

1993 Senate Bill 473

Date of enactment: April 6, 1994  
Date of publication\*: April 20, 1994

## 1993 WISCONSIN ACT 213

AN ACT relating to repealing, consolidating, renumbering, amending and revising 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.** 1.11 (2) (d) of the statutes is amended by replacing "state-wide" with "statewide".

NOTE: Corrects spelling.

**SECTION 2.** 3.04 (1) of the statutes is amended by replacing "part of city of Milwaukee" with "part of the city of Milwaukee".

NOTE: Inserts missing "the".

**SECTION 3.** 3.05 of the statutes is amended by replacing "part of city of Milwaukee" with "part of the city of Milwaukee".

NOTE: Inserts missing "the".

**SECTION 4.** The amendment of 5.15 (6) (b) of the statutes by 1991 Wisconsin Act 5 was not repealed by 1991 Wisconsin Act 143. Both amendments stand.

NOTE: Affirms the treatment of this provision by 1991 Wis. Act 315, merging 2 acts of the legislature which did not take cognizance of the other. The treatment of this provision by 1991 Wis. Act 315 was not shown in the published 1991-92 Wisconsin statutes. As correctly merged, the provision reads as follows:

5.15 (6) (b) No later than 60 days before each September primary and general election, and no later than 30 days before each other election the governing body of any municipality may by resolution combine 2 or more wards for voting purposes to facilitate using a common polling place. Whenever wards are so combined, the original ward numbers shall continue to be utilized for all

official purposes. Except as otherwise authorized under this paragraph, every municipality having a population of 50,000 or more, or 35,000 or more after June 1, 1996, shall maintain separate returns for each ward so combined. In municipalities having a population of less than 50,000, or less than 35,000 after June 1, 1996, the governing body may provide in the resolution that returns shall be maintained only for each group of combined wards at any election. In municipalities having a population as shown in the 1990 federal decennial census of at least 87,000 but not more than 150,000, the governing body may provide in a resolution adopted prior to June 1, 1996, that groups of not more than 2 wards shall use common ballot boxes and ballots or voting machines and that returns shall be maintained only for each group of combined wards at any election held prior to June 1, 1996. Whenever a governing body provides for common ballot boxes and ballots or voting machines, separate returns shall be maintained for each separate ballot required under ss. 5.62 and 5.64 at the September primary and general election. The municipal clerk shall transmit a copy of the resolution to the county clerk of each county in which the municipality is contained. In municipalities having a population of less than 50,000, or less than 35,000 after June 1, 1996, the resolution shall remain in effect for each election until modified or rescinded, or until a new division is made under this section.

**SECTION 5.** 8.15 (6) (a) of the statutes is amended by replacing "state-wide" with "statewide".

## 1993 Senate Bill 473

NOTE: Corrects spelling.

**SECTION 6.** 9.01 (1) (b) 4. of the statutes is amended by replacing “board of elections commissioners” with “board of election commissioners”.

NOTE: Corrects spelling.

**SECTION 7.** 10.03 (title) of the statutes is amended to read:

**10.03 (title) Cross–references required.**

NOTE: Corrects spelling.

**SECTION 8.** 11.25 (1) of the statutes is amended to read:

11.25 (1) No person, committee or group may intentionally receive or accept ~~any thing~~ anything of value, or any promise or pledge thereof, constituting a disbursement made or obligation incurred for political purposes contrary to law.

NOTE: Makes language consistent with other statutes.

**SECTION 9.** 11.34 (1) of the statutes is amended to read:

11.34 (1) No person may demand, solicit, take, invite or receive from a candidate any gift of ~~any thing~~ anything of value for a religious, charitable or fraternal cause or for any organization other than a political committee or group. No candidate may make, intimate or promise such a gift.

NOTE: Makes language consistent with other statutes.

**SECTION 10.** 11.40 (1) (b) of the statutes is amended to read:

11.40 (1) (b) “Special privilege” or “privilege” means ~~any thing~~ anything of value not available to the general public. The term does not include compensation or fringe benefits provided as a result of employment by a public utility to regular employes or pensioners who are not compensated specifically for services performed for a political purpose, and not in excess of that provided to other regular employes or pensioners of like status.

NOTE: Makes language consistent with other statutes.

**SECTION 11.** 12.11 (1) (a) (intro.) of the statutes is amended to read:

12.11 (1) (a) (intro.) Offers, gives, lends or promises to give or lend, or endeavors to procure, ~~any thing~~ anything of value, or any office or employment or any privilege or immunity to, or for, any elector, or to or for any other person, in order to induce any elector to:

NOTE: Makes language consistent with other statutes.

**SECTION 12.** 12.11 (1) of the statutes is renumbered 12.11 (1m).

NOTE: See NOTE to treatment of s. 12.11 (4) by this bill.

**SECTION 13.** 12.11 (4) of the statutes is renumbered 12.11 (1) and amended to read:

12.11 (1) ~~The term “any thing~~ In this section, “any-thing of value” ~~as used in this section~~ includes any amount of money, or any object which has utility independent of any political message it contains and the value

of which exceeds \$1. The prohibitions of this section apply to the distribution of material printed at public expense and available for free distribution if such materials are accompanied by a political message.

NOTE: Makes language consistent with other statutes and places definition at the beginning of section consistent with current drafting style.

**SECTION 14.** 15.197 (10) (intro.) of the statutes is amended by replacing “There is created a cost” with “There is created in the department of health and social services a cost”.

NOTE: 1991 Wis. Act 250 did not show the department in which the cost containment council was created.

**SECTION 15.** 15.197 (11n) (d) 4. of the statutes is amended by replacing “state–wide” with “statewide”.

NOTE: Corrects spelling.

**SECTION 16.** 16.61 (8) (title) of the statutes is reenacted to read:

16.61 (8) (title) ADMISSIBLE IN EVIDENCE.

NOTE: This title was inadvertently dropped from the 1991–92 Wisconsin statutes.

**SECTION 17.** 19.22 (2) of the statutes is amended to read:

19.22 (2) At the time appointed, or at any other time to which the matter may be adjourned, upon due proof of service of the order issued under sub. (1), if the person complained against makes affidavit before the judge that the person has delivered to the person’s successor all of the official property and things in the person’s custody or possession pertaining to ~~such~~ the office, within the person’s knowledge, the person complained against shall be discharged and all further proceedings in the matter before ~~such~~ the judge shall cease.

NOTE: Replaces language inadvertently deleted by the amendment of this provision by 1991 Wis. Act 316.

**SECTION 18.** 20.370 (1) (fe) 1 of the statutes is amended by replacing “s. 20.370 (1) (gr)” with “par. (gr)”.

NOTE: Corrects cross–reference form.

**SECTION 19.** 20.370 (1) (fe) 1m of the statutes is amended by replacing “s. 20.370 (1) (gr)” with “par. (gr)”.

NOTE: Corrects cross–reference form.

**SECTION 20.** 20.370 (1) (fe) 2 of the statutes is amended by replacing “s. 20.370 (1) (gr)” with “par. (gr)”.

NOTE: Corrects cross–reference form.

**SECTION 21.** 20.866 (1) (u) of the statutes is amended by replacing “(4) (jf), (jb), (jc), (jd) and (je)” with “(4) (jb), (jc), (jd), (je) and (jf)”.

NOTE: Corrects order of cross–references.

**SECTION 22.** 23.0915 (2g) of the statutes is amended by replacing “project is expended” with “project are expended”.

NOTE: Corrects grammar after partial veto of 1991 Wis. Act 269, section 160dw.

**1993 Senate Bill 473**

**SECTION 23.** 23.097 (1) of the statutes is amended by replacing “grants to cities, villages” with “grants to cities and villages”.

NOTE: Corrects grammar after partial veto of 1991 Wis. Act 269, section 160f.

**SECTION 24.** 23.30 (3) (b) of the statutes is amended by replacing “state-wide” with “statewide”.

NOTE: Corrects spelling.

**SECTION 25.** 27.01 (6) (a) to (k) of the statutes are amended to read:

27.01 (6) (a) The state park in the town of St. Croix Falls, Polk county, as “Interstate Park;”<sub>1</sub>

(b) The state park in the town of Gibraltar, Door county, as “Peninsula State Park;”<sub>1</sub>

(c) The state park in the town of Nasewaupsee, Door county, as “Potawatomi State Park;”<sub>1</sub>

(d) The state park in the town of Wyalusing, Grant county, as “Wyalusing State Park;”<sub>1</sub>

(e) The state park in the town of Baraboo, Sauk county, as “Devil’s Lake State Park;”<sub>1</sub>

(f) The state park in the town of Morse, Ashland county, as “Copper Falls State Park;”<sub>1</sub>

(g) The state park in the town of Cassville, Grant county, as “Nelson Dewey State Park;”<sub>1</sub>

(h) The state park in the town of Rib Mountain, Marathon county, as “Rib Mountain State Park;”<sub>1</sub>

(i) The state park in the town of Trempealeau, Trempealeau county, as “Perrot State Park;”<sub>1</sub>

(j) The state park in the town of Wilson, Sheboygan county, as “Terry Andrae State Park;”<sub>1</sub>

(k) The state park in the town of Wyoming, Iowa county, as “Tower Hill State Park;”<sub>1</sub>

NOTE: Changes punctuation.

**SECTION 26.** 27.01 (6) (L) of the statutes, as affected by 1993 Wisconsin Act 16, is amended to read:

27.01 (6) (L) The state park in the town of Belmont, Lafayette county, as “First Capitol State Park”, except that this paragraph does not apply after February 28, 1994, if the state park has been transferred to the historical society under 1993 Wisconsin Act 16, section 9142 (1e);<sub>1</sub>

NOTE: Changes punctuation.

**SECTION 27.** 27.01 (6) (m) to (o) of the statutes are amended to read:

27.01 (6) (m) The state park in the town of Superior, Douglas county, as “Pattison State Park;”<sub>1</sub>

(n) The state park in Jefferson county, as “Aztalan State Park;”<sub>1</sub>

(o) The state park in Oconto county, as “Copper Culture Mounds State Park;”<sub>1</sub>

NOTE: Changes punctuation.

**SECTION 28.** 29.093 (2) (i) (title) of the statutes is reenacted to read:

29.093 (2) (i) (title) *Exceptions.*

NOTE: 1989 Wis. Act 336 amended this title as shown here. However, this change was not shown in the 1989–90

Wisconsin statutes. The change does appear in the 1991–92 Wisconsin statutes.

**SECTION 29.** The amendment of 29.1475 (2) of the statutes by 1991 Wisconsin Act 39 was not repealed by 1991 Wisconsin Act 269. Both amendments stand.

NOTE: This action validates the merger of 2 acts of the 1991 legislature by the revisor under s. 13.93 (2) (c).

**SECTION 30.** 29.38 (8) (d) of the statutes is amended by replacing “Record keeping” with “Record-keeping”.

NOTE: Corrects spelling.

**SECTION 31.** 36.11 (18) (title) of the statutes is created to read:

36.11 (18) (title) MIDWEST TECHNOLOGY DEVELOPMENT INSTITUTE.

NOTE: All other subsections of this section have titles.

**SECTION 32.** 36.11 (25) of the statutes, as created by 1991 Wisconsin Act 269, is renumbered 36.11 (26).

NOTE: 1991 Wis. Act 250 also created a provision numbered s. 36.11 (25). This action validates the renumbering of this provision by the revisor under s. 13.93 (1) (b).

**SECTION 33.** 38.01 (3) of the statutes is amended by replacing “state-wide” with “statewide”.

NOTE: Corrects spelling.

**SECTION 34.** 39.11 (4) of the statutes is amended by replacing “state-wide” with “statewide”.

NOTE: Corrects spelling.

**SECTION 35.** 39.11 (7) of the statutes is amended by replacing “state-wide” with “statewide”.

NOTE: Corrects spelling.

**SECTION 36.** 39.11 (12) of the statutes is amended by replacing “state-wide” with “statewide”.

NOTE: Corrects spelling.

**SECTION 37.** The amendment of 40.26 (1) of the statutes by 1991 Wisconsin Act 141 was not repealed by 1991 Wisconsin Act 152. Both amendments stand.

NOTE: Affirms the treatment of this provision by 1991 Wis. Act 315, merging 2 acts of the legislature which did not take cognizance of the other. The treatment of this provision by 1991 Wis. Act 315 was not shown in the published 1991–92 Wisconsin statutes. As correctly merged, the provision reads as follows:

40.26 (1) Except as provided in ss. 40.05 (2) (g) 2. and 40.23 (1) (am), if a participant receiving a retirement annuity, or a disability annuitant who has attained his or her normal retirement date, receives earnings that are subject to s. 40.05 (1) or that would be subject to s. 40.05 (1) except for the exclusion specified in s. 40.22 (2) (L), the annuity shall be terminated and no annuity payment shall be payable after the month in which all of the following apply:

(a) The total earnings that are subject to s. 40.05 (1) or that would be subject to s. 40.05 (1) except for the exclusion specified in s. 40.22 (2) (L) received in any annual earnings period exceeds an amount equal to 36 times the participant’s final average earnings divided by 5, increased each January 1 after the annuity effective date by the prior year’s salary index, ignoring fractions of a dollar.

(b) The participant files with the department a written election to be included within the provisions of the Wisconsin retirement system as a participating employee.

**SECTION 38.** 42.05 of the statutes is amended to read:

**42.05 Auto races.** Every vehicle propelled by gasoline or other similar motive power, used ~~on the at~~ state fairgrounds fair park in racing competition or practice therefor, except during the annual state fair and except at other times between 8 a.m. and 10 p.m., shall be equipped with a muffler which, at all times, shall be in good working condition sufficient to prevent excessive or unusual noise. It is unlawful to operate, or for the state fair park board to permit to be operated, ~~on the at~~ state fairgrounds fair park in racing competition or practice therefor, except during the annual state fair and except at other times between 8 a.m. and 10 p.m., any such vehicle, so propelled by gasoline or other similar motive power, with the muffler or cutout open. Any person violating this section may be fined not more than \$200 or imprisoned not more than 6 months or both.

NOTE: Conforms terminology to that used in other statutes.

**SECTION 39.** 44.03 (2) of the statutes is amended by replacing “State-wide” with “Statewide”.

NOTE: Corrects spelling.

**SECTION 40.** 44.07 (1) of the statutes is amended by replacing “state-wide” with “statewide”.

NOTE: Corrects spelling.

**SECTION 41.** 44.10 (1) of the statutes is amended by replacing “state-wide” with “statewide”.

**SECTION 42.** 45.351 (1) of the statutes, as affected by 1993 Wisconsin Act 16, is repealed and recreated to read:

**45.351 (1) GRANTS.** The department may grant to any veteran or dependents such temporary emergency aid, in the form of either health care aid or subsistence aid, as it deems advisable to prevent want or distress, subject to the following limitations:

(a) Health care aid to meet medical or hospital bills is limited to a payment of up to \$5,000 per veteran or dependent for a maximum of 30 days within a 12-month period for the same condition or conditions. Health care aid may be used to provide payment for the treatment of alcoholism or other drug addiction or to provide payment for health care required because of alcoholism or other drug addiction or alcohol or other drug abuse. The department may not grant health care aid under this paragraph unless the aid recipient’s health care provider agrees to accept, as full payment for the medical treatment for which the aid is to be granted, the amount of the grant, the amount of the recipient’s health insurance or other 3rd party payments, if any, and the amount which the department determines the aid recipient is capable of paying.

(b) 1. Subsistence aid may be provided:

a. On a month-to-month basis.

b. For a 3-month period if the veteran or dependent whose incapacity is the basis for the aid will be incapacitated for more than 3 months and if earned or unearned income or aid from sources other than those listed in the application will not be available in the 3-month period.

2. Subsistence aid is limited to a maximum of 3 months in a 12-month period unless the department determines that the need for subsistence aid in excess of this maximum time period is caused by the aid recipient’s relapse.

NOTE: Drafting records indicate legislative intent “to extend the health care aid grant program for two years” to July 1, 1995. To properly effectuate the legislative intent, the treatment of s. 45.351 (1) (intro.) and (b) by 1993 Wis. Act 16, together with the repeal of s. 45.351 (1) (a) and (1m), must be delayed to July 1, 1995.

**SECTION 43.** 45.351 (1) (intro.) and (b) of the statutes, as affected by 1993 Wisconsin Act ... (this act), are consolidated, renumbered 45.351 (1) and amended to read:

**45.351 (1) (title) SUBSISTENCE GRANTS.** The department may grant subsistence aid to any veteran or ~~dependents such temporary emergency aid, in the form of either health care aid or subsistence aid, as it deems to any dependent of a veteran in an amount that the department determines is advisable to prevent want or distress, subject to the following limitations: (b) 1. Subsistence. The department may grant subsistence aid may be provided: a. ~~On~~ on a month-to-month basis. b. ~~For or for~~ for a 3-month period. The department may grant subsistence aid for a 3-month period if the veteran or dependent whose incapacity is the basis for the aid will be incapacitated for more than 3 months and if earned or unearned income or aid from sources other than those listed in the application will not be available in the 3-month period. 2. Subsistence aid is limited to a maximum of 3 months in a 12-month period unless the department determines that the need for subsistence aid in excess of this maximum time period is caused by the aid recipient’s relapse.~~

NOTE: See NOTE to the treatment of s. 45.351 (1) by this bill.

**SECTION 44.** 45.351 (1) (a) of the statutes, as affected by 1993 Wisconsin Act ... (this act), is repealed.

NOTE: See NOTE to the treatment of s. 45.351 (1) by this bill.

NOTE: Corrects spelling.

**SECTION 45.** 46.21 (2) (b) of the statutes is amended by replacing “sanitoriums” with “sanatoriums”.

NOTE: Corrects spelling.

**SECTION 46.** 46.21 (4m) (title) of the statutes is amended to read:

**46.21 (4m) (title) HOSPITALS AND SANATORiums.**

NOTE: Corrects spelling.

**SECTION 47.** 46.82 (5) (c) of the statutes is amended to read:

**46.82 (5) (c)** For an aging unit that is described in sub. (1) (a) 3., the commission on aging under sub. (4) ~~(a)~~ (b) 3 shall make the appointment, subject to ch. 181.

NOTE: Replaces incorrect cross-reference created in 1991 Wis. Act 235. The commission on aging for an aging unit under s. 46.82 (1) (a) 3. is provided for under s. 46.82 (4) (b) 3.



**1993 Senate Bill 473**

**SECTION 48.** 48.547 (1) of the statutes is amended by replacing “state-wide” with “statewide”.

NOTE: Corrects spelling.

**SECTION 49.** 48.656 of the statutes is amended by replacing “custodian is assessing” with “custodian in assessing”.

NOTE: Inserts correct word.

**SECTION 50.** 51.45 (13) (p) of the statutes is amended by replacing “SCR 71.03” with “SCR 71.04”.

NOTE: The reference to SCR 71.03 was inserted by supreme court order effective January 1, 1980. SCR 71.04 is the successor provision of SCR 71.03 as the result of the repeal and recreation of SCR ch. 71 by supreme court order effective January 17, 1985.

**SECTION 51.** 51.91 (1) of the statutes is amended by replacing “state-wide” with “statewide”.

NOTE: Corrects spelling.

**SECTION 52.** 59.07 (89) of the statutes is amended to read as follows:

59.07 (89) (title) HEATING AND AIR CONDITIONING CONTRACTORS, MILWAUKEE COUNTY. In counties having a population of 500,000 or more, for the purpose of protecting and promoting the general health and welfare of county residents, provide by ordinance for the regulation, control, prohibition and licensing of heating and ~~air-conditioning~~ air conditioning contractors engaged in either soliciting work or any actual installation, maintenance or repair work within the geographic limits of such counties. The board may revoke any license after the filing of charges and notice of hearing thereon. Such ordinance in addition may impose a penalty of not to exceed \$100 for any violation or in default of payment thereof, imprisonment for not to exceed 30 days and each day’s failure to comply with any provision of the ordinance shall constitute a separate offense. In addition the county may institute injunctive proceedings to enforce any provision of the ordinance. The board may also, within the ordinance, provide for the creation of an advisory board and prescribe its powers. Such ordinance shall apply within cities and villages which may have adopted ordinances regulating the same subject matter but the county ordinance shall not have jurisdiction over any building code matter in any municipality, nor shall the ordinance be applicable to licensed electrical contractors engaged in the installation, maintenance or repair of electrical heating and ~~air-conditioning~~ air conditioning systems or to a public utility which is subject to ch. 196.

NOTE: Corrects spelling. This change is shown as made in the 1991-92 Wisconsin statutes.

**SECTION 53.** 60.726 (2) of the statutes is amended by replacing “sewage system, is equal to 10” with “sewage system is equal to 10”.

NOTE: Corrects punctuation.

**SECTION 54.** 61.65 (5) of the statutes is amended by replacing “state-wide” with “statewide”.

NOTE: Corrects spelling.

**SECTION 55.** 62.13 (12) of the statutes is amended by replacing “state-wide” with “statewide”.

NOTE: Corrects spelling.

**SECTION 56.** 62.175 (title) of the statutes is amended to read:

**62.175 (title) Sewer and water extensions in 1st and 2nd class cities; sewage from other municipalities.**

NOTE: Conforms title to subject matter of provision.

**SECTION 57.** 63.10 (1) of the statutes is amended by replacing “under oath by citizen” with “under oath by the citizen”.

NOTE: 1991 Wis. Act 316 deleted “such” prior to “citizen” without replacing it with the preferred term “the”.

**SECTION 58.** 63.29 (2) of the statutes is amended by replacing “state-wide” with “statewide”.

NOTE: Corrects spelling.

**SECTION 59.** 66.01 (4) of the statutes is amended by replacing “state-wide” with “statewide”.

NOTE: Corrects spelling.

**SECTION 60.** 66.023 (5) (a) of the statutes is amended by replacing “written comment” with “written comments”.

NOTE: Conforms terminology to that used in other parts of this statute and in other statutes.

**SECTION 61.** 66.05 (1) (a) of the statutes is renumbered 66.05 (1m) (a) 1. and amended to read:

66.05 (1m) (a) 1. The governing body or the inspector of buildings or other designated officer in every municipality, except ~~in towns~~ a town situated in a county with a population of less than 15,000 population.

2. The circuit court of a county with a population of less than 15,000 upon the complaint of a majority of the members of the a town board the circuit court, may order the owner of premises upon which is located of a town located in that county.

(ag) If any building or part thereof within such located in any municipality, which in its judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary ~~insanitary~~ or otherwise unfit for human habitation, occupancy or use, and so that it would be unreasonable to repair the same, to raze the issuing authority may order the owner to do any of the following:

1. Subject to par. (ai), raze and remove such the building or part thereof and restore the site to a dust-free and erosion-free condition, or if it can be made safe by repairs to if in the judgment of the issuing authority it would be unreasonable to repair the building or part thereof.

2. At the owner’s option, repair and make the building or part thereof safe and sanitary or to raze, and remove the building or part thereof and restore the site to a dust-free and erosion-free condition at the owner’s option; or where, if in the judgment of the issuing authority the

building or part thereof can be made safe and sanitary by repair.

(am) If in any municipality there has been a cessation of normal construction of any building or structure for a period of more than 2 years, the issuing authority may order the owner of the building to raze and remove such the building or part thereof and restore the site to a dust-free and erosion-free condition. The

(ar) Except as provided in par. (ai), an order under par. (ag) or (am) shall specify a time in which the owner shall comply therewith and specify repairs, if any. It shall be served on the owner of record or the owner's agent where an agent is in charge of the building in the manner provided for service of a summons in the circuit court. If the owner and the owner's agent cannot be found, or if the owner is deceased and an estate has not been opened, the order may be served by posting it on the main entrance of the building and by publishing it as a class 1 notice, under ch. 985, before the time limited in the order commences to run. The time limited in the order commences to run from the date of service upon the owner or the agent in the manner of a summons or, if the owner and agent cannot be found, from the date that the order was posted on the building. The order shall also be served on the holder of any encumbrance of record by 1st class mail at the last-known address and by publication as a class 1 notice under ch. 985.

NOTE: Consistent with drafting notes to chapter 215, laws of 1959, the phrase "the town board the circuit court" is replaced and the text is reorganized to clarify that for towns in counties with a population of less than 15,000 the circuit court is the exclusive decision maker. The provision is renumbered for greater clarity and consistency with current drafting style. "Structure" is deleted because "building", by definition, includes structures.

**SECTION 62.** 66.05 (1) (b) and (c) of the statutes are renumbered 66.05 (1m) (b) and (c).

NOTE: Renumbers provisions consistent with the treatment of sub. (1) (a) by this bill.

**SECTION 63.** 66.05 (1) (d) of the statutes is renumbered 66.05 (1m) (d) and amended to read:

66.05 (1m) (d) If a raze order issued under ~~par. (a)~~ this subsection is recorded with the register of deeds in the county in which the building is located, the order is considered to have been served on any person claiming an interest in the building or the real estate as a result of a conveyance after the date on which the action was commenced.

NOTE: Renumbers provision consistent with the treatment of sub. (1) (a) by this bill. Makes cross-reference consistent with the changes made to s. 66.06 (1) (a) by this bill.

**SECTION 64.** 66.05 (1m) (a) (intro.) of the statutes is created to read:

66.05 (1m) (a) (intro.) In this subsection, "issuing authority" means any of the following:

NOTE: The term "issuing authority" is inserted for greater clarity, consistent with the treatment of sub. (1) (a) by this bill.

**SECTION 65.** 66.05 (1m) (ai) of the statutes is created to read:

66.05 (1m) (ai) If the issuing authority is a circuit court under par. (a) 2., an order issued under par. (ag) 1 is subject to the procedures in sub. (7).

NOTE: Clarifies the relationship of sub. (7) to sub. (1m), as renumbered by this bill.

**SECTION 66.** 66.05 (2) (a) of the statutes is amended by replacing "insanitary" with "unsanitary".

NOTE: Makes language consistent with the treatment of s. 66.05 (1) (a) by this bill.

**SECTION 67.** 66.05 (4) of the statutes is renumbered 66.05 (1) and amended to read:

66.05 (1) ~~"Building" as used in~~ In this section, ~~except as provided in sub. (8) (a), "building"~~ includes any building or structure.

NOTE: Moves provision to proper location under current drafting style.

**SECTION 68.** 66.05 (5) of the statutes is amended by replacing "sub. (1)" with "sub. (1m)".

NOTE: Makes cross-reference consistent with the changes made to s. 66.05 (1) by this bill.

**SECTION 69.** 66.05 (6) of the statutes is amended by replacing "sub. (1)" with "sub. (1m)".

NOTE: Makes cross-reference consistent with the changes made to s. 66.05 (1) by this bill.

**SECTION 70.** 66.05 (7) of the statutes is amended by replacing "sub. (1)" with "sub. (1m) (ag) 1".

NOTE: Makes cross-reference consistent with the changes made to s. 66.05 (1) by this bill.

**SECTION 71.** 66.05 (8) (am) of the statutes is amended by replacing "sub. (1) (a)" with "sub. (1m) (ar)".

NOTE: Makes cross-reference consistent with the changes made to s. 66.05 (1) by this bill.

**SECTION 72.** 66.05 (8) (b) 1. of the statutes is amended by replacing "sub. (1) (a)" with "sub. (1m) (ar)" in 2 places.

NOTE: Makes cross-reference consistent with the changes made to s. 66.05 (1) by this bill.

**SECTION 73.** 66.05 (8) (d) of the statutes is amended to read:

66.05 (8) (d) Any building, which under par. (am) either as a result of vandalism or for any other reason is permitted to deteriorate or become dilapidated or blighted to the extent where windows, doors or other openings or plumbing or heating fixtures or facilities or appurtenances of such building, ~~dwelling or structure~~ are either damaged, destroyed or removed so that ~~such the building, dwelling or structure~~ offends the aesthetic character of the immediate neighborhood and produces blight or deterioration by reason of such condition, is a public nuisance.

NOTE: Deletes redundant language.

**SECTION 74.** 66.05 (9) (a) 1m of the statutes is amended to read:

66.05 (9) (a) 1m. "Historic building" means any building, ~~structure~~ or object listed on, or any building, ~~structure~~ or object within and contributing to a historic

**1993 Senate Bill 473**

district listed on, the national register of historic places in Wisconsin, the state register of historic places or a list of historic places maintained by a municipality.

NOTE: Deletes redundant language.

**SECTION 75.** 66.058 (3) (c) of the statutes is amended by replacing “fee provided in pars. (a) (intro.) and (b)” with “fee provided in pars. (a) and (b)”.

NOTE: Removes “(intro.)” inadvertently inserted by 1991 Wis. Act 269. There is no “(a) (intro.)”.

**SECTION 76.** 66.196 of the statutes is amended by replacing “state-wide” with “statewide”.

NOTE: Corrects spelling.

**SECTION 77.** 66.395 (3) (L) of the statutes is renumbered 66.395 (3) (L) 1. (intro.) and amended to read:

66.395 (3) (L) 1. (intro.) “Housing projects” include all real and personal property, building and improvements, stores, offices, lands for farming and gardening, and community facilities acquired or constructed or to be acquired or constructed pursuant to a single plan or undertaking ~~1. To demolish to do any of the following:~~

a. Demolish, clear, remove, alter or repair insanitary or unsafe housing for elderly persons, ~~or~~ 2. To provide,

b. Provide safe and sanitary dwelling accommodations for elderly persons, ~~or for,~~

c. Fulfill a combination of said ~~1. and 2.~~ The term “housing the purposes under subd. 1. a. and b.

2. “Housing project” may also be applied to the planning of buildings and improvements, the acquisition of property, the demolition of existing structures and the construction, reconstruction, alteration and repair of the improvements for the purpose of providing safe and sanitary housing for elderly persons and all other work in connection therewith. A project shall not be considered housing for the elderly unless it contains at least 8 new or rehabilitated living units which are specifically designed for the use and occupancy of persons 62 years of age or over.

NOTE: Conforms internal numbering with current numbering style.

**SECTION 78.** 66.43 (6) (d) of the statutes is amended by replacing “assigns of the grantee have no right” with “assigns of the grantee shall have no right”.

NOTE: “[S]hall” was unintentionally deleted from this provision by 1991 Wis. Act 316.

**SECTION 79.** 70.13 (5) of the statutes is amended by replacing “live stock” with “livestock”.

NOTE: Corrects spelling.

**SECTION 80.** The amendment of 71.03 (7) of the statutes by 1991 Wisconsin Act 269 was not repealed by 1991 Wisconsin Act 305. Both amendments stand.

NOTE: Affirms the treatment of this provision by 1991 Wis. Act 315, merging 2 acts of the legislature which did not take cognizance of the other. The treatment of this provision by 1991 Wis. Act 315 was not shown in the published 1991-92 Wisconsin statutes. As correctly merged, the provision reads as follows:

71.03 (7) EXTENSION OF TIME TO FILE. Returns of natural persons and fiduciaries that require a statement of amounts or information contained or entered on a corresponding return under the internal revenue code shall be filed within the time fixed under that code for filing of the corresponding federal return. Any extension of time granted by law or by the internal revenue service for the filing of that corresponding federal return extends the time for filing under this chapter if a copy of the taxpayer’s application to the internal revenue service requesting the extension is filed with the return under this chapter or if a copy of any request for an extension required by the internal revenue service is filed with the return under this chapter or at an earlier date that the department prescribes by rule and if the taxpayer pays the Wisconsin tax in the manner applicable to federal income taxes under the internal revenue code. Taxes payable upon the filing of the return do not become delinquent during the period of an extension but are subject to interest at the rate of 12% per year during such period, except, for taxable years beginning after December 31, 1989, and before January 1, 1991, for persons who served in support of Operation Desert Shield, Operation Desert Storm or an operation that is a successor to Operation Desert Shield or Operation Desert Storm in the United States, or for persons who served in Egypt, Israel, Diego Garcia or Germany, or for persons who qualify for a federal extension of time to file under 26 USC 7508, who served outside the United States because of their participation in Operation Desert Shield, Operation Desert Storm or an operation that is a successor to Operation Desert Shield or Operation Desert Storm in the Desert Shield or Desert Storm theater of operations.

**SECTION 81.** The amendment of 71.83 (3) of the statutes by 1991 Wisconsin Acts 39 and 190 were not repealed by 1991 Wisconsin Act 269. All amendments stand.

NOTE: Affirms the treatment of this provision by 1991 Wis. Act 315, merging 2 acts of the legislature which did not take cognizance of the other. The treatment of this provision by 1991 Wis. Act 315 was not shown in the published 1991-92 Wisconsin statutes. As correctly merged, the provision reads as follows:

71.83 (3) LATE FILING FEES. If any person required under this chapter to file an income or franchise tax return fails to file a return within the time prescribed by law, or as extended under s. 71.03 (7), 71.24 (7) or 71.44 (3), unless the return is filed under such an extension but the person fails to file a copy of the extension that is granted by or requested of the internal revenue service, the department shall add to the tax of the person \$30 in the case of corporations and in the case of persons other than corporations \$2 when the total normal income tax of the person is less than \$10, \$3 when the tax is \$10 or more but less than \$20, \$5 when the tax is \$20 or more, except that \$30 shall be added to the tax if the return is 60 or more days late. If no tax is assessed against any such person the amount of this fee shall be collected as income or franchise taxes are collected.

**SECTION 82.** The amendments of 73.01 (4) of the statutes by 1991 Wisconsin Acts 39 and 262 were not repealed by 1991 Wisconsin Act 315. All treatments stand.

NOTE: This action validates the merger of 3 acts of the 1991 legislature by the revisor under s. 13.93 (2) (c). As properly merged, 73.01 (4) (a) reads as follows:

73.01 (4) (a) Subject to the provisions for judicial review contained in s. 73.015, the commission shall be the final authority for the hearing and determination of all questions of law and fact arising under sub. (5) and s.



## 1993 Senate Bill 473

72.86 (4), 1985 stats., and ss. 70.11 (21), 70.38 (4) (a), 70.397, 70.64, 70.995 (8), 76.38 (12) (a), 76.39 (4) (c), 76.48 (6), 77.26 (3), 77.59 (6) (b), 78.01, 78.22, 78.40, 78.555, 139.02, 139.03, 139.06, 139.31, 139.315, 139.33, 139.76 and 139.78, subch. XIV of ch. 71 and subch. VII of ch. 77. Whenever with respect to a pending appeal there is filed with the commission a stipulation signed by the department of revenue and the adverse party, under s. 73.03 (25), agreeing to an affirmance, modification or reversal of the department's position with respect to some or all of the issues raised in the appeal, the commission shall enter an order affirming or modifying in whole or in part, or canceling the assessment appealed from, or allowing in whole or in part or denying the petitioner's refund claim, as the case may be, pursuant to and in accordance with the stipulation filed. No responsibility shall devolve upon the commission, respecting the signing of an order of dismissal as to any pending appeal settled by the department without the approval of the commission.

**SECTION 83.** 77.52 (2) (a) 10. of the statutes is amended by replacing “condensors” with “condensers”.

NOTE: Corrects spelling.

**SECTION 84.** 92.14 (3m) (intro.) of the statutes is amended by replacing “20.115 (7) (q)” with “20.115 (7) (qd)”.

NOTE: Corrects cross-reference to conform with renumbering by 1991 Wis. Act 315. Section 20.115 (7) (q), as created by 1991 Wis. Act 309, was renumbered s. 20.115 (7) (qd).

**SECTION 85.** 92.14 (4) (intro.) of the statutes is amended by replacing “20.115 (7) (q)” with “20.115 (7) (qd)”.

NOTE: Corrects cross-reference to conform with renumbering by 1991 Wis. Act 315. Section 20.115 (7) (q), as created by 1991 Wis. Act 309, was renumbered s. 20.115 (7) (qd).

**SECTION 86.** 92.14 (4r) of the statutes is amended by replacing “20.115 (7) (q)” with “20.115 (7) (qd)”.

NOTE: Corrects cross-reference to conform with renumbering by 1991 Wis. Act 315. Section 20.115 (7) (q), as created by 1991 Wis. Act 309, was renumbered s. 20.115 (7) (qd).

**SECTION 87.** 92.17 (1) (title) of the statutes is amended to read:

92.17 (1) (title) GUIDELINES ORDINANCE.

NOTE: Eliminates semicolon rendered superfluous by partial veto of 1991 Wis. Act 309.

**SECTION 88.** 92.17 (2r) (title) of the statutes is amended to read:

92.17 (2r) (title) DEPARTMENT NOT TO REQUIRE ENACTMENT.

NOTE: Inserts “to” into title as created by 1991 Wis. Act 309 to improve readability.

**SECTION 89.** 93.01 (5) of the statutes is amended by replacing “live stock” with “livestock”.

NOTE: Corrects spelling.

**SECTION 90.** 93.01 (13) of the statutes is amended by replacing “live stock” with “livestock”.

NOTE: Corrects spelling.

**SECTION 91.** 93.20 (2) of the statutes is amended to read:

93.20 (2) If a court imposes costs under s. 814.04 or 973.06 against a defendant in an action, the court may order that defendant to pay to the department of ~~agriculture, trade and consumer protection~~ any of the enforcement costs specified under sub. (3) that the department has incurred. The prosecutor shall present evidence of the enforcement costs and the defendant shall be given an opportunity to refute that evidence. If any cost that a court orders a defendant to pay under this section may also be recovered by the department under s. 814.04 or 973.06, the department may recover that cost only under this section, but that cost is not limited to the amounts specified in s. 814.04 or 973.06.

NOTE: Eliminates redundancy; “department” is defined as the department of agriculture, trade and consumer protection by s. 93.01.

**SECTION 92.** 93.22 (2) of the statutes is amended to read:

93.22 (2) The department may, with the approval of the governor, appoint special counsel to prosecute or assist in the prosecution of any case arising under chs. 88 and 93 to 100. The cost of such special counsel shall be charged to the appropriation for the department of ~~agriculture, trade and consumer protection~~.

NOTE: Eliminates redundancy; “department” is defined as the department of agriculture, trade and consumer protection by s. 93.01.

**SECTION 93.** 93.31 of the statutes is amended to read:

**93.31 Livestock breeders association.** The secretary of the Wisconsin livestock breeders association shall on and after July 1 of each year make a report to the department of ~~agriculture, trade and consumer protection~~, signed by the president, treasurer and secretary of the association, setting forth in detail the receipts and disbursements of the association for the preceding fiscal year in such form and detail together with such other information as the department may require. On receipt of such reports, if the department is satisfied that the business of the association has been efficiently conducted during the preceding fiscal year and in the interest of and for the promotion of the special agricultural interests of the state and for the purpose for which the association was organized and if the final statement shows that all the receipts together with the state aid have been accounted for and disbursed for the proper and necessary purposes of the association, and in accordance with the laws of the state, then the department shall file a certificate with the department of administration and it shall draw its warrant and the state treasurer shall pay to the treasurer of the association the amount of the appropriations made available for the association by s. 20.115 (4) (a) and (h) for the conduct of junior livestock shows and other livestock



## 1993 Senate Bill 473

educational programs. The association may upon application to the state purchasing agent, upon such terms as he or she may require, obtain printing for the association under the state contract.

NOTE: Eliminates redundancy; "department" is defined as the department of agriculture, trade and consumer protection by s. 93.01.

**SECTION 94.** 95.24 (3) (a) of the statutes is renumbered 95.24 (3) (a) (intro.) and amended to read:

95.24 (3) (a) (intro.) No type of living vaccine for immunizing against anthrax or swine erysipelas may be administered to any domestic animal, including fowl, or sold or dispensed in this state without first having obtained the written approval of the chief veterinarian of the department. Approval to administer such vaccine shall be granted to licensed veterinarians only, and then only after it has been established: 1. that the to qualify the animal or fowl for export or in the event that any of the following has been established:

1. The animals to be so treated are infected,~~or,~~
2. The animals to be so treated are on premises known to be contaminated,~~or,~~
3. The animals to be so treated have been exposed within 40 days to infection with the disease for which the living vaccine is prescribed as a proper immunizing agent,~~or~~ 4. to qualify the animal or fowl for export.

NOTE: Conforms numbering to present style and changes the order of the sentence clauses to eliminate improperly structured sentence.

**SECTION 95.** 100.02 of the statutes is amended to read:

**100.02 Commission merchants, duties, must account.** (1) No person receiving any fruits, vegetables, melons, dairy, or poultry products or any perishable farm products of any kind or character, other than cattle, sheep, hogs or horses, referred to in this section as produce, for or on behalf of another, may without good and sufficient cause therefor, destroy, or abandon, discard as refuse or dump any produce directly or indirectly, or through collusion with any person, nor may any person knowingly and with intent to defraud make any false report or statement to the person from whom any produce was received, concerning the handling, condition, quality, quantity, sale or disposition thereof, nor may any person knowingly and with intent to defraud fail truly and correctly to account and pay over to the consignor therefor.

(2) ~~The department of agriculture, trade and consumer protection shall by rule provide for the making of prompt investigations and the issuing of certificates as to the quality and condition of produce received, upon application of any person shipping, receiving or financially interested in, such the produce. Such The rules shall designate the classes of persons qualified and authorized to make such the investigations and issue such the certificates, except that any such investigation shall be made and any such certificate shall be issued by at least~~

2 disinterested persons in any case where ~~such the~~ investigation is not made by an officer or employe of the department.

(3) A certificate made in compliance with ~~such the~~ rules shall be prima facie evidence in all courts of the truth of the statements contained in the certificate as to the quality and condition of the produce; but if any such certificate is put in evidence by any party, in any civil or criminal proceeding, the opposite party shall be permitted to cross-examine any person signing ~~such the~~ certificate, called as a witness at the instance of either party, as to his or her qualifications and authority and as to the truth of the statements contained in ~~such the~~ certificate.

NOTE: Eliminates redundancy; "department" is defined as the department of agriculture, trade and consumer protection by s. 93.01.

**SECTION 96.** 100.15 (1) of the statutes is amended to read:

100.15 (1) No person may use, issue or furnish within this state, in connection with the sale of any goods, any trading stamp or similar device, which entitles the purchaser to procure ~~any thing anything~~ of value in exchange for the trading stamp or similar device.

NOTE: Makes language consistent with other statutes.

**SECTION 97.** 101.35 (10) (a) 7. of the statutes is amended by replacing "chlorofluorocarbons" with "chlorofluorocarbons".

**SECTION 98.** 101.575 (1) (c) of the statutes is amended to read:

101.575 (1) (c) Any city, village or town, not maintaining a fire department, ~~which~~ that for the purpose of obtaining fire protection and prevention services for itself enters into an agreement with another city, village or town, is entitled to the dues specified in par. (a) if the department determines that the fire prevention services comply with s. 101.14 (2). Two or more municipalities that together have entered into a fire protection agreement in the manner prescribed in this paragraph shall each be entitled to dues under par. (a).

NOTE: Eliminates redundancy resulting from amendment by 1991 Wis. Act 187.

**SECTION 99.** 108.02 (19) of the statutes is amended to read:

108.02 (19) NONPROFIT ORGANIZATIONS. A "non-profit organization" is an organization described in s. ~~section~~ 501 (c) (3) of the internal revenue code which is exempt from federal income tax under s. ~~section~~ 501 (a) of ~~said the internal revenue~~ code.

NOTE: Corrects citation form.

**SECTION 100.** 115.28 (10) of the statutes is amended by replacing "state-wide" with "statewide".

NOTE: Corrects spelling.

**SECTION 101.** 125.31 (1) of the statutes is amended to read:

125.31 (1) Notwithstanding ss. 125.29 (2) and 125.33 (1), a brewer may maintain and operate a place on

brewery premises and a place on real estate owned by the brewer or a subsidiary or affiliate corporation for the sale of fermented malt beverages for which a Class “B” license is required for each place, but not more than 2 such Class “B” licenses shall be issued to any brewer. Notwithstanding ss. 125.29 (2) and 125.33 (1), a brewer may also own, maintain or operate places for the sale of fermented malt beverages at state fair park or on any state or county fairgrounds located in this state. Any Class “B” license necessary in connection with this paragraph shall be issued to the brewer. Notwithstanding s. 125.33 (1), a brewer may own the furniture, fixtures, fittings, furnishings and equipment on such premises and shall pay any license fee or tax required for the operation of the premises.

NOTE: Conforms terminology to that used in other statutes.

**SECTION 102.** 139.43 (title) of the statutes is amended to read:

**139.43 (title) Statewide concern.**

NOTE: Corrects spelling.

**SECTION 103.** 140.69 of the statutes is amended by replacing “state-wide” with “statewide”.

NOTE: Corrects spelling.

**SECTION 104.** 144.25 (4) (e) of the statutes is amended to read:

144.25 (4) (e) Promulgate rules, in consultation with the department of agriculture, trade and consumer protection, as are necessary for the proper execution and administration of the program under this section. The rules shall include standards and specifications concerning best management practices which are required for eligibility for cost-sharing grants under this section. The department may waive the standards and specifications in exceptional cases. Only persons involved in the administration of the program under this section and persons who are grant recipients or applicants are subject to the rules promulgated under this paragraph. Any rule promulgated under this paragraph which relates or pertains to agricultural practices relating to animal waste handling and treatment ~~are~~ is subject to s. 13.565.

NOTE: Corrects verb to agree with singular subject.

**SECTION 105.** 144.25 (8) (g) 1. of the statutes is reenacted to read:

144.25 (8) (g) 1. The main benefits to be derived from the best management practices are related to improving offsite water quality; and

NOTE: The last 4 words of this provision were inadvertently dropped from the 1991–92 Wisconsin statutes.

**SECTION 106.** 144.393 (1) (d) of the statutes is amended by replacing “have a an operation permit” with “have an operation permit”.

NOTE: 1991 Wis. Act 302 amended this clause from “have a mandatory operation permit”, but “a” was not deleted along with “mandatory”.

**SECTION 107.** 145.01 (9) of the statutes is amended to read:

145.01 (9) (title) PIPELAYER. “~~Pipe-layer~~” “Pipe-layer” means a person registered under s. 145.07 (11).

NOTE: Corrects spelling.

**SECTION 108.** 145.02 (2) of the statutes is amended by replacing “state-wide” with “statewide”.

NOTE: Corrects spelling.

**SECTION 109.** 145.07 (11) of the statutes is amended to read:

145.07 (11) An application for registration as a ~~pipe layer~~ pipelayer shall be made to the department with the fees required by the department under s. 145.08 (1) (q). The department shall approve the registration of any person as a ~~pipe-layer~~ pipelayer if the person is employed by a utility contractor and if the person is engaged in the practical installation, within public or private premises, of piping which conveys sewage, rain water or other liquid wastes to a legal point of disposal or engages in the practical installation of water service piping from the street main to the immediate inside building perimeter.

NOTE: Corrects spelling.

**SECTION 110.** 145.13 of the statutes is amended by replacing “state-wide” with “statewide”.

NOTE: Corrects spelling.

**SECTION 111.** 146.60 (1) (b) of the statutes is amended to read:

146.60 (1) (b) “Coordinated framework” means the coordinated framework for regulation of biotechnology set forth in 51 ~~CFR Fed. Reg.~~ 23302 to 23350 (June 26, 1986), as amended by 52 ~~CFR Fed. Reg.~~ 22892 to 22915 (June 16, 1987), and subsequent amendments to the coordinated framework for regulation of biotechnology.

NOTE: Amends provision to appear as it was originally drafted. Drafting records show that references to the federal register were changed to code of federal regulations. However, the volume, page numbers and dates contained in the citations in this provision are to the federal register.

**SECTION 112.** 149.03 (1) of the statutes is amended by replacing “sanatoria” with “sanatoriums” in 3 places.

NOTE: Makes terminology consistent with other statutes.

**SECTION 113.** 149.07 (1) (a) of the statutes is amended by replacing “sanatoria” with “sanatoriums”.

NOTE: Makes terminology consistent with other statutes.

**SECTION 114.** 150.69 (5) of the statutes is amended by replacing “consumer, the applicant’s projected request for rate increases under ch. 52 and the charges” with “consumer and the charges”.

NOTE: The original draft of this legislation included provisions that created hospital rate-setting under ch. 52 which were not included in the final version adopted as 1991 Wis. Act 250.

**SECTION 115.** 155.30 (3) of the statutes is amended by replacing “but need not be,” with “but need not, be”.

NOTE: Repositions comma to correct grammar.

**SECTION 116.** 161.24 of the statutes is amended to read:

## 1993 Senate Bill 473

- 11 -

**161.24 Republishing of schedules.** The controlled substances board shall revise and republish the schedules semiannually for ~~2 years from October 1, 1972, and thereafter~~ annually.

NOTE: Deletes obsolete transition provision.

**SECTION 117.** 165.50 (1) (a) of the statutes is amended by replacing “state-wide” with “statewide”.

NOTE: Corrects spelling.

**SECTION 118.** 165.70 (title) of the statutes is amended to read:

**165.70 (title) Investigation of statewide crime.**

NOTE: Corrects spelling.

**SECTION 119.** 165.70 (1) (a) of the statutes is amended by replacing “state-wide” with “statewide”.

NOTE: Corrects spelling.

**SECTION 120.** 165.70 (3) of the statutes is amended by replacing “state-wide” with “statewide”.

NOTE: Corrects spelling.

**SECTION 121.** 165.85 (4) (d) of the statutes is amended to read:

165.85 (4) (d) The board shall issue a certificate evidencing satisfaction of the requirements of pars. (b), (bn) and (c) to any applicant who presents such evidence, as is required by its rules, of satisfactory completion ~~or of~~ requirements in another jurisdiction equivalent in content and quality to those fixed by the board under the board’s authority as set out in pars. (b), (bn) and (c).

NOTE: The phrase “completion or requirements” is the result of a transcription error contained in chapter 466, laws of 1969. 1969 Senate Bill 530, which was enacted as chapter 466, laws of 1969, states “completion of requirements”. The comma is inserted to correct grammar.

**SECTION 122.** 166.03 (2) (a) 2. of the statutes is amended by replacing “state-wide” with “statewide”.

NOTE: Corrects spelling.

**SECTION 123.** 167.26 (1) (intro.) of the statutes is reenacted to read:

167.26 (1) (intro.) Any person who removes ice or causes its removal from any stream, pond or lake shall place around the margin of the opening made by such removal a fence, by setting posts of not less than 2 by 4 in size with any of the following fencings:

NOTE: “[W]ith” was inadvertently dropped from the 1991-92 Wisconsin statutes.

**SECTION 124.** 178.21 (2) of the statutes is amended by replacing “co-owner” with “coowner”.

NOTE: Makes spelling consistent with other statutes.

**SECTION 125.** 181.297 (2) (d) of the statutes is amended to read:

181.297 (2) (d) An act or omission for which the volunteer received compensation or ~~any thing~~ anything of substantial value in lieu of compensation.

NOTE: Makes language consistent with other statutes.

**SECTION 126.** 182.017 (5) of the statutes is amended by replacing “live stock” with “livestock”.

NOTE: Corrects spelling.

**SECTION 127.** 187.33 (2) (e) of the statutes is amended to read:

187.33 (2) (e) An act or omission for which the volunteer received compensation or ~~any thing~~ anything of substantial value in lieu of compensation.

NOTE: Makes language consistent with other statutes.

**SECTION 128.** 190.09 of the statutes is amended by replacing “live stock” with “livestock”.

NOTE: Corrects spelling.

**SECTION 129.** 195.14 (3) of the statutes is amended by replacing “live stock” with “livestock”.

NOTE: Corrects spelling.

**SECTION 130.** 196.795 (5) (b) of the statutes is amended by replacing “record keeping” with “record-keeping”.

NOTE: Corrects spelling.

**SECTION 131.** 215.21 (21) of the statutes is amended to read:

215.21 (21) PENALTY FOR GIVING OR ACCEPTING MONEY FOR LOANS. Every officer, director, employe or agent of any association, or any appraiser making appraisals for any association, who accepts or receives, or offers or agrees to accept or receive ~~any thing~~ anything of value in consideration of its loaning any money to any person; or any person who offers, gives, presents or agrees to give or present ~~any thing~~ anything of value to any officer, director, employe or agent of any association or to any appraiser making appraisals for any association in consideration of its loaning money to the person, shall be fined not to exceed \$10,000 or imprisoned in the Wisconsin state prisons not to exceed 2 years or both. Nothing in this subsection prohibits an association from employing an officer, employe or agent to solicit mortgage loans and to pay the officer, employe or agent on a fee basis.

NOTE: Makes language consistent with other statutes.

**SECTION 132.** 218.165 (1) of the statutes is amended to read:

218.165 (1) The importation of a primary housing unit for sale in this state by an out-of-state manufacturer is deemed an irrevocable appointment by ~~such out-of-state~~ that manufacturer of the secretary of state to be ~~its~~ that manufacturer’s true and lawful attorney upon whom may be served all legal processes in any action or proceeding against such manufacturer arising out of the importation of such primary housing unit into this state.

NOTE: Replaces pronoun for greater specificity and modernizes and simplifies language for improved readability.

**SECTION 133.** The amendment of 220.04 (6) (d) of the statutes by 1991 Wisconsin Act 221 was not repealed by 1991 Wisconsin Act 269. Both amendments stand.

NOTE: Affirms the treatment of this provision by 1991 Wis. Act 315, merging 1991 Wis. Acts 221 and 269, which did not take cognizance of each other. The treatment of this provision by 1991 Wis. Act 315 was not shown in the published 1991-92 Wisconsin statutes. As correctly merged, the provision reads as follows:



222.04 (6) (d) The commissioner of banking, with the approval of the banking review board, may establish rules regulating the kind and amount of foreign bonds or bonds and securities offered for sale by the international bank for reconstruction and development, the inter-American development bank, the international finance corporation, the African development bank and the Asian development bank which state banks and trust company banks may purchase, except that such rules shall not apply to bonds and securities of the Canadian government and Canadian provinces, which are payable in American funds.

**SECTION 134.** 223.12 (1) of the statutes is amended by replacing “the commissioner’s name its” with “the commissioner’s name of office its”.

NOTE: Reinserts “of office” which was inadvertently deleted from this provision by 1991 Wis. Act 316.

**SECTION 135.** 224.01 of the statutes is renumbered 220.01.

NOTE: Section moved for more logical placement.

**SECTION 136.** 243.07 (3) (title) of the statutes is amended to read:

243.07 (3) (title) RELATION OF AGENT TO COURT-APPOINTED FIDUCIARY.

NOTE: Makes title consistent with amendments of s. 243.07 by 1991 Wis. Act 297.

**SECTION 137.** 243.07 (4) (a) of the statutes is amended by replacing “attorney-in-fact” with “agent”.

NOTE: Makes terminology of s. 243.07 consistent after amendment by 1991 Wis. Act 297.

**SECTION 138.** 243.07 (6m) of the statutes is amended by replacing “attorney-in-fact” with “agent”.

NOTE: Makes terminology of s. 243.07 consistent after amendment by 1991 Wis. Act 297.

**SECTION 139.** 243.10 (1) (a) of the statutes is amended by replacing “(insert name and address of alternate person appointed to act)” with “(insert name and address of alternate person appointed) to act”.

NOTE: Inserts missing parenthesis in accordance with original draft of 1991 Wis. Act 297.

**SECTION 140.** 302.37 (2) of the statutes is amended to read:

302.37 (2) Neither the sheriff or other keeper of any jail nor any other person shall give, sell or deliver to any prisoner for any cause whatever any alcohol beverages unless a physician certifies in writing that the health of the prisoner requires it, in which case the ~~inmate~~ prisoner may be allowed the quantity prescribed.

NOTE: Replaces incorrect term inserted by 1991 Wis. Act 316.

**SECTION 141.** 340.01 (56) (intro.) of the statutes is reenacted to read:

340.01 (56) (intro.) “School bus”:

NOTE: “School bus” was inadvertently changed to “schoolbus” in the preparation of the 1991–92 Wisconsin statutes.

**SECTION 142.** 344.34 (title) of the statutes, as affected by 1991 Wisconsin Act 269, is reenacted to read:

**344.34 (title) Notice of cancellation or termination of certified policy.**

NOTE: As the result of an error in transcription the title was printed twice in the 1991–92 Wisconsin statutes.

**SECTION 143.** 347.413 (3) of the statutes is amended by replacing “343.10 (5) (a) 2. c.” with “343.10 (5) (a) 3.”.

NOTE: There is no s. 343.10 (5) (a) 2. c. Drafting records for 1991 Wis. Act 277 show that the provisions contained in s. 343.10 (5) (a) 3., as created by that act, were originally numbered s. 343.10 (5) (a) 2. c. This numbering change was not taken into account in the final treatment of this provision by 1991 Wis. Act 277.

**SECTION 144.** 401.109 of the statutes is amended by replacing “chs. 401 to 409” with “chs. 401 to 411”.

NOTE: Makes this provision applicable to all of the uniform commercial code after the creation of chs. 410 and 411 by 1991 Wis. Acts 148 and 304.

**SECTION 145.** 440.26 (2) (a) 2. of the statutes is amended by replacing “co-owner” with “coowner”.

NOTE: Makes spelling consistent with other statutes.

**SECTION 146.** 453.02 (8) 1., 2. and 3. of the statutes, as created by 1991 Wisconsin Act 306, are renumbered 453.02 (8) (a), (b) and (c).

NOTE: This action confirms the renumbering of these provisions by the revisor under s. 13.93 (1) (b) to conform this provision with current numbering style.

**SECTION 147.** 562.025 (1) (e) of the statutes is amended to read:

562.025 (1) (e) Accept or agree to accept money or ~~any thing~~ anything of value from anyone who holds a license or who is regulated by or holds any contract to supply goods or services to the commission.

NOTE: Makes language consistent with other statutes.

**SECTION 148.** 562.025 (2) (e) of the statutes is amended to read:

562.025 (2) (e) Accept or agree to accept money or ~~any thing~~ anything of value from any person who holds a license or who is regulated by the commission or holds any contract to supply goods or services to the commission other than the contract under which the person provides professional services.

NOTE: Makes language consistent with other statutes.

**SECTION 149.** 562.03 (3) (b) of the statutes is amended by replacing “criminal arrest and convictions” with “criminal arrests and convictions”.

NOTE: Corrects spelling.

**SECTION 150.** 618.42 (3) (a) of the statutes is amended by replacing “chs. 401 to 410 411” with “chs. 401 to 411”.

NOTE: 1991 Wis. Act 315 showed “410” as underscored. It should have been shown as stricken. This change has been made in the 1991–92 Wisconsin statutes.

**SECTION 151.** 632.365 of the statutes is amended by replacing “110.20 (6), (6m) or (7)” with “110.20 (6) or (7)”.

NOTE: Section 110.20 (6m) was repealed effective November 1, 1992, by 1991 Wis. Act 39.



**1993 Senate Bill 473**

**SECTION 152.** 704.07 (2) (a) 2. of the statutes is amended by replacing “air-conditioning” with “air conditioning”.

NOTE: Corrects spelling. This change has been made in the 1991–92 Wisconsin statutes.

**SECTION 153.** 753.06 (1) (a) of the statutes is amended to read:

753.06 (1) (a) Milwaukee county. The circuit has ~~42 branches. Commencing August 1, 1992, the circuit has~~ 45 branches. Commencing August 1, 1994, the circuit has 46 branches.

NOTE: Deletes obsolete transition provision.

**SECTION 154.** 753.06 (2) (b) of the statutes is amended to read:

753.06 (2) (b) Racine county. The circuit has ~~8 branches. Commencing August 1, 1991, the circuit has~~ 9 branches. Commencing August 1, 1994, the circuit has 10 branches.

NOTE: Deletes obsolete transition provision.

**SECTION 155.** 753.06 (2) (c) of the statutes is amended to read:

753.06 (2) (c) Walworth county. The circuit has ~~3 branches. Commencing August 1, 1992, the circuit has~~ 4 branches.

NOTE: Deletes obsolete transition provision.

**SECTION 156.** 753.06 (4) (e) of the statutes is amended to read:

753.06 (4) (e) Winnebago county. The circuit has ~~5 branches. Commencing August 1, 1991, the circuit has~~ 6 branches.

NOTE: Deletes obsolete transition provision.

**SECTION 157.** 753.06 (5) (a) of the statutes is amended to read:

753.06 (5) (a) Dane county. The circuit has ~~44 branches. Commencing August 1, 1992, the circuit has~~ 16 branches. Commencing August 1, 1994, the circuit has 17 branches.

NOTE: Deletes obsolete transition provision.

**SECTION 158.** 753.06 (6) (b) of the statutes is amended to read:

753.06 (6) (b) Columbia county. The circuit has ~~2 branches. Commencing August 1, 1991, the circuit has~~ 3 branches.

NOTE: Deletes obsolete transition provision.

**SECTION 159.** 753.06 (7) (h) of the statutes is amended to read:

753.06 (7) (h) Monroe county. The circuit has ~~one branch. Commencing August 1, 1992, the circuit has~~ 2 branches.

NOTE: Deletes obsolete transition provision.

**SECTION 160.** 753.06 (8) (a) of the statutes is amended to read:

753.06 (8) (a) Brown county. The circuit has ~~7 branches. Commencing August 1, 1991, the circuit has~~ 8 branches.

NOTE: Deletes obsolete transition provision.

**SECTION 161.** 753.06 (10) (i) of the statutes is amended to read:

753.06 (10) (i) Polk county. The circuit has ~~one branch. Commencing August 1, 1991, the circuit has~~ 2 branches.

NOTE: Deletes obsolete transition provision.

**SECTION 162.** 766.58 (7) (b) of the statutes is amended by replacing “otherwise, marital” with “otherwise, a marital”.

NOTE: Inserts missing “a” inadvertently deleted from 1991 Wis. Act 301.

**SECTION 163.** 767.24 (8) (title) of the statutes is reenacted to read:

767.24 (8) (title) NOTICE IN JUDGMENT.

NOTE: Corrects error in transcription of 1991 Wis. Act 32.

**SECTION 164.** 779.035 (1m) of the statutes is renumbered 779.135, and 779.135 (3), as renumbered, is amended by replacing “This paragraph” with “This subsection”.

NOTE: Renumbers provision for more logical placement and greater accessibility.

**SECTION 165.** 779.135 (title) of the statutes is created to read:

**779.135 (title) Construction contracts, form of contract.**

NOTE: See NOTE to the treatment of s. 779.035 (1m) by this bill.

**SECTION 166.** 799.16 (4) (a) of the statutes is amended by replacing “garnished” with “garnisheed”.

NOTE: Corrects spelling.

**SECTION 167.** 801.06 of the statutes is amended to read:

**801.06 Personal jurisdiction, grounds for without service of summons.** A court of this state having jurisdiction of the subject matter may, without a summons having been served upon a person, exercise jurisdiction in an action over a person with respect to any counterclaim asserted against that person in an action which the person has commenced in this state and also over any person who appears in the action and waives the defense of lack of jurisdiction over his or her person as provided in s. 802.06 (8). An appearance to contest the basis for in rem or quasi in rem jurisdiction under s. 802.06 (2) ~~(e)~~ (a) 3 without seeking any other relief does not constitute an appearance within the meaning of this section.

NOTE: Makes this provision consistent with s. 802.06 (2) as amended by this bill.

**SECTION 168.** 801.07 (3) of the statutes is amended to read:

801.07 (3) When the defendant has property within this state which has been attached or has a debtor within the state who has been ~~garnished~~ garnisheed. Jurisdiction under this subsection may be independent of or supplementary to jurisdiction acquired under subs. (1) and (2).

NOTE: Corrects spelling.

**SECTION 169.** 802.06 (2) of the statutes is amended to read:

802.06 (2) HOW PRESENTED. (a) 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~~ 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~~

1. Lack of capacity to sue or be sued, ~~b) lack,~~
2. Lack of jurisdiction over the subject matter, ~~e) lack,~~
3. Lack of jurisdiction over the person or property, ~~d) insufficiency,~~
4. Insufficiency of summons or process, ~~e) untimeli-~~  
ness,
5. Untimeliness or insufficiency of service of sum-  
mons or process, ~~f) failure,~~
6. Failure to state a claim upon which relief can be  
granted, ~~g) failure,~~
7. Failure to join a party under s. 803.03, ~~h) res,~~
8. Res judicata, ~~i) statute,~~
9. Statute of limitations, ~~j) another,~~
10. Another action pending between the same parties  
for the same cause.

(b) A motion making any of ~~these~~ the defenses in par. (a) 1. to 10. shall be made before pleading if a further pleading is permitted. Objection to venue shall be made in accordance with s. 801.51. 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) par. (a) 6.~~ par. (a) 6. 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) par. (a) 8.~~ par. (a) 8. or ~~i) 9.~~ 9. 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.

NOTE: Revises this statute to conform to current numbering style and to provide for improved computer searchability of statutory cross-references.

**SECTION 170.** 809.105 (11) (e) of the statutes is amended by replacing “minor if any” with “minor, if any” in 3 places.

NOTE: Inserts commas. The first occurrence of “minor if any” is shown with the comma inserted in the 1991–92 Wisconsin statutes, but it was not contained in 1991 Wis. Act 263 which created this provision.

**SECTION 171.** 811.14 (title) of the statutes is amended to read:

**811.14 (title) Sale of perishable property attached or garnisheed.**

NOTE: Corrects spelling.

**SECTION 172.** 812.06 of the statutes is amended to read:

**812.06 Garnishee fees, costs.** A garnishee shall be entitled to \$3 as garnishee fee, and shall not be required to answer unless such fee is first paid. When a corporation is ~~garnished~~ garnisheed such fee shall be paid to the person upon whom the garnishee summons and complaint is served. Such fee shall be taxed as costs in the action the same as witness fees are taxed.

NOTE: Corrects spelling.

**SECTION 173.** 812.07 (4) of the statutes is amended by replacing “garnished” with “garnisheed”.

NOTE: Corrects spelling.

**SECTION 174.** 812.18 (3) of the statutes is amended to read:

812.18 (3) If the garnishee holds subject to the garnishment or pays pursuant to s. 812.13, moneys owed the principal defendant equal to the amount of the plaintiff’s claim as set forth in the garnishee complaint and disbursements, then any excess moneys owed the defendant, and any ~~garnished~~ garnisheed property in the garnishee’s possession or control, shall no longer be subject to the garnishment. If the moneys owed by the garnishee to the defendant and so held are less than the amount claimed and disbursements, all property subject to the garnishment shall be held pending the further order of the court, subject to any rights of disposition that the garnishee may have, and all proceeds therefrom to which defendant would be entitled shall likewise be retained. The defendant may, on notice, petition the court for an order to release, from the garnishment, all property or its proceeds not reasonably required to assure payment of the plaintiff’s claim and disbursements.

NOTE: Corrects spelling.

**SECTION 175.** 812.19 (2) of the statutes is amended to read:

812.19 (2) By reason of ~~any thing~~ anything received or collected by ~~him~~ that person by execution or other process; or

NOTE: Makes language consistent with other statutes and replaces gender-specific pronoun.

**SECTION 176.** 812.19 (4) of the statutes is amended to read:

812.19 (4) By reason of ~~any thing~~ anything owing by ~~him~~ that person upon a contingency.

NOTE: Makes language consistent with other statutes and replaces gender-specific pronoun.

**SECTION 177.** 812.19 (7) of the statutes is amended to read:

812.19 (7) Except as provided in this section, judgment may be given for ~~any thing~~ anything owing, although it has not become due in which case the garnishee shall not be required to pay or deliver it before the time appointed by the contract.

NOTE: Makes language consistent with other statutes.

## 1993 Senate Bill 473

– 15 –

**SECTION 178.** 812.20 of the statutes is amended to read:

**812.20 Action by defendant against garnishee stayed.** Except upon the order of a judge no action shall be commenced by the defendant or ~~his~~ the defendant's assignee against a garnishee upon any ~~garnished garnish-  
eed~~ claim or demand or to recover any property ~~garnished  
garnisheed~~, or execution be issued upon a judgment in favor of defendant against such garnishee, until the termination of the garnishment action; and if an action has been commenced or an execution issued it shall be stayed by the court or a judge thereof as to the garnishee upon ~~his~~ the garnishee's application.

NOTE: Corrects spelling and replaces gender-specific pronouns.

**SECTION 179.** 816.03 (2) of the statutes is amended to read:

816.03 (2) The fact that garnishee proceedings have been commenced in aid of or that property has been levied on under a second execution shall not bar proceedings under this section; but if it appears to the satisfaction of the court or judge before whom such proceedings are pending that the property levied on or ~~garnished garnish-  
eed~~ will be sufficient to satisfy such judgment with costs, then the proceedings herein provided for may be dismissed or adjourned to a time after the sale under such execution or the termination of such garnishee proceedings.

NOTE: Corrects spelling.

**SECTION 180.** 823.114 (1) (e) of the statutes is amended by replacing “66.05 (1) (b)” with “66.05 (1m) (b)”.

NOTE: Makes cross-reference consistent with the changes made to s. 66.05 (1) by this bill.

**SECTION 181.** 823.21 of the statutes is amended to read:

**823.21 Dilapidated buildings declared nuisances.** Any building which, under s. 66.05 ~~(1)~~ (1m), has been declared so old, dilapidated or out of repair as to be dangerous, unsafe, ~~insanitary~~ unsanitary or otherwise unfit for human habitation or has been determined to be unreasonable to repair under s. 66.05 ~~(1)~~ (1m) is a public nuisance and may be proceeded against under this chapter.

NOTE: Corrects punctuation. Makes cross-references and language consistent with the treatment of s. 66.05 (1) (a) by this bill.

**SECTION 182.** The amendment of 861.02 (1) of the statutes by 1991 Wisconsin Act 224 was not repealed by 1991 Wisconsin Act 301. Both amendments stand.

NOTE: Affirms the treatment of this provision by 1991 Wis. Act 315, merging 2 acts of the legislature which did not take cognizance of the other. The treatment of this provision by 1991 Wis. Act 315 was not shown in the published 1991–92 Wisconsin statutes. As correctly merged, the provision reads as follows:

861.02 (1) In addition to the right to elect under s. 861.03 and unless barred under s. 861.13, at the death of a spouse whose domicile is in this state the surviving spouse may elect,

under s. 861.11, not more than a one-half interest in any or all items of the deferred marital property then owned by the decedent spouse which is subject to administration, reduced by any of that elected property which is used to satisfy obligations for which the property is available under s. 859.18. The election under this section does not apply to deferred marital property that passes under s. 852.01 (1) (a) or (b). Property elected by a surviving spouse under this subsection, except to the extent that no other property is available to satisfy the obligation, is not subject to claims for the decedent's funeral expenses, to federal death taxes against the decedent's estate or to taxes imposed under subch. III of ch. 72, 1989 stats., against the decedent's estate. Failure of a surviving spouse to elect under this subsection is not a transfer of property and does not result in a gift from the surviving spouse to the decedent spouse's estate or any beneficiary of the estate.

**SECTION 183.** 880.825 (title) of the statutes is amended to read:

**880.825 (title) Form and effect of receipt and acceptance by custodial trustee, jurisdiction.**

NOTE: Conforms title to text.

**SECTION 184.** 891.405 (title) of the statutes is amended to read:

**891.405 (title) Presumption of paternity based on acknowledgment.**

NOTE: Makes spelling of “acknowledgment” consistent with other occurrences in the statutes. The 1991–92 Wisconsin statutes show this change as made.

**SECTION 185.** 893.76 of the statutes is amended by replacing “66.05 (1)” with “66.05 (1m)”.

NOTE: Makes cross-reference consistent with the changes made to s. 66.05 (1) by this bill.

**SECTION 186.** 910.08 of the statutes is renumbered 910.08 (intro.) and amended to read:

**910.08 Functions of judge and jury.** (intro.) When the admissibility of other evidence of contents of writings, recordings or photographs under chs. 901 to 911 depends upon the fulfillment of a condition of fact, the question of whether the condition has been fulfilled is ordinarily for the judge to determine. However, when ~~an issue~~ any of the following issues is raised, the issue is for the trier of fact to determine as in the case of other issues of fact:

(1) ~~whether~~ Whether the asserted writing ever existed, ~~or~~

(2) ~~whether~~ Whether another writing, recording or photograph produced at the trial is the original, ~~or~~

(3) ~~whether~~ Whether other evidence of contents correctly reflects the contents, ~~the issue is for the trier of fact to determine as in the case of other issues of fact.~~

NOTE: Conforms provision to current drafting and numbering style.

**SECTION 187.** 939.22 (24) of the statutes is amended to read:

939.22 (24) “Place of prostitution” means any place where a person habitually engages, in public or in private, in nonmarital acts of sexual intercourse, sexual gratification involving the sex organ of one person and the mouth

or anus of another, masturbation or sexual contact for ~~any thing~~ anything of value.

NOTE: Makes language consistent with other statutes.

**SECTION 188.** 943.20 (2) (c) of the statutes is amended by replacing “co-owner” with “coowner”.

NOTE: Makes spelling consistent with other statutes.

**SECTION 189.** 943.205 (2) (b) of the statutes is amended by replacing “co-owner” with “coowner”.

NOTE: Makes spelling consistent with other statutes.

**SECTION 190.** 944.30 (1) of the statutes is amended to read:

944.30 (1) Has or offers to have or requests to have nonmarital sexual intercourse for ~~any thing~~ anything of value.

NOTE: Makes language consistent with other statutes.

**SECTION 191.** 944.30 (2) of the statutes is amended to read:

944.30 (2) Commits or offers to commit or requests to commit an act of sexual gratification, in public or in private, involving the sex organ of one person and the mouth or anus of another for ~~any thing~~ anything of value.

NOTE: Makes language consistent with other statutes.

**SECTION 192.** 944.30 (4) of the statutes is amended to read:

944.30 (4) Masturbates a person or offers to masturbate a person or requests to be masturbated by a person for ~~any thing~~ anything of value.

NOTE: Makes language consistent with other statutes.

**SECTION 193.** 944.30 (5) of the statutes is amended to read:

944.30 (5) Commits or offers to commit or requests to commit an act of sexual contact for ~~any thing~~ anything of value.

NOTE: Makes language consistent with other statutes.

**SECTION 194.** 946.17 of the statutes is amended to read:

**946.17 Corrupt means to influence legislation; disclosure of interest.** Any person who gives or agrees or offers to give ~~any thing~~ anything of value to any person, for the service of such person or of any other person in procuring the passage or defeat of any measure before the legislature or before either house or any committee thereof, upon the contingency or condition of the passage or defeat of the measure, or who receives, or agrees to receive ~~any thing~~ anything of value for such service, upon any such contingency or condition, or who, having a pecuniary or other interest, or acting as the agent or attorney of any person in procuring or attempting to procure the passage or defeat of any measure before the legislature or before either house or any committee thereof, attempts in any manner to influence any member of the legislature for or against the measure, without first making known to the member the real and true interest he or she has in the measure, either personally or as such agent or attorney, is guilty of a class A misdemeanor.

NOTE: Makes language consistent with other statutes.

**SECTION 195.** 946.73 of the statutes is amended to read:

**946.73 Penalty for violating laws governing state or county institutions.** Whoever violates any state law or any lawful rule made pursuant to state law governing the state ~~fairgrounds~~ fair park or any state or county charitable, curative, reformatory, or penal institution while within the same or the grounds thereof is guilty of a Class C misdemeanor.

NOTE: Conforms terminology to that used in other statutes.

**SECTION 196.** 972.15 (1) of the statutes is amended to read:

972.15 (1) After a conviction the court may order a presentence investigation, except that the court may order an employe of the department ~~of corrections~~ to conduct a presentence investigation only after a conviction for a felony.

NOTE: Eliminates redundancy; “department” is defined as the department of corrections by s. 967.02.

**SECTION 197.** 973.11 (3) of the statutes is amended to read:

973.11 (3) STATUS. A defendant who is placed with a volunteers in probation program under sub. (1) is subject to the conditions set by the court. The defendant is not on probation under ss. 973.09 and 973.10 and the department ~~of corrections~~ is not responsible for supervising him or her. A court may place a defendant under sub. (1) prior to conviction only if a deferred prosecution agreement is reached under s. 971.40. In that case, the person is subject to the conditions set by the court under this section and the conditions provided in the agreement.

NOTE: Eliminates redundancy; “department” is defined as the department of corrections by s. 967.02.

**SECTION 198.** 973.20 (7) of the statutes is amended to read:

973.20 (7) If the court orders that restitution be paid to more than one person, the court may direct the sequence in which payments are to be transferred under sub. (11) (a). If more than one defendant is ordered to make payments to the same person, the court may apportion liability between the defendants or specify joint and several liability. If the court specifies that 2 or more defendants are jointly and ~~severably~~ severally liable, the department ~~of corrections~~ or the clerk to whom payments are made under sub. (11) (a) shall distribute any overpayments so that each defendant, as closely as possible, pays the same proportion of the ordered restitution.

NOTE: Corrects spelling. Eliminates redundancy; “department” is defined as the department of corrections by s. 967.02.

**SECTION 199.** 973.20 (11) (a) of the statutes is amended to read:

973.20 (11) (a) Except as otherwise provided in this paragraph, the restitution order shall require the defendant to deliver the amount of money or property due as



**1993 Senate Bill 473**

– 17 –

restitution to the department of ~~corrections~~ for transfer to the victim or other person to be compensated by a restitution order under this section. If the defendant is not placed on probation or sentenced to prison, the court may order that restitution be paid to the clerk of court for transfer to the appropriate person. The court shall require the defendant to pay a surcharge equal to 5% of the total amount of any restitution, costs and attorney fees and any fines and related payments ordered under s. 973.05 (1) to the department or clerk of court for administrative expenses under this section.

NOTE: Eliminates redundancy; “department” is defined as the department of corrections by s. 967.02.

**SECTION 200.** 973.20 (11) (b) of the statutes is amended to read:

973.20 (11) (b) The department of ~~corrections~~ shall establish a separate account for each person in its custody or under its supervision ordered to make restitution for the collection and disbursement of funds. A portion of each payment constitutes the surcharge for administrative expenses under par. (a).

NOTE: Eliminates redundancy; “department” is defined as the department of corrections by s. 967.02.

**SECTION 201.** 973.20 (12) (c) of the statutes is amended to read:

973.20 (12) (c) If a defendant is subject to more than one order under this section and the financial obligations under any order total \$50 or less, the department of ~~corrections~~ or the clerk of court, whichever is applicable under sub. (11) (a), may pay these obligations first.

NOTE: Eliminates redundancy; “department” is defined as the department of corrections by s. 967.02.

**SECTION 202.** 1991 Wisconsin Act 315, section 74 is amended by replacing “70.51 (2) of the statutes, as affected by 1991 Wisconsin Acts 39, 156 and 189, is

amended to read:” with “70.51 (2) of the statutes, as affected by 1991 Wisconsin Acts 39, 156, 189 and 316, is amended to read:”.

NOTE: 1991 Wis. Act 315, section 74 showed the text of s. 70.51 (2) as it was rendered gender neutral by 1991 Wis. Act 316 without indicating the treatment by that act.

**SECTION 203.** 1993 Wisconsin Act 16, section 826 is repealed.

NOTE: See NOTE to the treatment of s. 45.351 (1) by this bill.

**SECTION 204.** 1993 Wisconsin Act 16, section 9457 (1d) is amended to read:

[1993 Wisconsin Act 16] Section 9457 (1d) HEALTH CARE AND VIETNAM ILLNESSES GRANTS. The repeal of section 45.351 (1) ~~(a)~~ and (1m) of the statutes takes effect on July 1, 1995.

NOTE: The repeal of 1993 Wis. Act 16, section 826 by this bill, deletes the repeal of s. 45.351 (1) (a) from 1993 Wis. Act 16.

**SECTION 205. Effective dates.** This act takes effect on the day after publication, except as follows:

(1) The repeal and recreation of section 45.351 (1) of the statutes, the amendment of 1993 Wisconsin Act 16, section 9457 (1d) and the repeal of 1993 Wisconsin Act 16, section 826 take effect retroactively to August 12, 1993.

(2) The consolidation, renumbering and amendment of section 45.351 (1) (intro.) and (b) of the statutes and the repeal of section 45.351 (1) (a) of the statutes take effect on July 1, 1995.

NOTE: The treatment by this section provides that s. 45.351 will continue as it existed prior to the treatment by 1993 Wis. Act 16, effective July 1, 1993, until July 1, 1995, when the health care grant program will end as was intended by the legislature. (See NOTE to the treatment of s. 45.351 (1) by this bill.)