

**CHAPTER 110, Laws of 1979**

AN ACT to repeal 6.03 (4); to consolidate and amend 27.015 (4) and (5); to amend 6.03 (1) (a) and (3), 6.48 (3), 6.935, 13.13 (title) and (2), 13.55 (1), 13.81 (1), 13.92 (1) (c), 14.015 (1), 15.07 (1) (a) and (b) (intro.), 15.705 (1) (d), 20.004, 21.06, 25.156 (3), 25.16 (4) and (5), 25.19, 29.02 (2), 29.07, 29.415 (2) (a), 29.544 (1) (b), 32.075, 42.24, 42.78 (5) (a) 1, 44.01 (3), 46.18 (5) and (12) (title), 59.44 (title), 59.514, 59.81 (1), 60.305 (1), 60.308 (2), 63.02 (2), 64.29 (5), 64.36 (1), 66.073 (16) (b), 66.11 (3), 66.431 (3) (a), 66.4325 (2) (a), 66.505 (5) and (6) (a), 66.94 (5) (b) and (24), 66.945 (3) (a) 3, 70.06 (4), 70.47 (9a) and (13), 72.28 (1) (c) 2, 75.61 (1), 76.39 (5), 78.80 (2), 83.015 (1) (c), 86.22, 88.35 (2), 92.03 (4) (intro.), 97.42 (3) (a) (title) and (b) and (4) (a), 101.22 (5), 116.02 (1) (c), 119.10 (2), 126.57, 141.01 (9), 141.015 (4), 144.44 (8) (d), 147.20 (1) (b), 155.05, 171.08, 179.14 (title), 180.05 (1), 180.06 (title), 180.92 (1) and (2), 181.045 (1), 181.05 (title), 181.25 (3), 181.73 (1), 182.005, 185.92 (title), 187.12 (4) and (5), 187.16 (3), 191.20, 193.46 (title), 194.01 (5), 195.02 (3) and (5), 215.40 (6) (d), 220.07 (1), 229.12 (1) (a), 229.14 (1) and (3), 229.21 (5), 229.22 (1), 299.207 (5) (a), 403.408, 403.701 (2), 403.802 (1) (a) and (b), 405.108 (3) (a), 611.07 (2) (title), 612.03 (title), 613.07 (2) (title), 614.07 (2) (title), 625.22 (4), 626.22 (3), 645.04 (6) (title), 645.62 (3), 645.68 (7), 646.03 (1), 703.21 (1), 706.06 (3), 706.09 (1) (h), 757.287 (3) (e), 782.45, 802.06 (2), 804.05 (2) (a), 805.07 (2) and (4), 805.15 (6) (title), 809.19 (7), (8) (c) 2 and (9), 880.07 (3), 880.33 (9), 885.02 (2), 887.01 (2), 943.30 (3) (a), 946.18, 946.31 (1) (intro.) and 992.08; and to create 13.93 (1) (h) of the statutes, relating to removing latin terms from the statutes.

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

SECTION 1. 6.03 (1) (a) and (3) of the statutes are amended to read:

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

(3) No person may be denied the right to register to vote or the right to vote by reason that ~~such the~~ person is alleged to be ~~insane or non compos mentis~~ incapable of understanding the objective of the elective process unless ~~such the~~ person has been so adjudicated to be insane or non compos mentis as defined in sub. (4) in a separate proceeding instituted for that purpose by an elector of the municipality in accordance with the procedures set forth in ch. 880 for determining incompetency. If a determination of incompetency of ~~such the~~ person has already been made, or if a determination of limited incompetency has been made which does not include a specific finding that the subject is competent to exercise the right to vote, and a guardian or limited guardian has been appointed as a result of any such determination, then no determination of ~~insanity or non compos mentis status~~ incapacity of understanding the objective of the elective process is required unless the guardianship is terminated or modified under s. 880.34.

SECTION 2. 6.03 (4) of the statutes is repealed.

SECTION 3. 6.48 (3) of the statutes is amended to read:

6.48 (3) (title) CHALLENGE BASED ON INCOMPETENCY. Section 6.03 (3) applies to any challenge which is made to registration based on an allegation that an elector is ~~insane or non compos mentis~~ incapable of understanding the objective of the elective process and thereby ineligible for registration.

SECTION 4. 6.935 of the statutes is amended to read:

**6.935 (title) Challenge based on incompetency.** Section 6.03 (3) applies to any challenge of a person's right to vote under s. 6.92, 6.925 or 6.93 based on an allegation that an elector is ~~insane or non compos mentis~~ incapable of understanding the objective of the elective process and thereby ineligible to vote.

SECTION 4b. 13.13 (title) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

**13.13 (title) Speaker; deputy speaker; president of senate.**

SECTION 4d. 13.13 (2) of the statutes is amended to read:

13.13 (2) (title) DEPUTY SPEAKER. The assembly shall elect a an [a] deputy speaker pro tempore who shall hold office for the term for which elected to the assembly unless separated by death, resignation or removal ~~and who shall possess all the powers and prerogatives of the speaker in the absence of the speaker.~~ In the absence or inability of the speaker pro tempore to preside, the speaker may name any member to perform the duties of the chair temporarily but such selection shall not extend beyond a day's adjournment of the assembly, and such member shall be invested, during such time, with all the powers of the speaker to preside.

SECTION 4f. 13.55 (1) of the statutes is amended to read:

13.55 (1) CREATION. There is created a 5-member commission on uniform state laws to advise the legislature with regard to uniform laws and model laws. The commission shall consist of the executive secretary of the legislative council or a professional employe of the legislative council designated by the executive secretary, the chief of the legislative reference bureau or a professional employe under s. 13.92 (1) (b) designated by him or her, the revisor of statutes, and 2 members of the Wisconsin bar appointed by the governor for 4-year terms. The ex-officio members, other than the appointees of the governor, may each designate an employe to represent them at any meeting of the conference under sub. (3).

SECTION 4g. 13.81 (1) of the statutes, as affected by chapter 34, laws of 1979, sections 2r and 2100, is amended to read:

13.81 (1) CREATION. There is created a legislative council of 19 members consisting of the speaker and deputy speaker pro tempore of the assembly, the president of the senate, the senate and assembly majority and minority leaders, the 2 cochairpersons of the joint committee on finance, the ranking minority member of the joint committee on finance from each house, and 3 senators and 5 representatives to the assembly appointed as are the members of standing committees in their respective houses. The appointive members shall be selected so that each congressional district in this state is represented on the council by at least one member. The terms of all members shall expire on May 1 of each odd-numbered year.

SECTION 5. 13.92 (1) (c) of the statutes is amended to read:

13.92 (1) (c) *Drafting records; when confidential.* While the legislature remains in session the drafting section shall maintain the files for all drafting requests received during such session, but after the final adjournment sine die the drafting records to legislation introduced shall be turned over to the reference section under par. (a) 3. Records of drafting requests which did not result in legislation introduced shall remain confidential at all times and may be maintained by the drafting section in such form as will facilitate its operations.

SECTION 5c. 13.93 (1) (n) of the statutes is created to read:

13.93 (1) (n) Shall prepare for introduction in the legislature legislation substituting English terms for Latin terms in the statutes.

SECTION 5cm. 14.015 (1) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

14.015 (1) **DISABILITY BOARD.** There is created a disability board which is attached to the office of the governor under s. 15.03. Where not in conflict with s. 17.025, s. 15.07 applies to the disability board. The disability board shall consist of the governor, the chief justice of the supreme court, the speaker of the assembly, the president of the senate, the minority leader of the assembly, the minority leader of the senate, and the dean of the university of Wisconsin medical school. In case of the absence or disability of any of the members to serve for a particular meeting of the board, the lieutenant governor, a justice of the supreme court designated by the chief justice, the deputy speaker pro tempore of the assembly, the majority leader of the senate, the assistant minority leader of the assembly, the assistant minority leader of the senate, or an associate dean of the university of Wisconsin medical school designated by the dean shall serve, respectively, in place of the officers.

SECTION 5d. 15.07 (1) (a) (intro.), as affected by chapter 34, laws of 1979, and (b) (intro.) of the statutes are amended to read:

15.07 (1) (a) (intro.) If a department or independent agency is under the direction and supervision of a board, the members of the board, other than ~~ex officio~~ the members serving on the board because of holding another office or position, shall be nominated by the governor, and with the advice and consent of the senate appointed, to serve for terms prescribed by law, except:

(b) (intro.) For each board not covered under par. (a), the governor shall appoint the members of the board, other than ~~ex officio~~ the members serving on the board because of holding another office or position and except as otherwise provided, for terms prescribed by law except that the members of the following boards shall be nominated by the governor, and with the advice and consent of the senate appointed, for terms provided by law:

SECTION 5m. 15.705 (1) (d) of the statutes is amended to read:

15.705 (1) (d) The state historic preservation officer, who shall be ~~an ex officio and a~~ a nonvoting member.

SECTION 6. 20.004 of the statutes is amended to read:

**20.004 Revising schedule and summaries.** Immediately following the final adjournment ~~sine die~~ of the legislature, or at convenient intervals prior thereto, the department of administration shall amend the schedule and summaries set forth in s. 20.005 to include all fiscal acts of the legislature, and submit ~~such~~ the composite amended schedule and summaries to the revisor of statutes who shall print ~~such~~ the revised schedules and summaries of all state funds in the ensuing issue of the statutes as part of s. 20.005 and in lieu of the schedules and summaries printed in the preceding issue of the statutes. If any conflict exists between ss. 20.100 to 20.899 and s. 20.005, ~~the provisions of~~ ss. 20.100 to 20.899 shall control and s. 20.005 shall be changed to correspond with ss. 20.100 to 20.899. All appropriations are to be rounded to the nearest \$100 and if any appropriation is made which is not so rounded the department of administration, when preparing ~~such~~ the composite amended schedule and summaries, shall show ~~such~~ the appropriation increased to the next \$100.

SECTION 7. 21.06 of the statutes is amended to read:

**21.06 (title) Exemptions from certain county duties.** Every member of the state military forces shall be exempt from service on any ~~posse comitatus~~ body of county residents summoned by the sheriff to assist in preserving the peace.

SECTION 7b. 25.156 (3) of the statutes is amended to read:

25.156 (3) The members of the board shall appoint an investment director to act as executive assistant director ~~pro-tem~~, except that until such ~~the~~ appointment is made by the members of the board, the executive director may temporarily designate such ~~the~~ assistant director ~~pro-tem~~.

SECTION 7d. 25.16 (4) and (5) of the statutes are amended to read:

25.16 (4) The assistant director ~~pro-tem~~ shall act in place of the executive director in his or her absence or disability. The assistant director ~~pro-tem~~ shall take and file the official oath required of the executive director.

(5) All documents which must be executed by or on behalf of the board shall be signed only by the executive director or, in the event of his or her absence or disability, by the assistant director ~~pro-tem~~ unless the members of the board or the executive director require the countersignature of an investment director or an investment supervisor on certain documents.

SECTION 7m. 25.19 of the statutes is amended to read:

**25.19 (title) Treasurer; bond; deposit of securities.** The state treasurer shall be ~~ex-officio~~ the treasurer of the investment board and shall give an additional bond in such amount and with such corporate sureties as ~~shall be~~ is required and approved by the board, the cost of which shall be borne by the board. Any of the securities purchased by the investment board for any of the funds whose investment is under the control of the board may be deposited by the board or the state treasurer in vaults or other safe depositories outside of the office of the state treasurer, and either in or outside of this state, but a safekeeping receipt shall be delivered to the state treasurer for all securities so deposited. Every such safekeeping receipt shall describe the securities covered thereby and be payable on demand, without conditions, to the investment board or to any designated fund under the control of the board or to the state treasurer.

SECTION 7p. 27.015 (4) and (5) of the statutes are consolidated and amended to read:

27.015 (4) COUNTY COMMITTEE. In each county there shall be a county rural planning committee. ~~Such~~ The committee shall consist of the chairman of the county board and the chairman of the county highway committee, ~~ex-officio members~~, and 2 others, ~~either men or women~~, to be appointed by such ~~ex-officio members~~. ~~The chairman of the county board shall be chairman of such committee.~~ (5) APPOINTMENT TERMS. ~~Within 60 days after August 3, 1919, the ex-officio members of the committee shall meet and appoint the balance of the committee, one for a term of 2 years, and one for a term of 4 years, and thereafter one shall be appointed chairmen every 4 years for a term of 4 years and until his or her successor is elected and qualified. Terms of appointed members expire on July 1. The chairman of the county board shall be chairman of the committee.~~

SECTION 8. 29.02 (2) of the statutes is amended to read:

29.02 (2) The legal title to any such wild animal, or carcass or part thereof, taken or reduced to possession in violation of this chapter, remains in the state; and the title to any such wild animal, or carcass or part thereof, lawfully acquired, is subject to the condition that upon the violation of this chapter relating to the possession, use, giving, sale, barter or transportation of such wild animal, or carcass or part thereof, by the holder of such title, the same shall revert, ~~ipso facto~~ as a result of the violation, to the state. In either case, any such wild animal, or carcass or part thereof, may be seized forthwith, wherever found, by the department or its wardens.

SECTION 8m. 29.07 of the statutes is amended to read:

**29.07 Assistance of police officers.** All sheriffs, deputy sheriffs, coroners, and other police officers are ~~ex-officio~~ deputy conservation wardens, and shall assist the department and its wardens in the enforcement of this chapter whenever notice of a violation thereof is given to either of them by the department or its wardens.

SECTION 9. 29.415 (2) (a) of the statutes is amended to read:

29.415 (2) (a) "Endangered species" means any species whose continued existence as a viable component of this state's wild ~~fauna~~ animals or ~~flora~~ wild plants is determined by the department to be in jeopardy on the basis of scientific evidence.

SECTION 10. 29.544 (1) (b) of the statutes is amended to read:

29.544 (1) (b) The legal title to such wild rice taken or reduced to possession in violation of this chapter or of any rule of the department remains in the state; and the title to any such wild rice lawfully acquired is subject to the condition that upon the violation of this chapter or of any department rule relating to the possession, use, harvest, sale or purchase thereof by the holder of such title, the same shall revert, ~~ipso facto~~ as a result of the violation, to the state. In either case, such wild rice may be seized forthwith wherever found by the department or its agents.

SECTION 10d. 32.075 of the statutes is amended to read:

**32.075 Use after condemnation.** Whenever the public service commission has made a finding, either with or without hearing, ~~(1)~~ that it is reasonably certain it will be necessary for a public utility, as defined in ch. 196, to acquire lands or interests therein for the purpose of the conveyance of telegraph and telephone messages, or for the production, transformation or transmission of electric energy for the public, or for ~~right-of-way~~ right-of-way for a gas ~~pipe-line~~ pipeline, main or service, and ~~(2)~~ that such public utility is unlikely to commence construction of its facilities upon such lands within 2 years of such finding, such public utility may file its petition and proceed with condemnation as prescribed in s. 32.06 and no further determination of necessity shall be required. When the lands to be condemned under ~~the provisions hereof~~ this section are needed for ~~rights-of-way~~ rights-of-way for telegraph, telephone or electric lines or ~~pipe-lines~~ pipelines, it shall not be necessary that the particular parcel or parcels of land be described in the commission's finding, but it shall be sufficient that such finding described the ~~termini~~ end points of any such lines and the general direction or course of the lines between the ~~termini~~ end points, but when the utility files its petition under s. 32.06 it shall specifically describe therein the lands to be acquired. Notwithstanding the completion of the condemnation proceedings and the payment of the award made under this chapter, the owner may continue to use the land until such time as the utility constructs its facilities thereon.

SECTION 10m. 42.24 of the statutes is amended to read:

**42.24 (title) State treasurer is treasurer of system.** The state treasurer shall be ~~ex-officio~~ the treasurer of the state teachers retirement system.

SECTION 11. 42.78 (5) (a) 1 of the statutes is amended to read:

42.78 (5) (a) 1. An amount which is equal to twice the accumulation which would have resulted from the deposits made by such member under s. 42.80 (1) to (5) prior to July 1, 1973, if interest had been compounded thereon at the annual rate of 3% ~~per annum~~, and

SECTION 11d. 44.01 (3) of the statutes is amended to read:

44.01 (3) The governor, secretary of state and state treasurer shall be ~~ex-officio~~ members of the board of curators and shall ~~insure~~ ensure that the interests of the state are protected.

SECTION 11f. 46.18 (5) and (12) (title) of the statutes are amended to read:

46.18 (5) OFFICERS. The trustees shall elect a president. The superintendent of the institution shall be ~~ex-officio~~ the secretary.

(12) (title) ADDITIONAL DUTIES.

SECTION 11m. 59.44 (title) of the statutes is amended to read:

**59.44 (title) Acting district attorney; assistants in criminal and civil cases.**

SECTION 12. 59.514 of the statutes is amended to read:

**59.514 Including tax key number.** In counties having a population of 500,000 or more where tax key numbers are used for ad valorem in the tax roll purposes for taxes based on the value of property in cities, villages or towns, any instrument conveying any interest in real estate located in such municipality shall contain reference to the key number affected. ~~Such~~ The reference to the key number shall be for informational purposes only and shall not be a requirement for the recording of the instrument. This section shall not apply to any instrument conveying an easement right only.

SECTION 13. 59.81 (1) of the statutes is amended to read:

59.81 (1) ISSUANCE; LIMITATIONS. When any claim is allowed by any county board, either in whole or in part, ~~said~~ the board shall direct an order to be drawn upon the county treasurer in favor of the claimant for the amount so allowed, but no order except for the per diem and mileage of the members of ~~said~~ the board shall ~~may~~ be drawn in favor of any claimant within 5 days after the allowance of his or her claim. Any person whose claim has been allowed in part may receive the order drawn for the part so allowed without prejudice to his or her right to appeal as to the part disallowed. ~~But no~~ No county board shall ~~may~~ issue a greater amount of orders, scrip and certificates of indebtedness than the amount of the county taxes levied in ~~such~~ the county for ~~such~~ that year. The county board may authorize the issuance of orders, scrip or certificates of indebtedness at a rate of interest specified thereon, but not to exceed 6% per annum year; except that ~~such~~ the orders, scrip and certificates of indebtedness shall bear no interest if paid and payable within one month from date of issuance, and shall bear no interest after date of publication of redemption notice as hereafter provided in this subsection. The county treasurer may publish a class 1 notice, under ch. 985, that the county will redeem certain outstanding orders, scrip or certificates, which notice shall specify the particular orders, scrip or certificates, or series thereof, then redeemable.

SECTION 13m. 60.305 (1) of the statutes is amended to read:

60.305 (1) (a) When a town sanitary district is situated in territory lying within 2 or more towns, or when ~~such~~ the district has been created in territory in one or more towns and a portion thereof is incorporated as or annexed to a city or village, the town board of the town containing the largest assessed valuation of taxable property of ~~such~~ the district lying in 2 or more towns, or the town board of a town in which the major portion of the patrons reside when a portion of ~~such~~ the district is incorporated as a city or village, shall within 60 days after December 1, 1955, or of the creation of a new district having territory in 2 or more towns, or of incorporation or annexation of part of ~~such~~ the district, appoint or provide for an election for the purpose of selecting 3 town sanitary district commissioners. Commissioners shall be so appointed or elected by the qualified electors of the district for a term of 2 years. Successor commissioners shall be appointed in the same manner or elected by the qualified electors of the district for like terms at the regular spring election in such towns and villages held in odd-numbered years. The terms of all commissioners appointed or elected in 1955 shall expire on the first Monday of April 1957. If the commissioners have been appointed and a change to election of the commissioners ~~be~~ is requested by a petition submitted to the town board of the town containing the largest assessed valuation of taxable property or the major portion of the patrons in the district it shall call a special election for the election of commissioners within 60 days from the date of receipt of the petition. The petition shall be signed by at least 20% of the qualified electors of the district. Commissioners elected at a special election shall take office 30 days after ~~such~~ the election and shall serve until the first Monday of April of the next year in which a regular town election is held. Successor commissioners shall be

electd at such election or at the regular spring election of such year or both. Any vacancy may be filled by appointment for the remainder of the unexpired term. The salary, if any, of the commissioners and the treasurer shall be fixed by the town board of the town having the largest assessed valuation of taxable property or the major portion of the patrons in the district. Where all the territory of a town sanitary district lies within one town, the town board may by a two-thirds vote constitute itself as ~~ex-officio~~ the commissioners of the town sanitary district. ~~In the event~~ If the town board does not constitute itself as ~~ex-officio~~ the commissioners of the town sanitary district, then ~~such~~ the town shall within 60 days provide for appointment or election of 3 sanitary commissioners as provided in this section. All sanitary district commissioners shall be property owners and residents of the sanitary district, except that where the sanitary district is composed primarily of summer resort property only one of the commissioners is required to be a resident of the district. The requirements of this section for appointment or provision for election of commissioners within 60 days after December 1, 1955, shall not apply to districts wherein commissioners were elected in 1955 prior to December 1, 1955. So far as applicable ss. 5.01 (2), 5.60, 7.15 (2) (d) and 8.50 shall apply to special elections of commissioners under this section.

(b) Notwithstanding any provision in par. (a) to the contrary, after July 12, 1961, of the commissioners first appointed or elected in a newly established sanitary district one shall be appointed or elected for a term of 2 years, one for a term of 4 years and one for a term of 6 years and their successors shall be appointed or elected for terms of 6 years each; and of the commissioners appointed or elected to succeed commissioners whose terms expire after July 12, 1961, and prior to July 1, 1963, one shall be appointed or elected for a term of 2 years, one for a term of 4 years and one for a term of 6 years and thereafter successor commissioners shall be appointed or elected for terms of 6 years each; and of the commissioners appointed or elected to succeed commissioners whose terms expire after July 1, 1963, one shall be appointed or elected for a term of 2 years, one for a term of 4 years and one for a term of 6 years and thereafter successor commissioners shall be appointed or elected for staggered 6-year terms. This paragraph does not apply to members of a town board constituted as ~~ex-officio~~ the commissioners of the town sanitary district.

SECTION 14. 60.308 (2) of the statutes is amended to read:

60.308 (2) All election proceedings before ~~said date~~ March 16, 1935, in such district for the authorization and issuance of bonds for the purpose of constructing improvements of a sanitary nature, within the district, such bonds being payable from ~~ad-valorem~~ taxes ~~levied on~~ based on the value of the taxable property within the district, are hereby legalized and validated, ~~provided if the same~~ bonds do not exceed any constitutional debt limitation, and the commission of such district appointed and acting, or to be appointed under sections ss. 60.30 to 60.309 shall, without further referendum, complete the issuance and delivery of ~~such the~~ bonds pursuant to the provisions of sections under ss. 60.30 to 60.309, and ~~such the~~ bonds, when delivered to the purchaser and paid for at a price of not less than par and accrued interest to date of delivery, shall constitute the legal and binding obligations of ~~such the~~ town sanitary district, payable from ~~ad-valorem~~ taxes ~~against all~~ based on the value of the taxable property in ~~such the~~ district.

SECTION 14d. 63.02 (2) of the statutes is amended to read:

63.02 (2) Every commission may appoint a chief examiner who shall superintend any examinations held in the county under ss. 63.01 to 63.16 and perform such other duties as the commission may prescribe. The chief examiner shall be ~~ex-officio~~ secretary of the commission, and, as such, ~~he~~ shall cause the minutes of its proceedings to be taken in shorthand and fully transcribed. The original transcribed copy shall be the official minutes of such proceedings and shall be open and available for public inspection. The secretary shall preserve all reports made to the commission, keep a record of all examinations held under its direction and perform such other duties as the commission may from time to time prescribe. The salary of the chief examiner, unless a greater amount is set by

the board of supervisors, shall not exceed \$1,500. The commission may also appoint such clerical or other assistants as it may deem necessary and fix their salaries. All such appointments shall be made subject to ss. 63.01 to 63.16. The person holding the position of chief examiner, under the classified service, on June 16, 1974 shall continue in that capacity under civil service status until his or her death, resignation or removal from the position. Thereafter a director of personnel shall be appointed by the county executive in the unclassified civil service for a term of 4 years or less to be concurrent with the term of the county executive and subject to confirmation by the county board. An incumbent shall hold office until a new appointment is made by the county executive and confirmed by the county board.

SECTION 14m. 64.29 (5) of the statutes is amended to read:

64.29 (5) All boards and commissions created and existing under laws heretofore in force in any such city shall continue to exist, and all powers, authority, jurisdiction and duties conferred and imposed upon such boards and commissions shall remain unaffected by ss. 64.25 to 64.40, except that the mayor shall may not be ex-officio a member of any such board or commission because of holding office as mayor.

SECTION 14p. 64.36 (1) of the statutes is amended to read:

64.36 (1) The board of public works shall continue as constituted, or it shall be composed of such city officers as the council shall designate, or the council may act ex-officio as a board of public works, or the board may be dispensed with and the functions thereof exercised by the council, as may be provided by ordinance.

SECTION 15. 66.073 (16) (b) of the statutes is amended to read:

66.073 (16) (b) The property of a company, including any pro-rata proportional share of any property owned by a company in conjunction with any other person or public agency, is declared to be public property used for essential public and governmental purposes and such property or pro-rata proportional share, a company and its income shall be exempt from all taxes of the state or any state public body except that for each project owned or partly owned by it, a company shall make payments-in-lieu-of-taxes to the state equal to the amount which would be paid to the state under ch. 76 for such project or share thereof if it were deemed to be owned by a light, heat and power company under s. 76.02 (8). The payment shall be determined, administered and distributed by the state in the same manner as the taxes paid by light, heat and power companies under ch. 76, except that the ad-valorem rate based on the value of the property applicable to light, heat and power companies taxed under ch. 76, which is to be used in determining such a payment, shall be adjusted downward to obtain a rate net of public utility tax credits received under s. 79.10.

SECTION 15b. 66.11 (3) of the statutes is amended to read:

66.11 (3) APPOINTMENTS ON CONSOLIDATION OF OFFICES. Whenever offices are consolidated, the occupants of which are ex-officio members of the same statutory committee or board and which are serving in that office because of holding another office or position, the common council or village board may designate another officer or officers or make such additional appointments as may be necessary to procure the number of committee or board members provided for by statute.

SECTION 15d. 66.431 (3) (a) of the statutes is amended to read:

66.431 (3) (a) ~~Whereas, it~~ It is hereby found and declared that a redevelopment authority, functioning within a city in which there exists substandard, deteriorating, deteriorated, insanitary, slum and blighted areas, constitutes a more effective and efficient means for preventing and eliminating slums and blighted areas in such the city and preventing the recurrence thereof; ~~therefore.~~ Therefore, there is hereby created in every such city a redevelopment authority, known as the redevelopment authority of the city of ... (which in this section shall be hereafter referred to as "authority," and when so



referred to, ~~it shall be deemed to mean~~ means and ~~apply~~ applies to a redevelopment authority) for the purpose of carrying out blight elimination, slum clearance, and urban renewal programs and projects as ~~hereinafter~~ in this section, together with all powers necessary or incidental to effect adequate and comprehensive blight elimination, slum clearance and urban renewal programs and projects. ~~Such~~ The authority ~~shall be authorized to~~ may transact business and exercise any of the powers ~~herein~~ granted to it in this section following the adoption by the local legislative body of a resolution declaring in substance that there exists within such city a need for blight elimination, slum clearance and urban renewal programs and projects. Upon the adoption of ~~such~~ the resolution by the local legislative body by a two-thirds vote of its members present, a certified copy thereof shall be transmitted to the mayor or other head of the city government. Upon receiving ~~such~~ the certified copy of such resolution, the mayor or other head of the city government shall, with the confirmation of four-fifths of the local legislative body, appoint 7 resident freeholders as commissioners of the authority. No more than 2 of such commissioners ~~shall~~ may be officers of the city in which the authority is created. The powers of the authority shall be vested in the commissioners. In making appointments of commissioners, the appointing power shall give due consideration to the general interest of the appointee in a redevelopment, slum clearance or urban renewal program and shall, insofar as is possible, designate representatives from the general public, labor, industry, finance or business group, and civic organizations. Appointees shall have sufficient ability and experience in related fields, especially in the fields of finance and management, to assure efficiency in the redevelopment program, its planning and direction. One of such 7 commissioners shall be a member of the local legislative body ~~who shall serve ex officio~~. Commissioners shall receive their actual and necessary expenses, including local traveling expenses incurred in the discharge of their duties.

SECTION 15f. 66.4325 (2) (a) of the statutes is amended to read:

66.4325 (2) (a) Two of the commissioners shall be members of the council and shall serve ~~ex officio~~ during their term of office as council members.

SECTION 15m. 66.505 (5) and (6) (a) of the statutes are amended to read:

66.505 (5) AUDITORIUM BOARD. The ordinance shall provide for the establishment of a joint county-city auditorium board to be composed as follows: The mayor, or chief executive of the city and the chairman of the county board, who shall serve as ~~ex officio~~ members of the board during their respective terms of office; in addition ~~thereto~~ the board shall be composed of 4 members to be appointed by the county board chairman and confirmed by the county board, one for a one-year, one for a 2-year, one for a 3-year and one for a 4-year term, and 4 members to be appointed by the mayor or other chief executive officer of the city and confirmed by the city council, one for a one-year, one for a 2-year, one for a 3-year and one for a 4-year term; in the case of the members of the board appointed by the mayor or chief executive of the city, not more than 2 public officials (either elected or appointed) shall be eligible to be members of the board, and in the case of the members of the board appointed by the county board chairman, not more than 2 public officials (either elected or appointed) shall be eligible to be members of the board. Their respective successors shall be appointed and confirmed in like manner for terms of 4 years. All appointees shall serve until their successors are appointed and qualified. Terms shall begin as specified in the ordinance. Vacancies shall be filled for the unexpired term in the manner in which the original appointment was made.

(6) (a) When all members have qualified the board shall meet at the place designated in the ordinance and organize by electing from its membership a president, a vice president, a secretary and a treasurer, each to hold office for one year. The offices of secretary and treasurer may be combined if the board so decides. Members may receive such compensation as may be provided in the ordinance and shall be reimbursed their actual and necessary expenses for their services, ~~provided that ex officio members~~. However, members serving on the board because of holding another office or position shall not receive

compensation other than any actual and necessary expenses for their services. With the approval of the board, the treasurer may appoint an assistant secretary and assistant treasurer, who need not be members of the board, to perform such services as shall be specified by the board.

SECTION 16. 66.94 (5) (b) and (24) of the statutes are amended to read:

66.94 (5) (b) *Exempt from taxation.* The authority, its property (real or personal), franchises and income and the bonds, certificates and other obligations issued by it, and the interest thereon, shall be exempt from all ~~ad valorem~~ and income taxes and taxes based on the value of property by the state, any county, municipality, public corporation or other political subdivision or agency of the state.

(24) CONDUCT OF BOARD MEETINGS. Regular meetings of the board shall be held at least once in each calendar month, at a time and place fixed by the board. Five members of the board shall constitute a quorum for the transaction of business, ~~but a lesser number may adjourn a meeting to a definite date or sine die at its option~~ except that a quorum is not required for adjournment to a definite date or final adjournment. All action of the board shall be by ordinance or resolution and the affirmative vote of at least 4 members shall be necessary for the adoption of any ordinance or resolution. All such ordinances and resolutions before taking effect shall be approved by the chairman chairperson of the board by signing the same, ~~and such as he shall not approve he ordinance or resolution.~~ The chairman shall return to the board with his the objections thereto in writing at the next regular meeting of the board. But in case the chairman shall fail so to any ordinance or resolution the chairperson does not approve. If the chairperson does not so return any ordinance or resolution, he shall be it is deemed to have be approved the same and it shall take effect accordingly. Upon the return of any ordinance or resolution by the chairman chairperson with his the objections, it shall be reconsidered by the board, and if upon such reconsideration it is again passed by the affirmative vote of at least 5 members, it shall go into effect notwithstanding the veto of the chairman chairperson. All ordinances, resolutions and all proceedings of the authority and all documents and records in its possession shall be public records, and open to public inspection, except such documents and records as ~~shall be~~ are kept or prepared by the board for use in negotiations, action or proceedings to which the authority is a party.

SECTION 16m. 66.945 (3) (a) 3 of the statutes is amended to read:

66.945 (3) (a) 3. The secretary of ~~the department of~~ local affairs and development or ~~his a~~ designee shall serve as ~~an ex-officio,~~ a nonvoting member of each regional planning commission organized ~~pursuant to~~ under this section.

SECTION 17. 70.06 (4) of the statutes is amended to read:

70.06 (4) Whenever the tax commissioner ascertains or has good reason to believe that any person appointed as provided in sub. (2) is guilty of any of the causes for removal mentioned in sub. (3) ~~he the tax commissioner~~ may immediately suspend ~~such the~~ person, and the tax commissioner shall thereupon within 10 days make complaint to the presiding judge of the circuit court for the removal of ~~such the~~ person, and the matters shall be brought on for immediate hearing. The city attorney shall attend and prosecute ~~such the~~ proceedings for removal. Unless ~~such the~~ complaint is filed by the ~~said~~ tax commissioner within ~~said that~~ time, ~~said the~~ person so suspended shall ~~ipso facto~~ be reinstated, as a result of the failure to act, without further proceedings. ~~Nothing herein contained, however, shall affect in this subsection affects~~ the removal of any person appointed ~~pursuant to~~ under sub. (2) in the manner and for the causes as provided in s. 17.14.

SECTION 18. 70.47 (9a) and (13) of the statutes are amended to read:

70.47 (9a) APPEAL. Except as provided in s. 70.85, appeal from the determination of the board of review shall be by writ of certiorari to the circuit court and shall be placed at the head of the circuit court calendar for an early hearing. No such writ shall issue unless

the petition therefor is made to the circuit court within 90 days after final adjournment of the board shall have adjourned sine die. If the court on such appeal finds any error in the proceedings of the board which renders the assessment or the proceedings void, it shall remand the assessment to the board for further proceedings in accordance with the court's determination and retain jurisdiction of the matter until the board has determined an assessment in accordance with the court's order. For this purpose ~~when ever, if final adjournment of the board shall have adjourned sine die~~ occurs prior to the court's decision on the appeal, the court may order the governing body of the assessing authority to reconvene the board.

(13) MILWAUKEE, FILING OBJECTIONS, PROCEEDINGS, APPEAL. (a) In ~~cities of the 1st class~~ cities all objections to the amount or valuation of real or personal property shall be first made in writing and filed with the tax commissioner on or before the 3rd Monday in April. No person ~~shall~~ may be allowed in any action or proceeding to question the amount or valuation of real or personal property in the assessment rolls of ~~such the~~ the city unless objections ~~shall~~ have been so filed; ~~and the~~. The board may not waive the requirement that such objection be in writing. If such objections ~~shall~~ have been investigated by a committee of the board of assessors as provided in s. 70.07 (6), the board of review may adopt the recommendation of ~~such the~~ the committee unless the objector ~~shall request requests~~ or the board ~~shall order~~ orders a hearing. At least 2 days' notice of the time fixed for ~~such the~~ the hearing shall be given to the objector or attorney and to the city attorney of ~~such the~~ the city. The provisions of the statutes relating to boards of review not inconsistent with this subsection shall be applicable to proceedings before the boards of review of such cities, except that the board need not adjourn until the assessment roll is completed by the tax commissioner, as required in s. 70.07 (6), but may immediately hold hearings on objections filed with the tax commissioner, and the changes, corrections and determinations made by ~~such the~~ the board acting within its powers shall be prima facie correct. Appeal from such determination shall be by writ of certiorari to the circuit court and shall be placed at the head of the circuit court calendar for an early hearing. No writ of certiorari shall issue to ~~said the~~ the board of review unless the petition for ~~such the~~ the writ ~~shall have been~~ is filed with the circuit court within 90 days after ~~said final adjournment of the~~ final adjournment of the board of review ~~has adjourned sine die~~.

(b) In ~~cities of the 1st class~~ cities if an assessment valuation for ~~ad-valorem~~ ad-valorem taxes based on the value of real property is the same for the current year as for the preceding year and ownership of the property is unchanged, and if an objection had been filed to the assessment valuation for the preceding year and the assessed valuation by the assessor was sustained by the board of review or the courts, an objection filed under sub. (7) to the assessment valuation on the same property for the current year shall be subject to a fee not to exceed \$10 payable to the city at the time of filing ~~such the~~ the objection or within 3 days thereafter, and ~~such the~~ the fee shall be a condition for the hearing of the objection before the board of review.

SECTION 19. 72.28 (1) (c) 2 of the statutes is amended to read:

72.28 (1) (c) 2. Payment. The tax, based on the value determined by subd. 1, is upon a transfer of a proportion of the principal ~~or corpus~~ of the estate equal to its present value and not upon any income of that property produced after death, which income shall be subject to the income tax. The tax imposed by this subchapter is due and payable out of the property transferred without right of recoupment from the life tenant.

SECTION 20. 75.61 (1) of the statutes is amended to read:

75.61 (1) (title) ONE-YEAR LIMITATION. Every action enumerated in ss. 75.57 (~~Stats., 1955~~) stats., and 66.635, and every action or proceeding to set aside any sale of lands for the nonpayment of taxes, or to cancel any tax certificate, or to restrain the issuing of any tax certificate, or tax deed, for any error or defect going to the validity of the assessment, and affecting the groundwork of such tax, or on account of any void or defective special assessment, shall be commenced within one year from the date of such

tax sale, and not thereafter. In every action brought to set aside any such sale, or to cancel any tax certificate, or to restrain the issuing of any tax deed upon any ground whatever not going to the validity of the assessment and affecting the groundwork of such tax or special assessment, the plaintiff, if he ~~show~~ or she ~~shows~~ himself or herself otherwise entitled to judgment, shall, before the entry thereof within a reasonable time to be fixed by the court, pay into the court for the person or persons claiming under such tax sale or tax certificate the amount for which such land was sold, and the amount paid by such person or persons for taxes levied upon the premises subsequent to such sale, with interest on all such amounts at the rate of 8 ~~per cent~~ % per ~~annum~~ year from the times of payment until the ~~said money be so~~ is paid into court; and in default of such payment within the time so fixed the defendant shall have judgment in the action. This provision as to the payment into court to be made by the plaintiff shall apply to all actions brought to cancel any tax deed, or to remove the cloud upon any title created by any tax certificate or tax deed where the action impeaches the tax deed or tax certificate upon any grounds whatever not affecting the groundwork of the tax for the nonpayment of which such deed or tax certificate was issued.

SECTION 21. 76.39 (5) of the statutes is amended to read:

76.39 (5) Delinquent taxes, penalties, interest and late filing fees shall be a lien upon the property of any railroad company or car line company prior to all other liens, claims and demands, which lien may be enforced in any action in the name of the state in any court of competent jurisdiction. All provisions of law for enforcing payment of delinquent income taxes pursuant to under ch. 71 or enforcing payment of delinquent ~~ad valorem~~ taxes pursuant to based on the value of property under this chapter shall be available to collection of taxes on gross receipts in this state levied pursuant to under this section.

SECTION 21b. 78.80 (2) of the statutes is amended to read:

78.80 (2) The department may hold hearings, issue subpoenas ~~duces tecum~~, administer oaths to witnesses, take the sworn testimony of any person and cause it to be transcribed into writing and conduct such investigations as it may deem necessary. If any wholesaler, broker, dealer, special fuel licensee, purchaser or common carrier, or any other person refuses access to ~~said~~ the books, records, papers, receipts, invoices, storage tanks and other equipment, and if any witness fails or refuses to obey any subpoena ~~or subpoena duces tecum~~ or fails or refuses to testify before the department, then the department shall certify the names and facts to any court of competent jurisdiction and the court shall enter such order as the enforcement of this chapter and justice shall require.

SECTION 21m. 83.015 (1) (c) of the statutes is amended to read:

83.015 (1) (c) The town chairman of each town in which county aid construction is performed shall be ~~ex officio~~ a member of the county highway committee, or shall act with such committee, on all matters affecting such construction in his the town, ~~provided~~ if the town has voted a portion of the cost thereof.

SECTION 22. 86.22 of the statutes is amended to read:

**86.22 Interstate railroad bridges must have convenient approaches.** ~~It shall be the duty of any~~ Each corporation incorporated under the laws of this state and ~~which have been~~ granted a franchise or permit by the ~~United States~~ U.S. congress to construct, maintain and operate a railroad bridge and provide for the passage of pedestrians, wagons, vehicles and all kinds of street railway and motor cars across the waters forming a boundary line between this and any other state and to forever maintain ~~such~~ the bridge in accessible and serviceable condition, ~~to~~ shall construct or cause to be constructed, approaches making ~~such~~ the bridge accessible and serviceable for the use of pedestrians, wagons, vehicles and all kinds of street railway and motor cars as a connection between this state and the street [state] connected therewith by ~~such~~ the bridge, so that ~~such~~ the bridge shall be accessible and serviceable to pedestrians, wagons and vehicles and all kinds of street railway and

motor cars at the time such bridge is used for railroad service, and if any such corporation ~~shall fail~~ fails or ~~refuse~~ refuses to comply with ~~the provisions of~~ this section within one year from the time ~~such the~~ bridge is used for railroad service the charter of ~~such the~~ corporation granted by this state shall thereupon be ~~ipso facto~~ forfeited, as a result of the failure or refusal to comply with this section, without any further action whatever and ~~such the~~ corporation shall forthwith discontinue the transaction or operation of its business in this state.

SECTION 22m. 88.35 (2) of the statutes is amended to read:

88.35 (2) In laying out the drains the board shall not be confined to the points of commencement, routes or ~~termini~~ end points of the drains or the number, extent or size of the same, or the location, plan or extent of any drain as proposed by the petitions, but shall locate, design, lay out and plan the same in such manner as to the board seems best to promote the public health or welfare and to drain or to protect the lands of the parties interested with the least damage and greatest benefit to all lands affected thereby. In determining the sufficiency of the depth and capacity of the drains, the board shall consider whether other lands lie above and drain in the direction of, through and along the general course of the proposed drains.

SECTION 23. 92.03 (4) (intro.) of the statutes is amended to read:

92.03 (4) (intro.) "Land occupier" or "occupier of land" means any person over 18 years of age and any copartnership, firm or corporation that holds title to land lying within the district whether or not ~~such the~~ lands are subject to easement, mortgage, lien, lease, or restrictive covenant, except that it shall not include any person under guardianship, ~~non compos mentis~~ incompetent or insane. A person, partnership, firm or corporation shall be deemed to hold title to land if ~~said the~~ person, partnership, firm or corporation:

SECTION 24. 97.42 (3) (a) (title) and (b) and (4) (a) of the statutes are amended to read:

97.42 (3) (a) (title) *Examination before slaughter.*

(b) (title) *Examination after slaughter.* For the same purpose the department shall cause to be made, by inspectors (who may be veterinarians on either a full or part-time basis) under supervision of the department, ~~a postmortem~~ an examination and inspection of the carcasses and parts thereof of all animals and poultry ~~},~~ except as provided in par. (d)}, slaughtered at any establishment. The carcasses and parts thereof of all such animals and poultry found to be wholesome and fit for human food shall be marked, stamped, tagged or labeled by inspectors as "Wis. inspected and passed". Inspectors shall mark, stamp, tag or label as "Wis. inspected and condemned" all carcasses and parts thereof of such animals and poultry found to be unwholesome or otherwise unfit for human food, and all carcasses and parts thereof so inspected and condemned shall be destroyed, in accordance with rules issued by the department. Inspection marks, stamps, tags and labels shall be prescribed by the department and shall include thereon the identification number of the establishment assigned by the department.

(4) (a) The ~~antemortem and postmortem~~ inspection before and after slaughter of all animals and poultry killed or dressed for human consumption at any establishment.

SECTION 25. 101.22 (5) of the statutes is amended to read:

101.22 (5) JUDICIAL REVIEW. Within 30 days after service upon all parties of any order of the commission under this section the respondent or complainant may appeal the order to the circuit court for the county in which the alleged discrimination took place by the filing of a petition for review. The respondent or complainant shall receive a new trial de novo on all issues relating to any alleged discrimination and a further right to a trial by jury, if so desired. The department of justice shall represent the commission. In any such trial the burden shall be to prove discrimination by a fair preponderance of the

evidence. Costs in an amount not to exceed \$100 plus actual disbursements for the attendance of witnesses may be taxed to the prevailing party on the appeal.

SECTION 25b. 116.02 (1) (c) of the statutes is amended to read:

116.02 (1) (c) If there are more than 11 school districts in the agency, the state superintendent shall cause to convene annually on the 2nd Monday in August a convention composed of the representative from each school board in the agency. The secretary to the board of control of the agency shall act as nonvoting secretary to the convention. In ~~his~~ the secretary's absence the convention shall appoint a an acting secretary ~~pro-tem~~ from among the representatives to the convention. Upon the convening of the convention the representatives from all school boards within each union high school district territory, meeting separately, shall elect a single representative to represent the territory in the election of members of the board of control. After the meeting for election of a single representative from each union high school district territory, the convention shall formulate a plan of representation for the agency and shall elect the members of the board of control, not to exceed 11 in number, in accordance with the plan. The members of the board of control shall be chosen from among the representatives elected to represent each union high school district territory and the representatives appointed by the school boards of districts operating both elementary and high school grades.

SECTION 25d. 119.10 (2) of the statutes is amended to read:

119.10 (2) Annually on the 4th Monday in April, or on the next day if the 4th Monday is a legal holiday, the board shall hold its organizational meeting and shall elect a president from among its members to serve for one year and until a successor is chosen. In the absence or during the disability of the board president, the board shall elect a an acting president ~~pro-tempore~~. The board president shall appoint standing committees to serve for one year.

SECTION 25f. 126.57 of the statutes is amended to read:

**126.57 (title) Place of sale.** In all sales of grain to be delivered in Superior or where the purchase price is to be determined by weighing the grain in Superior or where delivery or weighing is contemplated or afterwards takes place there, the sales shall be deemed to have been made in said that city ~~within the provisions of under~~ this chapter.

SECTION 25j. 141.01 (9) of the statutes is amended to read:

141.01 (9) If the county board does not provide for a county health commission every town board shall, within 30 days after each election of officers, organize as a board of health or appoint wholly or partially from its own members, a suitable number of competent persons as a board of health for ~~such~~ the town. The board of health shall elect a chairman, a clerk and a health officer who shall be ~~ex-officio~~ a member of ~~such~~ the board with voting power and its executive officer and take the oath of office. The health officer shall hold office for 2 years. The town board of health and health officer shall have the powers and duties authorized for the county health commission and health director in this section.

SECTION 25m. 141.015 (4) of the statutes is amended to read:

141.015 (4) Unless the manner of appointment is otherwise provided for by ordinance, the board of health shall elect a chairman, a clerk and a health officer who shall be ~~ex officio~~ a member of ~~such~~ the board and its executive officer and take the oath of office. If a vacancy in the position of health officer occurs, the board of health shall immediately fill the ~~same~~ position. The board shall immediately report to the county health commission and the department the names, post-office addresses and occupations of the officers thereof, and any changes therein. The health officer shall receive an annual salary to be fixed by the city council or the village board and shall ~~receive his~~ be reimbursed for actual and necessary expenses. If the appointee is not a physician, the board of health shall

arrange for and provide in addition such services of a physician as may be necessary on either a part-time or full-time basis and provide reasonable compensation therefor.

SECTION 26. 144.44 (8) (d) of the statutes is amended to read:

144.44 (8) (d) If the licensee does not request a hearing under par. (b), the department shall issue the order or decision under par. (a). The licensee may challenge the order or decision by commencing an action in the circuit court for the county in which the site or facility is located within 60 days after issuance of the order or decision. The complaint shall allege that the site or facility adheres to the minimum standards promulgated under s. 144.43. The licensee shall receive a new trial on all issues relating to the site or facility and relicensing of the site or facility. The trial shall be conducted by the court without a jury, ~~and shall be conducted as a de novo proceeding.~~

SECTION 27. 147.20 (1) (b) of the statutes is amended to read:

147.20 (1) (b) The department shall hold a public hearing at the time and place designated in the notice of hearing. At the beginning of each such hearing the petitioner shall present evidence to the department which is in support of the allegation made in the petition. All interested persons or their representative shall be afforded an opportunity to present facts, views or arguments relevant to the issues raised by the petitioners, and cross-examination shall be allowed. ~~All~~ The department shall consider anew all matters concerning the permit denial, modification, suspension or revocation shall be considered de novo. No person shall may be required to appear by attorney at any hearing under this section.

SECTION 27m. 155.05 of the statutes is amended to read:

**155.05 (title) Autopsy.** Consent for a licensed physician to conduct ~~a post-mortem examination of an autopsy on~~ the body of a deceased person shall be deemed sufficient when given by whichever one of the following assumes custody of the body for purposes of burial: Father, mother, husband, wife, child, guardian, next of kin, or in the absence of any of the foregoing, a friend, or a person charged by law with the responsibility for burial. If 2 or more such persons assume custody of the body, the consent of one of them shall be deemed sufficient.

SECTION 28. 171.08 of the statutes is amended to read:

**171.08 Restored to donors or applied to charity.** Whenever, upon the occurrence of a cyclone, conflagration or like calamity, 5 or more persons shall contribute moneys to a common fund for the relief of the sufferers by such calamity the surplus money, if exceeding \$25 in amount, remaining unexpended for such purpose in the hands of any person authorized to receive and disburse the ~~same money~~ after the expiration of 6 months from the date of ~~such~~ the calamity shall be disposed of as ~~herein provided in this section.~~ Within 10 days after the expiration of such 6 months the person having possession of ~~such~~ the surplus shall make and cause to be published a complete itemized statement of all moneys paid into ~~such~~ the fund, all disbursements therefrom and the amount of the unexpended balance. ~~Such~~ The publication shall be made as a class 1 notice, under ch. 985, in the town, city or village wherein the calamity occurred. There shall be annexed to and published with such statement a notice, signed by the person having possession of ~~such~~ the surplus, to the effect that ~~he~~ the person will pay to each of the contributors to such fund ~~his pro-rata~~ a proportional share of the surplus at a place named in the notice, after deducting expenses of publishing the notice, if payment thereof is duly demanded within 60 days from the date of the publication of ~~such~~ the notice, and that after the expiration of ~~said~~ the period all moneys not so returned to contributors will be donated to one or more charities to be named in the notice. Within 5 days after the expiration of ~~said~~ the 60 days the person having ~~such~~ the surplus in his or her possession shall deliver it to the charity or one or more of the charities mentioned in ~~such~~ the notice, and on delivery of the ~~same surplus~~ and the filing of a receipt therefor, with an affidavit of the publication and mailing of ~~such~~ the notice and statement, in the office of the clerk of the county in

which ~~such~~ the calamity occurred, shall not thereafter be liable or accountable therefor to the contributors of ~~such~~ the fund, any portion of them or any other person.

SECTION 28m. 179.14 (title) of the statutes is amended to read:

**179.14 (title) Priorities among limited partners.**

SECTION 29. 180.05 (1) of the statutes is amended to read:

180.05 (1) A corporation ~~shall have power to~~ may indemnify any person who was or is a party or threatened to be made a party to any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative (other than an action by or in the right of the corporation) by reason of the fact that he or she is or was a director, officer, employe or agent of the corporation, or is or was serving at the request of the corporation as a director, officer, employe or agent of another corporation, partnership, joint venture, trust or other enterprise, against expenses, including ~~attorneys' attorney~~ attorney fees, judgments, fines and amounts paid in settlement actually and reasonably incurred by ~~him~~ the person in connection with such action, suit or proceeding if ~~he~~ the person acted in good faith and in a manner he or she reasonably believed to be in or not opposed to the best interests of the corporation, and, with respect to any criminal action or proceeding, had no reasonable cause to believe his or her conduct was unlawful. The termination of any action, suit or proceeding by judgment, order, settlement, conviction, or upon a plea of ~~nolo contendere~~ no contest or its equivalent, shall not, of itself, create a presumption that the person did not act in good faith and in a manner which he or she reasonably believed to be in or not opposed to the best interests of the corporation, and, with respect to any criminal action or proceeding, had reasonable cause to believe that his or her conduct was unlawful.

SECTION 29m. 180.06 (title) of the statutes is amended to read:

**180.06 (title) Effect of unauthorized corporate acts.**

SECTION 30. 180.92 (1) and (2) of the statutes are amended to read:

180.92 (1) If the secretary of state finds that any document, other than the annual report of a domestic or foreign corporation, required by this chapter to be filed in the secretary's office does not conform to law, the secretary shall, within 10 days after receipt of the document, give written notice of the secretary's decision to the person or corporation, domestic or foreign, delivering the ~~same document~~, specifying the reasons therefor. ~~Such~~ The decision shall be subject to such judicial proceedings as are provided by law, or such person or corporation, within 60 days after receipt of the ~~said~~ notice of decision, may commence an action against the secretary of state in the circuit court of Dane county by filing a summons and a complaint to set aside such finding, ~~whereupon~~. The proceedings shall be had as in other actions and the matter shall be tried de novo person or corporation shall receive a new trial on all issues relating to the secretary's decision. The trial shall be conducted by the court without a jury, and the court shall either sustain the action of the secretary of state or direct the secretary of state to take such action as the court deems proper.

(2) If the secretary of state ~~shall revoke~~ revokes, or ~~give~~ gives notice of intention to revoke, the certificate of authority to transact business in this state of any foreign corporation, ~~pursuant to~~ under this chapter, such decision shall be subject to such judicial proceedings as are provided by law, or such foreign corporation, within 60 days after receipt of the notice of revocation or intention to revoke, may commence an action against the secretary of state in the circuit court of Dane county by filing a summons and a complaint to set aside such decision, ~~whereupon~~. The proceedings shall be had as in other actions and the matter shall be tried de novo person or corporation shall receive a new trial on all issues relating to the secretary's decision. The trial shall be conducted by the court without a jury, and the court shall either sustain the action of the secretary of state or direct the secretary of state to take such action as the court deems proper. Upon the commencement of such action the court may stay or suspend the effect of the order of the



secretary of state revoking or noticing intention to revoke the certificate of authority to transact business in this state upon such terms and conditions as the court deems proper.

SECTION 31. 181.045 (1) of the statutes is amended to read:

181.045 (1) A corporation ~~shall have power to~~ may indemnify any person who was or is a party or threatened to be made a party to any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative (other than an action by or in the right of the corporation) by reason of the fact that he or she is or was a director, officer, employe or agent of the corporation, or is or was serving at the request of the corporation as a director, officer, employe or agent of another corporation, partnership, joint venture, trust or other enterprise, against expenses, including ~~attorneys' attorney fees, judgments, fines and amounts paid in settlement actually and reasonably incurred by him~~ the person in connection with such action, suit or proceeding if ~~he~~ the person acted in good faith and in a manner he or she reasonably believed to be in or not opposed to the best interests of the corporation, and, with respect to any criminal action or proceeding, had no reasonable cause to believe his or her conduct was unlawful. The termination of any action, suit or proceeding by judgment, order, settlement, conviction, or upon a plea of ~~nolo contendere~~ no contest or its equivalent, shall not, of itself, create a presumption that the person did not act in good faith and in a manner which he or she reasonably believed to be in or not opposed to the best interests of the corporation, and, with respect to any criminal action or proceeding, had reasonable cause to believe that his or her conduct was unlawful.

SECTION 31d. 181.05 (title) of the statutes is amended to read:

**181.05 (title) Effect of unauthorized corporate acts.**

SECTION 31m. 181.25 (3) of the statutes is amended to read:

181.25 (3) The articles of incorporation or the by-laws may provide that any one or more officers of the corporation shall be ~~ex-officio~~ members of the board of directors.

SECTION 32. 181.73 (1) of the statutes is amended to read:

181.73 (1) If the secretary of state finds that any document required by this chapter to be filed in the secretary's office does not conform to law, the secretary shall, within 10 days after receipt of the document, give written notice of the secretary's decision to the person or corporation, domestic or foreign, delivering the ~~same document~~, specifying the reasons therefor. ~~Such~~ The decision shall be subject to such judicial proceedings as are provided by law, or such person or corporation, within 60 days after receipt of the ~~said~~ notice of decision, may commence an action against the secretary of state in the circuit court of Dane county by filing a summons and a complaint to set aside such findings, ~~whereupon. The proceedings shall be had as in other actions and the matter shall be tried de novo~~ person or corporation shall receive a new trial on all issues relating to the secretary's decision. The trial shall be conducted by the court without a jury, and the court shall either sustain the action of the secretary of state or direct the secretary to take such action as the court deems proper.

SECTION 33. 182.005 of the statutes is amended to read:

**182.005 Water reservoirs.** The articles of a corporation organized in whole or in part to establish, maintain or operate a system of water reservoirs for the purpose of regulating the flow of any river in the state shall guarantee to every owner of water power located below ~~such~~ the reservoir system, who does not already own his or her quota of stock, the right at any time to purchase from the corporation at par such a ~~pro-rata~~ proportional share of all of the capital stock of the corporation as the cubic foot storage fall of the water power of ~~such~~ the owner shall be of the sum of the cubic foot storage falls of all water powers benefited by ~~such~~ the reservoir system. The cubic foot storage fall of any water power is the product of the height expressed in feet of the head obtained or obtainable by the dam at said power, multiplied by the storage capacity expressed in cubic feet of the

reservoirs tributary to such power. The articles shall never be amended so as to withdraw said guaranty.

SECTION 33d. 185.92 (title) of the statutes is amended to read:

**185.92 (title) Effect of unauthorized acts.**

SECTION 33f. 187.12 (4) and (5) of the statutes are amended to read:

187.12 (4) OFFICERS; BONDS. The officers of ~~such the~~ corporation shall be a president, vice president, treasurer and secretary. The bishop, ~~his or her~~ successor or administrator thereof, or such other person as may be appointed according to the rules of the Roman Catholic church, or administrator for the time being, shall be president; the pastor shall be vice president ~~ex-officio~~, and the treasurer and secretary shall be selected or chosen from among the ~~laymen~~ laypersons as provided by the by-laws. In all cases the treasurer shall be required to give bond to such corporation in such sum and with such sureties as the directors ~~shall require~~ requires, conditioned that he ~~or she~~ will faithfully account for and pay over all moneys ~~that may come into his hands as such~~ received as treasurer and otherwise faithfully discharge the duties of ~~his the~~ office, which bond shall, before he ~~or she~~ enters upon such duties, be approved by the president, vice president and secretary by ~~indorsement~~ endorsement made thereon. Whenever the secretary or treasurer shall, after due notice, neglect or fail to attend the meetings of the directors or attend to the business of ~~such the~~ corporation ~~his or her~~ office shall be declared vacant by the remaining directors and such vacancy be filled by them.

(5) DEBTS; SALE OF REALTY. The bishop or administrator, the vicar-general, pastor, treasurer and secretary shall be ~~ex-officio~~ directors of ~~such the~~ corporation. They may, by a majority vote, contract debts not exceeding in amount the sum of ~~three hundred dollars; but debts \$300.~~ Debts in excess of that sum may be contracted by the consent and vote of all the directors; such debt. Such debt may be evidenced by a note or other evidence of debt and may be secured by a mortgage on the property of ~~such the~~ corporation, but ~~such the~~ note, other evidence of debt or mortgage shall not be construed as implying any covenant for the payment of the sum thereby intended to be secured on the part of any of ~~said the~~ directors, but the remedies of the payee or mortgagee named therein shall be confined to the lands and property of ~~such the~~ corporation. The real estate of the corporation shall not be sold, mortgaged, ~~incumbered~~ encumbered or disposed of in any manner without the vote and consent of all the directors.

SECTION 33m. 187.16 (3) of the statutes is amended to read:

187.16 (3) GOVERNMENT AND OFFICERS OF THE SALVATION ARMY. The commander in chief of the Salvation Army in the United States of America, the territorial commander of the central territory of the Salvation Army in the United States of America, the chief secretary of the central territory of the Salvation Army in the United States of America, the divisional commander of the Salvation Army in the state of Wisconsin and one officer or ~~layman~~ lay member of the Salvation Army in the United States selected by the commander in chief of the Salvation Army in the United States of America, shall be trustees of such a corporation and ~~such the~~ officers and ~~such layman the lay~~ trustee shall together constitute the board of trustees thereof. The ~~four~~ 4 first-mentioned officers of ~~said the~~ corporation shall be trustees thereof ~~ex-officio~~ during their term of office, and shall cease to be trustees thereof upon their removal or resignation. The term of office of the ~~fifth~~ 5th trustee shall be one year and ~~he~~ may be removed from office at any time by a vote of the ~~four~~ 4 first-mentioned officers, or a majority of them. Whenever the office of ~~such a~~ trustee ~~shall becomes~~ becomes vacant by ~~expiration of term of office or otherwise,~~ his a successor shall be appointed from the officers or members of the Salvation Army by the commander in chief of the Salvation Army in the United States of America. No act or proceeding of the trustees of the Salvation Army ~~shall be~~ is valid without the vote of the majority of the trustees of ~~said the~~ corporation.

SECTION 33p. 191.20 of the statutes is amended to read:

**191.20 Railroad routes; right to alter.** Every railroad company may, by the vote of two-thirds of its directors, alter or change the route of its railroad, by making and filing in the office of the commission and also by recording in the office of the register of deeds of the county or counties where ~~such the~~ alteration or change is to be made, a surveyed map and certificate of ~~such the~~ alteration or change, ~~provided that such.~~ The alteration or change shall may not deviate from the original route for a greater distance than one mile at any point, and provided that no. ~~No city or village shall may be left off said the~~ railroad by ~~such the~~ change of route, ~~and provided that the.~~ The original termini end points of said the railroad, or the route in any city or village, shall not be changed without the approval of the commission after notice to the municipality.

SECTION 34. 193.46 (title) of the statutes is amended to read:

**193.46 (title) Franchises completely surrendered.**

SECTION 34d. 194.01 (5) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

194.01 (5) "Common motor carrier" means any person who holds himself or herself out to the public as willing to undertake for hire to transport by motor vehicle between fixed ~~termini end points~~ or over a regular route upon the public highways, passengers or property other than livestock, fluid milk or other farm products or farm supplies transported to or from farms. The transportation of passengers in taxicab service or in commuter car pool or van pool vehicles with a passenger-carrying capacity of less than 15 persons shall not be construed as being that of a common motor carrier.

SECTION 34m. 195.02 (3) and (5) of the statutes are amended to read:

195.02 (3) This chapter applies to the transportation of passengers and property between points within this state, and to the receiving, switching, delivering, storing and handling of such property, and to all charges connected therewith, and applies to all common carriers engaged in the transportation of passengers or property wholly by rail or partly by rail and partly by water, and to all common carriers of property wholly by water which operate between fixed ~~termini end points~~, but shall not apply to transportation of property by water under contract as a private carrier.

(5) "Railroad" also means and embraces common carriers of property by water which operate between fixed ~~termini end points~~, and all of the duties required of, and penalties imposed upon, any railroad or any agent or officer thereof shall, in so far as the same are applicable, be required of, and imposed upon, such common carriers of property by water.

SECTION 35. 215.40 (6) (d) of the statutes is amended to read:

215.40 (6) (d) At the end of 3 years of corporate existence, the board of directors may petition the commissioner for authority to repay the incorporators on a ~~pro-rata proportional~~ basis, any unused portion remaining in the subsidy by directors. If the commissioner determines that the operations of the association at that point are of such degree as to enable the association to operate as an independent institution, requiring no further subsidy, ~~he~~ the commissioner may authorize such repayment.

SECTION 36. 220.07 (1) of the statutes is amended to read:

220.07 (1) CAPITAL IMPAIRED; DUTY OF COMMISSIONER; DEFICIENCY. Whenever the commissioner of banking ~~shall become satisfied~~ determines that the capital of any bank is impaired or reduced below the amount required by law or the articles of incorporation, or below the amount certified to the commissioner as paid in, ~~he shall have the power to the~~ commissioner may require such bank under his or her hand and seal of office to make good such impairment or deficiency within 60 days after the date of such requisition. In any case, where the capital of a bank ~~shall have become~~ becomes impaired or reduced below the amount required by law or the articles of incorporation, the board of directors of such bank ~~shall have the power to~~ may make a ~~pro-rata proportional~~ assessment upon all of the stock of ~~said the~~ bank to make good such deficiency, and may provide that the

amount of such deficiency shall be due and payable at a time to be fixed by such board of directors, which time shall be not less than 10 days after notice of said the assessment; ~~provided, that notice.~~ Notice to stockholders residing in another state shall be given by registered mail and a return receipt demanded. If any stockholder ~~shall fail~~ fails or ~~neglect neglects~~ to pay the amount of the assessment against his or her stock for 10 days after the ~~same shall have become so~~ assessment becomes due and payable, the directors of such the bank may offer said the stock for sale, and sell the ~~same~~ stock at public sale upon 10 days' notice to be given by posting copies of such the notice of sale in 5 public places in the town, village or city where such the bank is located. Upon such the sale, the purchaser shall forthwith pay the amount of the assessment against said the stock. The amount received from the sale of said the stock, less the cost and expenses of such the sale, shall be paid to the original owner of such the stock.

SECTION 36d. 229.12 (1) (a) of the statutes is amended to read:

229.12 (1) (a) The president of the board of school directors and the city superintendent of schools ~~as ex-officio members.~~

SECTION 36m. 229.14 (1) and (3) of the statutes are amended to read:

229.14 (1) At its first meeting the board of trustees shall elect by ballot a person of suitable learning, scientific attainments, ability and experience for librarian of the public library or director of the public museum respectively. Each shall be selected in accordance with and shall be subject to the usual laws, rules and regulations of the city civil service commission. Each shall receive such compensation as shall be fixed by his the board of trustees and shall be ~~ex-officio~~ the secretary of his the board.

(3) The board of the public museum may appoint an acting director whenever, in their discretion, the service of the museum shall require it, who shall also be ~~ex-officio~~ acting secretary of the board and whose acts as such shall receive full credit.

SECTION 37. 229.21 (5) of the statutes is amended to read:

229.21 (5) Whenever the city ~~shall have~~ has acquired all the stock of such the corporation, the corporation shall ~~ipso facto~~ be dissolved as a result of the city's action and the title to all its property of ~~whatsoever nature~~ shall vest in said the city; thereupon the auditorium board provided for in s. 229.22 (1) and (2) shall be reorganized under s. 229.22 (3).

SECTION 37m. 229.22 (1) of the statutes is amended to read:

229.22 (1) The building, maintenance and operation of said the institution shall be under the full and complete control of a board of 13 members, designated as the "Auditorium Board" and constituted as follows: Five of such the members shall be elected by such the corporation, from among its stockholders, for first terms of 1, 2, 3, 4 and 5 years, respectively, and successive terms of 5 years each; and the other members shall consist of the mayor, city attorney, city comptroller, city treasurer, one alderman member of the board of trustees of the public library and a different alderman member of the board of trustees of the public museum, of said the city, ~~ex-officio~~, selected respectively by such the boards of trustees and 2 aldermen appointed by the president of the common council for terms of 5 years. An alderman appointed by the president shall serve only while serving as alderman.

SECTION 38. 299.207 (5) (a) of the statutes is amended to read:

299.207 (5) (a) A timely filing of a demand for trial shall result in a new trial ~~de novo~~ before the court on all issues between the parties.

SECTION 39. 403.408 of the statutes is amended to read:

**403.408 Consideration.** Want or failure of consideration is a defense as against any person not having the rights of a holder in due course (s. 403.305), except that no consideration is necessary for an instrument or obligation thereon given in payment of or as

security for an antecedent obligation of any kind. Nothing in this section shall be taken to displace any statute outside this code under which a promise is enforceable notwithstanding lack or failure of consideration. Partial failure of consideration is a defense ~~pro tanto~~ to the extent of the failure whether or not the failure is in an ascertained or liquidated amount.

SECTION 40. 403.701 (2) of the statutes is amended to read:

403.701 (2) Unless otherwise agreed when a bank receives from another bank a letter of advice of an international sight draft the drawee bank may immediately debit the drawer's account and stop the running of interest ~~pro tanto~~ to the extent of the debit. Such a debit and any resulting credit to any account covering outstanding drafts leaves in the drawer full power to stop payment or otherwise dispose of the amount and creates no trust or interest in favor of the holder.

SECTION 41. 403.802 (1) (a) and (b) of the statutes are amended to read:

403.802 (1) (a) The obligation is ~~pro tanto~~ discharged to the extent of the instrument if a bank is drawer, maker or acceptor of the instrument and if there is no recourse on the instrument against the underlying obligor; and

(b) In any other case the obligation is suspended ~~pro tanto~~ to the extent of the instrument until the instrument is due or if it is payable on demand until its presentment. If the instrument is dishonored action may be maintained on either the instrument or the obligation; discharge of the underlying obligor on the instrument also discharges ~~him~~ the underlying obligor on the obligation.

SECTION 42. 405.108 (3) (a) of the statutes is amended to read:

405.108 (3) (a) The issuer may honor complying drafts or demands for payment presented to it in the order in which they are presented and is discharged ~~pro tanto~~ to the extent of the draft or demand by honor of any such draft or demand;

SECTION 42d. 611.07 (2) (title) of the statutes is amended to read:

611.07 (2) (title) EFFECT OF UNAUTHORIZED CORPORATE ACTS.

SECTION 42f. 612.03 (title) of the statutes is amended to read:

**612.03 (title) General powers and effect of unauthorized corporate acts.**

SECTION 42m. 613.07 (2) (title) of the statutes is amended to read:

613.07 (2) (title) EFFECT OF UNAUTHORIZED CORPORATE ACTS.

SECTION 42p. 614.07 (2) (title) of the statutes is amended to read:

614.07 (2) (title) EFFECT OF UNAUTHORIZED CORPORATE ACTS.

SECTION 43. 625.22 (4) of the statutes is amended to read:

625.22 (4) INTERIM RATES. Whenever an insurer has no legally effective rates as a result of the commissioner's disapproval of rates or other act, the commissioner shall on request specify interim rates for the insurer that are high enough to protect the interests of all parties and may order that a specified portion of the premiums be placed in an escrow account approved by ~~him~~ the commissioner. When new rates become legally effective, the commissioner shall order the escrowed funds or any overcharge in the interim rates to be distributed appropriately, except that refunds to policyholders that are ~~de minimis~~ trifling shall not be required.

SECTION 44. 626.22 (3) of the statutes is amended to read:

626.22 (3) INTERIM RATES. Whenever an insurer has no legally effective rates as a result of an order by the commissioner under s. 626.13 or sub. (1), the commissioner shall on request specify interim rates for the insurer and may order that a specified portion of the premiums be placed in an escrow account approved by the commissioner. When new rates become legally effective, the commissioner shall order the escrowed funds or any

overcharge in the interim rates to be distributed appropriately, except that refunds that are ~~de minimis~~ trifling shall not be required.

SECTION 45. 645.04 (6) (title) of the statutes is amended to read:

645.04 (6) (title) CHANGE OF FORUM.

SECTION 46. 645.62 (3) of the statutes is amended to read:

645.62 (3) CONCLUSIVENESS OF JUDGMENTS. No judgment or order against an insured or the insurer entered after the filing of a successful petition for liquidation and no judgment or order against an insured or the insurer entered at any time by default or by collusion need be considered as evidence of liability or of ~~quantum~~ the amount of damages. No judgment or order against an insured or the insurer entered within 4 months before the filing of the petition need be considered as evidence of liability or of the ~~quantum~~ amount of damages.

SECTION 47. 645.68 (7) of the statutes is amended to read:

645.68 (7) INTEREST ON CLAIMS ALREADY PAID. Interest at the legal rate compounded annually on all claims in the classes under subs. (1) to (6) from the date of the petition for liquidation or the date on which the claim becomes due, whichever is later, until the date on which the dividend is declared. The liquidator, with the approval of the court, may make reasonable classifications of claims for purposes of computing interest, may make approximate computations and may ignore certain classifications and time periods ~~as de minimis~~ that are trifling.

SECTION 47m. 646.03 (1) of the statutes is amended to read:

646.03 (1) COMPOSITION. The fund shall have a board of not less than 5 nor more than 11 members. The attorney general, the treasurer and the commissioner of insurance shall be ~~ex officio~~ members with full right to vote. The commissioner shall be chairman of the board. The other members shall represent domestic and foreign or alien insurers subject to this chapter. They shall be selected through a procedure to be specified in a rule promulgated by the commissioner. The rule may provide that instead of individual persons, particular insurers or associations of insurers can be selected as members of the board, to act through any duly authorized representative.

SECTION 48. 703.21 (1) of the statutes is amended to read:

703.21 (1) Every unit and its percentage of undivided interest in the common elements shall be deemed to be a parcel and shall be subject to separate assessments and taxation by each assessing unit and special district for all types of taxes authorized by law including, but not limited to, special ~~ad valorem~~ levies based on the value of property and special assessments. Neither the building, the property nor any of the common elements shall be deemed to be a parcel separate from the unit.

SECTION 49. 706.06 (3) of the statutes is amended to read:

706.06 (3) Affidavits shall be authenticated by ~~jurat~~ a certificate of due execution of the instrument, executed by a person entitled to administer oaths.

SECTION 49m. 706.09 (1) (h) of the statutes is amended to read:

706.09 (1) (h) *Nonexistence, incapacity or incompetency*. Nonexistence, ~~ultra vires~~ act acts in excess of legal powers or legal incapacity or incompetency of any purported person or legal entity, whether natural or artificial, foreign or domestic, provided the recorded conveyance or instrument affecting the real estate shall purport to have been duly executed by such purported person or legal entity, and shall have appeared of record for 5 years.

SECTION 50. 757.287 (3) (e) of the statutes is amended to read:

757.287 (3) (e) Perform any services for him or her either on a salary or a percentage or a fee-splitting basis, except that he or she may share ~~attorney's~~ attorney fees on a quantum meruit basis equal to the reasonable value of the services rendered regardless of any agreement as to value, but only for services performed prior to disbarment or suspension, and based solely on the value to the lawyer of the services performed prior to disbarment or suspension. An agreement with reference thereto shall be made at the beginning of the new representation and in case of disagreement the fee arbitration committee shall arbitrate the same disagreement.

SECTION 50m. 782.45 of the statutes, as affected by chapter 32, laws of 1979, is amended to read:

**782.45 Witness fees, inmates of state institutions.** (1) If an inmate of any public institution is brought into court in response to a writ of habeas corpus ~~ad testificandum or ad prosequendum~~ or subpoena, the institution shall be reimbursed for the time of the officer conducting such the inmate and the actual and necessary traveling expenses incurred in taking ~~him~~ the inmate into court on said the process and returning ~~him~~ the inmate to the institution. The superintendent of the institution shall file with the clerk of ~~such the court~~ a statement of such the expenses, and the same shall be certified by him. The clerk shall certify the expenses to the county treasurer, who shall pay to the superintendent of the institution the amount so certified, ~~provided, that but~~ in a civil action, such expenses shall be paid by the party requesting the presence of ~~such the~~ the inmate.

(2) In lieu of the procedure under sub. (1) the department of health and social services upon 48 hours' advance notice shall release to any sheriff having a suitable jail approved by the department for such purpose any prisoner upon presentation of a writ of habeas corpus ~~ad testificandum or ad prosequendum~~ to the warden or superintendent of the institution which is detaining the inmate. The sheriff shall be informed in advance where ~~he~~ the sheriff may assume custody of the inmate and ~~he~~ the sheriff then shall be in charge of the inmate and be responsible for ~~his~~ the inmate's custody. During the time that an inmate is absent from the state institution and in the custody of the sheriff ~~he~~ the inmate shall be entitled to credit for time served on the existing sentence and such credit under s. 53.11 that ~~he or she~~ was eligible to receive while an inmate of the state institution. The sheriff shall be responsible for segregating the inmate in ~~his~~ the jail from other prisoners and the county shall be liable for all expenses attendant to his ~~or her~~ detention including medical care. The inmate while in the custody of the sheriff shall not be permitted to have visitors or to receive mail except as authorized and approved by the warden or superintendent of the state institution which formerly detained the inmate but ~~he~~ shall be entitled to confer with counsel during reasonable hours without restriction. After the court has determined that the inmate is no longer needed or required the sheriff shall promptly return the inmate to the institution to which ~~he was~~ detained prior to ~~his~~ the release to the sheriff for appearance in court.

SECTION 51. 802.06 (2) of the statutes is amended to read:

**802.06 (2) HOW PRESENTED.** Every defense, in law or fact, except the defense of improper venue, to a claim for relief in any pleading, whether a claim, counterclaim, cross-claim, or 3rd party claim shall be asserted in the responsive pleading thereto if one is required, except that the following defenses may at the option of the pleader be made by motion: ~~(a)~~ lack of capacity to sue or be sued, ~~(b)~~ lack of jurisdiction over the subject matter, ~~(c)~~ lack of jurisdiction over the person or ~~res~~ property, ~~(d)~~ insufficiency of summons or process, ~~(e)~~ untimeliness or insufficiency of service of summons or process, ~~(f)~~ failure to state a claim upon which relief can be granted, ~~(g)~~ failure to join a party under s. 803.03, ~~(h)~~ res judicata, ~~(i)~~ statute of limitations, ~~(j)~~ another action pending between the same parties for the same cause. A motion making any of these defenses shall be made before pleading if a further pleading is permitted. Objection to venue shall be made in accordance with s. 801.53. If a pleading sets forth a claim for relief to which the

adverse party is not required to serve a responsive pleading, the adverse party may assert at the trial any defense in law or fact to that claim for relief. If on a motion asserting the defense described in (f) to dismiss for failure of the pleading to state a claim upon which relief can be granted, or on a motion asserting the defenses described in (h) or (i), matters outside of the pleadings are presented to and not excluded by the court, the motion shall be treated as one for summary judgment and disposed of as provided in s. 802.08, and all parties shall be given reasonable opportunity to present all material made pertinent to such a motion by s. 802.08.

SECTION 51m. 804.05 (2) (a) of the statutes is amended to read:

804.05 (2) (a) A party desiring to take the deposition of any person upon oral examination shall give reasonable notice in writing to every other party to the action. The notice shall state the time and place for taking the deposition and the name and address of each person to be examined, if known, and, if the name is not known, a general description sufficient to identify the person or the particular class or group to which the person belongs. If a subpoena ~~duces tecum~~ requiring the production of materials is to be served on the person to be examined, the designation of the materials to be produced as set forth in the subpoena shall be attached to or included in the notice.

SECTION 51p. 805.07 (2) and (4) of the statutes are amended to read:

805.07 (2) (title) SUBPOENA REQUIRING THE PRODUCTION OF MATERIAL. A subpoena may command the person to whom it is directed to produce the books, papers, documents, or tangible things designated therein.

(4) FORM. (a) The subpoena shall be in the following form:

SUBPOENA

STATE OF WISCONSIN

.... County

THE STATE OF WISCONSIN, To ....:

Pursuant to section 805.07 of the Wisconsin Statutes, you are hereby commanded to appear in person before [... designating the court, officer, or person and place of appearance], on [... date] at .... o'clock ...M., to give evidence in an action between ....., plaintiff, and ....., defendant. [Insert ~~duces tecum~~ clause requiring the production of material, if appropriate]. Failure to appear may result in punishment for contempt. Issued this .... day of ....., 19...

[Handwritten Signature]

Attorney for [identify party]

(or other official title)

[Address]

[Telephone Number]

(b) For a subpoena ~~duces tecum~~ requiring the production of material, the following shall be inserted in the foregoing form: You are further commanded to bring with you the following: [describing as accurately as possible the books, papers, documents or other tangible things sought].

SECTION 51r. 805.15 (6) (title) of the statutes is amended to read:

805.15 (6) (title) EXCESSIVE OR INADEQUATE VERDICTS.

SECTION 52. 809.19 (7), (8) (c) 2 and (9) of the statutes are amended to read:

809.19 (7) (title) REQUEST TO FILE A BRIEF. A person not a party may by motion request permission to file a brief as ~~amicus curiae~~. The motion must identify the interest of the person and state why a brief of ~~an amicus curiae~~ filed by that person is desirable. The brief must be filed not later than 10 days prior to the date of oral argument or, if submitted on briefs, filed the first day of the week in which the case is assigned for submission.



(8) (c) 2. Appellant's reply or ~~amicus curiae~~ brief filed under sub. (7): maximum of 10 pages if typeset, 13 pages if typewritten.

(9) BRIEF COVER. Each brief or appendix must have a cover to contain the name of the court, the caption and number of the case, the court and judge appealed from, the title of the document and the name and address of counsel filing the document. The cover of the appellant's brief must be blue; the respondent's, red; ~~the amicus curiae~~ a person other than a party, green; the reply brief, gray; and the appendix, if separately printed, white.

SECTION 53. 880.07 (3) of the statutes is amended to read:

880.07 (3) In accordance with s. 6.03 (3), any elector of a municipality may petition the county court for a determination that a person residing in such municipality is ~~insane or non compos mentis as defined in s. 6.03 (4)~~ incapable of understanding the objective of the elective process and thereby ineligible to register to vote or to vote in an election. This determination shall be made by the court in accordance with the procedures set forth in ss. 880.08 (1) and 880.33 for determining limited incompetency. When a petition is filed under this subsection, the finding of the court shall be limited to a determination as to voting eligibility. The appointment of a guardian or limited guardian is not required for a person whose sole limitation is ineligibility to vote.

SECTION 54. 880.33 (9) of the statutes is amended to read:

880.33 (9) All the rights and privileges afforded a proposed incompetent under this section shall be given to any person who is alleged to be ineligible to register to vote or to vote in an election by reason that such person is ~~insane or non compos mentis~~ incapable of understanding the objective of the elective process. The determination of the court shall be limited to a finding that the elector is either eligible or ineligible to register to vote or to vote in an election by reason that ~~such the person is or is not insane or non compos mentis as defined in s. 6.03 (4)~~ capable of understanding the objective of the elective process. The determination of the court shall be communicated in writing by the clerk of court to the election official or agency charged under s. 6.48, 6.92, 6.925 or 6.93 with the responsibility for determining challenges to registration and voting which may be directed against that elector. The determination may be reviewed as provided in s. 880.34 (4) and (5) and any subsequent determination of the court shall be likewise communicated by the clerk of court.

SECTION 54m. 885.02 (2) of the statutes is amended to read:

885.02 (2) For a subpoena ~~duces tecum~~ requiring the production of materials, the following or its equivalent may be added to the foregoing form (immediately before the attestation clause): and you are further required to bring with you the following papers and documents (describing them as accurately as possible).

SECTION 55. 887.01 (2) of the statutes is amended to read:

887.01 (2) WITHOUT THE STATE. Any oath or affidavit required or authorized by law may be taken in any other state, territory or district of the United States before any judge or commissioner of a court of record, master in chancery, notary public, justice of the peace or other officer authorized by the laws thereof to administer oaths, and ~~in case if the same shall have been~~ oath or affidavit is properly certified by any such officer to have been taken before him the officer, and shall have ~~has~~ attached thereto a certificate of the clerk of a court of record of the county or district within which ~~such the~~ such the oath or affidavit was taken, under the seal of his or her office, that the person whose name is subscribed to the ~~jurat~~ certificate of due execution of the instrument was, at the date thereof, ~~such the~~ such the officer as ~~he~~ is therein represented to be, was empowered by law as such officer to administer the oath or affidavit, and that ~~he~~ or she believes the name so subscribed is the signature of ~~such the~~ such the officer, ~~such the~~ such the oath or affidavit may be read or used in any court within this state and before any officer, board or commission authorized to use or consider the ~~same~~ oath or affidavit. Whenever any such oath or affidavit is certified by any notary

public or clerk of a court of record and an impression of his or her official seal is thereto affixed no further attestation shall be necessary.

SECTION 56. 943.30 (3) (a) of the statutes is amended to read:

943.30 (3) (a) Whoever violates sub. (1) by attempting to influence any witness in any matter, cause, action or proceeding before any court, officer or body mentioned in s. 946.31 (1), ~~whether de facto or de jure~~, or any petit or grand juror, in the performance of his or her functions as such, or to deter any such witness from testifying, is guilty of a Class D felony.

SECTION 57. 946.18 of the statutes is amended to read:

**946.18 (title) Misconduct sections apply to all public officers.** Sections 946.10 to 946.17 apply to ~~de facto as well as de jure~~ public officers, whether legally constituted or exercising powers as if legally constituted.

SECTION 58. 946.31 (1) (intro.) of the statutes is amended to read:

946.31 (1) (intro.) Whoever under oath or affirmation orally makes a false material statement which the person does not believe to be true, in any matter, cause, action or proceeding, before any of the following, ~~whether de jure or de facto~~ legally constituted or exercising powers as if legally constituted, is guilty of a Class D felony:

SECTION 59. 992.08 of the statutes is amended to read:

**992.08 Evidence as to county lands; minors.** Whenever in any action it ~~shall become~~ is material to any party to show that the title to any tract of land is vested in any county, under ch. 132 of the general laws of 1866, by having been bid in for such county for 5 successive years on sales for taxes and that the ~~same tract~~ tract remains unredeemed, the statement of such sales made by the county treasurer, or the record of such statement in the book kept for that purpose in ~~his the treasurer's~~ the treasurer's office, or the certificates of such sales executed by ~~such the treasurer to the county~~ the treasurer to the county shall be prima facie evidence of the regularity of the tax proceedings from and including the valuation of any such tract of land up to and inclusive of the sale thereof and of the existence of all conditions precedent in any way affecting the validity of such sales, or requisite to make the title of such land absolutely vest in the county in which the same is situate; ~~provided, nothing herein shall be so construed as to.~~ This section does not apply to any such lands if it shall be made to appear appears that they were owned at the time of such the sales by minors or persons who were non-compos mentis incompetent, insane or under guardianship.

SECTION 60. **Term change.** (1) In the following sections of the statutes, delete "in loco parentis" and substitute "in the place of a parent": 45.35 (5m) (c), 51.20 (1) (c), 51.30 (4) (f) and (5) (a) and (b) 1, 51.35 (1) (d) 3, 55.04 (4), 55.06 (10) (c), 146.18 (2) and 939.45 (5).

(2) In the following sections of the statutes, delete "sui juris" and substitute "of full legal rights and capacity": 879.23 (5), 893.15 (4) and 975.14 (1).

(3) In the following sections of the statutes, delete "sine die" and substitute "final": 35.15 (2) and 114.065 (5).

(4) In the following sections of the statutes, delete "corpus" and substitute "principal": 19.44 (3) (b), 701.07 (1) (intro.), (b) and (c), 815.18 (31) (a) and 857.05 (2).

(5) In the following section of the statutes, delete "de jure" and substitute "regularly incorporated": 67.24 (1).

(6) In the following sections of the statutes, delete "nolo contendere" and substitute "no contest": 59.42 (1) (a), 299.29 (1), 343.01 (2) (a), 345.18, 553.26 (5) (a) 1, 757.285 (1) and 942.01 (4).

(7) In the following sections of the statutes, delete "res" and substitute "property": 299.16 (1) and (2), 801.08 (1) and 802.06 (4) and (8) (a).

(8) In the following section of the statutes, delete “seriatim” and substitute “in a series”: 404.213 (2).

(9) In the following sections of the statutes, delete “status quo” and substitute “existing state of affairs”: 103.55 (1), 111.56 (title), 196.49 (6), 806.08 (5) and 808.07 (2) (a) 3.

(10) In the following sections of the statutes, delete “pro rata portion” and substitute “proportional share”: 32.195 (3) and 136.01 (4).

(11) In the following sections of the statutes, delete “pro rata” and substitute “proportional”: 8.35 (4) (a), 19.06, 19.07 (3) (c), 19.44 (1) (d) and (3) (b), 20.370 (1) (ue), 26.30 (8), 29.594 (3), 42.51 (5) and (6) (a), 42.76 (5) (c), 45.80 (7) (c), 60.29 (41), 62.075 (1), 66.191 (2) (b), 66.610 (9) (b) and (c), 71.346 (2a), 71.355 (1) (b) (title) and 1, 76.13 (2a), 76.38 (3a), 76.48 (3a), 79.10 (1b), 85.05 (4) (a) 3, 88.46 (2), 88.83 (5), 102.475 (2) (b) and (3), 102.64 (1), 108.07 (2), 108.14 (8r) (b), 179.13 (1) (intro.), 186.04 (3), 196.605 (1), 215.40 (6) (e), 221.12, 230.35 (1) (e), 289.036 (4) (a), 612.31 (5), 612.32 (4), 612.33 (2) (b), 620.23 (5), 631.36 (2) (a) 4 and (5), 632.56 (5), 632.78 (1), 705.01 (5), 859.47 and 895.33.

(12) In the following sections of the statutes, delete “pro rata” and substitute “proportionally”: 25.03, 34.08 (3) (a), 59.635 (4), 86.34 (4), 100.03 (2) (b), 100.06 (4), 115.53 (2), 128.21 (4), 188.04, 222.021 (4), 222.023 (1) and (2), 224.05, 289.02 (5), 289.035 (2), 289.11, 289.14 (2), 552.11 (3), 703.15 (4) (d) 2 and 706.11 (3).

(13) In the following sections of the statutes, delete “annum” and substitute “year”: 14.47, 18.10 (6), 18.13 (3), 19.01 (8), 20.124 (1) (a), 22.42 (2) (a) 6, 23.84, 24.11 (1) and (4), 24.33, 24.34, 25.17 (3) (bc) 1 and (bf) 1, 26.14 (4), 27.065 (7) (b) and (9) (c), 32.06 (10) (d), 32.12 (3), 34.04 (4), 40.62 (1) (c), 41.08 (1) (a) 1, 42.49 (4) (b) 1, (5) (e), (6) (d), (7) (b) 1 and (9) (c) 1, 42.51 (2), 42.75 (2), 42.80 (3) and (4), 45.351 (2) (a), 45.37 (2) (g), 45.53 (4), 45.80 (5), 49.10 (5), 49.11 (7) (e), 59.91 (7), 60.307 (6), 64.40 (1), 66.12 (1) (b), 66.14, 66.25 (1) (j), 66.39 (8), 66.40 (10) (d), 66.54 (7) (e), 67.12 (9) (a), 67.13 (1), 67.156 (2), 70.82, 71.01 (3) (c), 71.09 (5) (a) and (b) and (11) (i), 71.10 (5) (a) and (b), 71.12 (2), 71.13 (1) (b), 71.20 (5) (c), 71.21 (11), 71.22 (8), 73.03 (6), 73.07 (1), 74.12 (3), 74.13, 74.22, 74.27, 74.43 (1), 75.42 (1), 75.63 (1), 76.13 (2), (2a) and (3), 76.22 (2), 76.38 (12) (a), 76.39 (4) (d), 76.48 (5), 77.10 (2) (a), 77.60 (1), 79.25 (10), 88.41 (4) (a), 88.42 (1), 92.11 (3) and (4), 102.22 (2), 102.49 (5) (d), 108.16 (4), 108.19 (1), 138.09 (8) (a), 144.06, 157.11 (9) (b), 182.004 (5), (7) and (10), 185.01 (2) (a), 192.46, 196.855, 198.06 (6), 213.09 (7) (b), 218.22 (3) (L), 218.32 (3) (L), 220.098, 222.023 (1) and (2), 288.13, 428.101, 444.11, 623.06 (3) (a), 628.39, 632.43 (6) (a) to (d), 632.435 (4) (a), 632.91 (3), 632.94 (3) (d), 636.10 (1), 753.016 (2) (b), 814.04 (4), 814.14, 815.05 (8) and 879.65.