.* A license issued under this section authorizes hunting with a firearm or bow and arrow or with a crossbow if the holder of the license is a resident and has a Class A, Class B or Class C permit issued under s. ~~29.193~~ (2) or ~~4.~~ that authorizes hunting with a crossbow or has a crossbow permit issued under s. ~~29.171~~ (4) (a).

NOTE: Deletes language inserted by 1997 Wis. Act 168 which was rendered without effect by 1997 Wis. Act 249.

**SECTION 40.** ~~29.171~~ (2) of the statutes, as affected by 1997 Wisconsin Act 168, section 2, 1997 Wisconsin Act 248, section 233, and 1997 Wisconsin Act 249, section 22, is amended to read:

29.171 (2) A resident archer hunting license authorizes the hunting of all game, except bear and wild turkey, during the open seasons for hunting that game with bow

and arrow established by the department. This license authorizes hunting with a bow and arrow only, unless hunting with a crossbow is authorized by a Class A, Class B or Class C permit issued under s. 29.193 (2) ~~or 4.~~ or a permit issued under sub. (4).

NOTE: Deletes language inserted by 1997 Wis. Act 168 which was rendered without effect by 1997 Wis. Act 249.

**SECTION 41.** 29.171 (4) (b) (intro.) of the statutes, as affected by 1997 Wisconsin Act 168, section 3, 1997 Wisconsin Act 248, section 235, and 1997 Wisconsin Act 249, section 25, is amended to read:

29.171 (4) (b) (intro.) Crossbows used in hunting as authorized by a Class A, Class B or Class C permit issued under s. 29.193 (2) ~~or 4.~~ or under this subsection shall meet all of the following specifications:

NOTE: Deletes language inserted by 1997 Wis. Act 168 which was rendered without effect by 1997 Wis. Act 249.

**SECTION 42.** 29.177 of the statutes, as created by 1997 Wisconsin Act 170, is renumbered 29.038.

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). Repositions provision for location within the correct subchapter of ch. 29 after the renumbering of the chapter by 1997 Wis. Act 248.

**SECTION 43.** 29.184 (5) (b) of the statutes, as affected by 1997 Wisconsin Act 248, section 260, and 1997 Wisconsin Act 249, section 32, is amended to read:

29.184 (5) (b) If a disabled person holds either a Class A or a Class B bear license, a person who accompanies and assists the disabled person may engage in the activities authorized under sub. ~~(2)~~ (3) (br) 1. to 3. without holding a Class B bear license.

NOTE: Inserts correct cross-reference. There is no s. 29.184 (2) (br) 1. to 3. Section 29.184 (3) (br) 1. to 3. relates to authorized activities for persons with bear licenses.

**SECTION 44.** 29.184 (6) (c) 1. of the statutes, as affected by 1997 Wisconsin Act 191, section 16, and 1997 Wisconsin Act 248, section 265, is amended to read:

29.184 (6) (c) 1. The department shall issue a notice of approval to those qualified applicants selected to receive a Class A bear license. A person who receives a notice of approval and who pays the required fee shall be issued the license subject to s. ~~29.09 (11m)~~ 29.024 (2g).

NOTE: This bill renumbers s. 29.09 (11m) to be s. 29.024 (2g).

**SECTION 45.** 29.184 (6) (c) 2. of the statutes, as affected by 1997 Wisconsin Act 191, section 17, and 1997 Wisconsin Act 248, section 266, is amended to read:

29.184 (6) (c) 2. A Class B bear license shall be issued subject to s. 29.024 ~~(11m)~~ (2g) by the department to any resident who applies for this license.

NOTE: Reconciles the treatment of this provision by 1997 Wis. Acts 191 and 248. Act 191 created s. 29.09 (11m) and inserted "(11m)" after "29.09" in this provision. Act 248 renumbered s. 29.09 to s. 29.024 without taking the creation of s. 29.09 (11m) into account. This bill renumbers s. 29.09 (11m) to be s. 29.024 (2g) for proper location within the section.

**SECTION 46.** 29.193 (1) (a) of the statutes, as affected by 1997 Wisconsin Act 248, section 135, is amended to read:

29.193 (1) (a) The department shall, after an investigation and without charging a fee, issue a trolling permit to any person who meets the requirements under s. 29.171 ~~(3)~~ (4) (a) 2. or 4.

NOTE: Corrects cross-reference. 1997 Wis. Act 248 changed this cross-reference from s. 29.104 (4) to s. 29.171 (3), but renumbered s. 29.104 (4) to s. 29.171 (4).

**SECTION 47.** The treatment of 29.193 (1) (b) of the statutes, as renumbered, by 1997 Wisconsin Act 248, section 136, is not repealed by 1997 Wisconsin Act 249, section 3. Both treatments stand.

NOTE: There is no conflict of substance. 1997 Wis. Act 248 amended s. 29.09 (8m) (b) and renumbered it to s. 29.193 (1) (b).

**SECTION 48.** The treatment of 29.193 (2) (b) 1. of the statutes, as renumbered, by 1997 Wisconsin Act 248, section 142, is not repealed by 1997 Wisconsin Act 249, section 5. Both treatments stand.

NOTE: There is no conflict of substance. 1997 Wis. Act 248 amended s. 29.09 (9) (b) and renumbered it to s. 29.193 (2) (b).

**SECTION 49.** 29.193 (2) (cr) 2. of the statutes, as affected by 1997 Wisconsin Act 248, section 142, and 1997 Wisconsin Act 249, section 13, is amended to read:

29.193 (2) (cr) 2. A Class A permit authorizes the holder to shoot or hunt from a stationary vehicle, to fish or troll as authorized under sub. ~~(8m)~~ (1) (b) and to hunt certain game with a crossbow as authorized under ss. ~~29.103 (2) (ar), 29.104 (2) and 29.117 (2)~~ 29.164 (2) (b), ~~29.171 (2) and 29.216 (2).~~

NOTE: Corrects cross-references to reflect renumbering by 1997 Wis. Act 248.

**SECTION 50.** 29.193 (3) (intro.) of the statutes, as affected by 1997 Wisconsin Act 191, section 21, and 1997 Wisconsin Act 248, section 323, is amended to read:

29.193 (3) FISHING LICENSE FOR DISABLED PERSONS. (intro.) The department shall issue, subject to s. ~~29.09 (11m)~~ 29.024 (2g), an annual disabled person fishing license to any resident who applies for this license and who does one of the following:

NOTE: This bill renumbers s. 29.09 (11m) to be s. 29.024 (2g).

**SECTION 51.** The treatment of 29.197 (6) (a) of the statutes, as renumbered, by 1997 Wisconsin Act 195, section 3, is not repealed by 1997 Wisconsin Act 248, section 374. Both treatments stand.

NOTE: There is no conflict of substance. 1997 Wis. Act 248 amended s. 29.155 (2) (a) and renumbered it to s. 29.197 (6) (a).

**SECTION 52.** 29.216 (2) of the statutes, as affected by 1997 Wisconsin Act 248, section 279, and 1997 Wisconsin Act 249, section 33, is amended to read:

29.216 (2) AUTHORIZATION. The nonresident archer hunting license authorizes the hunting of all game, except

bear, wild turkey and fur-bearing animals, during the open season for the hunting of that game with a bow and arrow. This license authorizes hunting with a bow and arrow only unless hunting with a crossbow is authorized by a Class A, Class B, or Class C permit issued under s. ~~29.09 (9)~~ 29.193 (2).

NOTE: Section 29.09 (9) was renumbered s. 29.193 (2) by 1997 Wis. Act 248. The comma is deleted consistent with current style.

**SECTION 53.** The treatment of 29.229 (3) (a) of the statutes, as renumbered, by 1997 Wisconsin Act 237, section 66e, is not repealed by 1997 Wisconsin Act 248, section 308. Both treatments stand.

NOTE: There is no conflict of substance. 1997 Wis. Act 248 amended s. 29.138 (3) (a) and renumbered it to s. 29.229 (3) (a).

**SECTION 54.** 29.229 (5m) (d) of the statutes, as affected by 1997 Wisconsin Act 191, section 20, and 1997 Wisconsin Act 248, section 308, is amended to read:

29.229 (5m) (d) Section ~~29.09 (11m)~~ 29.024 (2g) does not apply to approvals issued under this section.

NOTE: This bill renumbers s. 29.09 (11m) to s. 29.024 (2g).

**SECTION 55.** 29.301 (1) (b) of the statutes, as affected by 1997 Wisconsin Act 151, section 1, and 1997 Wisconsin Act 248, section 412, is amended to read:

29.301 (1) (b) No person may hunt within ~~4700~~ 1,700 feet of any hospital, sanatorium or the grounds of any school. The department may designate the form for or furnish signs designating the restricted area. No person may be convicted of a violation of this paragraph unless the restricted area is designated by the signs.

NOTE: 1997 Wis. Act 248 inserted "1,700" without deleting "1700".

**SECTION 56.** The treatment of 29.327 (2) of the statutes, as renumbered, by 1997 Wisconsin Act 248, section 442, is not repealed by 1997 Wisconsin Act 249, section 36. Both treatments stand.

NOTE: There is no conflict of substance. 1997 Wis. Act 248 amended s. 29.27 (3) and renumbered it to s. 29.327 (2) (a).

**SECTION 57.** 29.334 of the statutes, as affected by 1997 Wisconsin Act 248, section 513, is amended to read:

**29.334 Hunting and trapping; treatment of animals.** A person who hunts or traps any game animal or fur-bearing animal shall kill the animal when it is taken and make it part of the daily bag or shall release the animal unless authorized under s. 29.857, 29.863, ~~28.867~~ 29.867, 29.869, 29.871 or 29.877.

NOTE: Inserts the correct cross-reference.

**SECTION 58.** The treatment of 29.421 of the statutes, as renumbered, by 1997 Wisconsin Act 237, section 82ag, is not repealed by 1997 Wisconsin Act 248, section 677. Both treatments stand.

NOTE: There is no conflict of substance. 1997 Wis. Act 248 consolidated s. 29.62 (1) and (3), renumbered it to s. 29.421 and amended it.

**SECTION 59.** 29.501 (3) of the statutes, as affected by 1997 Wisconsin Act 237, section 65, and 1997 Wisconsin Act 248, section 288, is amended to read:

29.501 (3) Licenses shall be issued, subject to s. ~~29.09 (11m) and (11r)~~ 29.024 (2g) and (2r), by the department upon application. The form of application and license shall be prescribed by the department.

NOTE: This bill renumbers s. 29.09 (11m) and (11r) to be s. 29.024 (2g) and (2r).

**SECTION 60.** The treatment of 29.519 (1) (b) of the statutes, as renumbered, by 1997 Wisconsin Act 189, section 1, is not repealed by 1997 Wisconsin Act 248, section 462. Both treatments stand.

NOTE: There is no conflict of substance. 1997 Wis. Act 248 amended s. 29.33 (1) and renumbered it to s. 29.519 (1).

**SECTION 61.** 29.519 (1) (d) of the statutes, as affected by 1997 Wisconsin Act 248, section 462, is renumbered 29.519 (1) (d) 2. and amended to read:

29.519 (1) (d) 2. The application for the license shall be made to the department, accompanied by the fee specified in s. 29.563 (7). The application shall state the name, birthdate, description and address of the residence of the applicant, the manner in which he or she proposes to fish, the name or number and overall length of his or her boats, the name of the hailing port from which the boats will operate, and the number and kind of nets or other gear he or she intends to use in connection with commercial fishing and any other information required by the department for statistical purposes. The applicant shall provide an itemized listing of commercial fishing gear and equipment with the current values of those items of commercial fishing equipment, sufficient to meet the investment requirements for licensing as established in rules promulgated under this section. ~~"Overall length" means the minimum distance between the extreme outside end of the bow and the stern using the nearest whole number of feet.~~

NOTE: The stricken definition is moved to a separate provision consistent with current style. See the next section of this bill.

**SECTION 62.** 29.519 (1) (d) 1. of the statutes is created to read:

29.519 (1) (d) 1. In this paragraph, "overall length" means the minimum distance between the extreme outside end of the bow and the stern using the nearest whole number of feet.

NOTE: Relocates definition in separate provision consistent with current style. See the previous section of this bill.

**SECTION 63.** 29.519 (2) (c) of the statutes, as affected by 1997 Wisconsin Act 248, section 464, is renumbered 29.519 (2) (a) and amended to read:

29.519 (2) (a) *Nonresident defined.* In this section subsection, "nonresident" includes any individual who is not a resident, any individual applying for a license for use of nets on a boat registered or of record at a port outside of the state, or any partnership, association, corporation or limited liability company any of whose stock,



boats, nets and fishing equipment has been owned by a nonresident at any time during the 2 years immediately prior to the application for a license.

NOTE: The defined term only appears in sub. (2) of s. 29.519. This paragraph is renumbered to ensure its correct position as a definition in accordance with current style.

**SECTION 64.** 29.519 (2) (d) of the statutes, as affected by 1997 Wisconsin Act 237, section 67, and 1997 Wisconsin Act 248, section 465, is amended to read:

29.519 (2) (d) *Transfer of license.* The department may, upon application, permit the transfer of a license to any similar boat during the time a licensed boat is disabled or undergoing repairs or upon the sale of a licensed boat. The department shall promulgate rules governing the transfer of commercial fishing licenses between individuals equally qualified to hold the licenses and to members of a licensee's immediate family provided the rules assure the wise use and conservation of the fish resources being harvested under the license. The rules shall relate only to those waters in which the number of licenses is limited. The commercial fishing boards, under sub. (7), shall approve or deny transfers of commercial fishing licenses in accordance with the rules promulgated under this section. For purposes of s. ~~29.09 (11m) and (11r)~~ 29.024 (2g) and (2r), a transfer of a license under this section shall be considered an issuance of a license to the transferee.

NOTE: This bill renumbers s. 29.09 (11m) and (11r) to be s. 29.024 (2g) and (2r).

**SECTION 65.** 29.522 of the statutes, as created by 1997 Wisconsin Act 237, is renumbered 29.734.

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b) to locate the provision in the proper subchapter after the renumbering of ch. 29 by 1997 Wis. Act 248.

**SECTION 66.** 29.563 (3) (a) 7. and 9. of the statutes, as created by 1997 Wisconsin Act 248, are amended to read:

29.563 (3) (a) 7. Annual fishing issued to a disabled person under s. 29.193 (3) (a) or (b): \$6.25.

9. Annual fishing license issued to a disabled veteran under s. ~~29.219 (2)~~ 29.193 (3) (c): \$4.25.

NOTE: Inserts correct cross-reference.

**SECTION 67.** 29.563 (7) (c) 1. of the statutes, as created by 1997 Wisconsin Act 248, is amended to read:

29.563 (7) (c) 1. Outlying waters license transfers under s. 29.519 ~~(3)~~ (2) (d): \$25.

NOTE: Corrects cross-reference. There is no s. 29.519 (3). Outlying waters license transfers are under s. 29.519 (2) (d).

**SECTION 68.** The treatment of 29.591 (title) of the statutes, as renumbered, by 1997 Wisconsin Act 197, section 4, is not repealed by 1997 Wisconsin Act 248, section 420. Both treatments stand.

NOTE: There is no conflict of substance. 1997 Wis. Act 248 amended s. 29.225 (title) and renumbered it to s. 29.591 (title).

**SECTION 69.** The treatment of 29.591 (1) of the statutes, as renumbered, by 1997 Wisconsin Act 197, section 5, is not repealed by 1997 Wisconsin Act 248, section 420. Both treatments stand.

NOTE: There is no conflict of substance. 1997 Wis. Act 248 amended s. 29.225 (1) and renumbered it to s. 29.591 (1).

**SECTION 70.** 29.591 (2) of the statutes, as affected by 1997 Wisconsin Act 197, section 7, and 1997 Wisconsin Act 248, section 420, is amended to read:

29.591 (2) ADMINISTRATION. ~~program and bow hunter education program~~ The department may appoint county, regional and statewide directors and categories of hunter education instructors necessary for the hunter education program and the bow hunter education program. These appointees are responsible to the department and shall serve on a voluntary basis without compensation.

NOTE: The stricken language was inserted by 1997 Wis. Act 197, but rendered surplusage by the treatment of this provision by 1997 Wis. Act 248.

**SECTION 71.** The treatment of 29.591 (3) of the statutes, as renumbered, by 1997 Wisconsin Act 197, section 8, is not repealed by 1997 Wisconsin Act 248, section 420. Both treatments stand.

NOTE: There is no conflict of substance. 1997 Wis. Act 248 amended s. 29.225 (3) and renumbered it to s. 29.591 (3).

**SECTION 72.** The treatment of 29.591 (4) (a) 1. and 2. of the statutes, as renumbered, by 1997 Wisconsin Act 197, sections 9 and 10, is not repealed by 1997 Wisconsin Act 248, sections 423 and 424. Both treatments stand.

NOTE: There is no conflict of substance. 1997 Wis. Act 248 amended s. 29.225 (4) (a) 1. and 2. and renumbered it to s. 29.591 (4) (a) 1. and 2.

**SECTION 73.** The treatment of 29.591 (4) (am) of the statutes, as renumbered, by 1997 Wisconsin Act 197, section 11, is not repealed by 1997 Wisconsin Act 248, section 425. Both treatments stand.

NOTE: There is no conflict of substance. 1997 Wis. Act 248 amended s. 29.225 (4) (am) and renumbered it to s. 29.591 (4) (am).

**SECTION 74.** The treatment of 29.593 (1) of the statutes, as renumbered, by 1997 Wisconsin Act 197, section 12, is not repealed by 1997 Wisconsin Act 248, section 427. Both treatments stand.

NOTE: There is no conflict of substance. 1997 Wis. Act 248 amended s. 29.226 (1) and renumbered it to s. 29.593 (1).

**SECTION 75.** 29.593 (2) of the statutes, as affected by 1997 Wisconsin Act 197, section 14, and 1997 Wisconsin Act 248, section 427, is amended to read:

29.593 (2) A person who has evidence that is satisfactory to the department indicating that he or she has completed in another state a hunter safety course and if the course is recognized by the department under a reciprocity agreement, the person may obtain an approval authorizing hunting for successfully completing the course of instruction the hunter education program.

NOTE: The stricken language was inserted by 1997 Wis. Act 197, but rendered surplusage by the treatment of this provision by 1997 Wis. Act 248.

**SECTION 76.** 29.607 (3) of the statutes, as affected by 1997 Wisconsin Act 237, section 71, and 1997 Wisconsin Act 248, section 594, is amended to read:



29.607 (3) LICENSE REQUIRED EXCEPTIONS; WILD RICE IDENTIFICATION CARD. Every person over the age of 16 and under the age of 65 shall obtain the appropriate wild rice license to harvest or deal in wild rice but no license to harvest is required of the members of the immediate family of a licensee or of a recipient of old-age assistance or members of their immediate families. The department, subject to s. ~~29.09 (11m) and (11r)~~ 29.024 (2g) and (2r), shall issue a wild rice identification card to each member of a licensee's immediate family, to a recipient of old-age assistance and to each member of the recipient's family. The term "immediate family" includes husband and wife and minor children having their abode and domicile with the parent or legal guardian.

NOTE: This bill renumbers s. 29.09 (11m) and (11r) to be s. 29.024 (2g) and (2r).

**SECTION 77.** 29.733 (2) (a) of the statutes, as affected by 1997 Wisconsin Act 237, section 69, and 1997 Wisconsin Act 248, section 581, is amended to read:

29.733 (2) (a) The department, subject to s. ~~29.09 (11m) and (11r)~~ 29.024 (2g) and (2r), shall issue a permit under this subsection for a natural body of water specified under sub. (1) (c) 1. if the department determines that no substantial public interest exists in the body of water and that no public or private rights in the body of water will be damaged.

NOTE: This bill renumbers s. 29.09 (11m) and (11r) to be s. 29.024 (2g) and (2r).

**SECTION 78.** 29.733 (2) (c) 1. of the statutes, as affected by 1997 Wisconsin Act 237, section 70, and 1997 Wisconsin Act 248, section 581, is amended to read:

29.733 (2) (c) 1. The department, subject to s. ~~29.09 (11m) and (11r)~~ 29.024 (2g) and (2r), shall renew a permit issued under this subsection unless the department determines that there has been a substantial change in circumstances that is related to a determination made under par. (a) for the natural body of water or that is related to the application of the criteria promulgated under par. (f) to the body of water.

NOTE: This bill renumbers s. 29.09 (11m) and (11r) to be s. 29.024 (2g) and (2r).

**SECTION 79.** 29.745 (1) (b) of the statutes, as affected by 1997 Wisconsin Act 248, section 589, is amended to read:

29.745 (1) (b) Application for a permit shall be made on forms provided by the department.

NOTE: The stricken language was rendered surplusage by the treatment of this provision by 1997 Wis. Act 248.

**SECTION 80.** 29.867 (3) of the statutes, as affected by 1997 Wisconsin Act 237, section 73, and 1997 Wisconsin Act 248, section 617, is amended to read:

29.867 (3) Upon issuance, subject to s. 29.024 (2g) and (2r), of the license, the department shall appoint one person, the licensee shall appoint one person, and these 2 appointees shall select a 3rd person, to determine as

accurately as possible the number of wild birds and animals of the desired species on the land at the time of the issuing of the license. The necessary expenses of these persons shall be paid by the licensee. Within 30 days after the date of the determination as approved by the department, the licensee shall pay to the department a specified sum determined by the department for those species of wild birds and animals on the licensed premises that are desired for propagation purposes, the title of which is in the state. ~~subject to s. 29.09 (11m) and (11r)~~ issued

NOTE: The stricken language was inserted by 1997 Wis. Acts 191 and 237, but was rendered without effect by the treatment of this provision by 1997 Wis. Act 248. This bill renumbers s. 29.09 (11m) and (11r) to be s. 29.024 (2g) and (2r). The underscored language is inserted to give effect to the Acts 191 and 237 treatments.

**SECTION 81.** 29.869 (3) of the statutes, as affected by 1997 Wisconsin Act 237, section 74, and 1997 Wisconsin Act 248, section 618, is amended to read:

29.869 (3) If the applicant is the owner or lessee of the lands, the land is suitable for the breeding and propagating of fur animals and the applicant intends in good faith to establish and maintain a fur animal farm, subject to s. ~~29.09 (11m) and (11r)~~ 29.024 (2g) and (2r), the department shall issue a license to the applicant. The license shall describe the lands and authorize the licensee to breed, propagate, trap and deal in fur animals that are on the licensed premises.

NOTE: This bill renumbers s. 29.09 (11m) and (11r) to be s. 29.024 (2g) and (2r).

**SECTION 82.** 29.871 (4) of the statutes, as affected by 1997 Wisconsin Act 237, section 76, and 1997 Wisconsin Act 248, section 624, is amended to read:

29.871 (4) If the applicant is the owner or lessee of the lands and the applicant intends in good faith to establish and maintain a deer farm, the department may inform the applicant that, as soon as the applicant has built a suitable deer fence around the premises to be included within the license, it will issue a license. The applicant shall install a deer-tight fence in accordance with specifications prescribed by the department. After the installation of the fence, the department shall issue a license to the applicant. The license shall describe the lands and authorize the licensee to breed, propagate, kill and sell the deer that are on the licensed premises. Section ~~29.09 (11m) and (11r)~~ 29.024 (2g) and (2r) applies to the issuance of licenses under this subsection.

NOTE: This bill renumbers s. 29.09 (11m) and (11r) to be s. 29.024 (2g) and (2r).

**SECTION 83.** 29.871 (5) of the statutes, as affected by 1997 Wisconsin Act 237, section 77, and 1997 Wisconsin Act 248, section 624, is amended to read:

29.871 (5) The deer farm license shall be renewed each year, subject to s. ~~29.09 (11m) and (11r)~~ 29.024 (2g) and (2r), if the licensee has not violated any of the provisions under which it was issued.

NOTE: This bill rennumbers s. 29.09 (11m) and (11r) to be s. 29.024 (2g) and (2r).

**SECTION 84.** 29.871 (11) of the statutes, as affected by 1997 Wisconsin Act 191, section 32, and 1997 Wisconsin Act 248, section 624, is amended to read:

29.871 (11) Each license and title to the deer in the issued enclosure shall be conditioned upon the licensee complying with this section and other statutes and rules relating to the maintenance of deer farms. In an action to revoke the license the court, in the judgment, shall provide that the title to all of the deer within the enclosure is forfeited to the state; that the licensed premises may not be used for a deer farm for a period of 5 years and until a new license has been issued by the department after the 5-year period; that the department shall within 30 days of the notice of entry of judgment enter the premises and open the fences and may drive the animals out of the enclosure; that the lands for which the license has been forfeited may be used by the owner for all lawful purposes except the propagating of deer; and that during the 5-year period hunting or trapping is prohibited on the land. The department shall post notices of the judgment at intervals of 55 yards around the entire premises.

NOTE: The stricken language was inserted by 1997 Wis. Acts 191, but rendered surplusage by the treatment of this provision by 1997 Wis. Act 248.

**SECTION 85.** 29.871 (14) (am) of the statutes, as affected by 1997 Wisconsin Act 237, section 79, and 1997 Wisconsin Act 248, section 626, is amended to read:

29.871 (14) (am) Subject to s. ~~29.09 (11m) and (11r) 29.024 (2g) and (2r)~~, the department may issue retail deer sale permits authorizing a person to sell at retail white-tailed deer venison from a deer lawfully killed under this section if the venison is inspected under s. 97.42.

NOTE: This bill rennumbers s. 29.09 (11m) and (11r) to be s. 29.024 (2g) and (2r).

**SECTION 86.** 29.871 (14) (b) (intro.) of the statutes, as affected by 1997 Wisconsin Act 237, section 80, and 1997 Wisconsin Act 248, section 627, is amended to read:

29.871 (14) (b) (intro.) The department may issue a venison serving permit authorizing a person to serve venison obtained from a deer farm licensed under this section. The application for this permit shall be in the form and include the information the department requires. The department, ~~the department~~, subject to s. ~~29.09 (11m) and (11r) 29.024 (2g) and (2r)~~, may issue a venison serving permit conditioned as follows:

NOTE: The stricken “the department” was inserted by 1997 Wis. Act 191, but rendered surplusage by the treatment of this provision by 1997 Wis. Act 248. This bill rennumbers s. 29.09 (11m) and (11r) to be s. 29.024 (2g) and (2r).

**SECTION 87.** The treatment of 29.877 (3) of the statutes, as renumbered, by 1997 Wisconsin Act 191, section 36, is not repealed by 1997 Wisconsin Act 248, section 635. Both treatments stand.

NOTE: There is no conflict of substance. 1997 Wis. Act 248 amended s. 29.585 (3) and renumbered it to s. 29.877 (3).

**SECTION 88.** 29.885 (1) (f) of the statutes, as affected by 1997 Wisconsin Act 248, section 640, is amended to read:

29.885 (1) (f) Notwithstanding s. ~~29.01 (14) 29.001 (90)~~, “wild animal” means any undomesticated mammal or bird, but does not include farm-raised deer or farm-raised fish.

NOTE: Section 29.01 (14) was renumbered to s. 29.001 (90) by 1997 Wis. Act 248.

**SECTION 89.** The treatment of 29.934 (1) (d) of the statutes, as renumbered, by 1997 Wisconsin Act 248, section 114, is not repealed by 1997 Wisconsin Act 285, section 1. Both treatments stand.

NOTE: There is no conflict of substance. 1997 Wis. Act 248 amended s. 29.06 (1) (d) and renumbered it to s. 29.934 (1) (d).

**SECTION 90.** The treatment of 29.971 (1) (c) of the statutes, as renumbered, by 1997 Wisconsin Act 248, section 714, is not repealed by 1997 Wisconsin Act 283, section 20. Both treatments stand.

NOTE: There is no conflict of substance. 1997 Wis. Act 248 renumbered s. 29.99 (1) (c) to s. 29.971 (1) (c).

**SECTION 91.** The treatment of 29.971 (1m) (c) of the statutes, as renumbered, by 1997 Wisconsin Act 248, section 714, is not repealed by 1997 Wisconsin Act 283, section 21. Both treatments stand.

NOTE: There is no conflict of substance. 1997 Wis. Act 248 renumbered s. 29.99 (1m) (c) to s. 29.971 (1m) (c).

**SECTION 92.** 29.989 (1) (a) of the statutes, as affected by 1997 Wisconsin Act 248, section 728, is amended to read:

29.989 (1) (a) If a court imposes a fine or forfeiture for a violation of a provision of this chapter or an order issued under this chapter, ~~the court shall impose a natural resources assessment equal to 75% of the amount of the fine or forfeiture where the payment of a natural resources restitution payment is required, the court shall impose a natural resources restitution payment equal to the amount of the statutory fee for the approval which was required and should have been obtained.~~

NOTE: 1997 Wis. Act 248 deleted the underscored language without showing it as stricken and inserted the stricken language without showing it as underscored. No change was intended.

**SECTION 93.** 30.71 (1) of the statutes is amended to read:

30.71 (1) In this section, “outlying waters” has the meaning given in s. ~~29.01 (11) 29.001 (63)~~.

NOTE: Section 29.01 (11) was renumbered s. 29.001 (63) by 1997 Wis. Act 248.

**SECTION 94.** 30.71 (2) of the statutes, as affected by 1997 Wisconsin Acts 248 and 330, is amended to read:

30.71 (2) No person may, while maintaining or operating any boat equipped with toilets on the waters of this state ~~29.001 (45) (63)~~, dispose of any toilet wastes in any manner into the water.

NOTE: The stricken language was inserted by 1997 Wis. Act 248, but was rendered without effect by the treatment of this provision by 1997 Wis. Act 330.

**SECTION 95.** 32.05 (1) (a) of the statutes, as affected by 1997 Wisconsin Acts 184 and 282, is amended to read:

32.05 (1) (a) Except as provided under par. (b), ~~the~~ a county board of supervisors or ~~the~~ a county highway committee when so authorized by the county board of supervisors, a city council, a village board, a town board, a sewerage commission governing a metropolitan sewerage district created by ss. 66.22 or 66.88 to 66.918, ~~the~~ the secretary of transportation, a commission created by contract under s. 66.30, a joint local water authority created by contract under s. ~~66.0375, 66.0735,~~ a housing authority under ss. 66.40 to 66.404, a local exposition district created under subch. II of ch. 229, a redevelopment authority under s. 66.431 or a community development authority under s. 66.4325 shall make an order providing for the laying out, relocation and improvement of the public highway, street, alley, storm and sanitary sewers, watercourses, water transmission and distribution facilities, mass transit facilities, airport, or other transportation facilities, gas or leachate extraction systems to remedy environmental pollution from a solid waste disposal facility, housing project, redevelopment project, exposition center or exposition center facilities which shall be known as the relocation order. This order shall include a map or plat showing the old and new locations and the lands and interests required. A copy of the order shall, within 20 days after its issue, be filed with the county clerk of the county wherein the lands are located or, in lieu of filing a copy of the order, a plat may be filed or recorded in accordance with s. 84.095.

NOTE: Corrects transposed number inserted by 1997 Wis. Act 184. Section 66.0735 as created by Act 184 relates to joint local water authorities. There is no s. 66.0375. Inserts "a" for proper sentence agreement.

**SECTION 96.** 35.84 (figure) line 22. (title) of the statutes is amended to read:

35.84 (figure) line 22. (title) ~~Integrated Legislative Information System Staff~~ Technology Services Bureau

NOTE: 1997 Wis. Act 237 renamed the Integrated Legislative Information System Staff the Legislative Technology Services Bureau. The change is reflected in the printed volumes.

**SECTION 97.** 38.27 (5) (a) 1m. of the statutes, as affected by 1997 Wisconsin Act 163, section 3, is renumbered 38.24 (5) (a) 1m.

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 1997 Wisconsin Act 163 created s. 38.24 (5) (a) 1g. and renumbered s. 38.24 (5) (a) 1. to s. 38.27 (5) (a) 1m. The renumbering to s. 38.27 was unintended. There is no s. 38.27 (5). The change was made in order to keep definitions within s. 38.24 (5) in alphabetical order.

**SECTION 98.** 40.25 (2) of the statutes is amended to read:

40.25 (2) Subject to ~~subs. (2m) and sub.~~ (2t), if all requirements for payment of a retirement annuity are met

except attainment of age 55 or age 50 for protective occupation participants, a separation benefit may be paid, if the participant's written application for a separation benefit is received by the department prior to the participant's 55th birthday or 50th birthday for protective occupation participants, in an amount equal to the additional and employe required contribution accumulations of the participant on the date the application for a separation benefit is approved.

NOTE: Section 40.25 (2m) was repealed by 1997 Wis. Act 69.

**SECTION 99.** 40.25 (2t) of the statutes is amended to read:

40.25 (2t) A protective occupation participant who is covered by the presumption under s. 891.455 and who applied for a duty disability benefit under s. 40.65 on or after May 12, 1998, may not be paid a separation benefit under sub. (2) ~~or (2m)~~ during the period in which he or she is receiving the duty disability benefit.

NOTE: Section 40.25 (2m) was repealed by 1997 Wis. Act 69.

**SECTION 100.** The treatment of 40.51 (8m) of the statutes by 1997 Wisconsin Act 237 is not repealed by 1997 Wisconsin Act 252. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 101.** 44.095 of the statutes is repealed.

NOTE: By its terms, this section does not apply after June 30, 1998.

**SECTION 102.** 46.86 (2m) (a) of the statutes is amended to read:

46.86 (2m) (a) In this subsection, "long-term treatment" means treatment that is, in the majority of instances, not less than 5 months ~~and not~~ nor more than 12 months in duration.

NOTE: Inserts correct word.

**SECTION 103.** The treatment of 48.01 (1) (a) of the statutes by 1997 Wisconsin Act 237 is not repealed by 1997 Wisconsin Act 292. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 104.** 48.27 (4) (b) (a) and (b) of the statutes, as created by 1997 Wisconsin Act 292, are renumbered 48.27 (4) (b) 1. and 2.

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b) to correct the numbering of s. 48.27 (4) (b) by 1997 Wis. Act 292.

**SECTION 105.** The treatment of 48.299 (4) (b) of the statutes by 1997 Wisconsin Act 292 is not repealed by 1997 Wisconsin Act 334. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 106.** The treatment of 48.299 (5) of the statutes by 1997 Wisconsin Act 252 is not repealed by 1997 Wisconsin Act 292. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 107.** The treatment of 48.365 (2m) (a) of the statutes by 1997 Wisconsin Act 237 is not repealed by 1997 Wisconsin Act 292. Both treatments stand.

NOTE: There is no conflict of substance.



**SECTION 108.** 48.396 (1) of the statutes, as affected by [1997 Wisconsin Act 292](#), is amended to read:

48.396 (1) Law enforcement officers' records of children shall be kept separate from records of adults. Law enforcement officers' records of the adult expectant mothers of unborn children shall be kept separate from records of other adults. Law enforcement officers' records of children and the adult expectant mothers of unborn children shall not be open to inspection or their contents disclosed except under sub. (1b), (1d) or (5) or s. 48.293 or by order of the court. This subsection does not apply to the representatives of newspapers or other reporters of news who wish to obtain information for the purpose of reporting news without revealing the identity of the child or adult expectant mother ~~child~~ involved, to the confidential exchange of information between the police and officials of the school attended by the child or other law enforcement or social welfare agencies or to children 10 years of age or older who are subject to the jurisdiction of the court of criminal jurisdiction. A public school official who obtains information under this subsection shall keep the information confidential as required under s. 118.125 and a private school official who obtains information under this subsection shall keep the information confidential in the same manner as is required of a public school official under s. 118.125. A law enforcement agency that obtains information under this subsection shall keep the information confidential as required under this subsection and s. 938.396 (1). A social welfare agency that obtains information under this subsection shall keep the information confidential as required under ss. 48.78 and 938.78.

NOTE: Corrects word order.

**SECTION 109.** The treatments of 48.415 (2) (a) 2. a. of the statutes, as renumbered, by [1997 Wisconsin Act 237](#), section 141, and [1997 Wisconsin Act 292](#), section 232, are not repealed by [1997 Wisconsin Act 294](#), section 4. All treatments stand.

NOTE: There is no conflict of substance. Section 48.415 (2) (b) 1. was renumbered to s. 48.415 (2) (a) 2. a. by [1997 Wis. Act 294](#).

**SECTION 110.** The treatment of 48.415 (2) (a) 2. b. of the statutes, as renumbered, by [1997 Wisconsin Act 237](#), section 142, is not repealed by [1997 Wisconsin Act 292](#), section 233. Both treatments stand.

NOTE: There is no conflict of substance. Section 48.415 (2) (b) 2. was renumbered to s. 48.415 (2) (a) 2. b. by [1997 Wis. Act 294](#).

**SECTION 111.** The treatment of 48.415 (2) (a) 3. of the statutes, as renumbered, by [1997 Wisconsin Act 237](#), section 143, is not repealed by [1997 Wisconsin Act 292](#), section 234m. Both treatments stand.

NOTE: There is no conflict of substance. Section 48.415 (2) (c) was renumbered to s. 48.415 (2) (a) 3. by [1997 Wis. Act 294](#).

**SECTION 112.** The treatment of 48.685 (2) (am) (intro.) of the statutes by [1997 Wisconsin Act 237](#) is not

repealed by [1997 Wisconsin Act 281](#). Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 113.** 48.685 (2) (b) 1. (intro.) of the statutes, as affected by [1997 Wisconsin Acts 237](#) and [281](#), is amended to read:

48.685 (2) (b) 1. (intro.) Subject to subs. 1. e. ~~and~~, 2., and 4. and par. (bd), every entity shall obtain all of the following with respect to a person specified under par. (ag) (intro.) who is an employe, prospective employe, contractor or prospective contractor of the entity:

NOTE: Reconciles the treatments of this provision by [1997 Wis. Acts 237](#) and [281](#).

**SECTION 114.** The treatment of 48.685 (2) (c) of the statutes by [1997 Wisconsin Act 237](#) is not repealed by [1997 Wisconsin Act 281](#). Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 115.** 48.685 (3) (a) of the statutes, as affected by [1997 Wisconsin Acts 237](#) and [281](#), is amended to read:

48.685 (3) (a) Every 4 years or at any time within that period that the department, a county department, a child welfare agency or a school board considers appropriate, the department, county department, child welfare agency or school board shall request the information specified in sub. (2) (am) 1. to 5. for all persons who are licensed, certified or contracted to operate an entity and for all persons specified in ~~par. sub. (2)~~ (ag) (intro.) who are nonclient residents of an entity and shall request the information specified in sub. (2) (am) 1. to 5. for all persons under 18 years of age, but not under 12 years of age, who are employes, contractors or nonclient residents of a day care center that is licensed under s. 48.65 or established or contracted for under s. 120.13 (4) or of a day care provider that is certified under s. 48.651.

NOTE: Inserts correct cross-reference. There is no s. 48.685 (3) (ag). Section 48.685 (2) (ag) relates to nonclient residents of an entity.

**SECTION 116.** The treatment of 48.685 (3) (b) of the statutes by [1997 Wisconsin Act 237](#) is not repealed by [1997 Wisconsin Act 281](#). Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 117.** The treatment of 48.685 (5) (b) (intro.) of the statutes, as renumbered, by [1997 Wisconsin Act 237](#), section 170, is not repealed by [1997 Wisconsin Act 281](#), section 8. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 118.** 48.685 (5c) (c) of the statutes, as affected by [1997 Wisconsin Act 237](#), is amended to read:

48.685 (5c) (c) Any person who is permitted but fails under sub. (5) (a) to demonstrate to the school board that he or she has been rehabilitated may appeal to the ~~secretary~~ state superintendent of public instruction or his or her designee. Any person who is adversely affected by a decision of the ~~secretary~~ state superintendent or his or



her designee under this paragraph has a right to a contested case hearing under ch. 227.

NOTE: Corrects officer's title.

**SECTION 119.** The treatment of 48.685 (5m) of the statutes by [1997 Wisconsin Act 237](#) is not repealed by [1997 Wisconsin Act 281](#). Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 120.** The treatment of 48.685 (6) (b) of the statutes by [1997 Wisconsin Act 237](#) is not repealed by [1997 Wisconsin Act 281](#). Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 121.** 48.715 (6) of the statutes is amended to read:

48.715 (6) The department of health and family services shall deny, suspend, restrict, refuse to renew or otherwise withhold a license under s. 48.66 (1) or a probationary license under s. 48.69 to operate a child welfare agency, group home, shelter care facility or day care center, and the department of corrections shall deny, suspend, restrict, refuse to renew or otherwise withhold a license under s. 48.66 (1) to operate a secured child caring institution, for failure of the applicant or licensee to pay court-ordered payments of child or family support, maintenance, birth expenses, medical expenses or other expenses related to the support of a child or former spouse or for failure of the applicant or licensee to comply, after appropriate notice, with a subpoena or warrant issued by the department of workforce development or a county child support agency under s. 59.53 (5) and related to paternity or child support proceedings, as provided in a memorandum of understanding entered into under s. 49.857. Notwithstanding s. 48.72, an action taken under this subsection is subject to review only as provided in the memorandum of understanding entered into under s. 49.857 and not as provided in s. 48.72.

NOTE: Inserts necessary comma omitted from [1997 Wis.](#)

[Act 191](#).

**SECTION 122.** 48.981 (3) (c) 1. of the statutes is amended to read:

48.981 (3) (c) 1. Within 24 hours after receiving a report under par. (a), the agency shall, in accordance with the authority granted to the department under s. 48.48 (17) (a) 1. or the county department under s. 48.57 (1) (a), initiate a diligent investigation to determine if the child or unborn child is in need of protection or services. The investigation shall be conducted in accordance with standards established by the department for conducting child abuse and neglect investigations or unborn child abuse investigations. If the investigation is of a report of child abuse or neglect or of ~~child~~ threatened child abuse or neglect by a caregiver specified in sub. (1) (am) 5. to 8. who continues to have access to the child or a caregiver specified in sub. (1) (am) 1. to 4., or of a report that does not disclose who is suspected of the child abuse or neglect and in which the investigation does not disclose who abused or neglected the child, the investigation shall also include observation of or an interview with the child, or

both, and, if possible, an interview with the child's parents, guardian or legal custodian. If the investigation is of a report of child abuse or neglect or threatened child abuse or neglect by a caregiver who continues to reside in the same dwelling as the child, the investigation shall also include, if possible, a visit to that dwelling. At the initial visit to the child's dwelling, the person making the investigation shall identify himself or herself and the agency involved to the child's parents, guardian or legal custodian. The agency may contact, observe or interview the child at any location without permission from the child's parent, guardian or legal custodian if necessary to determine if the child is in need of protection or services, except that the person making the investigation may enter a child's dwelling only with permission from the child's parent, guardian or legal custodian or after obtaining a court order to do so.

NOTE: Corrects word order.

**SECTION 123.** The treatment of 48.981 (8) (a) of the statutes by [1997 Wisconsin Act 292](#) is not repealed by [1997 Wisconsin Act 293](#). Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 124.** The treatment of 48.981 (8) (d) 1. of the statutes by [1997 Wisconsin Act 292](#) is not repealed by [1997 Wisconsin Act 293](#). Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 125.** 48.988 (6) (a) of the statutes is amended to read:

48.988 (6) (a) Equivalent facilities for the child are not available in the sending agency's jurisdiction; and

NOTE: Inserts necessary punctuation. The change is shown in the printed volumes.

**SECTION 126.** 49.124 (1m) (a) of the statutes is amended to read:

49.124 (1m) (a) The department shall administer an employment and training program for recipients under the food stamp program. The department may contract with a Wisconsin works agency to administer the employment and training program under this subsection. Except as provided in pars. (b), and (bm) ~~and~~ (br), the department may require able individuals who are 18 to 60 years of age who are not participants in a Wisconsin works employment position to participate in the employment and training program under this subsection.

NOTE: The creation of par. (br) was removed from [1997 Wis. Act 27](#) by the governor's partial veto.

**SECTION 127.** 49.143 (2m) (intro.) of the statutes is amended to read:

49.143 (2m) NUTRITION OUTREACH. (intro.) A Wisconsin works agency may establish a nutrition outreach program with the community steering committee established under sub. (2) (a). The Wisconsin works agency and community steering committee may coordinate with local food pantries and food banks and other interested parties to increase the supply of food available. Under the outreach program, the Wisconsin works agency may do anything that it determines would best effect the

desired outcome of the program, including any of the following:

NOTE: Deletes repeated unnecessary “a”.

**SECTION 128.** 49.15 (3) (a) of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

49.15 (3) (a) Unsubsidized employment, as defined in s. 49.147 (1) (a) (c).

NOTE: Section 49.147 (1) (a) was renumbered s. 49.147 (1) (c) by 1997 Wis. Act 27.

**SECTION 129.** 49.175 (1) (p) of the statutes is amended to read:

49.175 (1) (p) *Indirect child care services.* For indirect child care services under s. 49.131 (2) (b) 49.155 (1g), \$6,002,400 in each fiscal year. Notwithstanding sub. (2), the department may not use any funds allocated under this paragraph for any other purpose under this subsection.

NOTE: Inserts correct cross-reference. Section 49.131 (2) (b) was renumbered s. 49.155 (1g) by 1997 Wis. Act 27.

**SECTION 130.** The treatment of 49.22 (6) of the statutes by 1997 Wisconsin Act 105 is not repealed by 1997 Wisconsin Act 191. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 131.** 49.225 of the statutes, as affected by 1997 Wisconsin Act 191, section 39, is renumbered 49.227.

NOTE: 1997 Wis. Act 191, section 39, renumbered s. 46.251 to s. 49.225. Act 191, section 65, created a different provision as s. 49.225.

**SECTION 132.** 49.27 (6) (c) of the statutes is amended to read:

49.27 (6) (c) *Benefits.* A county department under s. 46.215, 46.22 or 46.23 shall provide assistance in paying the child care costs of a work-not-welfare group that is eligible to receive benefits under this paragraph if the child care is provided by a child care provider, as defined in s. 49.132 (1) (am), 1995 stats. The formula for determining the amount of assistance shall be the same as the formula established by the department under s. 49.191 (2). The rates for child care services under this paragraph shall be determined under s. 49.132 (4) (d), 1995 stats., s. 49.132 (4) (dg), 1995 stats., or s. 49.132 (4) (dm), 1995 stats., whichever is applicable, or, if a higher rate is established under s. 49.132 (4) (e), 1995 stats., and if the child care services meet the quality standards established under s. 49.132 (4) (e), 1995 stats., the rates for child care services under this paragraph that meet those standards shall be determined under s. 49.132 (4) (e), 1995 stats. The department shall promulgate rules for the disbursement of funds under this paragraph.

NOTE: Section 49.132 does not apply after November 1, 1997, and was repealed by 1997 Wis. Act 252.

**SECTION 133.** 49.493 (1) (b) of the statutes is amended to read:

49.493 (1) (b) “Medical benefits or assistance” means medical benefits under s. 49.02, 49.046 or 253.05 or medical assistance.

NOTE: Section 49.046 was repealed by 1995 Wis. Act 27.

**SECTION 134.** 49.665 (1) (b) of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

49.665 (1) (b) “Dependent child” has the meaning given in s. 49.141 (1) (c).

NOTE: Inserts subsection number omitted by 1997 Wis. Act 27.

**SECTION 135.** The treatment of 49.855 (6) of the statutes by 1997 Wisconsin Act 27 is not repealed by 1997 Wisconsin Act 35. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 136.** 49.857 (1) (d) 2. of the statutes, as created by 1997 Wisconsin Act 191, is amended to read:

49.857 (1) (d) 2. An approval specified in s. ~~29.09 (11m)~~ 29.024 (2g).

NOTE: This bill renumbers s. 29.09 (11m) to s. 29.024 (2g).

**SECTION 137.** 49.857 (1) (d) 2m. of the statutes, as created by 1997 Wisconsin Act 191, is amended to read:

49.857 (1) (d) 2m. A fishing approval issued under s. ~~29.138~~ 29.229.

NOTE: Inserts correct cross-reference. 1997 Wis. Act 248 renumbered s. 29.138 to s. 29.229.

**SECTION 138.** 50.01 (2) of the statutes, as affected by 1997 Wisconsin Act 156, is amended to read:

50.01 (2) “Nurse’s assistant” means a person who performs routine patient care duties delegated by a registered nurse or licensed practical nurse who supervises the person, for the direct health care of a patient or resident. “Nurse’s assistant” does not mean a person who is licensed, permitted, certified or registered under subch. X XI of ch. 440 or ch. 441, 448, 449, 450, 451, 455 or 459 or a person whose duties primarily involve skills that are different than those taught in instructional programs for nurse’s assistants.

NOTE: Subch. X of ch. 440, as created by 1997 Wis. Act 156, is renumbered subch. XI of ch. 440 by this bill.

**SECTION 139.** 50.035 (3) (a) of the statutes is amended to read:

50.035 (3) (a) The person responsible for managing a Class C community-based residential facility, or that person’s agent, shall be present in the facility at any time that residents are in the facility. The person responsible for managing a Class A or a Class B community-based residential facility, or that person’s agent, shall be present in the facility from 7 p.m. to 7 a.m. when residents are in the facility and the person responsible for managing a Class B community-based residential facility, or that person’s agent, shall be readily available to the residents of the facility from 7 a.m. to 7 p.m. In this subsection, “Class A, B and C community-based residential facilities” have the meanings provided in s. ~~HSS 3.41(4)~~ HFS 83.05, Wis. adm. code.

NOTE: Inserts the correct cross-reference. Section HSS 3.41, Wis. Adm. Code, was repealed and replaced by s. HFS

83.05, Wis. Adm. Code. There are no Class B facilities under s. HFS 83.05.

**SECTION 140.** 50.035 (9) of the statutes is amended to read:

50.035 (9) NOTIFICATION TO PROSPECTIVE RESIDENTS OF ASSESSMENT REQUIREMENT. Every community-based residential facility shall inform all prospective residents of the assessment requirements under ss. 46.27 (7) (cj) 3. and (11) (c) 5n. and 46.277 (3) (5) (d) 1n. for the receipt of funds under those sections.

NOTE: Inserts the correct cross-reference. There is no s. 46.277 (3) (d). Section 46.277 (5) (d) 1n. relates to community-based residential facility assessments.

**SECTION 141.** 50.04 (5) (a) 5. b. of the statutes, as affected by 1997 Wisconsin Act 280, is amended to read:

50.04 (5) (a) 5. b. Except as provided in subd. 5. a., a nursing home that violates a statute or rule resulting in a class “A” or class “B” violation and that has received a notice of a class “A” or class “B” violation of the same statute or rule within the previous 3-year period may be subject to a forfeiture 3 times the amount authorized for the most recent class of violation involved.

NOTE: The underscored “a” was inserted by 1997 Wis. Act 280 without being underscored. The change was intended.

**SECTION 142.** 50.065 (3) (a) of the statutes, as affected by 1997 Wisconsin Act 237, is amended to read:

50.065 (3) (a) Every 4 years or at any time within that period that the department considers appropriate, the department shall request the information specified in sub. (2) (am) 1. to 4. for all persons who are licensed to operate an entity and for all persons specified in ~~par. sub. (2)~~ (ag) (intro.) who are nonclient residents of an entity.

NOTE: Inserts correct cross-reference. There is no s. 50.065 (3) (ag). Section 50.065 (2) (ag) relates to nonclient residents of an entity.

**SECTION 143.** The treatment of 51.30 (4) (a) of the statutes by 1997 Wisconsin Act 231 is not repealed by 1997 Wisconsin Act 237. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 144.** 55.045 of the statutes is amended to read:

**55.045 Funding.** The appropriate county department designated under s. 55.02 shall, within the limits of available state and federal funds and of county funds required to be appropriated to match state funds, provide for the reasonable program needs of persons who are protectively placed or who receive protective services under this chapter, including reasonable expenses for the evaluations required by ~~sub. s. 55.06~~ (8). Payment and collections for protective placement or protective services provided in public facilities specified in s. 46.10 shall be governed in accordance with s. 46.10. The department may require that a person who is protectively placed or receives protective services under this chapter provide reimbursement for services or care and custody received, based on the ability of the person to pay for such costs.

NOTE: Inserts the correct cross-reference. This provision was renumbered from s. 55.06 (13) by 1995 Wis. Act 92 without taking the cross-reference into account.

**SECTION 145.** The treatment of 59.25 (3) (f) 2. of the statutes by 1997 Wisconsin Act 237 is not repealed by 1997 Wisconsin Act 248. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 146.** The treatment of 59.40 (2) (m) of the statutes by 1997 Wisconsin Act 237 is not repealed by 1997 Wisconsin Act 248. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 147.** 59.64 (1) (d) 1m. (form) of the statutes, as affected by 1997 Wisconsin Acts 250 and 253, is amended to read:

59.64 (1) (d) 1m. (form)

STATE OF WISCONSIN

v.

....

IN CIRCUIT COURT FOR .... COUNTY

Complaint for ....

Before ....., .... Court Commissioner.

Heard the .... day of ....., ....(year)

To the County Board of .... County:

I hereby certify that in the foregoing entitled action the following named persons rendered services and attended before me in the capacity stated. I further certify that ~~they~~ the following named persons are severally entitled to the amounts specified below for services, attendance and travel, that the services were actually and necessarily rendered, and that the action was prosecuted in good faith:

A.B. .... (constable or sheriff), actually and necessarily traveled in serving the .... herein, .... miles, and attended court .... days, and is entitled to \$.... for other just and lawful services in the cause, and in all is entitled to \$.....

Dated this .... day of ....., .... (year)

NOTE: 1997 Wis. Act 253 deleted the stricken “they” without showing it as stricken and inserted the underscored “the” without showing it as underscored. The change was intended.

**SECTION 148.** 62.09 (7) (e) of the statutes is amended to read:

62.09 (7) (e) Whenever a city official in that official’s official capacity is proceeded against or obliged to proceed before any court, board or commission, to defend or maintain his or her official position, or because of some act arising out of the performance of that official’s official duties, and that official has prevailed in such proceeding, or the council has ordered the proceeding discontinued, the council may provide for payment to such official such sum as it sees fit, to reimburse the official for the expenses reasonably incurred for costs and attorney fees.

NOTE: Inserts necessary word for proper grammar.

**SECTION 149.** 66.076 (1) (a) of the statutes, as affected by 1997 Wisconsin Acts 53 and 213, is amended to read:

66.076 (1) (a) In addition to all other methods provided by law, any municipality may construct, acquire or lease, extend or improve any plant and equipment within or without its corporate limits for the collection, transportation, storage, treatment and disposal of sewage or storm water and surface water, including the lateral, main and interceptor sewers necessary in connection therewith, and any town, village or city may arrange for the service to be furnished by a metropolitan sewerage district or joint sewerage system. Except as provided in s. 66.60 (6m), payment for a sewerage project or service described in this paragraph, or any part of the ~~such~~ project or service, may be provided from the general fund, from taxation, special assessments, sewerage service charges, or from the proceeds of either municipal obligations, revenue bonds or from any combination of these enumerated methods of financing.

NOTE: Each “or” is added to correct grammar. The interaction of the treatments by 1997 Wis. Acts 53 and 213 renders “such” surplusage.

**SECTION 150.** 66.91 (5) (d) 2. of the statutes is amended to read:

66.91 (5) (d) 2. Any city, town or village may collect and tax charges made by it to users in the same manner as water rates are taxed and collected under s. 66.069 (1) or 66.071 (1) (e). Charges taxed under this subdivision are a lien upon the property served, as provided in s. ~~66.091~~ 66.069 (1) or 66.071 (1) (e).

NOTE: Inserts correct cross-reference added by the Laws of 1981, chapter 282. The reference to s. 66.069 (1) was preexisting. Section 66.069 (1) relates to municipal utility charges and provides for liens for delinquent payments. Section 66.091 (1) relates to county liability for mob damage and makes no provision for liens.

**SECTION 151.** 70.11 (12) (a) of the statutes is amended to read:

70.11 (12) (a) Property owned by units which are organized in this state of the following organizations: the Salvation Army, the Boy Scouts of America, the Boys’ Clubs of America, the Girl Scouts or Camp Fire Girls or any person as trustee for them of property used for the purposes of those organizations, provided no pecuniary profit results to any individual owner or member. ~~(a) Property owned by units which are organized in this state of the following organizations: the Boy Scouts of America, the Boys’ Clubs of America, the Girl Scouts or Camp Fire Girls or any person as trustee for them of property used for the purposes of those organizations, provided no pecuniary profit results to any individual owner or member.~~

NOTE: The prior version of this provision was inadvertently not deleted from the printed statutes.

**SECTION 152.** 70.395 (2) (dg) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

70.395 (2) (dg) Each person constructing a metalliferous mining site shall pay to the department of revenue for deposit in the investment and local impact fund, as a construction fee, an amount sufficient to make the construction period payments under par. (d) 5. in respect to that site. Any person paying a construction fee under this paragraph may credit against taxes due under s. 70.375 an amount equal to the payments that the taxpayer has made under this paragraph, provided that the credit does not reduce the taxpayer’s liability under s. 70.375 below the amount needed to make the first-dollar payments under ~~subds. par. (d) 1., 2. and 2m.~~ for that year in respect to the taxpayer’s mine. Any amount not creditable because of that limitation in any year may be carried forward.

NOTE: Inserts correct cross-reference. There is no s. 70.395 (2) (dg) 1., 2. and 2m. Section 70.395 (2) (d) relates to payments under that section.

**SECTION 153.** 70.44 (1) of the statutes, as affected by 1997 Wisconsin Acts 35 and 250, is amended to read:

70.44 (1) Real or personal property omitted from assessment in any of the 2 next previous years, unless previously reassessed for the same year or years, shall be entered once additionally for each previous year of such omission, designating each such additional entry as omitted for the year ~~----~~ of omission and affixing a just valuation to each entry for a former year as the same should then have been assessed according to the assessor’s best judgment, and taxes shall be apportioned, using the net tax rate as provided in s. 70.43, and collected on the tax roll for such entry. This section shall not apply to manufacturing property assessed by the department of revenue under s. 70.995.

NOTE: The stricken blank was inserted by 1997 Wis. Act 250, but was rendered surplusage by the treatment of this provision by 1997 Wis. Act 35.

**SECTION 154.** 70.45 of the statutes is amended to read:

**70.45 Return and examination of rolls.** When the assessment rolls have been completed in cities of the 1st class, they shall be delivered to the commissioner of assessments, in all other cities to the city clerk, in villages to the village clerk and in towns to the town clerk. At least 15 days before the first day on which the assessment rolls are open for examination, these officials shall have published a class 1 notice if applicable, or posted notice, under ch. 985, in anticipation of the roll delivery as provided in s. 70.50, that on certain days, therein named, the assessment rolls will be open for examination by the taxable inhabitants, which notice may assign a day or days for each ward, where there are separate assessment rolls for wards, for the inspection of rolls. The assessor shall be present for at least 2 hours while the assessment roll is open for inspection. Instructional material under s. 73.03 ~~(52)~~ (54) shall be available at the meeting. On examination the commissioner of assessments, assessor or assessors may make changes that are necessary to per-



fect the assessment roll or rolls, and after the corrections are made the roll or rolls shall be submitted by the commissioner of assessments or clerk of the municipality to the board of review.

NOTE: Inserts correct cross-reference. Section 73.03 (54) relates to the publication of instructional materials. Section 73.03 (52) relates to entering into certain agreements with the Internal Revenue Service.

**SECTION 155.** 70.46 (4) of the statutes, as created by [1997 Wisconsin Act 237](#), is amended to read:

70.46 (4) No board of review may be constituted unless it includes at least one voting member who, within 2 years of the board's first meeting, has attended a training session under s. 73.03 ~~(54)~~ (55) and unless that member is the municipality's chief executive officer or that officer's designee. The municipal clerk shall provide an affidavit to the department of revenue stating whether the requirement under this subsection has been fulfilled.

NOTE: Inserts correct cross-reference. Section 73.03 (55) relates to training sessions for board of review members; sub. (54) relates to the publication of certain instructional materials.

**SECTION 156.** 70.995 (12) (a) of the statutes, as affected by [1997 Wisconsin Acts 35](#) and [250](#), is amended to read:

70.995 (12) (a) The department of revenue shall prescribe a standard manufacturing property report form that shall be submitted annually for each real estate parcel and each personal property account on or before March 1 by all manufacturers whose property is assessed under this section. The report form shall contain all information ~~deemed~~ considered necessary by the department and shall include, without limitation, income and operating statements, fixed asset schedules and a report of new construction or demolition. Failure to submit the report shall result in denial of any right of redetermination by the state board of assessors or the tax appeals commission. If any property is omitted or understated in the assessment roll in any of the next 5 previous years, the assessor shall enter the value of the omitted or understated property once for each previous year of the omission or understatement. The assessor shall designate each additional entry as omitted or understated for the year ~~---~~ of omission or understatement. The assessor shall affix a just valuation to each entry for a former year as it should have been assessed according to the assessor's best judgment. Taxes shall be apportioned and collected on the tax roll for each entry, on the basis of the net tax rate for the year of the omission, taking into account credits under s. 79.10, and interest shall be added at the rate of 0.0267% per day for the period of time between the date when the form is required to be submitted and the date when the assessor affixes the just valuation.

NOTE: The stricken blank was inserted by [1997 Wis. Act 250](#), but was rendered surplusage by the treatment of this provision by [1997 Wis. Act 35](#).

**SECTION 157.** 71.05 (6) (b) 25. of the statutes is amended to read:

71.05 (6) (b) 25. All gains that are not excluded from taxation under subd. 9., on business assets or on assets used in farming, including shares in a corporation or trust that meets the standards under s. 182.001 (1), or both, held more than one year, that are sold or otherwise disposed of to persons who are related to the seller or transferor by blood, marriage or adoption within the 3rd degree of kinship as ~~that term is used in s. 852.03 (2)~~ determined under s. 990.001 (16), as computed under the Internal Revenue Code, not including amounts treated as ordinary income for federal income tax purposes because of the recapture of depreciation or any other reason.

NOTE: Section 852.03 (2) was repealed by [1997 Wis. Act 188](#) and is recreated as s. 990.001 (16) by this bill. See also the treatment of s. 990.001 (16) by this bill.

**SECTION 158.** 71.07 (8) (a) 2. of the statutes, as created by [1997 Wisconsin Act 27](#), is reenacted to read:

71.07 (8) (a) 2. If the taxpayer is an individual, the taxpayer files an individual return, and has adjusted gross income of at least \$30,000 but less than \$31,000 in the year to which the claim relates, the amount obtained by subtracting from \$25 2.5% of the amount by which the taxpayer's adjusted gross income exceeds \$30,000.

NOTE: This provision was inadvertently not included in the printed statute volumes.

**SECTION 159.** 71.78 (1m), (2) and (3) of the statutes, as created by [1997 Wisconsin Act 323](#), are renumbered 71.78 (1m) (a), (b) and (c) and amended to read:

71.78 (1m) (a) No person, except the person who filed the return or claim, may inspect a return or claim that is filed under this chapter unless that person does so in performing the duties of his or her position. Violation of this subsection paragraph by a state employe is grounds for dismissal.

(b) If any person is charged with a violation of ~~sub. (1m) par. (a)~~, the secretary of revenue shall notify each taxpayer whose return or claim was improperly inspected by that person.

(c) Any person who is notified under ~~sub. (2) par. (b)~~ may bring an action for damages in regard to the inspection.

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b) and conforms cross-references. Section 71.78 (2) and (3) previously existed.

**SECTION 160.** 71.83 (2) (a) 3m. of the statutes, as created by [1997 Wisconsin Act 323](#), is amended to read:

71.83 (2) (a) 3m. 'Browsing in records.' Any person who violates s. 71.78 (1m) (a) shall upon conviction be fined not less than \$100 nor more than \$500 or imprisoned for not less than one month nor more than 6 months or both.

NOTE: Section 71.78 (1m) is renumbered s. 71.78 (1m) (a) by this bill.

**SECTION 161.** 73.0301 (1) (d) 1. of the statutes, as created by [1997 Wisconsin Act 237](#), is amended to read:

73.0301 (1) (d) 1. An approval specified in s. ~~29.09 (11r)~~ 29.024 (2r).

NOTE: This bill rennumbers s. 29.09 (11r) to be s. 29.024 (2r).

SECTION 162. 75.105 (3) of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

75.105 (3) ADMINISTRATION. Upon the cancellation of all or a portion of real property taxes under sub. (2), the county treasurer shall execute and provide to the owner of the property a statement identifying the property for which taxes have been ~~cancelled~~ canceled and shall enter on the tax certificate the date upon which the taxes were ~~cancelled~~ canceled and the amount of taxes ~~cancelled~~ canceled.

NOTE: Inserts preferred spelling.

SECTION 163. 75.16 (form) of the statutes is amended to read:

75.16 (form)

To all to whom these presents shall come, greeting:

Whereas, ..., treasurer of the county of ..., has deposited in the office of the county clerk of the county of ..., in the state of Wisconsin, a tax certificate of said county, whereby it appears, as the fact is, that the following described piece (or pieces) or parcel (or parcels) of land lying and being situated in the county of ..., to wit: (Here describe the lands) was (or were) included in the tax certificate issued to the county of ... on ~~August 15~~ ... ~~.....~~, ... ~~(year)~~ (date), for the nonpayment of real property taxes, special assessments, special charges or special taxes, in the amount of ... dollars and ... cents, in the whole, which sum was the amount assessed and due and unpaid on said tract (or several tracts) of land, and whereas it further appears, as the fact is, that the owner (or owners) or claimant (or claimants) of said land has (or have) not redeemed from said certificate the lands which were included as aforesaid, and said lands continue to remain unredeemed, whereby said described lands have become forfeited and the said county is entitled to a conveyance thereof:

Now, therefore, know all by these presents that the county of ..., in said state, and the state of Wisconsin, in conformity to law, have given and hereby do give, grant and convey the tract (or several tracts) of land above described, together with the hereditaments and appurtenances, to the said county of ... and its assigns, to their sole use and benefit forever.

In testimony whereof, I, ..., the clerk of the county of ..., have executed this deed pursuant to and in virtue of the authority in me vested by the statutes of the state of Wisconsin, and for and on behalf of said state and the county of ... aforesaid, and have hereunto subscribed my name officially and affixed the seal of the said ... (name it), at ... in said county of ..., this ... day of ..., ... (year)

[L. S.]

A. B.

(Here give official designation.)

Done in presence of

....

....

NOTE: Under the prior statute, tax certificates were issued on August 15, but are now issued on September 1 under s. 74.57. The specific date is eliminated to accommodate possible future changes.

SECTION 164. 77.79 (title) of the statutes is amended to read:

77.79 (title) **Relation to subchapter subch. III.**

NOTE: Inserts abbreviation consistent with current style.

SECTION 165. The treatment of 83.08 (1) of the statutes by 1997 Wisconsin Act 253 is not repealed by 1997 Wisconsin Act 282. Both treatments stand.

NOTE: There is no conflict of substance.

SECTION 166. 84.095 of the statutes, as created by 1997 Wisconsin Act 91, is renumbered 84.093.

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 1997 Wis. Act 282 also created a provision numbered s. 84.095.

SECTION 167. 94.64 (6) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

94.64 (6) RECORDS. A person who manufactures, sells or distributes fertilizer in this state shall keep records showing the grades and quantities of fertilizer manufactured, sold or distributed in this state. The person shall keep the records relating to the 12 months covered by a report under ~~par. sub. (5)~~ (a) 1. for at least 24 months following the date of filing the report. The person shall make the records available to the department for inspection and copying upon request.

NOTE: Inserts the correct cross-reference. There is no s. 94.64 (6) (a) 1. Reporting is required under s. 94.64 (5) (a) 1.

SECTION 168. 95.60 (4s) (b) of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

95.60 (4s) (b) In consultation with the department of natural resources, promulgate rules specifying fish health standards and requirements for certifying that fish meet those standards for the purpose of s. ~~29.53~~ 29.736.

NOTE: Inserts correct cross-reference. 1997 Wis. Act 248 renumbered s. 29.53 to s. 29.736.

SECTION 169. 100.209 of the statutes, as created by 1997 Wisconsin Act 260, is renumbered 100.2095.

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 1997 Wis. Act 111 renumbered s. 134.42 to be s. 100.209.

SECTION 170. 100.26 (2) of the statutes, as affected by 1997 Wisconsin Acts 253 and 283, is amended to read:

100.26 (2) Any person violating s. 100.02 shall be fined not less than \$50 nor more than \$3,000 or imprisoned for not less than 30 days nor more than 3 4 years and 6 months or both.

NOTE: The stricken "3" was inserted by 1997 Wis. Act 253, but was rendered without effect by the treatment of this provision by 1997 Wis. Act 283.

SECTION 171. 101.132 (2) (c) 2. of the statutes, as affected by 1997 Wisconsin Act 237, section 347, is amended to read:

101.132 (2) (c) 2. The department may grant a variance from the requirements relating to exterior accessibility under par. (a) 1. or (b), or from administrative rules

promulgated under par. (e) 2. ~~or 3.~~, if the person designing, constructing or remodeling the housing shows that meeting those requirements is impractical because of the terrain or unusual characteristics of the site. The department shall use a slope analysis of the undisturbed site for covered multifamily housing under par. (a) or the existing site for remodeling under par. (b) to determine the minimum number of accessible entrances at each site, with a minimum goal of exterior accessibility of 50% of the dwelling units of covered multifamily housing at one site. The department may impose specific conditions in granting a variance to promote exterior accessibility of the housing to persons with disabilities. If the department finds that exterior accessibility is impractical as to all dwelling units at a site, it may grant a waiver from the requirements under par. (a) 1. or (b).

NOTE: There is no s. 101.132 (2) (e) 3.

**SECTION 172.** The treatment of 104.07 (2) of the statutes by 1997 Wisconsin Act 112 is not repealed by 1997 Wisconsin Act 237. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 173.** The treatment of 114.33 (6) of the statutes by 1997 Wisconsin Act 253 is not repealed by 1997 Wisconsin Act 282. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 174.** 115.28 (21) of the statutes is repealed.

NOTE: By its terms this subsection does not apply after June 30, 1996.

**SECTION 175.** 115.28 (24) of the statutes is amended to read:

115.28 (24) PRIORITY IN AWARDING GRANTS. Give priority in awarding grants to local community organizations under sub. (21) and to school boards under ss. 115.36 and 115.362, and in awarding grants from federal funds received under 20 USC 2301 to 2471, 20 USC 4601 to 4665 and 29 USC 1602 (b) (1), to programs that provide more than one of the educational services specified under sub. (21), s. 115.36, 115.362, 115.915, 118.01 (2) (d) 7. or 8. or 118.153 or 20 USC 2301 to 2471, 20 USC 4601 to 4665 or 29 USC 1602 (b) (1).

NOTE: See the previous section of this bill.

**SECTION 176.** 115.42 of the statutes, as created by 1997 Wisconsin Act 298, is renumbered 115.425.

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 1997 Wis. Act 237 also creates a provision numbered s. 115.42.

**SECTION 177.** The treatment of 116.032 (1) of the statutes by 1997 Wisconsin Act 237 is not repealed by 1997 Wisconsin Act 238. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 178.** The treatment of 116.08 (4) of the statutes by 1997 Wisconsin Act 164 is not repealed by 1997 Wisconsin Act 238. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 179.** The treatment of 117.05 (1m) of the statutes by 1997 Wisconsin Act 27 is not repealed by 1997 Wisconsin Act 286. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 180.** The treatment of 117.05 (9) (a) (intro.) of the statutes by 1997 Wisconsin Act 27 is not repealed by 1997 Wisconsin Act 286. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 181.** 117.05 (9) (b) of the statutes, as affected by 1997 Wisconsin Acts 27 and 286, is amended to read:

117.05 (9) (b) The clerk of the school district ordering the dissolution or requesting review shall pay the fee under par. (a) 3. or 4. to the state superintendent. The clerk of each affected school district shall pay the fee under par. (a) 1. to the ~~department~~ state superintendent. The ~~department~~ state superintendent shall allocate the fee under par. (a) 1. among the school districts from which territory is being detached to create a new school district if there is more than one such school district. The secretary of the board shall forward the fees collected under par. (a) 1. and 5. to the state superintendent.

NOTE: 1997 Wis. Act 286 inserted the stricken language without taking into account the treatment of this provision by 1997 Wis. Act 27. 1997 Wis. Act 27 changed the other references to department contained in this paragraph to state superintendent.

**SECTION 182.** The treatment of 117.30 (1) of the statutes by 1997 Wisconsin Act 27 is not repealed by 1997 Wisconsin Act 286. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 183.** 118.30 (2) (b) 1. of the statutes, as affected by 1997 Wisconsin Act 164, is amended to read:

118.30 (2) (b) 1. If a pupil is enrolled in a special education program under subch. V of ch. 115, the school board shall comply with s. 115.77 (~~1~~) (1m) (bg).

NOTE: Corrects cross-reference. There is no s. 115.77 (1) (bg).

**SECTION 184.** The treatment of 119.04 (1) of the statutes by 1997 Wisconsin Acts 77, 113 and 240 is not repealed by 1997 Wisconsin Act 335. All treatments stand.

NOTE: There is no conflict of substance.

**SECTION 185.** The treatment of 121.14 (1) of the statutes by 1997 Wisconsin Act 164 is not repealed by 1997 Wisconsin Act 240. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 186.** 121.90 (2) (intro) and (a) of the statutes, as affected by 1997 Wisconsin Acts 113, 237 and 286, are amended to read:

121.90 (2) "State aid" means aid under ss. 121.08, 121.09 and 121.105 and subch. VI, as calculated for the current school year on October 15 under s. 121.15 (4), and amounts under s. 79.095 (4) for the current school year, except that "state aid" excludes all of the following:

(a) Any additional aid that a school district receives as a result of ss. 121.07 (6) (e) 1. and (7) (e) 1. and 121.105 (3) for school district consolidations that are effective on or after July 1, 1995, as determined by the department. ~~"State aid" also includes amounts under s. 79.095 for the current school year.~~



NOTE: The stricken language was inserted by 1997 Wis. Act 237, but the treatment of s. 121.90 (2) by 1997 Wis. Act 286 resulted in the positioning of that language within the provision being incorrect. "79.095" is changed to "79.095 (4)" to specify the part within that statute that relates to payments.

**SECTION 187.** The treatment of 121.905 (3) (a) of the statutes by 1997 Wisconsin Acts 113 and 164 is not repealed by 1997 Wisconsin Act 286. All treatments stand.

NOTE: There is no conflict of substance.

**SECTION 188.** The treatment of 121.905 (3) (b) of the statutes by 1997 Wisconsin Act 164 is not repealed by 1997 Wisconsin Act 286. All treatments stand.

NOTE: There is no conflict of substance.

**SECTION 189.** The treatment of 121.91 (3) (c) of the statutes by 1997 Wisconsin Act 113 is not repealed by 1997 Wisconsin Act 237. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 190.** 128.17 (1) (d) of the statutes is amended to read:

128.17 (1) (d) Wages, including pension, welfare and vacation benefits, due to workmen, clerks, traveling or city salesmen salespersons or servants, which have been earned within 3 months before the date of the commencement of the proceedings, not to exceed \$600 to each claimant.

NOTE: Replaces gender specific word form.

**SECTION 191.** 138.09 (1m) (b) 2. b. of the statutes, as affected by 1997 Wisconsin Act 237, is amended to read:

138.09 (1m) (b) 2. b. The division may disclose information under subd. 1. a. to the department of ~~industry, labor and job~~ workforce development in accordance with a memorandum of understanding under s. 49.857.

NOTE: The department of industry, labor and job development was renamed the department of workforce development by 1997 Wis. Act 3.

**SECTION 192.** 138.12 (3) (d) 2. b. of the statutes, as affected by 1997 Wisconsin Act 237, is amended to read:

138.12 (3) (d) 2. b. The division may disclose information under subd. 1. a. to the department of ~~industry, labor and job~~ workforce development in accordance with a memorandum of understanding under s. 49.857.

NOTE: The department of industry, labor and job development was renamed the department of workforce development by 1997 Wis. Act 3.

**SECTION 193.** 146.34 (1) (j) of the statutes, as affected by 1997 Wisconsin Act 188, is amended to read:

146.34 (1) (j) "Relative" means a parent, grandparent, stepparent, brother, sister, first cousin, nephew or niece; or uncle or aunt within the 3rd degree of kinship as computed under s. ~~852.03 (2), 1995 stats. 990.001 (16).~~ This relationship may be by consanguinity or direct affinity.

NOTE: Section 852.03 (2), 1995 stats., is recreated as s. 990.001 (16) by this bill for user convenience. See also the note to the treatment of s. 990.001 (16) by this bill.

**SECTION 194.** 146.40 (1) (d) of the statutes, as affected by 1997 Wisconsin Act 156, is amended to read:

146.40 (1) (d) "Nurse's assistant" means an individual who performs routine patient care duties delegated by a registered nurse or licensed practical nurse who supervises the individual, for the direct health care of a patient or resident. "Nurse's assistant" does not mean an individual who is licensed, permitted, certified or registered under subch. ~~X XI~~ of ch. 440 or ch. 441, 448, 449, 450, 451, 455 or 459 or an individual whose duties primarily involve skills that are different than those taught in instructional and competency evaluation programs for nurse's assistants certified under sub. (3) or evaluated by competency evaluation programs for nurse's assistants approved under sub. (3m).

NOTE: Subch. X of ch. 440, as created by 1997 Wis. Act 156, is renumbered subch. XI of ch. 440 by this bill.

**SECTION 195.** The treatment of 146.81 (1) (em) of the statutes by 1997 Wisconsin Act 75 is not repealed by 1997 Wisconsin Act 175. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 196.** 146.81 (1) (hp) of the statutes, as created by 1997 Wisconsin Act 156, is amended to read:

146.81 (1) (hp) A massage therapist or bodyworker issued a license of registration under subch. ~~X XI~~ of ch. 440.

NOTE: Subch. X of ch. 440, as created by 1997 Wis. Act 156, is renumbered subch. XI of ch. 440 by this bill.

**SECTION 197.** 146.82 (2) (a) 18. of the statutes, as created by 1997 Wisconsin Act 272, is renumbered 146.82 (2) (a) 18m.

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 1997 Wis. Act 114 also created a provision numbered s. 146.82 (2) (a) 18.

**SECTION 198.** 153.01 (4d) of the statutes, as created by 1997 Wisconsin Act 231, is repealed.

NOTE: 1997 Wis. Act 27 created an identical paragraph as s. 153.01 (4).

**SECTION 199.** 157.061 (7) of the statutes, as affected by 1997 Wisconsin Act 188, is amended to read:

157.061 (7) "Family member" means a spouse or an individual related by blood, marriage or adoption within the 3rd degree of kinship as computed under s. ~~852.03 (2), 1995 stats. 990.001 (16).~~

NOTE: Section 852.03 (2), 1995 stats., is recreated as s. 990.001 (16) by this bill for user convenience. See also the note to the treatment of s. 990.001 (16) by this bill.

**SECTION 200.** 165.40 (1) (d) of the statutes, as created by 1997 Wisconsin Act 93, is amended to read:

165.40 (1) (d) "Nonprofit corporation" has the meaning given in s. ~~481.02 (8) 181.0103 (17).~~

NOTE: Inserts correct reference. 1997 Wis. Act 79 repealed and recreated ch. 181. The definition of "nonprofit corporation" is now at s. 181.0103 (17).

**SECTION 201.** The treatment of 167.31 (4) (c) of the statutes by 1997 Wisconsin Act 248 is not repealed by 1997 Wisconsin Act 249. Both treatments stand.

NOTE: There is no conflict of substance.



**SECTION 202.** The treatment of 167.31 (4) (cg) (intro.) of the statutes by 1997 Wisconsin Act 248 is not repealed by 1997 Wisconsin Act 249. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 203.** The treatment of 167.31 (4) (cm) of the statutes by 1997 Wisconsin Act 248 is not repealed by 1997 Wisconsin Act 249. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 204.** The treatment of 167.31 (4m) of the statutes by 1997 Wisconsin Act 248 is not repealed by 1997 Wisconsin Act 249. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 205.** 172.52 of the statutes, as affected by 1997 Wisconsin Act 192, section 12, and 1997 Wisconsin Act 254, section 32, is amended to read:

**172.52 Appraisal.** The freeholders appointed as appraisers under s. ~~473.04~~ 172.51 shall be immediately notified and shall immediately repair to the place damaged by the animals and view the damages done. The appraisers may take evidence of any witnesses of the facts and circumstances necessary to enable them to ascertain the extent of the damages and the sufficiency of any line fence on the premises where the damage was done, if any dispute arises regarding the damages or line fence. The appraisers may administer oaths to the witnesses. The appraisers shall certify under their hands the amount of damages, the cost of keeping the beasts to that time, their fees for services as appraisers not exceeding \$1 per day each, and their determination as to the sufficiency of the line fence, if in dispute. The appraisers' decision as to damages and sufficiency of the fence is conclusive.

NOTE: Section 173.01 was renumbered to s. 172.51 by 1997 Wis. Act 192.

**SECTION 206.** 172.53 (1) (intro.) of the statutes, as affected by 1997 Wisconsin Act 192, section 12, and 1997 Wisconsin Act 254, section 33, is amended to read:

172.53 (1) (intro.) Unless the damages determined under s. ~~473.02~~ 172.52, together with the fees of the appraisers and chairperson, president or mayor, have been paid within 24 hours after the appraisal, the person distraining the beasts shall cause the beasts to be confined in accordance with whichever of the following applies:

NOTE: Section 173.02 was renumbered to s. 172.52 by 1997 Wis. Act 192.

**SECTION 207.** 172.53 (2) of the statutes, as affected by 1997 Wisconsin Act 192, section 12, and 1997 Wisconsin Act 254, section 33, is amended to read:

172.53 (2) The beasts shall remain confined until sold under ss. ~~473.04~~ 172.54 to ~~473.06~~ 172.56, until the damages, fees and costs of keeping the beasts after appraisal are paid or until they are otherwise seized or discharged according to law. The confined beasts shall be furnished with suitable food from the time of seizure until they are discharged or sold. The expense of feeding the beasts, after the appraisal, shall be added to the

amount determined under s. ~~473.02~~ 172.52 and paid as additional costs. If the beasts are put in a pound, the certificate of appraisal shall be delivered to the keeper of the pound.

NOTE: Sections 173.01 to 173.07 were renumbered to ss. 172.51 to 172.57 by 1997 Wis. Act 192.

**SECTION 208.** 172.54 of the statutes, as affected by 1997 Wisconsin Act 192, section 12, and 1997 Wisconsin Act 254, section 34, is amended to read:

**172.54 Time and notice of sale.** The poundmaster of any pound shall receive and keep any beasts delivered to the poundmaster under s. ~~473.03~~ 172.53. Unless the beasts are seized or discharged according to law within 6 days, from the time of their delivery to the pound, the poundmaster shall sell at public auction the beasts or so many of them as is necessary to pay the damages, fees and costs enumerated under ss. ~~473.02~~ 172.52 and ~~473.03~~ 172.53. The poundmaster shall give 2 days' notice of the sale by notice posted upon the pound and at 3 public places in the town, city or village in which the pound is located.

NOTE: Sections 173.01 to 173.07 were renumbered to ss. 172.51 to 172.57 by 1997 Wis. Act 192.

**SECTION 209.** 172.55 of the statutes, as affected by 1997 Wisconsin Act 192, section 12, and 1997 Wisconsin Act 254, section 35, is amended to read:

**172.55 Sale of animal not impounded.** If in consequence of there being no pound within the distraining person's city, town or village of residence the beasts distrained under s. ~~473.04~~ 172.51 are kept in some other enclosure and the beasts are not discharged in the manner provided under this chapter within 6 days after being placed in the enclosure, the sheriff or any constable of the county shall sell the beasts or so many of them as shall be necessary to pay the damages, fees and costs of keeping, upon the same notice as is required in case of a constable's sale of personal property taken by execution.

NOTE: Section 173.01 was renumbered to s. 172.51 by 1997 Wis. Act 192.

**SECTION 210.** 172.56 (1) of the statutes, as affected by 1997 Wisconsin Act 192, section 12, and 1997 Wisconsin Act 254, section 36, is amended to read:

172.56 (1) From the proceeds of the sale under s. ~~473.04~~ 172.54 or ~~473.05~~ 172.55, the person making the sale shall retain his or her fees, which shall be the same as are allowed to constables upon sales of personal property on execution, and the cost of keeping the beasts. The person making the sale shall pay to the person who distrained the beasts the damages certified under s. ~~473.02~~ 172.52, with the fees of the appraisers and chairperson, president or mayor.

NOTE: Sections 173.01 to 173.07 were renumbered to ss. 172.51 to 172.57 by 1997 Wis. Act 192.

**SECTION 211.** 173.13 (1) (a) (intro.) of the statutes is amended to read:

173.13 (1) (a) (intro.) A humane officer, on behalf of a political subdivision in which the humane officer has

jurisdiction under s. ~~473.04~~ 173.03 (3), or a law enforcement officer, on behalf of a political subdivision, may take custody of an animal if the humane officer or law enforcement officer has reasonable grounds to believe that the animal is one of the following:

NOTE: Inserts correct cross-reference. Section 173.03 (3) relates to the jurisdiction of a humane officer. Section 173.01 (3) is a definition of "political subdivision".

**SECTION 212.** The treatment of 174.01 (2) of the statutes by 1997 Wisconsin Act 192 is not repealed by 1997 Wisconsin Act 248. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 213.** 180.1901 (1m) (ag) of the statutes, as created by 1997 Wisconsin Act 156, is amended to read:

180.1901 (1m) (ag) The department of regulation and licensing under subch. ~~X~~ XI of ch. 440.

NOTE: Inserts correct cross-reference as renumbered by this bill.

**SECTION 214.** The treatment of 180.1901 (1m) (br) of the statutes by 1997 Wisconsin Act 75 is not repealed by 1997 Wisconsin Act 175. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 215.** 181.1703 (3) of the statutes, as affected by 1997 Wisconsin Act 79, is amended to read:

181.1703 (3) REINSTATEMENT OF DISSOLVED CORPORATION. Section 181.1422 applies to any involuntary or administrative dissolution, even if the dissolution occurred before the effective date of this subsection January 1, 1999.

NOTE: Confirms the insertion of the correct date by the revisor under s. 13.93 (1) (c).

**SECTION 216.** The treatment of 182.031 (2) of the statutes by 1997 Wisconsin Act 79 is not repealed by 1997 Wisconsin Act 140. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 217.** 190.02 (11) (title) of the statutes is amended to read:

190.02 (11) (title) OPERATE BUSES AND AIR TRANSPORTATION.

NOTE: Confirms title to the subject matter of the statute text.

**SECTION 218.** 190.05 (1) of the statutes, as affected by 1997 Wisconsin Act 254, section 61, is renumbered 190.051 (1).

NOTE: Confirms renumbering by revisor. 1997 Wis. Act 254 erroneously stated that s. 190.051 was renumbered to s. 190.05 (1) (a). No renumbering was intended.

**SECTION 219.** 195.14 (2) (b) of the statutes, as affected by 1997 Wisconsin Act 254, is amended to read:

195.14 (2) (b) Railroads may exchange passes with officers, attorneys, physicians or employees of other railroads and members of their families. No person holding any public office or position under the laws of this state shall be given transportation free or at reduced rates that are not open to the public, except that notaries public and regular employees of a railroad or other public utility who are candidates for or hold public office for which the annual compensation is not more than \$300 to whom no passes or privileges are extended beyond those that are

extended to other regular employees of such corporations may be granted free transportation ~~free or at~~ reduced rates for the transmission of any message or communication.

NOTE: Restores language existing prior to 1997 Wis. Act 254 that was mistakenly changed by that act.

**SECTION 220.** 196.01 (5) (a) 2. of the statutes, as affected by 1997 Wisconsin Acts 184 and 218, is amended to read:

196.01 (5) (a) 2. A telecommunications utility ~~commercial service provider~~.

NOTE: The stricken language was inserted into s. 196.01 (5) by 1997 Wis. Act 218, but was rendered surplusage by the treatment of s. 196.01 (5) by 1997 Wis. Act 184.

**SECTION 221.** 196.01 (5) (b) 4. of the statutes, as affected by 1997 Wisconsin Act 184, is amended to read:

196.01 (5) (b) 4. A ~~cellular~~ commercial mobile radio telecommunications utility service provider.

NOTE: 1997 Wis. Act 218 changed "cellular mobile radio telecommunications utility" to "commercial mobile radio service provider" but did not take into account the treatment of s. 196.01 (5) by 1997 Wis. Act 184. See also the previous section of this bill.

**SECTION 222.** The treatment of 196.202 (2) of the statutes by 1997 Wisconsin Act 140 is not repealed by 1997 Wisconsin Act 218. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 223.** 196.205 (2) of the statutes is amended to read:

196.205 (2) Notwithstanding sub. (1m), a telecommunications cooperative shall be subject to s. 196.26 if it is a party in a proceeding on a complaint specified in s. 196.26 (1) ~~(a) 2. or 3. (b) or (c).~~

NOTE: Section 196.26 (1) (a) is renumbered s. 196.26 (1) by this bill.

**SECTION 224.** 196.215 (2d) of the statutes is amended to read:

196.215 (2d) Notwithstanding sub. (2), a small telecommunications utility shall be subject to s. 196.26 if it is a party in a proceeding on a complaint specified in s. 196.26 (1) ~~(a) 2. or 3. (b) or (c).~~

NOTE: Section 196.26 (1) (a) is renumbered s. 196.26 (1) by this bill.

**SECTION 225.** 196.215 (2m) (e) of the statutes is amended to read:

196.215 (2m) (e) Notwithstanding pars. (a) to (d), a small telecommunications utility is subject to s. 196.26 if it is a party in a proceeding on a complaint specified in s. 196.26 (1) ~~(a) 2. or 3. (b) or (c).~~

NOTE: Section 196.26 (1) (a) is renumbered s. 196.26 (1) by this bill.

**SECTION 226.** 196.26 (1) (intro.) and (a) (intro.) of the statutes are consolidated, renumbered 196.26 (1) (intro.) and amended to read:

196.26 (1) COMPLAINT. (intro.) In this section: ~~(a) "Complaint"~~, "complaint" means any of the following:

NOTE: Eliminates unnecessary paragraph level in this subsection for conformity with current style. There is no par. (b).

**SECTION 227.** 196.26 (1) (a) 1. to 3. of the statutes are renumbered 196.26 (1) (a) to (c).

NOTE: See the previous section of this bill.

**SECTION 228.** The treatment of 196.26 (1) of the statutes by 1997 Wisconsin Act 218 is not repealed by 1997 Wisconsin Act 229. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 229.** 196.26 (1m) of the statutes, as affected by 1997 Wisconsin Acts 218 and 229, is amended to read:

196.26 (1m) COMPLAINT AND INVESTIGATION INVESTIGATION OF COMPLAINT. If any mercantile, agricultural or manufacturing society, body politic, municipal organization or 25 persons file a complaint specified in sub. (1) ~~(a)~~ against a public utility, or if the commission terminates a proceeding on a complaint under s. 196.199 (3) (a) 1m. b., or if a person files a complaint specified in sub. (1) ~~(a)~~ ~~3.~~ (c), the commission, with or without notice, may investigate the complaint under this section as it ~~deems~~ considers necessary. If the mobile home park occupants of 25% of the total number of manufactured homes or mobile homes in a mobile home park or the mobile home park occupants of 25 manufactured homes or mobile homes in a mobile home park, whichever is less, files a complaint specified in sub. (1) (a) against a mobile home park contractor or mobile home park operator, the commission, with or without notice, may investigate the complaint as it ~~deems~~ considers necessary. The commission may not issue an order based on an investigation under this subsection without a public hearing.

NOTE: Conforms title to the subject matter of the provision. Reconciles the treatments of this provision by 1997 Wis. Acts 218 and 229. Section 196.26 (1) (a) is renumbered s. 196.26 (1) by this bill. Replaces "deems" with the preferred "considers" for conformity with current style.

**SECTION 230.** 196.26 (2) (a) of the statutes, as affected by 1997 Wisconsin Acts 218 and 229, is amended to read:

196.26 (2) (a) Prior to a hearing under this section, the commission shall notify the public utility, mobile home park contractor ~~or~~ mobile home park operator or party to an interconnection agreement complained of that a complaint has been made, and 10 days after the notice has been given the commission may proceed to set a time and place for a hearing and an investigation. This paragraph does not apply to a complaint specified in sub. (1) ~~(a) 2.~~ (b).

NOTE: Reconciles the treatments of this provision by 1997 Wis. Acts 218 and 229. Section 196.26 (1) (a) is renumbered s. 196.26 (1) by this bill.

**SECTION 231.** 196.26 (2) (b) of the statutes, as affected by 1997 Wisconsin Acts 218 and 229, is amended to read:

196.26 (2) (b) The commission shall give the complainant and either the public utility, mobile home park contractor ~~or~~ mobile home park operator or party to an interconnection agreement which is the subject of a complaint specified in sub. ~~(1m) (1)~~ (a) ~~1.~~ or ~~3.~~ (c) or, for a complaint specified in sub. (1) ~~(a) 2.~~ (b), a party to an interconnection agreement who is identified in a notice under s. 196.199 (3) (b) 1. b., 10 days' notice of the time

and place of the hearing and the matter to be considered and determined at the hearing. The complainant and either the public utility, mobile home park contractor ~~or~~ mobile home park operator or the party to the interconnection agreement may be heard. The commission may subpoena any witness at the request of the public utility, mobile home park contractor, mobile home park operator, party to the interconnection agreement or complainant.

NOTE: Reconciles the treatments of this provision by 1997 Wis. Acts 218 and 229. Section 196.26 (1) (a) is renumbered s. 196.26 (1) by this bill. The last underscored phrase was inserted by 1997 Wis. Act 229 but inadvertently not printed in the 1997-98 Wisconsin Statutes.

**SECTION 232.** 196.26 (4) (c) of the statutes is amended to read:

196.26 (4) (c) Paragraphs (a) and (b) do not apply to a complaint specified in sub. (1) ~~(a) 2. or 3.~~ (b) or (c).

NOTE: Section 196.26 (1) (a) is renumbered s. 196.26 (1) by this bill.

**SECTION 233.** 196.28 (3) of the statutes, as affected by 1997 Wisconsin Acts 218 and 229, is amended to read:

196.28 (3) Notice of the time and place for a hearing under sub. (2) shall be given to the public utility, mobile home park contractor or mobile home park operator, and to such other interested persons as the commission ~~deems~~ considers necessary. After the notice has been given, proceedings shall be had and conducted in reference to the matter investigated as if a complaint specified in s. 196.26 (1) (a) ~~1.~~ had been filed with the commission ~~(1m)~~ relative to the matter investigated. The same order or orders may be made in reference to the matter as if the investigation had been made on complaint under s. 196.26.

NOTE: Reconciles the treatments of this provision by 1997 Wis. Acts 218 and 229. Section 196.26 (1) (a) is renumbered s. 196.26 (1) by this bill. The stricken "(1m)" was inserted by Act 229, but rendered surplusage by the treatment of this provision by Act 218.

**SECTION 234.** 196.85 (3) of the statutes, as affected by 1997 Wisconsin Acts 184 and 229, is amended to read:

196.85 (3) If any public utility, sewerage system, joint local water authority, mobile home park operator or power district is billed under sub. (1), (2) ~~or~~ (2e) or (2g) and fails to pay the bill within 30 days or fails to file objections to the bill with the commission, as provided in this subsection, the commission shall transmit to the state treasurer a certified copy of the bill, together with notice of failure to pay the bill, and on the same day the commission shall mail by registered mail to the public utility, sewerage system, joint local water authority, mobile home park operator or power district a copy of the notice which it has transmitted to the state treasurer. Within 10 days after receipt of the notice and certified copy of the bill, the state treasurer shall levy the amount stated on the bill to be due, with interest, by distress and sale of any property, including stocks, securities, bank accounts, evidences of debt, and accounts receivable belonging to the



delinquent public utility, sewerage system, joint local water authority, mobile home park operator or power district. The levy by distress and sale shall be governed by s. 74.10, 1985 stats., except that it shall be made by the state treasurer and that goods and chattels anywhere within the state may be levied upon.

NOTE: Replaces "or" with a comma for correct punctuation.

**SECTION 235.** 196.85 (4) (a) of the statutes, as affected by 1997 Wisconsin Acts 184 and 229, is amended to read:

196.85 (4) (a) Within 30 days after the date of the mailing of any bill under sub. (1), (2) ~~and~~ (2e) or (2g), the public utility, sewerage system, joint local water authority, mobile home park operator or power district that has been billed may file with the commission objections setting out in detail the grounds upon which the objector regards the bill to be excessive, erroneous, unlawful or invalid. The commission, after notice to the objector, shall hold a hearing upon the objections, from 5 to 10 days after providing the notice. If after the hearing the commission finds any part of the bill to be excessive, erroneous, unlawful or invalid it shall record its findings upon its minutes and transmit to the objector by registered mail an amended bill, in accordance with the findings. The amended bill shall have the same force and effect under this section as an original bill rendered under sub. (1), (2) ~~and~~ (2e) or (2g).

NOTE: Replaces "and" with a comma for correct punctuation.

**SECTION 236.** 196.85 (5) of the statutes, as affected by 1997 Wisconsin Acts 184 and 229, is amended to read:

196.85 (5) No suit or proceeding may be maintained in any court to restrain or delay the collection or payment of any bill rendered under sub. (1), (2) ~~and~~ (2e) or (2g). Every public utility, sewerage system, joint local water authority, mobile home park operator or power district that is billed shall pay the amount of the bill, and after payment may in the manner provided under this section, at any time within 2 years from the date the payment was made, sue the state to recover the amount paid plus interest from the date of payment, upon the ground that the assessment was excessive, erroneous, unlawful or invalid in whole or in part. If the court finds that any part of the bill for which payment was made was excessive, erroneous, unlawful or invalid, the state treasurer shall make a refund to the claimant as directed by the court. The refund shall be charged to the appropriations to the commission.

NOTE: Replaces "and" with a comma for correct punctuation.

**SECTION 237.** 198.13 (3) (a) of the statutes is amended to read:

198.13 (3) (a) If within 2 years of its creation a district has not become the owner or operator, or commenced construction, of a public utility. Any time consumed in

any proceeding or contest before any commission or court shall not be included as part of the 2-year period.

NOTE: Inserts missing word.

**SECTION 238.** 198.17 (3) (b) of the statutes is amended to read:

198.17 (3) (b) The defendant ~~or~~ owner shall answer in the action commenced under par. (a) within 10 days after service of the summons and complaint on the owner and the action shall be at issue and stand ready for trial upon 10 days' notice by either party. Unless the parties waive a jury, the question as to the necessity of the taking of the utility by the district shall be as speedily as possible submitted to a jury. If the jury or the court, in case a jury is waived, finds that a necessity exists for the taking by the district of the utility, to which the owner shall not have consented, the directors shall cause speedy notice of the finding of necessity to be certified to the commission and the owner. The commission and the parties shall then proceed to the ascertainment of the just compensation to be paid by the district to the owner for the utility. The consummation of the transfer of the utility to the district and the payment of the compensation to the owner shall be in the manner provided in sub. (2).

NOTE: The treatment of this provision by 1997 Wis. Act 254 rendered the stricken "or" surplusage.

**SECTION 239.** The treatment of 200.09 (2) of the statutes, as renumbered, by 1997 Wisconsin Act 254, section 43, is not repealed by 1997 Wisconsin Act 283, section 129. Both treatments stand.

NOTE: There is no conflict of substance. 1997 Wis. Act 140 renumbered s. 184.09 to s. 200.09.

**SECTION 240.** The treatment of 200.12 of the statutes, as renumbered, by 1997 Wisconsin Act 140, section 14, is not repealed by 1997 Wisconsin Act 254, section 44. Both treatments stand.

NOTE: There is no conflict of substance. 1997 Wis. Act 140 renumbered s. 184.12 to s. 200.12.

**SECTION 241.** 217.05 (1m) (b) 2. of the statutes is amended to read:

217.05 (1m) (b) 2. The division may disclose information under par. (a) 1. to the department of ~~industry, labor and job workforce~~ development in accordance with a memorandum of understanding under s. 49.857.

NOTE: The department of industry, labor and job development was renamed the department of workforce development by 1997 Wis. Act 3.

**SECTION 242.** 218.01 (2) (ie) 1. of the statutes is amended to read:

218.01 (2) (ie) 1. In addition to any other information required under this subsection, an application by an individual for the issuance or renewal of a license described in par. (d) shall include the individual's social security number and an application by a person who is not an individual for the issuance or renewal of a license described in par. (d) 1., 2., 3. or 5. shall include the person's federal employer identification number. The licensor may not



disclose any information received under this subdivision to any person except the department of ~~industry, labor and job workforce~~ development for purposes of administering s. 49.22 or the department of revenue for the sole purpose of requesting certifications under s. 73.0301.

NOTE: The department of industry, labor and job development was renamed the department of workforce development by 1997 Wis. Act 3.

**SECTION 243.** 218.01 (2) (ig) 2. b. of the statutes is amended to read:

218.01 (2) (ig) 2. b. The licensor may disclose information under subd. 1. a. to the department of ~~industry, labor and job workforce~~ development in accordance with a memorandum of understanding under s. 49.857.

NOTE: The department of industry, labor and job development was renamed the department of workforce development by 1997 Wis. Act 3.

**SECTION 244.** 218.01 (3) (ag) 2. of the statutes is amended to read:

218.01 (3) (ag) 2. A license described in ~~par. sub. (2)~~ (d) 1., 2., 3. or 5. shall be suspended or revoked if the department of revenue certifies under s. 73.0301 that the applicant or licensee is liable for delinquent taxes.

NOTE: Corrects cross-reference. There is no s. 218.01 (3) (d) 1., 2., 3. or 5. and sub. (3) (d) does not relate to specific types of licenses. The remainder of s. 218.01 (3) (ag) relates to licenses described in s. 218.01 (2) (d).

**SECTION 245.** 218.02 (2) (a) 2. b. of the statutes is amended to read:

218.02 (2) (a) 2. b. The division may disclose information under subd. 1. a. to the department of ~~industry, labor and job workforce~~ development in accordance with a memorandum of understanding under s. 49.857.

NOTE: The department of industry, labor and job development was renamed the department of workforce development by 1997 Wis. Act 3.

**SECTION 246.** 218.02 (6) (b) of the statutes is amended to read:

218.02 (6) (b) In accordance with a memorandum of understanding entered into under s. ~~49.587~~ 49.857, the division shall restrict or suspend a license if the licensee is an individual who fails to comply, after appropriate notice, with a subpoena or warrant issued by the department of workforce development or a county child support agency under s. 59.53 (5) and related to paternity or child support proceedings or who is delinquent in making court-ordered payments of child or family support, maintenance, birth expenses, medical expenses or other expenses related to the support of a child or former spouse.

NOTE: Inserts correct cross-reference. There is no s. 49.587. Section 49.857 relates to memoranda of understanding.

**SECTION 247.** 218.04 (3) (a) 2. b. of the statutes is amended to read:

218.04 (3) (a) 2. b. The division may disclose information under subd. 1. a. to the department of ~~industry, labor and job workforce~~ development in accordance with a memorandum of understanding under s. 49.857.

NOTE: The department of industry, labor and job development was renamed the department of workforce development by 1997 Wis. Act 3.

**SECTION 248.** 218.05 (3) (am) 2. b. of the statutes is amended to read:

218.05 (3) (am) 2. b. The division may disclose information under subd. 1. a. to the department of ~~industry, labor and job workforce~~ development in accordance with a memorandum of understanding under s. 49.857.

NOTE: The department of industry, labor and job development was renamed the department of workforce development by 1997 Wis. Act 3.

**SECTION 249.** 218.11 (2) (am) 3. of the statutes is amended to read:

218.11 (2) (am) 3. The licensor may not disclose any information received under subd. 1. to any person except to the department of ~~industry, labor and job workforce~~ development for purposes of administering s. 49.22 or to the department of revenue for the sole purpose of requesting certifications under s. 73.0301.

NOTE: The department of industry, labor and job development was renamed the department of workforce development by 1997 Wis. Act 3.

**SECTION 250.** 218.21 (2m) (b) of the statutes is amended to read:

218.21 (2m) (b) The department of transportation may not disclose any information received under sub. (2) (ag) or (am) to any person except to the department of ~~industry, labor and job workforce~~ development for purposes of administering s. 49.22 or the department of revenue for the sole purpose of requesting certifications under s. 73.0301.

NOTE: The department of industry, labor and job development was renamed the department of workforce development by 1997 Wis. Act 3.

**SECTION 251.** 218.31 (1m) (b) of the statutes is amended to read:

218.31 (1m) (b) The department of transportation may not disclose any information received under sub. (1) (ag) or (am) to any person except to the department of ~~industry, labor and job workforce~~ development for purposes of administering s. 49.22 or the department of revenue for the sole purpose of requesting certifications under s. 73.0301.

NOTE: The department of industry, labor and job development was renamed the department of workforce development by 1997 Wis. Act 3.

**SECTION 252.** 224.72 (2) (c) 2. b. of the statutes is amended to read:

224.72 (2) (c) 2. b. The department may disclose information under subd. 1. a. to the department of ~~industry, labor and job workforce~~ development in accordance with a memorandum of understanding under s. 49.857.

NOTE: The department of industry, labor and job development was renamed the department of workforce development by 1997 Wis. Act 3.

**SECTION 253.** 224.72 (4r) of the statutes is amended to read:

224.72 (4r) INSUFFICIENT SECURITY; DIVISION ORDER; SUSPENSION OF REGISTRATION. If the division finds that the surety bond, security or insurance policy filed by a mortgage banker or mortgage broker has been ~~cancelled~~ can-celed without the required notice to the division, the division may summarily suspend the mortgage banker's or mortgage broker's registration.

NOTE: Inserts preferred spelling.

**SECTION 254.** The treatment of 224.72 (5) (a) of the statutes by 1997 Wisconsin Act 145 is not repealed by 1997 Wisconsin Act 191. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 255.** 224.77 (6) of the statutes is amended to read:

224.77 (6) RESTRICTION OR SUSPENSION OF REGISTRATION. The department shall restrict or suspend the registration of a mortgage banker, loan originator or ~~loan solicitor~~ mortgage broker if the registrant is an individual who fails to comply, after appropriate notice, with a subpoena or warrant issued by the department of workforce development or a county child support agency under s. 59.53 (5) and related to paternity or child support proceedings or who is delinquent in making court-ordered payments of child or family support, maintenance, birth expenses, medical expenses or other expenses related to the support of a child or former spouse, as provided in a memorandum of understanding entered into under s. 49.857. A registrant whose registration is restricted or suspended under this subsection is entitled to a notice and hearing only as provided in a memorandum of understanding entered into under s. 49.857 and is not entitled to any other notice or hearing under this section.

NOTE: This provision was created by 1997 Wis. Act 191 without taking into account 1997 Wis. Act 145 which changed the term "loan solicitor" to "mortgage broker", throughout the statutes.

**SECTION 256.** 224.77 (6m) of the statutes, as affected by 1997 Wisconsin Act 237, section 449s, is renumbered 224.77 (8).

NOTE: Renumbers provision for more logical placement within the section.

**SECTION 257.** 224.77 (7) of the statutes, as created by 1997 Wisconsin Act 237, is amended to read:

224.77 (7) REVOCATION FOR LIABILITY FOR DELINQUENT TAXES. The department shall revoke the certificate of registration of a mortgage banker, loan originator or ~~loan solicitor~~ mortgage broker if the department of revenue certifies under s. 73.0301 that the registrant is liable for delinquent taxes. A registrant whose certificate of registration is revoked under this subsection for delinquent taxes is entitled to a notice under s. 73.0301 (2) (b) 1. b. and a hearing under s. 73.0301 (5) (a) but is not entitled to any other notice, hearing or review under this section.

NOTE: This provision was created by 1997 Wis. Act 237 without taking into account 1997 Wis. Act 145 which changed the term "loan solicitor" to "mortgage broker", throughout the statutes.

**SECTION 258.** 229.70 (4) of the statutes is amended to read:

229.70 (4) It shall be a goal of a district, with regard to each of the contracts described under sub. (3) (a), (b) and (c), to award at least 25% of the dollar value of such contracts to minority businesses and at least 5% of the dollar value of such contracts to women's businesses.

NOTE: Inserts "and" for correct grammar.

**SECTION 259.** 242.01 (11) of the statutes, as affected by 1997 Wisconsin Act 188, is amended to read:

242.01 (11) "Relative" means an individual related by consanguinity within the 3rd degree of kinship as computed under s. ~~852.03 (2), 1995 stats. 990.001 (16)~~, a spouse or an individual related to a spouse within the 3rd degree as so computed, and includes an individual in an adoptive relationship within the 3rd degree.

NOTE: Section 852.03 (2), 1995 stats., is recreated as s. 990.001 (16) by this bill for user convenience. See also the note to the treatment of s. 990.001 (16) by this bill.

**SECTION 260.** 252.10 (7) of the statutes, as affected by 1997 Wisconsin Acts 75, 156 and 175, is amended to read:

252.10 (7) Drugs necessary for the treatment of mycobacterium tuberculosis shall be purchased by the department from the appropriation under s. 20.435 (5) (e) and dispensed to patients through the public health dispensaries or through health care providers, as defined in s. 146.81 (1), other than massage therapists or bodyworkers issued a license of registration under subch. ~~X~~ XI of ch. 440, social workers, marriage and family therapists or professional counselors certified under ch. 457, speech-language pathologists or audiologists licensed under subch. II of ch. 459, speech and language pathologists licensed by the department of public instruction or dietitians certified under subch. V of ch. 448.

NOTE: Subch. X of ch. 440, as created by 1997 Wis. Act 156, is renumbered subch. XI of ch. 440 by this bill.

**SECTION 261.** The treatment of 252.14 (1) (ar) 4m. of the statutes by 1997 Wisconsin Act 75 is not repealed by 1997 Wisconsin Act 175. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 262.** 252.15 (1) (ar) 1. of the statutes is amended to read:

252.15 (1) (ar) 1. A person or entity that is specified in s. 146.81 (1), but does not include a massage therapist or bodyworker issued a license of registration under subch. ~~X~~ XI of ch. 440.

NOTE: Subch. X of ch. 440, as created by 1997 Wis. Act 156, is renumbered subch. XI of ch. 440 by this bill.

**SECTION 263.** 252.15 (1) (eg) of the statutes is amended to read:

252.15 (1) (eg) "Relative" means a spouse, parent, grandparent, stepparent, brother, sister, first cousin, nephew or niece; or uncle or aunt within the 3rd degree of kinship as computed under s. ~~852.03 (2), 1995 stats. 990.001 (16)~~. This relationship may be by consanguinity or direct affinity.

NOTE: Section 852.03 (2), 1995 stats., is recreated as s. 990.001 (16) by this bill for user convenience. See also the note to the treatment of s. 990.001 (16) by this bill.

**SECTION 264.** 252.24 (2) of the statutes is amended to read:

252.24 (2) DEPARTMENT; DUTY. Except as provided in ss. 250.041 and ~~254.241~~ 252.241, the department shall provide uniform, statewide licensing and regulation of body piercers and uniform, statewide licensing and regulation of body-piercing establishments under this section. The department shall inspect a body-piercing establishment once before issuing a license for the body-piercing establishment under this section and may make additional inspections that the department determines are necessary.

NOTE: Inserts correct cross-reference. There is no s. 254.241. Section 252.241 relates to the licensing of body piercing establishments.

**SECTION 265.** 253.12 (3) (intro.) of the statutes is amended to read:

253.12 (3) DEPARTMENTAL POWERS AND DUTIES. (intro.) From the appropriations under s. 20.435 ~~(4)~~ (5) (md) and (8) (n), the department shall perform all of the following for the program under this section:

NOTE: Inserts correct cross-reference. Section 20.435 (1) (md) was renumbered to s. 20.435 (5) (md) by 1997 Wis. Act 27.

**SECTION 266.** The treatment of 281.19 (2) (a) of the statutes by 1997 Wisconsin Act 27 is not repealed by 1997 Wisconsin Act 193. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 267.** 289.62 (2) (a), (b), (c) and (g) (intro.) of the statutes are amended to read:

289.62 (2) (a) *Tonnage fee; solid waste.* Except as provided under pars. (c) and (g), the tonnage fee imposed by sub. ~~(3)~~ (1) (a) is 1.5 cents per ton for solid waste.

(b) *Tonnage fee; certain hazardous waste.* The tonnage fee imposed by sub. ~~(3)~~ (1) (a) is 15 cents per ton for hazardous wastes other than waste specified under par. (c).

(c) *Tonnage fee; other waste.* Except as provided under par. (g), the tonnage fee imposed by sub. ~~(3)~~ (1) (a) is 1.5 cents per ton for waste consisting of ashes and sludges from electric and process steam generating facilities, sludges produced by waste treatment or manufacturing processes at pulp or paper mills, manufacturing process solid wastes from foundries and sludges produced by municipal wastewater treatment facilities.

(g) *Tonnage fee; mining waste.* (intro.) Notwithstanding pars. (a) to (c), with respect to prospecting or mining waste, the tonnage fee imposed under sub. ~~(3)~~ (1) (a) is:

NOTE: Inserts correct cross-reference. There is no s. 289.62 (3). Tonnage fees are imposed under s. 289.62 (1) (a).

**SECTION 268.** 299.07 (1) (b) 2. of the statutes is amended to read:

299.07 (1) (b) 2. If the department is required to obtain the information under s. 299.08 (1) (a), to the

department of ~~industry, labor and job~~ workforce development in accordance with a memorandum of understanding under s. 49.857.

NOTE: The department of industry, labor and job development was renamed the department of workforce development by 1997 Wis. Act 3.

**SECTION 269.** 299.08 (1) (b) 1. of the statutes is amended to read:

299.08 (1) (b) 1. To the department of ~~industry, labor and job~~ workforce development in accordance with a memorandum of understanding under s. 49.857.

NOTE: The department of industry, labor and job development was renamed the department of workforce development by 1997 Wis. Act 3.

**SECTION 270.** 301.03 (14) of the statutes, as created by 1997 Wisconsin Act 283, is renumbered 301.03 (15).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 1997 Wis. Act 237 also created an s. 301.03 (14).

**SECTION 271.** The treatment of 301.26 (7) (h) of the statutes by 1997 Wisconsin Act 27 is not repealed by 1997 Wisconsin Act 35. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 272.** 302.372 (6) (d) of the statutes is amended to read:

302.372 (6) (d) Before entering a judgment for the county, the court shall consider any legal obligations of the defendant for support or maintenance under ch. 767 and any moral obligation of the defendant to support ~~dependants~~ dependents and may reduce the amount of the judgment entered for the county based on those obligations.

NOTE: Corrects spelling.

**SECTION 273.** 302.425 (2) of the statutes is amended to read:

302.425 (2) SHERIFF'S OR SUPERINTENDENT'S GENERAL AUTHORITY. Subject to the limitations under sub. (3), a county sheriff or a superintendent of a house ~~or~~ of correction may place in the home detention program any person confined in jail who has been arrested for, charged with, convicted of or sentenced for a crime. The sheriff or superintendent may transfer any prisoner in the home detention program to the jail.

NOTE: Inserts correct word.

**SECTION 274.** The treatment of 303.01 (2) (em) of the statutes by 1997 Wisconsin Act 27 is not repealed by 1997 Wisconsin Act 36. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 275.** The treatment of 303.065 (1) (b) 2. of the statutes by 1997 Wisconsin Act 283 is not repealed by 1997 Wisconsin Act 326. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 276.** The treatment of 304.02 (5) of the statutes by 1997 Wisconsin Act 283 is not repealed by 1997 Wisconsin Act 326. Both treatments stand.

NOTE: There is no conflict of substance.



**SECTION 277.** The treatments of 304.06 (1) (b) of the statutes by [1997 Wisconsin Act 283](#) are not repealed by [1997 Wisconsin Act 326](#). All treatments stand.

NOTE: There is no conflict of substance.

**SECTION 278.** The treatments of 304.071 (2) of the statutes by [1997 Wisconsin Act 283](#) are not repealed by [1997 Wisconsin Act 326](#). All treatments stand.

NOTE: There is no conflict of substance.

**SECTION 279.** The treatments of 341.14 (6r) (b) 3. of the statutes by [1997 Wisconsin Act 27](#) are not repealed by [1997 Wisconsin Act 255](#). All treatments stand.

NOTE: There is no conflict of substance.

**SECTION 280.** 343.16 (6) (title) of the statutes is amended to read:

343.16 (6) (title) SPECIAL RETESTING OF LICENSED OPERATIONS OPERATORS.

NOTE: Conforms title to statute subject matter.

**SECTION 281.** 343.23 (2) (b) of the statutes, as affected by [1997 Wisconsin Acts 84](#) and [237](#), is amended to read:

343.23 (2) (b) The information specified in par. (a) must be filed by the department so that the complete operator's record is available for the use of the secretary in determining whether operating privileges of such person shall be suspended, revoked, canceled or withheld in the interest of public safety. The record of suspensions, revocations and convictions that would be counted under s. 343.307 (2) shall be maintained for 10 years, except that if there are 2 or more suspensions, revocations or convictions within any 10-year period, the record shall be maintained permanently. The record of convictions for disqualifying offenses under s. 343.315 (2) (h) shall be maintained for at least 10 years. The record of convictions for disqualifying offenses under s. 343.315 (2) (f) shall be maintained for at least 3 years. The record of convictions for disqualifying offenses under s. 343.315 (2) (a) to (e) shall be maintained permanently, except that 5 years after a licensee transfers residency to another state such record may be transferred to another state of licensure of the licensee if that state accepts responsibility for maintaining a permanent record of convictions for disqualifying offenses. Such reports and records may be cumulative beyond the period for which a license is granted, but the secretary, in exercising the power of suspension granted under s. 343.32 (2) may consider only those reports and records entered during the 4-year period immediately preceding the exercise of such power of suspension or revocation.

NOTE: [1997 Wis. Act 84](#) deleted "revocation" from the referred to power under s. 343.32 (2) and in this provision.

**SECTION 282.** The treatment of 343.30 (2d) of the statutes by [1997 Wisconsin Act 84](#) is not repealed by [1997 Wisconsin Act 283](#). Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 283.** 343.305 (6) (e) 3. b. of the statutes is amended to read:

343.305 (6) (e) 3. b. The licensor may not disclose any information received under subd. 2. a. or b. except to the department of ~~industry, labor and job~~ workforce development for purposes of administering s. 49.22 or the department of revenue for the sole purpose of requesting certifications under s. 73.0301.

NOTE: The department of industry, labor and job development was renamed the department of workforce development by [1997 Wis. Act 3](#).

**SECTION 284.** 343.44 (2s) (title) of the statutes is created to read:

343.44 (2s) (title) CITATIONS.

NOTE: All other s. 344.44 subsections have titles.

**SECTION 285.** The treatment of 343.50 (8) (b) of the statutes by [1997 Wisconsin Act 119](#) is not repealed by [1997 Wisconsin Act 191](#). Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 286.** 343.61 (2) (b) of the statutes is amended to read:

343.61 (2) (b) The department of transportation may not disclose any information received under par. (a) 1. or 2. to any person except to the department of ~~industry, labor and job~~ workforce development for purposes of administering s. 49.22 or the department of revenue for the sole purpose of requesting certifications under s. 73.0301.

NOTE: The department of industry, labor and job development was renamed the department of workforce development by [1997 Wis. Act 3](#).

**SECTION 287.** The treatment of 345.47 (1) (b) of the statutes by [1997 Wisconsin Act 84](#) is not repealed by [1997 Wisconsin Act 237](#). Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 288.** The treatment of 346.65 (5m) of the statutes by [1997 Wisconsin Act 135](#) is not repealed by [1997 Wisconsin Act 277](#). Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 289.** The treatment of 346.65 (6) (a) 1. of the statutes by [1997 Wisconsin Act 237](#) is not repealed by [1997 Wisconsin Act 295](#). Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 290.** The treatment of 346.65 (6) (a) 2. of the statutes by [1997 Wisconsin Act 237](#) is not repealed by [1997 Wisconsin Act 295](#). Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 291.** 346.65 (6) (d) of the statutes, as affected by [1997 Wisconsin Acts 237](#) and [295](#), is amended to read:

346.65 (6) (d) At the hearing set under par. (c), the state has the burden of proving to a reasonable certainty by the greater weight of the credible evidence that the motor vehicle is a motor vehicle owned by a person who committed a violation of s. 346.63 (1) (a) or (b) or (2) (a) 1. or 2., 940.09 (1) (a), (b), (c) or (d) or 940.25 (1) (a), (b), (c) or (d) and, if the seizure is under par. (a) 1., that the person had 2 prior convictions, suspensions or revocations, as counted under s. 343.307 (1) or, if the seizure is



under par. (a) 2., 3 or more prior convictions, suspensions or revocations, as counted under s. 343.307 (1). If the ~~(c) or (d), (c) or (d)~~ state fails to meet the burden of proof required under this paragraph, the motor vehicle shall be returned to the owner upon the payment of storage costs.

NOTE: The stricken language was inserted by 1997 Wis. Act 295, but was rendered surplusage by the treatment of this provision by 1997 Wis. Act 237.

**SECTION 292.** The treatment of 409.203 (1) (a) of the statutes by 1997 Wisconsin Act 265 is not repealed by 1997 Wisconsin Act 297. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 293.** 423.201 of the statutes is renumbered 423.201 (1) and amended to read:

423.201 (1) "Consumer approval transaction" means a consumer transaction other than a sale or lease or listing for sale of real property or a sale of goods at auction ~~+) which is that:~~

(a) ~~Is~~ initiated by face-to-face solicitation away from a regular place of business of the merchant or by mail or telephone solicitation directed to the particular customer and ~~2) which is~~

(b) ~~Is~~ consummated or in which the customer's offer to contract or other writing evidencing the transaction is received by the merchant away from a regular place of business of the merchant and involves the extension of credit or is a cash transaction in which the amount the customer pays exceeds \$25.

(2) "Consumer approval transaction" ~~shall in no event does not~~ include a catalog sale ~~which that~~ is not accompanied by any other solicitation or a consumer loan conducted and consummated entirely by mail.

NOTE: The term "consumer approval transaction" only appears in subch. II of ch. 423. Removes numbering that is inconsistent with current style, replaces improperly used word and subdivides provision for greater readability.

**SECTION 294.** 423.201 (intro.) of the statutes is created to read:

423.201 (intro.) In this subchapter:

NOTE: Accommodates renumbering by the previous section of this bill.

**SECTION 295.** 440.03 (11m) (c) of the statutes is amended to read:

440.03 (11m) (c) The department of regulation and licensing may not disclose a social security number obtained under par. (a) to any person except to the department of workforce development for purposes of administering s. 49.22 and, for a social security number obtained under par. (a) 1., the department of revenue for the sole purpose of ~~making the determination required under s. 440.08 (2r) requesting certifications under s. 73.0301.~~

NOTE: 1997 Wis. Act 237 repealed s. 440.08 (2r). Confirms this provision with the other treatments in Act 237 regarding the disclosure of social security numbers to the department of revenue for the purpose of determining tax delinquencies.

**SECTION 296.** 440.042 (1) of the statutes, as affected by 1997 Wisconsin Act 156, is amended to read:

440.042 (1) The secretary may appoint persons or advisory committees to advise the department and the boards, examining boards and affiliated credentialing boards in the department on matters relating to the regulation of credential holders. The secretary shall appoint an advisory committee to advise the department on matters relating to carrying out the duties specified in s. ~~440.972~~ 440.982 and making investigations, conducting hearings and taking disciplinary action under s. ~~440.976~~ 440.986. A person or an advisory committee member appointed under this subsection shall serve without compensation, but may be reimbursed for his or her actual and necessary expenses incurred in the performance of his or her duties.

NOTE: Sections 440.972 and 440.976, as created by 1997 Wis. Act 156, are renumbered ss. 440.982 and 440.986 by this bill.

**SECTION 297.** 440.08 (2) (a) 67q. of the statutes, as created by 1997 Wisconsin Act 261, is renumbered 440.08 (2) (a) 67v.

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 1997 Wis. Act 156 also created a provision numbered s. 440.08 (2) (a) 67q.

**SECTION 298.** 440.26 (1) (a) 11. of the statutes is amended to read:

440.26 (1) (a) 11. Receive any fees or compensation for acting as any person, engaging in any business or performing any service specified in subds. 1. to ~~40. 4.~~

NOTE: The creation of s. 440.26 (1) (a) 5. to 10. was removed from 1995 Wis. Act 461 by the governor's partial veto.

**SECTION 299.** Subchapter X (title) of chapter 440 of the statutes, as created by 1997 Wisconsin Act 156, is renumbered subchapter XI (title) of chapter 440 [precedes 440.98].

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 1997 Wis. Act 81 also created a subch. X of ch. 440.

**SECTION 300.** 440.97 of the statutes, as created by 1997 Wisconsin Act 156, is renumbered 440.98.

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 1997 Wis. Act 81 also created a provision numbered s. 440.97.

**SECTION 301.** 440.9705 of the statutes, as created by 1997 Wisconsin Act 156, is renumbered 440.9805.

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). Moves section for proper location within subch. XI of ch. 440 as renumbered by this bill.

**SECTION 302.** 440.971 of the statutes, as created by 1997 Wisconsin Act 156, is renumbered 440.981.

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). Moves section for proper location within subch. XI of ch. 440 as renumbered by this bill.

**SECTION 303.** 440.972 of the statutes, as created by 1997 Wisconsin Act 156, is renumbered 440.982.

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 1997 Wis. Act 81 also created a provision numbered s. 440.972.

**SECTION 304.** 440.973 of the statutes, as created by [1997 Wisconsin Act 156](#), is renumbered 440.983, and 440.983 (4), as renumbered, is amended to read:

440.983 (4) Submits evidence satisfactory to the department that he or she satisfies the requirements established in rules promulgated under s. [440.972](#) [440.982](#) (1) (b).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). [1997 Wis. Act 81](#) also created a provision numbered s. 440.973. Section 440.972, as created by [1997 Wis. Act 156](#), is renumbered s. 440.982 by this bill.

**SECTION 305.** 440.974 of the statutes, as created by [1997 Wisconsin Act 156](#), is renumbered 440.984, and 440.984 (6), as renumbered, is amended to read:

440.984 (6) The person submits the evidence specified in s. [440.973](#) [440.983](#) (5).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). [1997 Wis. Act 81](#) also created a s. 440.974. Section 440.973, as created by [1997 Wis. Act 156](#), is renumbered s. 440.983 by this bill.

**SECTION 306.** 440.975 of the statutes, as created by [1997 Wisconsin Act 156](#), is renumbered 440.985, and 440.985 (2), as renumbered, is amended to read:

440.985 (2) Evidence satisfactory to the department that the applicant has completed any continuing education requirements specified in rules promulgated under s. [440.972](#) [440.982](#) (2).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). [1997 Wis. Act 81](#) also created a provision numbered s. 440.975. Section 440.972, as created by [1997 Wis. Act 156](#), is renumbered s. 440.982 by this bill.

**SECTION 307.** 440.976 of the statutes, as created by [1997 Wisconsin Act 156](#), is renumbered 440.986, and 440.986 (2) (g) and (3) (intro.), as renumbered, are amended to read:

440.986 (2) (g) Violated any standard relating to the practice of massage therapy or bodywork established by the department in the rules promulgated under s. [440.972](#) [440.982](#) (1) (a).

(3) (intro.) In lieu of proceeding under sub. (2), the department may place, in the registry established under s. [440.972](#) [440.982](#) (1) (c), a copy of a complaint received by the department against a registrant, the registrant's response to the complaint and a copy of any records of the department concerning the complaint. The department shall use the following procedure in placing information in the registry under this subsection:

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). [1997 Wis. Act 81](#) also created a provision numbered s. 440.976. Section 440.972, as created by [1997 Wis. Act 156](#), is renumbered s. 440.982 by this bill.

**SECTION 308.** 440.977 of the statutes, as created by [1997 Wisconsin Act 156](#), is renumbered 440.987.

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). [1997 Wis. Act 81](#) also created a provision numbered s. 440.977.

**SECTION 309.** 440.978 of the statutes, as created by [1997 Wisconsin Act 156](#), is renumbered 440.988, and 440.988 (2), as renumbered, is amended to read:

440.988 (2) A person who violates s. [440.971](#) [440.981](#) (1) or a person presenting or attempting to use as his or her own the license of registration of another, or any person who falsely impersonates any other registrant of like or different name, or any person who attempts to use an expired or revoked license of registration, may be fined not less than \$100 nor more than \$500 or imprisoned for not more than 3 months or both.

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). [1997 Wis. Act 81](#) also created a provision numbered s. 440.978. Section 440.971, as created by [1997 Wis. Act 156](#), is renumbered s. 440.981 by this bill.

**SECTION 310.** 440.979 of the statutes, as created by [1997 Wisconsin Act 156](#), is renumbered 440.989.

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). Moves section for proper location within subch. XI of ch. 440 as renumbered by this bill.

**SECTION 311.** 440.999 of the statutes, as created by [1997 Wisconsin Act 81](#), is renumbered 440.979.

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). Moves section for proper location within subch. X of ch. 440, as created by [1997 Wis. Act 81](#), required by the renumbering of the provisions of subch. X of ch. 440, as created by [1997 Wis. Act 156](#), by this bill.

**SECTION 312.** 443.11 (6) of the statutes, as affected by [1997 Wisconsin Acts 237](#) and [300](#), is amended to read:

443.11 (6) The examining board, for reasons the appropriate section of the examining board considers sufficient, may reissue a certificate of registration or a certificate of record to any person, or a certificate of authorization to any firm, partnership or corporation, whose certificate has been revoked, except for a certificate revoked under s. 440.12, if 3 members of the section vote in favor of such reissuance. Subject to the rules of the examining board, the examining board, the examining board may, upon payment of the required fee, issue a new certificate of registration, certificate of record or certificate of authorization, to replace any certificate that is revoked, lost, destroyed or mutilated.

NOTE: The underscored comma is added for clarity.

**SECTION 313.** The treatment of 448.01 (6) of the statutes by [1997 Wisconsin Act 67](#) is not repealed by [1997 Wisconsin Act 175](#). Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 314.** 448.015 (4) of the statutes, as affected by [1997 Wisconsin Act 67](#), section 13, and [1997 Wisconsin Act 175](#), section 25, is amended to read:

448.015 (4) "Unprofessional conduct" means those acts or attempted acts of commission or omission defined as unprofessional conduct by the board under the authority delegated to the board by s. 15.08 (5) (b) and any act by a physician, or physician assistant in violation of ch. 450 or 961.

NOTE: Replaces comma with "or" to correct grammar.

**SECTION 315.** 448.02 (1) of the statutes, as affected by [1997 Wisconsin Acts 67](#) and [175](#), is amended to read:

448.02 (1) LICENSE. The board may grant licenses, including various classes of temporary licenses, to prac-

tice medicine and surgery, and to practice as a physician assistant.

NOTE: Replaces comma with “and” to correct grammar.

**SECTION 316.** The treatment of 448.03 (1) of the statutes by 1997 Wisconsin Act 67 is not repealed by 1997 Wisconsin Act 175. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 317.** 448.03 (1) (c) of the statutes, as created by 1997 Wisconsin Act 67, is repealed.

NOTE: Reconciles the treatment of s. 448.03 (1) by 1997 Wis. Acts 67 and 175. Act 67 divided the subsection into 3 parts, with par. (c) requiring that podiatrists not practice without a license. Act 175 deleted the reference to podiatrists from sub. (1) as it existed prior to the treatment by Act 67 and created a new s. 448.61 requiring that podiatrists not practice without a license. The treatment by Act 175 renders par. (c) as created by Act 67 surplusage.

**SECTION 318.** The treatment of 448.03 (2) (e) of the statutes by 1997 Wisconsin Act 67 is not repealed by 1997 Wisconsin Act 175. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 319.** The treatment of 448.09 (1) of the statutes by 1997 Wisconsin Act 175 is not repealed by 1997 Wisconsin Act 311. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 320.** 448.40 (2) (f) of the statutes, as created by 1997 Wisconsin Act 311, is renumbered 448.40 (2) (g).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 1997 Wis. Act 67 also created a provision numbered s. 448.40 (2) (f).

**SECTION 321.** The treatment of 450.10 (3) (a) 5m. of the statutes by 1997 Wisconsin Act 75 is not repealed by 1997 Wisconsin Act 175. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 322.** 470.04 (2) (b) of the statutes is amended to read:

470.04 (2) (b) Subject to sub. (7), that he or she has a bachelor’s degree, ~~and at least 30 semester hours or 45 quarter hours of~~ with course credits in geology of a variety and nature sufficient to constitute a geology major from a college or university approved by the examining board.

NOTE: 1997 Wis. Act 300 deleted the language stricken here without showing it as stricken and added the language underscored here without showing it as underscored. The change was intended.

**SECTION 323.** 470.04 (4) (intro.) of the statutes is amended to read:

470.04 (4) (intro.) The professional soil scientist section shall grant a professional soil scientist license to a person who satisfies the requirements under sub. (1) and who ~~who~~ submits evidence satisfactory to the section of all of the following:

NOTE: Deletes repeated word inserted by 1997 Wis. Act 300.

**SECTION 324.** 551.29 (3) of the statutes is amended to read:

551.29 (3) With respect to a federal covered security that is a covered security under section 18 (b) (3) or (4)

of the Securities Act of 1933, the division may, by rule or order, require the filing, for purpose of providing notice to the division, of any document filed with the federal securities and exchange commission under the ~~the~~ Securities Act of 1933, together with a fee prescribed in the rule or order. The filing is effective upon receipt by the division of the documents and fee required under the rule or order.

NOTE: Deletes repeated word inserted by 1997 Wis. Act 316.

**SECTION 325.** 551.32 (1) (bm) 2. b. of the statutes is amended to read:

551.32 (1) (bm) 2. b. The division may disclose information under subd. 1. a. to the department of ~~industry, labor and job~~ workforce development in accordance with a memorandum of understanding under s. 49.857.

NOTE: The department of industry, labor and job development was renamed the department of workforce development by 1997 Wis. Act 3.

**SECTION 326.** 551.32 (9) (a) of the statutes, as affected by 1997 Wisconsin Act 316, section 60, is amended to read:

551.32 (9) (a) Withdrawal from the status of a licensed broker–dealer, agent, investment adviser or investment adviser representative becomes effective 30 days after receipt by the division or by an organization designated by rule of the division under ~~s. 551.32 sub.~~ (1) (a) of an application to withdraw or within such shorter period as the division determines, unless a revocation or suspension proceeding is pending when the application is filed or a proceeding to revoke or suspend or to impose conditions upon the withdrawal is instituted within 30 days after the application is filed. If a proceeding is pending or instituted, withdrawal becomes effective at such time and upon such conditions as the division by order determines. If no proceeding is pending or instituted and withdrawal automatically becomes effective, the division may institute a revocation or suspension proceeding for the grounds specified under ~~sub. s. 551.34~~ (1) (b), (g), (m) or (n) within one year after withdrawal became effective and enter a revocation or suspension order as of the last date on which the license was in effect.

NOTE: 1997 Wis. Act 316 renumbered this provision from s. 551.34 (6), but did not amend the cross–references accordingly.

**SECTION 327.** 551.65 (1) of the statutes is amended to read:

551.65 (1) Every applicant for license or registration under this chapter, every person filing a filing notice filing under this chapter and every issuer ~~which that~~ proposes to offer a security in this state through any person acting as agent shall file with the division or, if applying for a license, with the organization designated by the division under s. 551.32 (1) (a), an irrevocable consent appointing the division to be his or her attorney to receive service of any lawful process in any noncriminal suit, action or proceeding against him or her or a successor,



executor or administrator ~~which~~ that arises under this chapter or any rule or order under this chapter after the consent has been filed, with the same validity as if served personally on the person filing the consent. The consent shall be in the form the division by rule prescribes. The consent need not be filed by a person who has filed a consent in connection with a previous registration or notice filing or license ~~which~~ that is then in effect. Service may be made by leaving a copy of the process at the office of the division, but it is not effective unless the plaintiff, who may be the division in a suit, action or proceeding instituted by the division, promptly sends notice of the service and a copy of the process by registered or certified mail to the defendant or respondent at the person's last address on file with the division, and the plaintiff's affidavit of compliance with this subsection is filed in the case on or before the return day of the process, or within such time as the court allows.

NOTE: Corrects word order. 1997 Wis. Act 316 added provisions regarding "notice filing" to ch. 551. Replaces improperly used "which".

**SECTION 328.** 552.05 (2) (intro.) of the statutes is amended to read:

552.05 (2) (intro.) The registration statement shall be filed on forms prescribed by the division, and shall be accompanied by a consent by the offeror to service of process specified in s. 551.65 (1) and the filing fee specified in s. 552.15 (1), and shall contain the following information and such additional information as the ~~commissioner~~ division by rule prescribes:

NOTE: Inserts the correct term. 1995 Wis. Act 27 replaced the commissioner of securities with the division of securities in the department of financial institutions.

**SECTION 329.** 560.745 (2) (b) and (c) 1. of the statutes are amended to read:

560.745 (2) (b) Annually the department shall estimate the amount of ~~foregone~~ forgone state revenue because of tax benefits claimed by persons in each development zone.

(c) 1. Ninety days after the day on which the department determines that the ~~foregone~~ forgone tax revenues under par. (b) will equal or exceed the limit for the development zone established under par. (a) or (am).

NOTE: Inserts preferred spelling.

**SECTION 330.** 560.795 (2) (c) and (d) 1. of the statutes are amended to read:

560.795 (2) (c) Annually, the department shall estimate the amount of ~~foregone~~ forgone state revenue because of tax benefits claimed by corporations in each development opportunity zone.

(d) 1. Notwithstanding par. (a), the designation of an area as a development opportunity zone shall expire 90 days after the day on which the department determines that the ~~foregone~~ forgone tax revenues under par. (c) will equal or exceed the limit for the development opportunity zone.

NOTE: Inserts preferred spelling.

**SECTION 331.** 560.797 (5) (c) and (d) 1. of the statutes are amended to read:

560.797 (5) (c) Annually, the department shall estimate the amount of ~~foregone~~ forgone state revenue because of tax benefits claimed by persons in each enterprise development zone.

(d) 1. Notwithstanding the length of time specified by the department under par. (a), the designation of an area as an enterprise development zone shall expire 90 days after the day on which the department determines that the ~~foregone~~ forgone tax revenues under par. (c) will equal or exceed the limit established for the enterprise development zone.

NOTE: Inserts preferred spelling.

**SECTION 332.** 615.03 (1) (c) of the statutes is amended to read:

615.03 (1) (c) A natural person who issues such an annuity to a relative by blood or marriage within the 3rd degree of kinship as computed according to s. ~~852.03(2), 1995 stats. 990.001 (16).~~

NOTE: Section 852.03 (2), 1995 stats., is recreated as s. 990.001 (16) by this bill for user convenience. See also the note to the treatment of s. 990.001 (16) by this bill.

**SECTION 333.** The treatment of 632.895 (1) (b) 5. b. of the statutes by 1997 Wisconsin Act 75 is not repealed by 1997 Wisconsin Act 175. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 334.** 632.895 (12) (a) of the statutes is amended to read:

632.895 (12) (a) In this subsection, "ambulatory surgery center" has the meaning given in s. ~~49.45 (6r) (a) 1.~~ 42 CFR 416.2.

NOTE: Section 49.45 (6r) was repealed by 1997 Wis. Act 252. The definition from that section replaces the former cross-reference.

**SECTION 335.** 751.15 (title) of the statutes, as created by 1997 Wisconsin Act 191, is amended to read:

**751.15 (title) Rules regarding the practice of law; delinquent support obligors.**

NOTE: Conforms title to the subject matter of the section. 1997 Wis. Acts 191 and 237 each created a section numbered s. 751.15 and titled "Rules regarding the practice of law". Section 751.15 as created by Act 237 is renumbered to s. 751.155 and its title amended by the next section of this bill.

**SECTION 336.** 751.15 of the statutes, as created by 1997 Wisconsin Act 237, is renumbered 751.155, and 751.155 (title), as renumbered, is amended to read:

**751.155 (title) Rules regarding the practice of law; delinquent taxpayers.**

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b) and conforms title to the subject matter of the section. 1997 Wis. Acts 191 and 237 each created a section numbered s. 751.15 and titled "Rules regarding the practice of law". See also the previous section of this bill.

**SECTION 337.** 757.69 (1) (n) of the statutes, as created by 1997 Wisconsin Act 192, is renumbered 757.69 (1) (o).





or  
E. F., Plaintiff's Attorney  
State Bar Number No.: ....  
Address: ....  
City, State Zip Code: ....  
Phone No.: ....

NOTE: The stricken language was deleted by 1997 Wis. Act 187 without being shown as stricken and the underscored material was inserted by Act 187 without being shown as underscored. The changes were intended.

SECTION 345. 801.095 (3) of the statutes, as affected by 1997 Wisconsin Acts 187 and 250, is amended to read:

801.095 (3) NO PERSONAL SERVICE; COMPLAINT SERVED AT THE SAME TIME.

STATE OF WISCONSIN                      CIRCUIT COURT: ....                      COUNTY

---

A. B.  
Address  
City, State Zip Code                      File No. ....  
, Plaintiff

S U M M O N S

vs.  
C. D.  
Address .... (Case Classification Type): .... (Code No.)  
City, State Zip Code  
, Defendant

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THE STATE OF WISCONSIN, To each person named above as a Defendant:

You are hereby notified that the Plaintiff named above has filed a lawsuit or other legal action against you. The complaint, which is also served upon you, states the nature and basis of the legal action.

Within 45 days after ....., .... (year), you must respond with a written answer, as that term is used in chapter 802 of the Wisconsin Statutes, to the complaint. The court may reject or disregard an answer that does not follow the requirements of the statutes. The answer must be sent or delivered to the court, whose address is ....., and to ....., Plaintiff's attorney, whose address is .....

You may have an attorney help or represent you. If you do not provide a proper answer within 40 days, the court may grant judgment against you for the award of money or other legal action requested in the complaint, and you may lose your right to object to anything that is or may be incorrect in the complaint. A judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you own now or in the future, and may also be enforced by garnishment or seizure of property.

Dated: ....., .... (year)

Signed: ....  
A. B., Plaintiff  
or  
E. F., Plaintiff's Attorney  
State Bar Number No.: ....  
Address: ....  
City, State Zip Code: ....  
Phone No.: ....

NOTE: The stricken language was deleted by 1997 Wis. Act 187 without being shown as stricken and the underscored language was inserted by Act 187 without being shown as underscored. The changes were intended.

SECTION 346. 801.095 (4) of the statutes, as affected by 1997 Wisconsin Acts 187 and 250, is amended to read:

801.095 (4) NO PERSONAL SERVICE; COMPLAINT NOT SERVED AT THE SAME TIME.

STATE OF WISCONSIN                      CIRCUIT COURT: ....                      COUNTY

---

A. B.  
Address  
City, State Zip Code                      File No. ....  
, Plaintiff

S U M M O N S

vs.  
C. D.  
Address .... (Case Classification Type): .... (Code No.)

City, State Zip Code  
, Defendant

THE STATE OF WISCONSIN, To each person named above as a Defendant:

You are hereby notified that the plaintiff named above has filed a lawsuit or other legal action against you.

Within 45 days after ....., .... (year), you must respond with a written demand for a copy of the complaint. The demand must be sent or delivered to the court, whose address is ....., and to ....., Plaintiff's attorney, whose address is ....., You may have an attorney help or represent you.

If you do not demand a copy of the complaint within 45 days, the court may grant judgment against you for the award of money or other legal action requested in the complaint, and you may lose your right to object to anything that is or may be incorrect in the complaint. A judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you own now or in the future, and may also be enforced by garnishment or seizure of property.

Dated: ....., .... (year)

Signed: .... ..

A. B., Plaintiff

or

E. F., Plaintiff's Attorney

State Bar Number No.: ....

Address: ....

City, State Zip Code: ....

Phone No.: ....

NOTE: The stricken language was deleted by 1997 Wis. Act 187 without being shown as stricken and the underscored language was inserted by Act 187 without being shown as underscored. The changes were intended.

**SECTION 347.** 801.11 (2) (b) of the statutes is amended to read:

801.11 (2) (b) Where the person under disability is known by the plaintiff to be under guardianship of any kind, a summons shall be served separately upon the guardian in any manner prescribed in sub. (1), (5), or (6) ~~or (7)~~. If no guardian has been appointed when service is made upon a person known to the plaintiff to be incompetent to have charge of the person's affairs, then service of the summons shall be made upon the guardian ad litem after appointment under s. 803.01.

NOTE: Section 801.11 (7) was repealed by 1997 Wis. Act 140.

**SECTION 348.** The treatment of 802.06 (1) of the statutes by 1997 Wisconsin Act 133 is not repealed by 1997 Wisconsin Act 187. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 349.** 807.10 (3) of the statutes, as affected by 1997 Wisconsin Act 290, is amended to read:

807.10 (3) If the amount awarded to a minor by judgment or by an order of the court approving a compromise settlement of a claim or cause of action of the minor does not exceed \$10,000 (exclusive of interest and costs and disbursements), and if there is no general guardian of the ward, the court may upon application by the guardian ad litem after judgment, or in the order approving settlement, fix and allow the expenses of the action, including attorney fees and fees of guardian ad litem, authorize the payment of the total recovery to the clerk of the court, authorize and direct the guardian ad litem upon the payment to satisfy and discharge the judgment, or to execute releases to the parties entitled thereto and enter into a stipulation dismissing the action upon its merits. The order

shall also direct the clerk upon the payment to pay the costs and disbursements and expenses of the action and to dispose of the balance in one of the manners provided in s. 880.04 (2) as selected by the court. The fee for the clerk's services for handling, depositing and disbursing funds under this subsection is prescribed in s. 814.61 (12) (a).

NOTE: Replaces parentheses with commas consistent with current style.

**SECTION 350.** The treatment of 812.44 (4) (form) 2. of the statutes by 1997 Wisconsin Act 35 is not repealed by 1997 Wisconsin Act 250. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 351.** The treatment of 814.04 (intro.) of the statutes by 1997 Wisconsin Act 55 is not repealed by 1997 Wisconsin Act 164. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 352.** 853.04 (1) (a), (b) and (c) of the statutes, as created by 1997 Wisconsin Act 188, are consolidated, renumbered 853.04 (1) (form) and amended to read:

853.04 (1) (form)

State of ....

County of ....

I, ....., the testator, sign my name to this instrument this .... day of ....., and being first duly sworn, declare to the undersigned authority all of the following:

1. I execute this instrument as my will.
2. I sign this will willingly, or willingly direct another to sign for me.

3. I execute this will as my free and voluntary act for the purposes expressed therein.

4. I am 18 years of age or older, of sound mind and under no constraint or undue influence.

Testator: ....

(b) We, ....., ....., the witnesses, being first duly sworn, sign our names to this instrument and declare to the undersigned authority all of the following:

1. The testator executes this instrument as his or her will.

2. The testator signs it willingly, or willingly directs another to sign for him or her.

3. Each of us, in the conscious presence of the testator, signs this will as a witness.

4. To the best of our knowledge, the testator is 18 years of age or older, of sound mind and under no constraint or undue influence.

Witness: ....

Witness: ....

State of ....

County of ....

(c) Subscribed and sworn to before me by ....., the testator, and by ....., and ....., witnesses, this .... day of ....., .....

(Seal) ....

(Signed): ....

(Official capacity of officer): ....

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). Deletes paragraph numbers to clarify that each form is a single unit and that letters are not a necessary part of the affidavits. Moves "State of ...." and "County of ...." to the beginning of sub. (1) (form) for consistency with sub. (2) (form) and more logical placement.

SECTION 353. 853.04 (2) of the statutes, as created by 1997 Wisconsin Act 188, is amended to read:

853.04 (2) TWO-STEP PROCEDURE. An attested will may be made self-proved at any time after its execution by the affidavit of the testator and witnesses. The affidavit must be made before an officer authorized to administer oaths under the laws of the state in which the affidavit occurs and must be evidenced by the officer's certificate, under official seal, attached or annexed to the will in substantially the following form:

State of ....

County of ....

(a) We, ....., ....., and ....., the testator and the witnesses whose names are signed to the foregoing instrument, being first duly sworn, do declare to the undersigned authority all of the following:

1. The testator executed the instrument as his or her will.

2. The testator signed willingly, or willingly directed another to sign for him or her.

3. The testator executed the will as a free and voluntary act.

4. Each of the witnesses, in the conscious presence of the testator, signed the will as witness.

5. To the best of the knowledge of each witness, the testator was, at the time of execution, 18 years of age or older, of sound mind and under no constraint or undue influence.

Testator: ....

Witness: ....

Witness: ....

(b) Subscribed and sworn to before me by ....., the testator, and by ....., and ....., witnesses, this .... day of ....., .....

(Seal) ....

(Signed): ....

(Official capacity of officer): ....

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). Deletes paragraph numbering to clarify that each form is a single unit and that letters are not a necessary part of the affidavits.

SECTION 354. 895.035 (2m) (a) of the statutes, as affected by 1997 Wisconsin Acts 35 and 205, is amended to read:

895.035 (2m) (a) If a juvenile or a parent with custody of a child juvenile fails to pay restitution under s. 938.245, 938.32, 938.34 (5), 938.343 (4), 938.345 or 938.45 (1r) (a) as ordered by a court assigned to exercise jurisdiction under chs. 48 and 938, a court of criminal jurisdiction or a municipal court or as agreed to in a deferred prosecution agreement or if it appears likely that the juvenile or parent will not pay restitution as ordered or agreed to, the victim, the victim's insurer, the representative of the public interest under s. 938.09 or the agency, as defined in s. 938.38 (1) (a), supervising the juvenile may petition the court assigned to exercise jurisdiction under chs. 48 and 938 to order that the amount of restitution unpaid by the juvenile or parent be entered and docketed as a judgment against the juvenile and the parent with custody of the juvenile and in favor of the victim or the victim's insurer, or both. A petition under this paragraph may be filed after the expiration of the deferred prosecution agreement, consent decree, dispositional order or sentence under which the restitution is payable, but no later than one year after the expiration of the deferred prosecution agreement, consent decree, dispositional order or sentence or any extension of the consent decree, dispositional order or sentence. A judgment rendered under this paragraph does not bar the victim or the victim's insurer, or both, from commencing another action seeking compensation from the child juvenile or the parent, or both, if the amount of restitution ordered under this paragraph is less than the total amount of damages claimed by the victim or the victim's insurer.

NOTE: Reconciles the treatment of this provision by 1997 Wis. Acts 35 and 205. Act 35 changed "child" to "juvenile" for consistency with ch. 938. This act makes all of the references consistent.

SECTION 355. The treatment of 895.035 (3) of the statutes by 1997 Wisconsin Act 35 is not repealed by 1997 Wisconsin Act 205. Both treatments stand.



NOTE: There is no conflict of substance.

**SECTION 356.** 895.48 (1m) (intro.) of the statutes, as affected by [1997 Wisconsin Acts 67](#) and [156](#), is amended to read:

895.48 (1m) (intro.) Any physician licensed under ch. 448, chiropractor licensed under ch. 446, dentist licensed under ch. 447, emergency medical technician licensed under s. 146.50, physician assistant licensed under ch. 448, registered nurse licensed under ch. 441 or massage therapist or bodyworker issued a license of registration under subch. ~~X~~ XI of ch. 440 who renders voluntary health care to a participant in an athletic event or contest sponsored by a nonprofit corporation, as defined in s. 46.93 (1m) (c), a private school, as defined in s. 115.001 (3r), a public agency, as defined in s. 46.93 (1m) (e), or a school, as defined in s. 609.655 (1) (c), is immune from civil liability for his or her acts or omissions in rendering that care if all of the following conditions exist:

NOTE: Subch. X of ch. 440, as created by [1997 Wis. Act 156](#), is renumbered subch. XI of ch. 440 by this bill.

**SECTION 357.** 908.03 (6m) (a) of the statutes, as affected by [1997 Wisconsin Acts 67](#) and [156](#), is amended to read:

908.03 (6m) (a) *Definition.* In this subsection, “health care provider” means a massage therapist or bodyworker issued a license of registration under subch. ~~X~~ XI of ch. 440, a chiropractor licensed under ch. 446, a dentist licensed under ch. 447, a physician assistant licensed under ch. 448 or a health care provider as defined in s. 655.001 (8).

NOTE: Subch. X of ch. 440, as created by [1997 Wis. Act 156](#), is renumbered subch. XI of ch. 440 by this bill.

**SECTION 358.** 938.183 (2) of the statutes, as affected by [1997 Wisconsin Act 205](#), is amended to read:

938.183 (2) Notwithstanding ss. 938.12 (1) and 938.18, courts of criminal jurisdiction have exclusive original jurisdiction over a juvenile who is alleged to have attempted or committed a violation of s. 940.01 or to have committed a violation of s. 940.02 or 940.05 on or after the juvenile’s 15th birthday. Notwithstanding ss. 938.12 (1) and 938.18, courts of criminal jurisdiction also have exclusive original jurisdiction over a juvenile specified in the preceding sentence who is alleged to have attempted or committed a violation of any state law in addition to the violation alleged under the preceding sentence if the violation alleged under this sentence and the violation alleged under the preceding sentence may be joined under s. ~~972.12~~ 971.12 (1). Notwithstanding subchs. IV to VI, a juvenile who is alleged to have attempted or committed a violation of s. 940.01 or to have committed a violation of s. 940.02 or 940.05 on or after the juvenile’s 15th birthday and a juvenile who is alleged to have attempted or committed a violation of any state criminal law, if that violation and an attempt to commit a violation of s. 940.01 or the commission of a violation of s. 940.01, 940.02 or 940.05 may be joined under s. 971.12 (1), is subject to the procedures specified in chs.

967 to 979 and the criminal penalties provided for the crime that the juvenile is alleged to have committed, except that the court of criminal jurisdiction shall, in lieu of convicting the juvenile, adjudge the juvenile to be delinquent and impose a disposition specified in s. 938.34 if the court of criminal jurisdiction finds that the juvenile has committed a lesser offense than the offense alleged under this subsection or has committed an offense that is joined under s. 971.12 (1) to an attempt to commit a violation of s. 940.01 or to the commission of a violation of s. 940.01, 940.02 or 940.05, but has not attempted to commit a violation of s. 940.01 or committed a violation of s. 940.01, 940.02 or 940.05, and the court of criminal jurisdiction, after considering the criteria specified in s. 938.18 (5), determines that the juvenile has proved by clear and convincing evidence that it would be in the best interests of the juvenile and of the public to adjudge the juvenile to be delinquent and impose a disposition specified in s. 938.34.

NOTE: Inserts correct cross-reference. There is no s. 972.12 (1). Section 971.12 relates to joinder.

**SECTION 359.** The treatment of 938.205 (1) (intro.) of the statutes by [1997 Wisconsin Act 35](#) is not repealed by [1997 Wisconsin Act 296](#). Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 360.** The treatment of 938.245 (2) (a) 5. a. of the statutes by [1997 Wisconsin Act 183](#) is not repealed by [1997 Wisconsin Act 205](#). Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 361.** The treatment of 938.273 (2) of the statutes by [1997 Wisconsin Act 35](#) is not repealed by [1997 Wisconsin Act 181](#). Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 362.** The treatment of 938.299 (5) of the statutes by [1997 Wisconsin Act 252](#) is not repealed by [1997 Wisconsin Act 296](#). Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 363.** The treatment of 938.30 (6) of the statutes by [1997 Wisconsin Act 237](#) is not repealed by [1997 Wisconsin Act 252](#). Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 364.** The treatment of 938.31 (7) of the statutes by [1997 Wisconsin Act 237](#) is not repealed by [1997 Wisconsin Act 252](#). Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 365.** The treatment of 938.32 (1t) (a) 1. of the statutes by [1997 Wisconsin Act 183](#) is not repealed by [1997 Wisconsin Act 239](#). Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 366.** The treatment of 938.34 (5) (a) of the statutes by [1997 Wisconsin Act 183](#) is not repealed by [1997 Wisconsin Act 205](#). Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 367.** The treatment of 938.34 (8) of the statutes by [1997 Wisconsin Act 84](#) is not repealed by [1997 Wisconsin Act 205](#).

NOTE: There is no conflict of substance.

**SECTION 368.** The treatment of 938.343 (4) of the statutes by [1997 Wisconsin Act 183](#) is not repealed by [1997 Wisconsin Act 205](#). Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 369.** The treatment of 938.343 (7) of the statutes by [1997 Wisconsin Act 197](#) is not repealed by [1997 Wisconsin Act 248](#). Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 370.** 938.35 (1) (d) of the statutes is amended to read:

938.35 (1) (d) The fact that a juvenile has been adjudged delinquent on the basis of unlawfully and intentionally killing a person is admissible for the purpose of s. ~~852.01 (2m) (bg)~~ [854.14 \(5\) \(b\)](#).

NOTE: Section 852.01 (2m) was repealed and recreated by [1997 Wis. Act 188](#). It no longer contains par. (bg). The subject matter of the former s. 852.01 (2m) (bg) relating to the heirship of a juvenile adjudicated delinquent for intentionally killing a person is now located at s. 854.14 (5) (b), as created by [1997 Wis. Act 188](#).

**SECTION 371.** 938.355 (2d) (b) 3. of the statutes is amended to read:

938.355 (2d) (b) 3. That the parent has committed a violation of s. 940.19 (2), (3), (4) or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025 or 948.03 (2) (a) or (3) (a) or a violation of the law of any other state or federal law, if that violation would be a violation of s. 940.19 (2), (3), (4) or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025 or 948.03 (2) (a) or (3) (a) if committed in this state, and that the violation resulted in great bodily harm, as defined in s. ~~938.22 939.22~~ (14), or in substantial bodily harm, as defined in s. ~~938.22 939.22~~ (38), to the juvenile or another child of the parent.

NOTE: Inserts correct cross-references. There is no s. 938.22 (14) or (22). "Great bodily harm" is defined at s. 939.22 (14) and "substantial bodily harm" is defined at s. 939.22 (38).

**SECTION 372.** The treatment of 938.355 (6m) (a) (intro.) of the statutes by [1997 Wisconsin Act 239](#) is not repealed by [1997 Wisconsin Act 252](#). Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 373.** 938.371 (1) of the statutes is reenacted to read:

938.371 (1) If a juvenile is placed in a foster home, treatment foster home, group home, child caring institution or secured correctional facility, including a placement under s. 938.205 or 938.21, the agency, as defined in s. 938.38 (1) (a), that placed the juvenile or arranged for the placement of the juvenile shall provide the following information to the foster parent, treatment foster parent or operator of the group home, child caring institution or secured correctional facility at the time of placement or, if the information has not been provided to the agency by that time, as soon as possible after the date on which the agency receives that information, but not more than 2 working days after that date:

(a) Results of a test or a series of tests of the juvenile to determine the presence of HIV, as defined in s. 968.38 (1) (b), antigen or nonantigenic products of HIV, or an antibody to HIV, as provided under s. 252.15 (5) (a) 19., including results included in a court report or permanency plan. At the time that the test results are provided, the agency shall notify the foster parent, treatment foster parent or operator of the group home, child caring institution or secured correctional facility of the confidentiality requirements under s. 252.15 (6).

(b) Results of any tests of the juvenile to determine the presence of viral hepatitis, type B, including results included in a court report or permanency plan. The foster parent, treatment foster parent or operator of a group home, child caring institution or secured correctional facility receiving information under this paragraph shall keep the information confidential.

(c) Any other medical information concerning the juvenile that is necessary for the care of the juvenile. The foster parent, treatment foster parent or operator of a group home, child caring institution or secured correctional facility receiving information under this paragraph shall keep the information confidential.

NOTE: The numbering of this subsection was incorrectly printed in the 1997–98 Wisconsin Statutes.

**SECTION 374.** 938.396 (1) of the statutes, as affected by [1997 Wisconsin Acts 80](#) and [205](#), is amended to read:

938.396 (1) Law enforcement officers' records of juveniles shall be kept separate from records of adults. Law enforcement officers' records of juveniles shall not be open to inspection or their contents disclosed except under sub. (1b), (1d), (1g), (1m), (1r), (1t) ~~or~~ (1x) or (5) or s. 938.293 or by order of the court. This subsection does not apply to representatives of the news media who wish to obtain information for the purpose of reporting news without revealing the identity of the juvenile involved, to the confidential exchange of information between the police and officials of the school attended by the juvenile or other law enforcement or social welfare agencies or to juveniles 10 years of age or older who are subject to the jurisdiction of the court of criminal jurisdiction. A public school official who obtains information under this subsection shall keep the information confidential as required under s. 118.125 and a private school official who obtains information under this subsection shall keep the information confidential in the same manner as is required of a public school official under s. 118.125. A law enforcement agency that obtains information under this subsection shall keep the information confidential as required under this subsection and s. 48.396 (1). A social welfare agency that obtains information under this subsection shall keep the information confidential as required under ss. 48.78 and 938.78.

NOTE: Reconciles the treatments of this provision by [1997 Wis. Acts 183](#) and [205](#).

**SECTION 375.** The treatment of 938.396 (1t) of the statutes by 1997 Wisconsin Act 35 is not repealed by 1997 Wisconsin Act 181. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 376.** 938.396 (2) (g) of the statutes, as created by 1997 Wisconsin Act 205, is renumbered 938.396 (2) (gm).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 1997 Wis. Act 80 also created a provision numbered s. 938.396 (2) (g).

**SECTION 377.** 938.396 (2) (i) of the statutes is amended to read:

938.396 (2) (i) Upon request of the court assigned to exercise probate jurisdiction, the attorney general, the personal representative or special administrator of, or an attorney performing services for, the estate of a decedent in any proceeding under chs. 851 to 879, a person interested, a as defined in s. 851.21, or an attorney, attorney-in-fact, guardian ad litem or guardian of the estate of a person interested to review court records for the purpose of s. 852.01 (2m) (bg) 854.14 (5) (b), the court assigned to exercise jurisdiction under this chapter and ch. 48 shall open for inspection by any authorized representative of the requester the records of the court relating to any juvenile who has been adjudged delinquent on the basis of unlawfully and intentionally killing a person.

NOTE: Section 852.01 (2m) was repealed and recreated by 1997 Wis. Act 188. It no longer contains par. (bg). The subject matter of the former s. 852.01 (2m) (bg) relating to the heirship of a juvenile adjudicated delinquent for intentionally killing a person is now located at s. 854.14 (5) (b), as created by 1997 Wis. Act 188.

**SECTION 378.** The treatment of 938.396 (7) (a) of the statutes by 1997 Wisconsin Act 95 is not repealed by 1997 Wisconsin Act 205. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 379.** The treatment of 938.396 (7) (bm) of the statutes by 1997 Wisconsin Act 95 is not repealed by 1997 Wisconsin Act 205. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 380.** The treatment of 938.396 (7) (c) of the statutes by 1997 Wisconsin Act 95 is not repealed by 1997 Wisconsin Act 205. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 381.** The treatment of 938.51 (1) (intro.) of the statutes by 1997 Wisconsin Act 181 is not repealed by 1997 Wisconsin Act 207. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 382.** 938.51 (1) (c) (intro.) of the statutes, as affected by 1997 Wisconsin Acts 181 and 207, is amended to read:

938.51 (1) (c) (intro.) Subject to par. (cm), notify an adult relative of the victim of the juvenile's release if all of the following apply:

NOTE: The underscored language was deleted by 1997 Wis. Act 181, but must be reinserted to give effect to the treatment of this provision by 1997 Wis. Act 207.

**SECTION 383.** 938.51 (1m) of the statutes, as affected by 1997 Wisconsin Acts 181 and 207, is amended to read:

938.51 (1m) The department or county department having supervision over a juvenile described in sub. (1) shall determine the local agencies that it will notify under sub. (1) (a) based on the residence of the juvenile's parents or on the juvenile's intended residence specified in the juvenile's aftercare supervision plan or, if those methods do not indicate the community in which the juvenile will reside following release from a secured correctional facility ~~or~~ from a secured child caring institution or from the supervision of the department or county department, the community in which the juvenile states that he or she intends to reside.

NOTE: The stricken "or" was inserted by 1997 Wis. Act 207, but rendered surplusage by the treatment of this provision by 1997 Wis. Act 181.

**SECTION 384.** The treatment of 938.51 (2) of the statutes by 1997 Wisconsin Act 181 is not repealed by 1997 Wisconsin Act 207. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 385.** The treatment of 938.51 (4) (intro.) of the statutes by 1997 Wisconsin Act 181 is not repealed by 1997 Wisconsin Act 207. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 386.** 938.51 (4) (a) of the statutes, as affected by 1997 Wisconsin Acts 181 and 207, is amended to read:

938.51 (4) (a) Any known victim of the act for which the juvenile was found delinquent or to be in need of protection or services, if the criteria under sub. (1) (b) are met; an adult relative of the victim, if the criteria under sub. (1) (c) are met; or the victim's parent or guardian, if the criteria under sub. (1) (cm) are met.

NOTE: The underscored language was deleted by 1997 Wis. Act 181, but must be reinserted to give effect to the treatment of this provision by 1997 Wis. Act 207.

**SECTION 387.** The treatment of 939.62 (2m) (a) 2m. b. of the statutes, as renumbered, by 1997 Wisconsin Act 219, section 1r, is not repealed by 1997 Wisconsin Act 295, section 11. Both treatments stand.

NOTE: There is no conflict of substance. Section 939.62 (2m) (a) 2. was renumbered to be s. 939.62 (2m) (a) 2m. b. by 1997 Wis. Act 326.

**SECTION 388.** The treatment of 939.62 (2m) (c) of the statutes, as renumbered, by 1997 Wisconsin Act 283, section 327, is not repealed by 1997 Wisconsin Act 326, section 9. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 389.** The treatment of 940.09 (1d) of the statutes by 1997 Wisconsin Act 237 is not repealed by 1997 Wisconsin Act 295. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 390.** 940.25 (1b) of the statutes is amended to read:

940.25 (1b) If there was a minor passenger under 16 years of age or an unborn child in the motor vehicle at the time of the violation that gave rise to the conviction under sub. (1), any applicable maximum fine or imprisonment specified for the conviction is doubled.



NOTE: The underscored language was inadvertently not included in the printed 1997–98 Wisconsin Statutes.

**SECTION 391.** The treatment of 940.25 (1d) of the statutes by 1997 Wisconsin Act 237 is not repealed by 1997 Wisconsin Act 295. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 392.** 940.25 (2) of the statutes, as affected by 1997 Wisconsin Act 295, is amended to read:

940.25 (2) The defendant has a defense if he or she proves by a preponderance of the evidence that the great bodily harm would have occurred even if he or she had been exercising due care and he or she had not been under the influence of an intoxicant or did not have an alcohol concentration described under sub. (1), ~~or (b)~~, (bm), (d) or (e).

NOTE: The treatment by 1997 Wis. Act 295 resulted in incorrect cross-references. Drafting records indicate that the underscored “(b)” was inadvertently stricken and that the stricken “or” was actually intended for striking.

**SECTION 393.** The treatment of 941.20 (3) (b) 2. of the statutes by 1997 Wisconsin Act 248 is not repealed by 1997 Wisconsin Act 249. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 394.** 941.31 (2) (c) of the statutes is amended to read:

941.31 (2) (c) This subsection does not apply to the transportation, possession, use or transfer of any improvised explosive ~~device~~ device by any armed forces or national guard personnel or to any peace officer in the line of duty or as part of a duty-related function or exercise. The restriction on transportation in this subsection does not apply to common carriers.

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

**SECTION 395.** 950.02 (1m) of the statutes, as affected by 1997 Wisconsin Acts 35 and 181, is amended to read:

950.02 (1m) “Crime” means an act committed in this state which, if committed by a competent adult, would constitute a crime, as defined in s. 939.12. juvenile

NOTE: The stricken language was inserted by 1997 Wis. Act 35, but rendered surplusage by the treatment of this provision by 1997 Wis. Act 181.

**SECTION 396.** 950.04 (2w) (g) of the statutes, as affected by 1997 Wisconsin Act 181, is amended to read:

950.04 (2w) (g) To be provided with appropriate employer intercession services to ensure that employers of witnesses will cooperate with the criminal justice process and the juvenile justice process in order to minimize an employe’s loss of pay and other benefits resulting from court appearances.

NOTE: 1997 Wis. Act 181 deleted “employer” without showing it as stricken. The change was intended.

**SECTION 397.** 961.41 (3g) (a) 1. of the statutes, as affected by 1997 Wisconsin Act 283, is amended to read:

961.41 (3g) (a) 1. Except as provided in subd. 2., if the person possesses a controlled substance included in schedule I or II which is a narcotic drug, or possesses a controlled substance analog of a controlled substance

included in schedule I or II which is a narcotic drug, the person may, upon a first conviction, be fined not more than \$5,000 or imprisoned for not more than 2 years or both, and, for a 2nd or subsequent offense, the person may be fined not more than \$10,000 or imprisoned for not more than 3 years or both.

NOTE: The underscored text was inadvertently deleted by 1997 Wis. Act 283.

**SECTION 398.** The treatment of 961.49 (2) (a) of the statutes by 1997 Wisconsin Act 283 is not repealed by 1997 Wisconsin Act 327. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 399.** 969.08 (1) of the statutes is amended to read:

969.08 (1) Upon petition by the state or the defendant, the court before which the action is pending may increase or reduce the amount of bail or may alter other conditions of release or the bail bond or grant bail if it has been previously revoked. Except as provided in sub. (5), a defendant for whom conditions of release are imposed and who after 72 hours from the time of initial appearance before a judge continues to be detained in custody as a result of the defendant’s inability to meet the conditions of release, upon application, is entitled to have the conditions reviewed by the judge of the court before whom the action against the defendant is pending. s Unless the conditions of release are amended and the defendant is thereupon released, the judge shall set forth on the record the reasons for requiring the continuation of the conditions imposed. A defendant who is ordered released on a condition which requires that he or she return to custody after specified hours, upon application, is entitled to a review by the judge of the court before whom the action is pending. Unless the requirement is removed and the defendant thereupon released on another condition, the judge shall set forth on the record the reasons for continuing the requirement.

NOTE: The underscored text was inadvertently deleted from the printed volumes of the 1997–98 Wisconsin Statutes.

**SECTION 400.** The treatments of 969.08 (10) (b) of the statutes by 1997 Wisconsin Acts 143 and 180 are not repealed by 1997 Wisconsin Act 295. All treatments stand.

NOTE: There is no conflict of substance.

**SECTION 401.** The treatments of 972.13 (6) of the statutes by 1997 Wisconsin Acts 250 and 275 are not repealed by 1997 Wisconsin Act 283. All treatments stand.

NOTE: There is no conflict of substance.

**SECTION 402.** The treatment of 972.14 (2) of the statutes by 1997 Wisconsin Act 73 is not repealed by 1997 Wisconsin Act 205. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 403.** The treatment of 972.15 (2s) of the statutes by 1997 Wisconsin Act 73 is not repealed by 1997 Wisconsin Act 205. Both treatments stand.



NOTE: There is no conflict of substance.

**SECTION 404.** The treatment of 973.0135 (1) (b) 2. of the statutes by [1997 Wisconsin Act 219](#) is not repealed by [1997 Wisconsin Act 295](#). Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 405.** The treatment of 973.014 (2) of the statutes by [1997 Wisconsin Act 283](#) is not repealed by [1997 Wisconsin Act 326](#). Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 406.** The treatments of 973.05 (1) of the statutes by [1997 Wisconsin Acts 27](#) and [148](#) are not repealed by [1997 Wisconsin Act 248](#). All treatments stand.

NOTE: There is no conflict of substance. [1997 Wis. Act 248](#) states that it treats this provision as affected by [1997 Wis. Act 27](#), but does not.

**SECTION 407.** 980.06 (2) (b) of the statutes, as affected by [1997 Wisconsin Acts 27](#) and [284](#), is amended to read:

980.06 (2) (b) An order for commitment under this section shall specify either institutional care or supervised release. In determining whether commitment shall be for institutional care or for supervised release, the court may consider, without limitation because of enumeration, the nature and circumstances of the behavior that was the basis of the allegation in the petition under s. 980.02 (2) (a), the person's mental history and present mental condition, where the person will live, how the person will support himself or herself, and what arrangements are available to ensure that the person has access to and will participate in necessary treatment, including pharmacological treatment using an antiandrogen or the

chemical equivalent of an antiandrogen if the person is a serious child sex offender. In deciding whether to order supervised release of a person who is a serious child sex offender, the court may not consider, as a factor in making its decision, that the person is a proper subject for pharmacological treatment using an antiandrogen or the chemical equivalent of an antiandrogen or that the person is willing to participate in pharmacological treatment using an antiandrogen or the chemical equivalent of an antiandrogen. The department shall arrange for control, care and treatment of the person in the least restrictive manner consistent with the requirements of the person and in accordance with the court's commitment order.

NOTE: Inserts missing "a".

**SECTION 408.** The treatment of 980.06 (2) (c) of the statutes by [1997 Wisconsin Act 275](#) is not repealed by [1997 Wisconsin Act 284](#). Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 409.** The treatment of 980.08 (4) of the statutes by [1997 Wisconsin Act 27](#) is not repealed by [1997 Wisconsin Act 284](#). Both treatments stand.

NOTE: There is no conflict of substance.

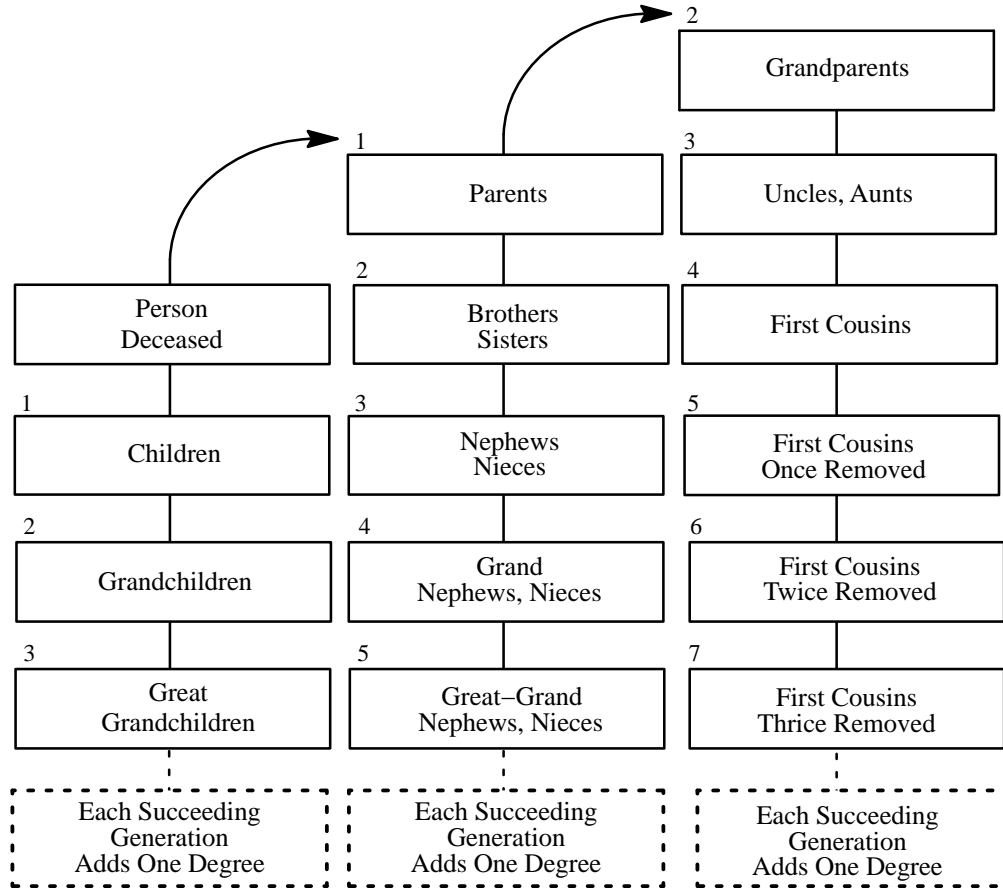
**SECTION 410.** The treatment of 980.08 (5) of the statutes by [1997 Wisconsin Act 275](#) is not repealed by [1997 Wisconsin Act 284](#). Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 411.** 990.001 (16) of the statutes is created to read:

990.001 (16) DEGREES OF KINSHIP. The degree of kinship is computed according to the rules of the civil law, as follows: [See Figure 990.001 (16) following]

Figure: 990.001 (16)



NOTE: Recreates s. 852.03 (2), 1995 stats., which was repealed by 1997 Wis. Act 188. Degrees of kinship are no longer used in the probate code. However, several previously existing statutes continue to use the degrees of kinship as determined under s. 852.03 (2), 1995 stats. This table is reinserted into the statutes for user convenience.

SECTION 412. 1997 Wisconsin Act 156, section 16 (1) (intro.) and (2) are amended to read:

[1997 Wisconsin Act 156] Section 16 (1) (intro.) Notwithstanding section 440.973 440.983 of the statutes, as created by this act and as renumbered by 1999 Wisconsin Act .... (this act), the department of regulation and licensing shall do each of the following:

(2) A license of registration issued under subsection (1) (a) may be renewed under section 440.975 440.985 of the statutes, as created by this act and as renumbered by 1999 Wisconsin Act .... (this act). A license of registration issued under subsection (1) (b) is valid until 3 years after that date that it is issued and may not be renewed.

NOTE: Sections 440.973 and 440.975, as created by 1997 Wis. Act 156, are renumbered subch. XI of ch. 440 by this bill.

SECTION 413. 1997 Wisconsin Act 240, section 14 is amended by replacing “for which the department has given prior review and approval as to the content of such classes or laboratory periods so as to assure that such classes and laboratory periods are only” with “for which the state superintendent has given prior review and approval as to the content of such classes or laboratory periods so as to assure that such classes and laboratory periods are only”.

NOTE: Inserts the treatment by 1997 Wis. Act 27 which was indicated by 1997 Wis. Act 240 to be included, but was not.

SECTION 414. 1997 Wisconsin Act 197, section 3 is amended by replacing “29.093 (2) (f) of the statutes is amended” with “29.093 (2) (f) 1. of the statutes is amended”.

NOTE: Clarifies that 1997 Wisconsin Act 197, section 3, affects only s. 29.093 (2) (f) 1. and not all of s. 29.093 (2) (f) as stated in the act.

**SECTION 415.** 1997 Wisconsin Act 218, section 41 is amended by replacing “~~filed under and the complainant specified in sub. (1) (a) 1. or 3. or, for a complaint specified in sub. (1) (a) 2., a party to an interconnection agreement who is identified in a notice under s. 196.199 (3) (b) 1. b., 10 days~~” with “filed under specified in sub. (1) and the complainant (a) 1. or 3. or, for a complaint specified in sub. (1) (a) 2., a party to an interconnection agreement who is identified in a notice under s. 196.199 (3) (b) 1. b., 10 days”.

NOTE: 1997 Wis. Act 218, section 41, showed “~~and the complainant~~” in the wrong location within s. 196.26 (2) (b). The deletion of the phrase was intended. This amendment clarifies the intended change.

**SECTION 416.** 1997 Wisconsin Act 231, section 21 is amended by replacing “153.05 (7) of the statutes, as affected by 1997 Wisconsin Act, is repealed.” with “153.05 (7) of the statutes, as affected by 1997 Wisconsin Act 27, is repealed.”.

NOTE: Inserts missing act number for clarification.

**SECTION 417.** 1997 Wisconsin Act 237, section 83no, is amended by replacing “39.41 (2) (a) of the statutes is amended to read:” with “39.41 (2) (a) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:”.

NOTE: 1997 Wis. Act 237, section 83no, treated s. 39.41 (2) (a) as affected by 1997 Wis. Act 27, but did not indicate that fact.

**SECTION 418.** 1997 Wisconsin Act 237, section 251i, is amended by replacing “50.095 (3) (am) of the statutes, as affected by 1997 Wisconsin Act 114, is created to read:” with “50.095 (3) (am) of the statutes is created to read:”.

NOTE: Section 50.095 (3) (am) was not affected by 1997 Wis. Act 114.

**SECTION 419.** 1997 Wisconsin Act 237, section 251L is amended by replacing “50.095 (3m) of the statutes, as affected by 1997 Wisconsin Act 114, is created to read:” with “50.095 (3m) of the statutes is created to read:”.

NOTE: Section 50.095 (3m) was not affected by 1997 Wis. Act 114.

**SECTION 420.** 1997 Wisconsin Act 237, section 382g is amended by replacing “138.12 (4) (a) of the statutes, as created by 1997 Wisconsin Act .... (Senate Bill 494), is renumbered” with “138.12 (4) (a) of the statutes, as affected by 1997 Wisconsin Act 191, is renumbered”.

NOTE: Section 138.12 (4) (a) was affected by 1997 Wis. Act 191 (SB-494), but was not created by it.

**SECTION 421.** 1997 Wisconsin Act 240, section 5 is amended by replacing “118.145 (1) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:” with “118.145 (1) of the statutes is amended to read:”.

NOTE: 1997 Wis. Act 240 indicated that it treated this provision as affected by 1997 Wis. Act 27, but did not.

**SECTION 422.** 1997 Wisconsin Act 240, section 8 is amended by replacing “119.04 (1) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:” with “119.04 (1) of the statutes is amended to read:”.

NOTE: 1997 Wis. Act 240 indicated that it treated this provision as affected by 1997 Wis. Act 27, but did not.

**SECTION 423.** 1997 Wisconsin Act 248, section 754 is repealed.

NOTE: 1997 Wis. Act 248, section 754, states that it amends s. 167.31 (4) (cm) (intro.). There is no s. 167.31 (4) (cm) (intro.). The treatment shown is actually of s. 167.31 (4) (cm). That treatment is correctly shown at section 755 of Act 248.

**SECTION 424.** 1997 Wisconsin Act 248, section 780 is amended by replacing “973.05 (1) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:” with “973.05 (1) of the statutes is amended to read:”.

NOTE: The treatment of s. 973.05 (1) by 1997 Wisconsin Act 27 was not included in the treatment of that provision by 1997 Wis. Act 248.

**SECTION 425.** 1997 Wisconsin Act 253, section 9 is amended by replacing “If by contractual agreement” with “If by contractual agreement”.

NOTE: The underscored “by” was preexisting. Only the comma was added.

**SECTION 426.** 1997 Wisconsin Act 254, section 111 is amended by replacing “~~following the filing under par. (a) with the commission~~” with “following the filing with the commission”.

NOTE: 1997 Wis. Act 254 erroneously included “under par. (a)” in the stricken material shown here.

**SECTION 427.** 1997 Wisconsin Act 292, section 203g is amended by replacing “with the hearing. F” with “with the hearing.”.

NOTE: 1997 Wis. Act 254 erroneously included “F” in the stricken material.

**SECTION 428. Effective dates.** This act takes effect on the day after publication, except as follows:

(1) The treatment of sections 196.205 (2), 196.215 (2d) and (2m) (e), 196.26 (1) (intro.) and (a) (intro.) and 1. to 3., (1m) and (2) (a) and (b) and 196.28 (3) of the statutes takes effect on May 1, 1999.

(2) The treatment of section 20.143 (1) (c) (by SECTION 14) of the statutes takes effect on June 30, 1999.

(3) The treatment of section 20.143 (1) (c) (by SECTION 15) of the statutes takes effect on July 1, 1999.

(4) The treatment of section 172.52, 172.53 (1) (intro.) and (2), 172.54, 172.55 and 172.56 (1) of the statutes takes effect on December 1, 1999.

(5) The treatment of sections 100.26 (2) and 961.41 (3g) (a) 1. of the statutes takes effect on December 31, 1999.