

1991 Senate Bill 559

Date of enactment: **April 14, 1992**
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1991 WISCONSIN ACT 189

AN ACT to repeal, renumber, amend and revise various provisions of the statutes for the purpose of correcting errors, supplying omissions, clarifying language, correcting and clarifying references, eliminating unnecessary and obsolete provisions, reconciling conflicts and repelling unintended repeals (Revisor's Correction Bill).

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

SECTION 1. 14.58 (10) of the statutes, as affected by 1991 Wisconsin Act 39, is amended by replacing "he shall transmit" with "the remitter shall transmit".

NOTE: Replaces personal pronoun.

SECTION 2. 15.04 (1) (m) of the statutes, as affected by 1991 Wisconsin Act 39, is amended by replacing "under s. 19.62, (5)" with "under s. 19.62 (5)".

NOTE: Deletes unnecessary comma.

SECTION 3. 15.09 (2) of the statutes, as affected by 1991 Wisconsin Act 39, is amended by replacing "Any officer may be reelected to succeed himself." with "Any officer may be reelected for successive terms.".

NOTE: Replaces personal pronoun.

SECTION 4. 15.197 (20) of the statutes is repealed.

NOTE: Repeals obsolete provision. The subsection states that it does not apply after September 1, 1988.

SECTION 5. 15.405 (10r) (b) of the statutes, as affected by 1991 Wisconsin Act 78, is amended by replacing "one shall be licensed under s. 458.08 as appraisers" with "one shall be licensed under s. 458.08 as an appraiser".

NOTE: Replaces plural noun with singular noun to correct grammar.

SECTION 6. 16.70 (3) of the statutes is reenacted as shown in 1991 Wisconsin Act 39.

NOTE: 1991 Wis. Act 39 omitted the word "thereof" in the phrase "state or any agency thereof" without showing it as stricken. It is surplusage because "agency" is defined in sub.

(1) as being "in state government". This amendment confirms the intent to delete "thereof".

SECTION 7. 19.42 (7s) of the statutes is amended to read:

19.42 (7s) "Internal revenue code" has the meanings given under s. 71.01 (~~5~~) (6).

NOTE: "Internal revenue code" is defined in s. 71.01 (6). "Fiduciary", "income" and "person" are defined in s. 71.01 (5). Corrects cross-reference incorrectly amended by 1987 Wis. Act 312.

SECTION 8. 19.47 (1) of the statutes, as affected by 1991 Wisconsin Act 39, is amended by replacing "after proper notice" with "after proper public notice".

NOTE: Section 19.47 (1) contained the phrase "after proper public notice" prior to 1991 Wis. Act 39. "Public" was omitted from Act 39 without being shown as stricken. Drafting records show that "public" was inadvertently omitted.

SECTION 9. 20.435 (3) (hm) of the statutes, as affected by 1991 Wisconsin Act 39, is amended by replacing "sub. (3) (ho)" with "par. (ho)".

NOTE: Corrects citation form.

SECTION 10. 20.435 (7) (de) (title) of the statutes is repealed.

NOTE: Paragraph (de) 1 was renumbered s. 20.435 (4) (de), and par. (de) 2 was repealed, leaving only the title.

SECTION 11. 25.40 (1) (ig) of the statutes, as affected by 1991 Wisconsin Act 39, is repealed and recreated to read:

25.40 (1) (ig) All moneys forwarded by county treasurers from forfeitures, fines and penalties under ch. 348 and from forfeitures for the violation of traffic regulations in conformity with ch. 348, as provided in s. 59.20 (8m) and (8n).

NOTE: Paragraph (ig) is repealed and recreated as shown in the enrolled text of 1991 Assembly Bill 91, section 785r. When presented to the governor for signing, section 785r had veto overlay hatchmarks affixed to it by mistake. There was no intent to veto section 785r, nor was there any reference to section 785r in the governor's veto message to 1991 Assembly Bill 91. Even an intended veto does not take effect unless it is properly documented in the governor's veto message. See 70 Op. Atty. Gen. 189.

SECTION 12. 30.44 (3) (c) 1. of the statutes is amended by replacing "August 9, 1989" with "October 31, 1989".

NOTE: 1989 Wis. Act 31 directed the revisor to insert the effective date of the subdivision. The wrong effective date was inserted.

SECTION 13. 30.44 (3) (c) 2. of the statutes is amended by replacing "August 9, 1989" with "October 31, 1989".

NOTE: See NOTE to s. 30.44 (3) (c) 1.

SECTION 14. 30.445 (3) of the statutes is amended by replacing "August 9, 1989" with "October 31, 1989".

NOTE: See NOTE to s. 30.44 (3) (c) 1.

SECTION 15. 30.445 (7) of the statutes is amended by replacing "August 9, 1989" with "October 31, 1989".

NOTE: See NOTE to s. 30.44 (3) (c) 1.

SECTION 16. 30.455 (3) of the statutes is amended by replacing "subsection" with "section" in 2 places.

NOTE: Corrects cross-reference. Drafting records show that s. 30.455 originated as a subsection of another section and references to "subsection" were not changed when s. 30.455 became a separate section in subsequent drafts.

SECTION 17. 30.455 (4) of the statutes is amended by replacing "subsection" with "section".

NOTE: See NOTE to s. 30.455 (3).

SECTION 18. 30.46 (1) (intro.) of the statutes is amended by replacing "August 9, 1989" with "October 31, 1989".

NOTE: See NOTE to s. 30.44 (3) (c) 1.

SECTION 19. 30.46 (2) of the statutes is amended by replacing "August 9, 1989" with "October 31, 1989".

NOTE: See NOTE to s. 30.44 (3) (c) 1.

SECTION 20. 30.46 (3) of the statutes is amended by replacing "August 9, 1989" with "October 31, 1989".

NOTE: See NOTE to s. 30.44 (3) (c) 1.

SECTION 21. 30.48 (2) of the statutes is amended by replacing "August 9, 1989" with "October 31, 1989" in 3 places.

NOTE: See NOTE to s. 30.44 (3) (c) 1.

SECTION 22. 32.27 (1) of the statutes is amended by replacing "period not less than 3 years" with "period of not less than 3 years".

NOTE: Improves grammar.

SECTION 23. 40.05 (4) (b) of the statutes, as affected by 1991 Wisconsin Acts 39 and 107, is amended to read:

40.05 (4) (b) Except as provided under pars. (bc) and (bp), accumulated unused sick leave under ss. 13.121 (4), 36.30, 230.35 (2) and 757.02 (5) and subch. V of ch. 111

of any eligible employee shall, at the time of death, upon qualifying for an immediate annuity or for a lump sum payment under s. 40.25 (1) or upon termination of creditable service and qualifying as an eligible employee under s. 40.02 (25) (b) 6. or 10., be converted, at the employee's current basic pay rate, to credits for payment of health insurance premiums on behalf of the employee or the employee's surviving insured dependents. The full premium for any eligible employee who is insured at the time of retirement, or for the surviving insured dependents of an eligible employee who is deceased, shall be deducted from the credits until the credits are exhausted and paid from the account under s. 40.04 (10), and then deducted from annuity payments, if the annuity is sufficient. The department shall provide for the direct payment of premiums by the insured to the insurer if the premium to be withheld exceeds the annuity payment. Except as provided in par. (bd), upon ~~Upon~~ conversion of an employee's unused sick leave to credits under this paragraph, the employee or, if the employee is deceased, the employee's surviving insured dependents may elect to delay initiation of deductions from those credits for up to 10 ~~5~~ years after the date of the conversion if the employee or surviving insured dependents are covered by a comparable health insurance plan or policy during the period beginning on the date of the conversion and ending on the last day of the 2nd month after the date on which the employee or surviving insured dependents later elect to initiate deductions from those credits. A health insurance plan or policy is considered comparable if it provides hospital and medical benefits that are substantially equivalent to the standard health insurance plan established under s. 40.52 (1).

NOTE: The amendments to this paragraph by 1991 Wis. Acts 39 and 107 are shown above as merged except for the conflicting provision regarding the number of years. Acts 39 and 107 specified 5 years and 10 years, respectively. Under Wisconsin law, the last passed act prevails where an irreconcilable conflict exists between the acts. Moreover, Act 39 was not intended to address the issue, while the intent of Act 107 was to change the term of years.

SECTION 24. The amendment of 40.05 (4) (br) 1 of the statutes by 1991 Wisconsin Act 32 was not repealed by 1991 Wisconsin Act 39. Both amendments stand.

NOTE: There were no conflicts of substance. This action validates the merger by the revisor under s. 13.93 (2) (c) of 2 acts of the 1991 legislature.

SECTION 25. 40.86 (2) of the statutes, as affected by 1991 Wisconsin Act 39, is amended to read:

40.86 (2) The employee's share of premiums for any group insurance benefit plan provided by the department under this chapter, or any other group insurance benefit plan approved under s. 20.921 (1) (a) 3., except premiums for income continuation benefits under s. 40.62.

NOTE: The drafting file indicates that a comma after "chapter" was omitted. In addition, the phrase "except premiums for income continuation benefits under s. 40.62" was inserted by 1991 Wis. Act 39 without being shown as under-

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scored. This amendment clarifies that the insertion of this phrase was intended.

SECTION 26. 45.37 (2) (f) of the statutes, as affected by 1991 Wisconsin Act 39, is amended by replacing “provide the addition information” with “provide the additional information”.

NOTE: Provides correct form of word.

SECTION 27. 45.71 (17) of the statutes is repealed.

NOTE: The term “weatherization improvement”, defined in s. 45.71 (17), does not appear in any other place in the statutes. The definition was part of a program that was created by chapter 221, laws of 1979, and repealed by 1985 Wis. Act 29. It no longer serves a purpose.

SECTION 28. 46.40 (4) (a) 1. of the statutes, as renumbered, is reenacted as shown in 1991 Wisconsin Act 39, section 1305v.

NOTE: This reenactment clarifies that “\$9,057,700”, inserted into s. 46.40 (4) (a) 1. by 1991 Wis. Act 39, section 1305v, replaces “\$11,766,200”. Through an error, section 1305v showed the stricken number that was replaced by “\$9,057,700” as “\$11,766,300” instead of “\$11,766,200”.

SECTION 29. 46.972 (2) (b) of the statutes is reenacted as shown in 1991 Wisconsin Act 39.

NOTE: This reenactment clarifies that “\$125,000”, inserted into s. 46.972 (2) (b) by 1991 Wis. Act 39, replaces “\$250,000”. Through an error, Act 39 showed the stricken number that was replaced by “\$125,000” as “\$125,000” instead of “\$250,000”.

SECTION 30. 46.98 (2m) (d) 2. of the statutes, as affected by 1991 Wisconsin Act 39, is amended by replacing “providing child care.” with “providing child care.”.

NOTE: Deletes superfluous quotation mark and period.

SECTION 31. The amendment of 48.17 (2) (d) of the statutes by 1991 Wisconsin Act 39 was not repealed by 1991 Wisconsin Act 40. Both amendments stand.

NOTE: There were no conflicts of substance. This action validates the merger by the revisor under s. 13.93 (2) (c) of 2 acts of the 1991 legislature.

SECTION 32. 48.235 (1) (a) of the statutes is amended by replacing “guardian ad item” with “guardian ad litem”.

NOTE: Corrects spelling error.

SECTION 33. 49.52 (1) (ad) 1. (intro.) of the statutes, is reenacted as shown in 1991 Wisconsin Act 39, section 1577j.

NOTE: The word “A” was inserted by 1991 Wis. Act 39, section 1577j, without being shown as underscored. This action clarifies that the insertion of “A” was intended.

SECTION 34. 51.30 (9) (b) of the statutes, as affected by 1991 Wisconsin Act 39, is amended by replacing “actual damages.” with “actual damages.”.

NOTE: Deletes unnecessary quotation mark.

SECTION 35. 60.70 (5) of the statutes is amended to read:

60.70 (5) “Private sewage system” has the meaning given under s. 145.01 ~~(14)~~ (12).

NOTE: “Private sewage system” is defined in s. 145.01 (12). Section 145.01 (14) defines “restricted plumber

licensee”. Corrections incorrect cross-reference created in 1983 Wis. Act 532.

SECTION 36. 62.13 (4) (title) of the statutes is amended to read:

62.13 (4) (title) SUBORDINATES.

NOTE: Removes “reemployment” from title. References to reemployment were removed from sub. (4) by chapter 182, laws of 1977, which repealed par. (f).

SECTION 37. 65.90 (3) (b) (intro.) of the statutes, as affected by 1991 Wisconsin Act 39, is amended by replacing “under par. (a) (intro.) shall” with “under par. (a) shall”.

NOTE: The term “(intro.)” was inserted by 1991 Wis. Act 39 without being underscored. Drafting records show that this insertion was unintended.

SECTION 38. 66.071 (1) (i) of the statutes, as affected by 1991 Wisconsin Act 32, is amended by replacing “under his direction” with “, under the direction of the commissioner of public works,” and by replacing “approved by him” with “approved by the commissioner of public works”.

NOTE: Replaces personal pronouns.

SECTION 39. The treatment of 66.119 (3) of the statutes by 1991 Wisconsin Act 39, sections 1678d, 1679d, 1679d and 1681c, was not repealed by 1991 Wisconsin Act 40. The treatment by both acts stands.

NOTE: There were no conflicts of substance. This action validates the merger by the revisor under s. 13.93 (2) (c) of 2 acts of the 1991 legislature. As merged, s. 66.119 (3) reads as follows:

66.119 (3) Violator’s options; procedure on default. (a) The person named as the alleged violator in a citation may appear in court at the time specified in the citation or may mail or deliver personally a cash deposit in the amount, within the time and to the court, clerk of court or other official specified in the citation. If a person makes a cash deposit, the person may nevertheless appear in court at the time specified in the citation, provided that the cash deposit may be retained for application against any forfeiture, restitution, penalty assessment, jail assessment, domestic abuse assessment or automatic reinstatement assessment that may be imposed.

(b) If a person appears in court in response to a citation, the citation may be used as the initial pleading, unless the court directs that a formal complaint be made, and the appearance confers personal jurisdiction over the person. The person may plead guilty, no contest or not guilty. If the person pleads guilty or no contest, the court shall accept the plea, enter a judgment of guilty and impose a forfeiture, the penalty assessment imposed by s. 165.87, the jail assessment imposed by s. 302.46 (1), any applicable domestic abuse assessment imposed by s. 973.055 (1) and the automatic reinstatement assessment imposed by s. 345.54 (1). If the court finds that the violation meets the conditions in s. 800.093 (1), the court may order restitution under s. 800.093. A plea of not guilty shall put all matters in the case at issue, and the matter shall be set for trial.

(c) If the alleged violator makes a cash deposit and fails to appear in court, the citation may serve as the initial pleading and the violator shall be deemed to have tendered a plea of no contest and submitted to a forfeiture, the penalty assessment imposed by s. 165.87, the jail assessment imposed by s. 302.46 (1), any applicable domestic abuse assessment imposed by s. 973.055 (1) and the automatic reinstatement assessment imposed by s. 345.54 (1) not exceeding the

amount of the deposit. The court may either accept the plea of no contest and enter judgment accordingly or reject the plea. If the court finds the violation meets the conditions in s. 800.093 (1), the court may summon the alleged violator into court to determine if restitution shall be ordered under s. 800.093. If the court accepts the plea of no contest, the defendant may move within 10 days after the date set for the appearance to withdraw the plea of no contest, open the judgment and enter a plea of not guilty if the defendant shows to the satisfaction of the court that the failure to appear was due to mistake, inadvertence, surprise or excusable neglect. If the plea of no contest is accepted and not subsequently changed to a plea of not guilty, no costs or fees may be taxed against the violator, but a penalty assessment, a jail assessment and an automatic reinstatement assessment and, if applicable, a domestic abuse assessment shall be assessed. If the court rejects the plea of no contest or if the alleged violator does not make a cash deposit and fails to appear in court at the time specified in the citation, an action for collection of the forfeiture, penalty assessment, jail assessment and automatic reinstatement assessment and any applicable domestic abuse assessment may be commenced. A city or village may commence action under s. 66.12 (1) and a county or town may commence action under s. 778.10. The citation may be used as the complaint in the action for the collection of the forfeiture, penalty assessment, jail assessment and automatic reinstatement assessment and any applicable domestic abuse assessment.

SECTION 40. 66.12 (title) of the statutes is amended to read:

66.12 (title) Actions for violation of municipal regulations.

NOTE: Conforms title to section.

SECTION 41. 66.92 (1) of the statutes is amended by replacing “servicemen” with “military personnel”.

NOTE: Renders provision gender neutral.

SECTION 42. 70.51 (2) of the statutes, as affected by 1991 Wisconsin Act 39, is amended by replacing “deliver his certificates” with “deliver the county clerk’s certificates”.

NOTE: Replaces personal pronoun.

SECTION 43. 71.04 (1) (a) of the statutes, as affected by 1991 Wisconsin Act 39, is reenacted to read:

71.04 (1) (a) All income or loss of resident individuals and resident estates and trusts shall follow the residence of the individual, estate or trust. Income or loss of nonresident individuals and nonresident estates and trusts from business, not requiring apportionment under sub. (4), (10) or (11), shall follow the situs of the business from which derived. All items of income, loss and deductions of nonresident individuals and nonresident estates and trusts derived from a tax-option corporation not requiring apportionment under sub. (9) shall follow the situs of the business of the corporation from which derived. Income or loss of nonresident individuals and nonresident estates and trusts derived from rentals and royalties from real estate or tangible personal property, or from the operation of any farm, mine or quarry, or from the sale of real property or tangible personal property shall follow the situs of the property from which derived. Income from personal services of nonresident individuals, including income from professions, shall follow the

situs of the services. A nonresident limited partner’s distributive share of partnership income shall follow the situs of the business. Income of nonresident individuals, estates and trusts from the state lottery under ch. 565 is taxable by this state. Income of nonresident individuals, estates and trusts from any multistate lottery under ch. 565 is taxable by this state, but only if the winning lottery ticket or lottery share was purchased from a retailer, as defined in s. 565.01 (6), located in this state or from the lottery board. Income of nonresident individuals, nonresident trusts and nonresident estates from pari-mutuel winnings and purses subject to s. 562.065 (3) (a) and (b) and (3m) (a) and (b) is taxable by this state. All other income or loss of nonresident individuals and nonresident estates and trusts, including income or loss derived from land contracts, mortgages, stocks, bonds and securities or from the sale of similar intangible personal property, shall follow the residence of such persons, except as provided in par. (b) and sub. (9).

NOTE: 1991 Wis. Act 39 inadvertently omitted the following language: “the state lottery under ch. 565 is taxable by this state. Income of nonresident individuals, estates and trusts from”.

SECTION 44. 78.13 (title) of the statutes is amended to read:

78.13 (title) Notice by wholesaler of discontinuance, sale or transfer of business; final report.

NOTE: Replaces gender-specific pronoun.

SECTION 45. 108.141 (1) (b) 1. of the statutes, as affected by 1991 Wisconsin Act 39, is amended to read:

108.141 (1) (b) 1. Has received, prior to ~~such~~ that week, all of the regular benefits that were available to ~~him~~ the individual under this chapter or any other state law, including dependents’ allowances and benefits payable to federal civilian employes and ~~ex-servicemen~~ former military personnel under 5 USC ch. 85, in ~~his~~ the individual’s current benefit year that includes ~~such~~ that week or is precluded from receiving regular benefits by reason of the law of another state which meets the requirement of section 3304 (a) (7) of the internal revenue code or is precluded from receiving regular benefits by reason of a seasonal limitation in the law of another state. An individual ~~shall be deemed~~ is considered to have received all of the regular benefits that were available to ~~him~~ the individual although as a result of a pending appeal under s. 108.09 or 108.10 ~~he~~ the individual may subsequently be determined to be entitled to added regular benefits; or

NOTE: Replaces gender-specific language and brings terminology into conformity with current drafting style and s. 108.142 (1) (h) 1., which is substantively identical.

SECTION 46. 108.141 (1) (g) of the statutes is amended by replacing “ex-servicemen” with “former military personnel”.

NOTE: Renders provision gender neutral.

SECTION 47. 108.142 (1) (e) of the statutes is amended by replacing “ex-servicemen” with “former military personnel”.

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NOTE: Renders provision gender neutral.

SECTION 48. 108.142 (1) (h) 1. of the statutes, as affected by 1991 Wisconsin Act 39, is amended to read:

108.142 (1) (h) 1. Has received, prior to that week, all of the regular benefits that were available to the individual under this chapter or any other state law, including dependents' allowances and benefits payable to federal civilian employes and ~~ex-servicemen~~ former military personnel under 5 USC ch. 85, in ~~his or her~~ the individual's current benefit year that includes that week or is precluded from receiving regular benefits by reason of the law of another state which meets the requirement of section 3304 (a) (7) of the internal revenue code or is precluded from receiving regular benefits by reason of a seasonal limitation in the law of another state. An individual is ~~deemed~~ considered to have received all of the regular benefits that were available to the individual although as a result of a pending appeal under s. 108.09 or 108.10 the individual may subsequently be determined to be entitled to added regular benefits; or

NOTE: Replaces gender-specific language and brings terminology into conformity with current drafting style and s. 108.141 (1) (b) 1., which is substantively identical.

SECTION 49. 118.125 (2) (e) of the statutes, as affected by 1991 Wisconsin Act 39, is amended by replacing "portions of his behavioral records" with "portions of the pupil's behavioral records".

NOTE: Replaces personal pronoun.

SECTION 50. The amendment of 119.04 (1) of the statutes by 1991 Wisconsin Act 39 was not repealed by 1991 Wisconsin Act 42. Both amendments stand.

NOTE: There were no conflicts of substance. This action validates the merger by the revisor under s. 13.93 (2) (c) of 2 acts of the 1991 legislature.

SECTION 51. 119.32 (1) of the statutes, as affected by 1991 Wisconsin Act 10, is amended by replacing "following his election" with "following the superintendent's election" and by replacing "reelected, his term of office" with "reelected, the term of office".

NOTE: Replaces personal pronouns.

SECTION 52. 119.36 of the statutes, as affected by 1991 Wisconsin Act 39, is amended by replacing "duties of his office" with "duties of the office" and by replacing "the accused shall be heard by himself or counsel" with "the accused or counsel for the accused shall be heard".

NOTE: Replaces personal pronouns.

SECTION 53. 132.13 (3) of the statutes is amended by replacing "person who has in his possession" with "person who possesses", by replacing "one hundred dollars" with "\$100", by replacing "five hundred dollars" with "\$500" and by replacing "ninety days" with "90 days".

NOTE: Replaces personal pronoun and conforms s. 132.13 (3) to current drafting style.

SECTION 54. 132.16 (7) of the statutes is amended by replacing "one hundred dollars" with "\$100" and by replacing "sixty days" with "60 days".

NOTE: Conforms s. 132.16 (7) to current drafting style.

SECTION 55. 134.46 (1) (d) of the statutes is amended by replacing "948.01 (6)" with "948.01 (4)".

NOTE: 1987 Wis. Act 332 repealed s. 944.25 (1) (h) and created its successor provision, s. 948.01 (4). However, 1987 Wis. Act 332 amended s. 134.46 (1) (d) by replacing its reference to "944.25 (1) (h)" with "948.01 (6)". This action corrects the cross-reference.

SECTION 56. 139.88 (1r) of the statutes, as affected by 1991 Wisconsin Act 39, is amended by replacing "lycergic" with "lysergic".

NOTE: Corrects spelling of "lysergic acid diethylamide".

SECTION 57. The amendment of 144.241 (8) (j) of the statutes by 1991 Wisconsin Act 32 was not repealed by 1991 Wisconsin Act 39. Both amendments stand.

NOTE: There were no conflicts of substance. This action validates the merger by the revisor under s. 13.93 (2) (c) of 2 acts of the 1991 legislature.

SECTION 58. 144.2415 (3) (d) 3. of the statutes, as renumbered, is reenacted as shown in 1991 Wisconsin Act 39, section 2563c.

NOTE: The phrase "\$1,000 for any" was shown as underscored in 1991 Wis. Act 39, section 2563c, but was contained in s. 144.2415 (3) (d) as it existed prior to the effective date of Act 39. This action clarifies that this underscoring was inadvertent and did not reflect a change.

SECTION 59. 145.245 (1) (a) 1. of the statutes, as affected by 1991 Wisconsin Act 39, section 2564fn, is amended by replacing "private sewerage systems" with "private sewage systems".

NOTE: Makes terminology consistent.

SECTION 60. The amendment of 145.245 (5) (a) 1. of the statutes, as renumbered, by 1991 Wisconsin Act 32, section 74, was not repealed by 1991 Wisconsin Act 39, section 2564ft. Both amendments stand.

NOTE: There were no conflicts of substance. This action validates the merger by the revisor under s. 13.93 (2) (c) of 2 acts of the 1991 legislature.

SECTION 61. The amendment of 146.024 (1) (a) of the statutes by 1991 Wisconsin Act 32 was not repealed by 1991 Wisconsin Act 39, section 2626r. Both amendments stand.

NOTE: There were no conflicts of substance. This action validates the merger by the revisor under s. 13.93 (2) (c) of 2 acts of the 1991 legislature.

SECTION 62. 146.024 (1) (a) of the statutes, as affected by 1991 Wisconsin Act 39, section 2626s, is amended effective July 1, 1993, by replacing "an emergency medical technician — advanced (paramedic) licensed under s. 146.35 or an ambulance attendant licensed under s. 146.50" with "an emergency medical technician — paramedic or an emergency medical technician — basic licensed under s. 146.50 (5)".

NOTE: 1989 Wis. Act 102 renamed "emergency medical technician — advanced (paramedic); and "ambulance attendant" to "emergency medical technician — paramedic" (s. 146.50 (1) (h)) and "emergency medical technician — basic" (s. 146.50 (1) (f)), respectively. Both are now licensed under s. 146.50 (5).

SECTION 63. 163.92 (1) of the statutes, as affected by 1991 Wisconsin Act 39, is amended to read:

163.92 (1) The fee for a raffle license shall be \$25 and shall be remitted with the application. ~~A raffle license shall be valid for 5 raffle events.~~ A raffle license shall be valid for 12 months and may be renewed as provided in s. 163.98 (1g). The department shall issue the license within 30 days after the filing of an application if the applicant qualifies under s. 163.90 and has not exceeded the limits of s. 163.91.

NOTE: Language shown as stricken was deleted from sub. (1) by 1989 Wis. Act 147, but was erroneously shown in the 1989–90 statutes.

SECTION 64. 166.20 (7) (d) of the statutes is amended by replacing “facility employes fewer than” with “facility employs fewer than”.

NOTE: Replaces incorrect word form.

SECTION 65. 174.13 (title) of the statutes is amended to read:

174.13 (title) Humane use of dogs for scientific or educational purposes.

NOTE: Replaces “Humane use of dogs for diagnosis and treatment” to conform title with subject matter of s. 174.13. Specific references to diagnosis and treatment were removed from s. 174.13 by chapter 289, laws of 1979.

SECTION 66. 185.983 (intro.) of the statutes is reenacted as shown in 1991 Wisconsin Act 39, section 2790x.

NOTE: The section heading to 1991 Wis. Act 39, section 2790x, states “185.983 (1) (intro.) of the statutes, as affected by 1991 Wisconsin Act 336, is amended”. At the time that 1991 Wis. Act 39 was passed, there was no 1991 Wis. Act 336. Section 185.983 (1) (intro.) was affected by 1989 Wis. Act 336. This action clarifies that 1991 Wis. Act 39, section 2790x, amended s. 185.983 (1) (intro.), as affected by 1989 Wis. Act 336.

SECTION 67. 234.034 (title) of the statutes is reenacted as shown in 1991 Wisconsin Act 39.

NOTE: 1991 Wis. Act 39 replaced “state housing plan” with “state housing strategy plan” in s. 234.034 (title). The amendment of the title was not indicated by standard drafting convention. The title change was in conformity with changes to s. 234.034. This action confirms that the amendment to s. 234.034 (title) was intended.

SECTION 68. 301.049 (2) (a) 2. of the statutes, as created by 1991 Wisconsin Act 39, is amended by replacing “approved by department under par. (b)” with “approved by the department under par. (b)”.

NOTE: Inserts missing word.

SECTION 69. 301.32 (3) (b) of the statutes is amended by replacing “If he or she absconds” with “If the probation and parole agent or other employe of the department absconds”.

NOTE: Replaces personal pronouns.

SECTION 70. The amendment of 302.46 (1) (a) of the statutes by 1991 Wisconsin Act 32 is void.

NOTE: The 1991 Wis. Act 32 amendment, part of a revisor’s correction bill, was intended to reconcile several amendments from the 1989 legislative session. However, because 1991 Wis. Act 26 repealed and recreated s. 302.46 (1) (a), the

enacted 1991 Wis. Act 32 amendment is irrelevant and obsolete.

SECTION 71. 341.09 (8) of the statutes is amended to read:

341.09 (8) The department may issue a temporary operation plate to a person who is eligible for the issuance of a special plate for a motorcycle under s. ~~343.14~~ 341.14 (1e) if the department determines that the person’s disability is temporary. The plate shall contain the information specified in sub. (1m) and otherwise be similar to or identical to plates issued under s. ~~343.14~~ 341.14 (1e). No charge in addition to the registration fee may be made for the issuance of a plate under this subsection.

NOTE: Corrects erroneous cross-reference created by 1989 Wis. Act 304. There is no s. 343.14 (1e). Section 341.14 (1e) deals with special plates for motorcycles.

SECTION 72. 343.32 (1) (b) of the statutes, as affected by 1991 Wisconsin Act 39, is amended by replacing “altering his license, loaning his license” with “altering the person’s license, loaning the person’s license”.

NOTE: Replaces personal pronouns.

SECTION 73. 343.345 (1) of the statutes, as affected by 1991 Wisconsin Act 39, is amended by replacing “for his first moving vehicle violation” with “for the person’s first moving vehicle violation” and by replacing “period not less” with “period of not less”.

NOTE: Replaces personal pronoun and corrects grammar.

SECTION 74. 343.43 (1) (b) to (e) of the statutes are amended to read:

343.43 (1) (b) Sell or lend ~~his~~ that person’s license to any other person or knowingly permit the use thereof by another; or

(c) Represent as one’s own any license not issued to ~~him~~ that person; or

(d) Violate any of the restrictions placed on ~~his~~ that person’s license by or pursuant to law; or

(e) Permit any unlawful use of a license issued to ~~him~~ that person; or

NOTE: Replaces personal pronouns.

SECTION 75. The amendment of 343.44 (2) (b) 1. of the statutes by 1991 Wisconsin Act 39 was not repealed by 1991 Wisconsin Act 64. Both amendments stand.

NOTE: There were no conflicts of substance. This action validates the merger by the revisor under s. 13.93 (2) (c) of 2 acts of the 1991 legislature.

SECTION 76. 344.20 (4) of the statutes is amended by replacing “25.17 (1) (h)” with “25.17 (1) (v)”.

NOTE: 1989 Wis. Act 359 renumbered s. 25.17 (1) (h) to be s. 25.17 (1) (v). However, the cross-reference in s. 344.20 (4) was not amended. This action corrects the cross-reference.

SECTION 77. 345.47 (1) (b) of the statutes, as affected by 1991 Wisconsin Acts 34 and 39, is amended to read:

345.47 (1) (b) In lieu of imprisonment and in addition to any other suspension or revocation, that the defendant’s operating privilege be suspended for 30 days or until the person pays the forfeiture, the penalty assessment, if required by s. 165.87, the jail assessment, if

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required by s. 302.46 (1), and the automatic reinstatement assessment, if required by s. 345.54 (1), but not to exceed 5 years. Suspension under this paragraph shall not affect the power of the court to suspend or revoke under s. 343.30 or the power of the secretary to suspend or revoke the operating privilege.

NOTE: Comma stricken by 1991 Wis. Act 34 is reinserted to correct grammar.

SECTION 78. 346.55 (1) of the statutes, as affected by 1991 Wisconsin Act 77, is amended by replacing “in ss. 167.31 (4) (co) 346.54” with “in ss. 167.31 (4) (co) and 346.54”.

NOTE: Inserts “and” which was inadvertently excluded from 1991 Wis. Act 77.

SECTION 79. 440.23 (4) of the statutes, as affected by 1991 Wisconsin Act 39, is amended by replacing “terminates the and all rights, privileges and authority” with “terminates the credential and all rights, privileges and authority”.

NOTE: Inserts word inadvertently omitted from 1991 Wis. Act 39.

SECTION 80. 444.03 (title) of the statutes is amended to read:

444.03 (title) Application for license; fee.

NOTE: Removes “bond” from the title. References to bonds were removed from s. 444.03 by 1987 Wis. Act 399.

SECTION 81. The amendment of 560.035 (2) (a) of the statutes by 1991 Wisconsin Act 37 was not repealed by 1991 Wisconsin Act 39. Both amendments stand.

NOTE: There were no conflicts of substance. This action validates the merger by the revisor under s. 13.93 (2) (c) of 2 acts of the 1991 legislature.

SECTION 82. 565.01 (1) of the statutes is amended by replacing “27 CFR 240.13d-3” with “17 CFR 240.13d-3”.

NOTE: Corrects citation error.

SECTION 83. 632.91 of the statutes is amended to read:

632.91 Definition. In this subsection ~~subchapter~~, “insured employe” means an employe of a fraternal or of a subsidiary or other affiliate of a fraternal who is provided insurance benefits by the fraternal under s. 614.10 (2) (c) but is not a member of the fraternal.

NOTE: According to drafting records, s. 632.91 is to be a part of subch. VII of chapter 632 and is applicable to the entire subchapter. The section is amended and repositioned after the subchapter title accordingly. It erroneously appeared in the 1989-90 statutes as part of subch. VI of chapter 632.

SECTION 84. The treatment of 800.04 (2) (c) of the statutes by 1991 Wisconsin Act 39, section 3552d, was not repealed by 1991 Wisconsin Act 40. The treatment by both acts stands.

NOTE: There were no conflicts of substance. This action validates the merger by the revisor under s. 13.93 (2) (c) of 2 acts of the 1991 legislature. As merged, s. 800.04 (2) (c) reads as follows:

800.04 (2) (c) If the defendant has made a deposit under par. (b) or s. 800.03 and does not appear, he or she is deemed

to have tendered a plea of no contest and submits to a forfeiture, a penalty assessment imposed by s. 165.87, a jail assessment imposed by s. 302.46 (1), any applicable domestic abuse assessment imposed by s. 973.055 (1) and an automatic reinstatement assessment imposed by s. 345.54 (1) plus costs, including the fee prescribed in s. 814.65 (1), not exceeding the amount of the deposit. The court may either accept the plea of no contest and enter judgment accordingly, or reject the plea and issue a summons. If the court finds that the violation meets the conditions in s. 800.093 (1), the court may summon the alleged violator into court to determine if restitution shall be ordered under s. 800.093. If the defendant fails to appear in response to the summons, the court shall issue a warrant under s. 968.09. If the defendant has made a deposit but does not appear, the court shall allow the defendant to withdraw the plea of no contest.

SECTION 85. The treatment of 800.09 (1) (intro.) by 1991 Wisconsin Act 39, section 3553d, was not repealed by 1991 Wisconsin Act 40. The treatment by both acts stands.

NOTE: There were no conflicts of substance. This action validates the merger by the revisor under s. 13.93 (2) (c) of 2 acts of the 1991 legislature. As merged, s. 800.09 (1) (intro.) reads as follows:

800.09 (1) JUDGMENT. (intro.) If a municipal court finds a defendant guilty it may render judgment by ordering restitution under s. 800.093 and payment of a forfeiture, the penalty assessment imposed by s. 165.87, the jail assessment imposed by s. 302.46 (1), any applicable domestic abuse assessment imposed by s. 973.055 (1) and the automatic reinstatement assessment imposed by s. 345.54 (1) plus costs of prosecution, including the fee prescribed in s. 814.65 (1). The court shall apply any payment received on a judgment that includes restitution to first satisfy any payment of restitution ordered, then to pay the forfeiture, assessments and costs. If the judgment is not paid, the court may proceed under par. (a), (b) or (c) or any combination of those paragraphs, as follows:

SECTION 86. 800.09 (1) (a) of the statutes, as affected by 1991 Wisconsin Act 39, section 3554d, and 1991 Wisconsin Act 40, is amended to read:

800.09 (1) (a) The court may defer payment of any judgment or provide for instalment payments. At the time the judgment is rendered, the court shall inform the defendant, orally and in writing, of the date by which restitution and the payment of the forfeiture, the penalty assessment, the jail assessment, the automatic reinstatement assessment and any applicable domestic abuse assessment plus costs must be made, and of the possible consequences of failure to do so in timely fashion, including imprisonment, as provided in s. 800.095, or suspension of the defendant’s motor vehicle operating privilege, as provided in par. (c), if applicable. If the defendant is not present, the court shall ensure that the information is sent to the defendant by mail. In 1st class cities, all of the written information required by this paragraph shall be printed in English and Spanish and provided to each defendant.

NOTE: Eliminates unnecessary “to” which drafting records show was inadvertently inserted by 1991 Wis. Act 40.

SECTION 87. The amendment of 800.09 (1) (c) of the statutes by 1991 Wisconsin Act 39 was not repealed by 1991 Wisconsin Act 40. Both amendments stand.

NOTE: There were no conflicts of substance. This action validates the merger by the revisor under s. 13.93 (2) (c) of 2 acts of the 1991 legislature.

SECTION 88. The treatment of 800.09 (2) (b) of the statutes by 1991 Wisconsin Act 39, section 3556d, was not repealed by 1991 Wisconsin Act 40. The treatment by both acts stands.

NOTE: There were no conflicts of substance. This action validates the merger by the revisor under s. 13.93 (2) (c) of 2 acts of the 1991 legislature. As merged, s. 800.09 (2) (b) reads as follows:

800.09 (2) (b) If the person charged fails to appear personally or by an attorney at the time fixed for hearing of the case, the defendant may be deemed to have entered a plea of no contest and the money deposited, if any, or such portion thereof as the court determines to be an adequate penalty, plus the penalty assessment, jail assessment and automatic reinstatement assessment and any applicable domestic abuse assessment plus costs, including the fee prescribed in s. 814.65 (1), may be declared forfeited by the court or may be ordered applied upon the payment of any penalty which may be imposed, together with the penalty assessment, jail assessment and automatic reinstatement assessment and any applicable domestic abuse assessment plus costs. If the court finds that the violation meets the conditions in s. 800.093 (1), the court may summon the alleged violator into court to determine if restitution shall be ordered under s. 800.093. Any money remaining after payment of any penalties, assessments, costs and restitution shall be refunded to the person who made the deposit.

SECTION 89. 804.05 (8) (title) of the statutes is created to read:

804.05 (8) (title) PARTICIPATION BY TELEPHONE.

NOTE: Subsections (1) to (7) have titles.

SECTION 90. 808.01 (1) of the statutes is amended to read:

808.01 (1) “Appeal” means a review in an appellate court by appeal or writ of error authorized by law of a judgment or order of a circuit ~~or county~~ court.

NOTE: Deletes obsolete reference to “county court”. County courts were eliminated by chapter 449, laws of 1977.

SECTION 91. 809.23 (3) (title) of the statutes is created to read:

809.23 (3) (title) UNPUBLISHED OPINIONS NOT CITED.

NOTE: Subsections (1) and (2) have titles. This action makes the section form consistent.

SECTION 92. 809.23 (4) (title) of the statutes is created to read:

809.23 (4) (title) REQUEST FOR PUBLICATION.

NOTE: Subsections (1) and (2) have titles. This action makes the section form consistent.

SECTION 93. 812.23 (1) (c) of the statutes is amended by replacing “rules adopted under s. 16.53 (1) (d) 3.” with “rules adopted under s. 16.53 (1) (d) 4.”.

NOTE: Corrects erroneous cross-reference. Section 16.53 (1) (d) 4. was renumbered from s. 16.53 (1) (d) 3. by 1983 Wis. Act 27.

SECTION 94. The treatment of 814.04 (intro.) of the statutes by 1991 Wisconsin Act 39 was not repealed by 1991 Wisconsin Act 65. The treatment by both acts stands.

NOTE: There were no conflicts of substance. This action validates the merger by the revisor under s. 13.93 (2) (c) of 2 acts of the 1991 legislature.

SECTION 95. Chapter 891 (title) of the statutes is repealed and recreated to read:

CHAPTER 891 PRESUMPTIONS

NOTE: Deletes reference to judicial notices from title. Chapter 891 previously contained sections relating to judicial notices, but those sections were repealed, effective Jan. 1, 1974, by supreme court order found at 59 Wis. 2d R6.

SECTION 96. 893.76 of the statutes is amended to read:

893.76 Order to repair or remove building or restore site; contesting. An application under s. 66.05 (3) to a circuit court for an order restraining the inspector of buildings or other designated officer from razing and removing a building or part of a building and restoring a site to a dust-free and erosion-free condition ~~or part of a building~~ shall be made within 30 days after service of the order issued under s. 66.05 (1) or be barred.

NOTE: 1989 Wis. Act 347, which added language to this section, inadvertently duplicated a preexisting phrase: “or part of a building”.

SECTION 97. The amendment of 943.21 (3) (a) of the statutes by 1991 Wisconsin Act 39 was not repealed by 1991 Wisconsin Act 65. Both amendments stand.

NOTE: There were no conflicts of substance. This action validates the merger by the revisor under s. 13.93 (2) (c) of 2 acts of the 1991 legislature.

SECTION 98. The amendment of 943.21 (3) (b) of the statutes by 1991 Wisconsin Act 39 was not repealed by 1991 Wisconsin Act 65. Both amendments stand.

NOTE: There were no conflicts of substance. This action validates the merger by the revisor under s. 13.93 (2) (c) of 2 acts of the 1991 legislature.

SECTION 99. The treatment of 946.82 (4) of the statutes by 1991 Wisconsin Act 32 was not repealed by 1991 Wisconsin Act 39. The treatment by both acts stands.

NOTE: There were no conflicts of substance. This action validates the merger by the revisor under s. 13.93 (2) (c) of 2 acts of the 1991 legislature.

SECTION 100. 971.17 (3) (e) of the statutes, as affected by 1991 Wisconsin Act 39, is amended by replacing “under 51.37 (3)” with “under s. 51.37 (3)”.

NOTE: The “s.” preceding “51.37 (3)” was omitted from 1991 Wis. Act 39 without being shown as stricken. The omission was unintended. This action restores the proper citation form.

SECTION 101. 973.015 (1) of the statutes is amended by replacing “person under the age of 21” with “person is under the age of 21”.

NOTE: Inserts “is” to correct incomplete sentence, created by chapter 39, laws of 1975.

SECTION 102. 1991 Wisconsin Act 39, section 2790x is amended by replacing “185.983 (1) (intro.) of the statutes, as affected by 1991 Wisconsin Act 336, is amended” with “185.983 (1) (intro.) of the statutes, as affected by 1989 Wisconsin Act 336, is amended”.

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NOTE: At the time that 1991 Wis. Act 39 was passed, there was no 1991 Wis. Act 336. Section 185.983 (1) (intro.) was affected by 1989 Wis. Act 336. This action clarifies that 1991 Wis. Act 39, section 2790x, amended s. 185.983 (1) (intro.), as affected by 1989 Wis. Act 336.

SECTION 103. 1989 Wisconsin Act 39, section 3696 is amended by replacing “1989 Wisconsin Act 31, section 3023 (22c) (intro.), (a) and (b)” with “1989 Wisconsin Act 31, section 3023 (22c) (intro.), (b) and (c)”.

NOTE: There is no 1989 Wis. Act 31, section 3023 (22c) (a). The subsections shown as renumbered to be s. 46.966 (1) and (2) by 1991 Wis. Act 39, section 3696, are 1989 Wis. Act 31, section 3023 (22c) (b) and (c).

SECTION 104. 1991 Wisconsin Act 76, section 26r is amended by replacing “30.455 (4), (5) (intro.), (6) and (8)

of the statutes are amended to read” with “30.445 (4), (5) (intro.), (6) and (8) of the statutes are amended to read”.

NOTE: The subsections shown as amended by 1991 Wis. Act 76, section 26r, are s. 30.445 (4), (5) (intro.), (6) and (8). Section 26r does not affect s. 30.455.

SECTION 105. 1991 Wisconsin Act 89, section 74 (8) is amended by replacing “(by SECTION 70)” with “(by SECTION 71)”.

NOTE: Drafting records show that 1991 Wis. Act 89, section 71, was originally section 70, but was changed to section 71 by the insertion in a later draft of an additional section. The reference to this section, however, was not changed in section 74 (8).