

1993 Senate Bill 822

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1993 WISCONSIN ACT 482

AN ACT relating to revising various provisions of the statutes for the purpose of deleting, replacing or otherwise modifying language that discriminates on the basis of sex (Revisor's Correction Bill).

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

PREFATORY NOTE: The revisor of statutes is permitted by s. 13.93 (1) (m), stats., to make corrections to the statutes to ensure that the statutory language does not discriminate on the basis of sex. Section 13.93 (1) (m), stats., provides that the corrections shall have no substantive effect.

This bill, prepared pursuant to s. 13.93 (1) (m), stats., deletes, replaces or otherwise modifies language that discriminates on the basis of sex to ensure that the language of the affected statutes does not discriminate on the basis of sex.

Revisions are also made to otherwise affected provisions for the purpose of correcting errors, supplying omissions, clarifying language and correcting and clarifying references; those revisions are explained in NOTES provided by the revisor of statutes in the body of the bill.

SECTION 1. 50.49 (1) (b) 6. of the statutes, as affected by 1993 Wisconsin Act 27, is amended to read:

50.49 (1) (b) 6. Any of the foregoing items and services which are provided on an outpatient basis, under arrangements made by the home health agency, at a hospital or extended care facility, or at a rehabilitation center which meets such standards as may be prescribed by rule, and a) the furnishing of which involves the use of equipment of such a nature that the items and services cannot readily be made available to the individual in such place of residence, or b) which are furnished at such facility while ~~he~~ the individual is there to receive any such item or service, but not including transportation of the individual in connection with any such item or service.

SECTION 2. 132.16 (5) of the statutes is amended to read:

132.16 (5) Upon granting registration as aforesaid, the secretary of state shall issue his or her certificate to the petitioners, setting forth the fact of such registration.

SECTION 3. 132.16 (6) of the statutes is amended to read:

132.16 (6) The fees of the secretary of state for registration, alteration, and cancellation of insignia, searches made by ~~him~~ the secretary of state, and certificates issued by ~~him~~ the secretary of state, pursuant to this section, shall be the same as provided by law for similar services. The fees collected under this section shall be paid by the secretary of state into the state treasury.

SECTION 4. 134.01 of the statutes is amended to read:

134.01 Injury to business; restraint of will. Any 2 or more persons who shall combine, associate, agree, mutually undertake or concert together for the purpose of wilfully or maliciously injuring another in his or her reputation, trade, business or profession by any means whatever, or for the purpose of maliciously compelling another to do or perform any act against his or her will, or preventing or hindering another from doing or performing any lawful act shall be punished by imprisonment in the county jail not more than one year or by fine not exceeding \$500.

SECTION 5. 134.02 (1) of the statutes is renumbered 134.02 (1) (intro.) and amended to read:

134.02 (1) (intro.) Any 2 or more persons, whether members of a partnership or company or stockholders in a corporation, who are employers of labor, and who shall combine or agree to combine for any of the purpose of preventing following purposes shall be fined not less than

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\$100 nor more than \$500, which fine shall be paid into the state treasury for the benefit of the school fund:

(a) Preventing any person seeking employment from obtaining ~~the same, or for the purpose of procuring employment.~~

(b) Procuring or causing the discharge of any employe by threats, promises, circulating blacklists or causing ~~the same blacklists~~ to be circulated, ~~or who shall, after,~~

(c) After having discharged any employe, ~~prevent~~ preventing or ~~attempt~~ attempting to prevent ~~such the~~ employe from obtaining employment with any other person, partnership, company or corporation by the means aforesaid, ~~or shall authorize, permit or allow~~ described in par. (a) or (b).

(d) Authorizing, permitting or allowing any of ~~his or~~ their agents to blacklist any discharged employe or any employe who has voluntarily left the service of his or her employer, ~~or circulate,~~

(e) Circulating a blacklist of ~~such an~~ employe who has voluntarily left the service of an employer to prevent ~~his the employe's~~ obtaining employment under any other employer, ~~or who shall coerce or compel,~~

(f) Coercing or compelling any person to enter into an agreement not to unite with or become a member of any labor organization as a condition of his or her securing employment or continuing therein, ~~shall be punished by fine of not more than \$500 nor less than \$100, which fine shall be paid into the state treasury for the benefit of the school fund.~~

NOTE: Divides subsection into paragraphs for greater readability. Replaces "the same" as it appears with specific subject for greater clarity.

SECTION 6. 134.03 of the statutes is amended to read:

134.03 Preventing pursuit of work. Any person who by threats, intimidation, force or coercion of any kind shall hinder or prevent any other person from engaging in or continuing in any lawful work or employment, either for himself or herself or as a wage worker, or who shall attempt to so hinder or prevent shall be punished by fine not exceeding \$100 or by imprisonment in the county jail not more than 6 months, or by both fine and imprisonment in the discretion of the court. Nothing herein contained shall be construed to prohibit any person or persons off of the premises of such lawful work or employment from recommending, advising or persuading others by peaceful means to refrain from working at a place where a strike or lockout is in progress.

SECTION 7. 134.04 (1) of the statutes is amended to read:

134.04 (1) No person, firm or corporation engaged in any enterprise in this state shall by any method or procedure directly or indirectly by itself or through a subsidiary agency owned or controlled in whole or in part by such person, firm or corporation, sell or procure for sale or have in its possession or under its control for sale to its

employes or any person any article, material, product or merchandise of whatsoever nature not of ~~his or its own~~ the person's, firm's or corporation's production or not handled in ~~his or its~~ the person's, firm's or corporation's regular course of trade, excepting meals, candy bars, cigarettes and tobacco for the exclusive use and consumption of such employes of the employer, and excepting tools used by employes in said enterprise and such specialized appliances and paraphernalia as may be required in said enterprise for the employes' safety or health and articles used by employes or other persons which insure better sanitary conditions and quality in the manufacture of food or food products. The provisions of this subsection shall not apply to lumber producers, loggers and dealers nor to any cooperative association organized under ch. 185. This section shall not be construed as authorizing the sale of any merchandise at less than cost as defined in s. 100.30.

SECTION 8. 134.05 of the statutes is renumbered 134.05 (1) and amended to read:

134.05 (1) Whoever corruptly gives, offers or promises to an agent, employe or servant, any gift or gratuity whatever, with intent to influence ~~his the agent's, employe's or servant's~~ action in relation to ~~his principal's, employer's or master's the~~ business; ~~or an of the agent's, employe's or servant's principal, employer or master shall be penalized as provided in sub. (4).~~

(2) An agent, employe or servant who corruptly does any of the following shall be penalized as provided in sub. (4):

(a) Corruptly requests or accepts a gift or gratuity or a promise to make a gift or to do an act beneficial to himself or herself, under an agreement or with an understanding that he or she shall act in any particular manner in relation to ~~his principal's, employer's or master's the~~ business; ~~or an agent, employe or servant, who, being of the agent's, employe's or servant's principal, employer or master.~~

(b) Being authorized to procure materials, supplies or other articles either by purchase or contract for his or her principal, employer or master, or to employ service or labor for his or her principal, employer or master, receives directly or indirectly, for himself or herself or for another, a commission, discount or bonus from the person who makes such sale or contract, or furnishes such materials, supplies or other articles, or from a person who renders such service or labor; ~~and any.~~

(3) A person who gives or offers ~~such~~ an agent, employe or servant such authorized as described in sub. (2) (b) a commission, discount or bonus, of the type described in sub. (2) (b), shall be penalized as provided in sub. (4).

(4) Whoever violates sub. (1), (2) or (3) shall be punished by a fine of not less than \$10 nor more than \$500, or by such fine and by imprisonment for not more than one year.

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NOTE: Renumbers and repositions text for easier reading and conformity to current drafting style.

SECTION 9. 134.06 of the statutes is amended to read:

134.06 Bonus to chauffeurs for purchases, forbidden. It shall be unlawful for any chauffeur, driver or other person having the care of a motor vehicle for the owner to receive or take directly or indirectly without the written consent of such owner any bonus, discount or other consideration for supplies, or parts furnished or purchased for such motor vehicle or upon any work or labor done thereon by others or on the purchase of any motor vehicle for ~~his~~ the chauffeur's, driver's or other person's employer and no person furnishing such supplies or parts, work or labor or selling any motor vehicle shall give or offer any such chauffeur or other person having the care of a motor vehicle for the owner thereof, directly or indirectly without such owner's written consent, any bonus, discount or other consideration thereon. Any person violating this section shall be guilty of a misdemeanor and punished by a fine not exceeding \$25.

SECTION 10. 134.10 (2) of the statutes is amended to read:

134.10 (2) It is the duty of every person engaged in such business and of every trustee, director, officer, agent or employe of any such person, when financing the purchase of such property or loaning money upon the security of a mortgage thereon, or renewing or extending any such loan or mortgage, or performing any other act in connection therewith, to advise the person for whom such purchase is to be financed or to or for whom the money is to be loaned or for whom such extension, renewal or other act is to be granted or performed, that ~~he~~ the person is free to choose the insurance agent or insurer through which the insurance covering such property is to be negotiated.

SECTION 11. 134.10 (3) of the statutes is amended to read:

134.10 (3) This section shall not be construed to prevent the reasonable exercise of any person so engaged, ~~or~~ his or her trustee, director, officer, agent or employe, of his ~~or her~~ right to approve or disapprove the insurer selected to underwrite the insurance or to determine the adequacy of the insurance offered.

SECTION 12. 134.11 (2) of the statutes is amended to read:

134.11 (2) It is the duty of every person engaged in ~~such~~ the business of selling real property or personal property and of every trustee, director, officer, agent or employe of any ~~such~~ person so engaged, when negotiating the sale or selling any ~~such~~ real or personal property, to advise the person to whom the property is being sold that ~~he~~ the person is free to choose the insurance agent or insurer through which the insurance covering ~~such~~ the property is to be negotiated.

NOTE: Replaces "such" for clarity and conformity with current drafting style.

SECTION 13. 134.11 (3) of the statutes is amended to read:

134.11 (3) This section shall not be construed to prevent the reasonable exercise of ~~of~~ by any person so engaged, ~~or his or her~~ his or her trustee, director, officer, agent or employe, of his ~~or her~~ right to approve or disapprove, on behalf of himself ~~or herself~~ or his ~~or her~~ principal, the insurer selected to underwrite the insurance or to determine the adequacy of the insurance offered.

NOTE: Replaces "of" for clarity.

SECTION 14. 134.19 of the statutes is amended to read:

134.19 Fraud on exemption laws. Any person who shall, whether as principal, agent or attorney, with intent thereby to deprive any bona fide resident of this state of ~~his~~ the resident's rights under the statutes thereof relating to the exemption of property or earnings from sale or garnishment, send or cause to be sent out of this state any claim for debt for the purpose of having the same collected by proceedings in attachment, garnishment or other mesne process, when the creditor and debtor and the person or corporation owing the debtor the money intended to be reached by any such proceedings are within the jurisdiction of the courts of this state; or who directly or indirectly assigns or transfers any claim for debt against such a resident for the purpose of having the same collected by such proceedings or any of them out of the wages or personal earnings of the debtor or of ~~his~~ the debtor's minor children, whose earnings contribute to the support of ~~his~~ the debtor's family, in courts without this state, when the creditor and debtor and person or corporation owing the money intended to be reached by such proceedings are each and all within the jurisdiction of the courts of this state, shall be fined not more than \$50 nor less than \$10 for each offense.

SECTION 15. 134.20 (1) (b) of the statutes is amended to read:

134.20 (1) (b) Issues a warehouse receipt or bill of lading which ~~he~~ the person knows contains a false statement.

SECTION 16. 134.20 (1) (e) of the statutes is amended to read:

134.20 (1) (e) Delivers goods out of the possession of such warehouse keeper or carrier to a person who ~~he~~ or she knows is not entitled thereto or with knowledge that the goods are covered by a negotiable warehouse receipt or bill of lading which is outstanding and uncanceled and without obtaining possession of such receipt or bill at or before the time of delivery and either canceling it or conspicuously noting thereon any partial deliveries made.

SECTION 17. 134.20 (1) (g) of the statutes is amended to read:

134.20 (1) (g) Negotiates or transfers for value a warehouse receipt or bill of lading covering goods which

he or she knows are subject to a lien or security interest (other than the warehouse keeper's or carrier's lien) or to which he or she does not have title or which he or she knows have not been received or shipped in accordance with the purported terms and meaning of such receipt or bill and fails to disclose such facts to the purchaser thereof.

SECTION 18. 134.205 (3) of the statutes is amended to read:

134.205 (3) The warehouse keeper shall be responsible to any person relying on such entries in good faith for any loss or damage which he the person sustains through any failure to make the entries required by this section.

SECTION 19. 134.33 (8) of the statutes is amended to read:

134.33 (8) **PENALTIES.** Any person, firm, partnership, corporation or association or any officer, director, employe or agent thereof who makes, or sells, or offers to sell, or disposes of, or has in his or her or its possession, with intent to sell or dispose of, any article as herein defined to which is applied any quality mark which does not conform to all the provisions of this section, or from which is omitted any mark required by this section, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than 6 months, or by both such fine and imprisonment in the discretion of the court, provided, however, that it shall be a defense to any prosecution under this section for the defendant to prove that the said article was manufactured and marked with the intention of and for purposes of exportation from the United States, and that the said article was either actually exported from the United States to a foreign country within 6 months after date of manufacture thereof with the bona fide intention of being sold in the said country and of not being reimported, or that it was delivered within 6 months after date of manufacture thereof, to a person, firm or corporation whose exclusive customary business is the exportation of such articles from the United States.

SECTION 20. 134.37 of the statutes is amended to read:

134.37 Divulging message or forging receipt. Any person connected with a telegraph or messenger company, incorporated or unincorporated, operating a line of telegraph or engaged in the business of receiving and delivering messages in this state, in any capacity, who wilfully divulges the contents, or the nature of the contents of a private communication entrusted to him the person for transmission or delivery, or who wilfully refuses or neglects to transmit or deliver the same, or who wilfully forges the name of the intended receiver to a receipt for any such message or communication or article of value entrusted to him the person by said company, shall be imprisoned in the county jail, not exceeding one

year, or ~~to~~ be fined not to exceed \$500, in the discretion of the court.

SECTION 21. 134.39 of the statutes is amended to read:

134.39 Fraudulent knowledge of dispatch; injury to wires; interference. Any person who shall, by any device or means whatever, procure or attempt to procure from any officer or other person connected with or in the business or management of any telegraph company transacting business within this state, any knowledge of the contents or substance of any telegraph message or dispatch not addressed to himself or herself or to which he or she is not entitled, or who shall, without lawful authority, tamper or interfere with, use or in any manner intentionally, carelessly or negligently disturb or interrupt any telegraph wires or lines of any such telegraph company, or who shall intentionally, carelessly or negligently fell any tree or timber so as to break, destroy or injure any such telegraph wires, without first giving 24 hours' notice of his or her intention to do so to some agent of the company at its nearest office or to some agent of a railroad company at its nearest office, in case such wires are constructed along any railroad, or who shall, without the consent of such company, send or attempt to send any message or dispatch over said wire or lines, in any manner whatever, or shall intercept, interrupt or disturb any dispatch passing upon any such wires or lines, or who shall wilfully or maliciously interfere with, obstruct, prevent or delay, by any means or contrivance whatsoever, the sending, transmission or receiving of any wireless telegraph message, communication or report by any wireless telegraph company doing business in this state, or who shall aid, agree with, employ or conspire with any person or persons to unlawfully interfere with, obstruct, prevent or delay the sending, transmission or receiving of any such wireless telegraph message, shall be punished by imprisonment in the county jail not more than one year or by fine not exceeding \$1,000.

SECTION 22. 134.45 (4) of the statutes is amended to read:

134.45 (4) When, upon complaint or otherwise, the attorney general or district attorney has good reason to believe that any provision of this section has been violated, he or she shall commence and prosecute the necessary actions in the supreme court, or in the circuit court of the county in which the defendant resides, for enforcement of this section. Such actions may include quo warranto, injunction or any other proceedings.

SECTION 23. 134.50 (2) of the statutes is amended to read:

134.50 (2) Every poultry dealer shall keep a record of all purchases of poultry made by him the poultry dealer showing in detail the place and date of purchase, and the name and address of the person from whom the purchase was made, together with a general description of the kind

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of poultry purchased. Such record shall be kept in permanent form and be open to inspection at all reasonable times to any district attorney, assistant district attorney, sheriff, deputy sheriff or any police officer.

SECTION 24. 134.50 (3) of the statutes is amended to read:

134.50 (3) Any poultry dealer, ~~his or his or her~~ servant or agent, violating any of the provisions of this section shall, upon the first conviction, be punished by a fine of from \$10 to \$100. Upon a ~~second~~ 2nd or subsequent conviction, ~~a poultry dealer or his or her servant or agent shall be punished~~ by a fine of from \$25 to \$500 or be imprisoned in the county jail for not more than 90 days, or by both such fine and imprisonment.

SECTION 25. 134.52 (1) of the statutes is amended to read:

134.52 (1) It shall be unlawful for any person, ~~his or the person's~~ agent or servant, to ship, or for any common carrier or the agent or servant of such common carrier to allow, aid, or abet in the shipment of chickens confined in coops unless such coops are at least 13 inches in height on the inside and are covered at the top by wires or slats not more than one inch apart or by wire screening with meshes of not more than one inch.

SECTION 26. 134.52 (2) of the statutes is amended to read:

134.52 (2) It shall be unlawful for any person, ~~his or the person's~~ agent or servant or for any common carrier or the agent or servant of such common carrier to so crowd or congest or to allow, aid or abet in the crowding or congesting of chickens within any coop in any shipment as to impair or endanger the well-being of such chickens during the course of transportation thereof; and any such crowding or congesting shall be deemed cruelty.

SECTION 27. 134.65 (5) of the statutes is amended to read:

134.65 (5) Any person violating this section shall be fined not more than \$100 nor less than \$25 for the first offense and not more than \$200 nor less than \$25 for the 2nd or subsequent offense. If upon such 2nd or subsequent violation, the person so violating this section was personally guilty of a failure to exercise due care to prevent violation thereof, ~~he~~ the person shall be fined not more than \$300 nor less than \$25 or imprisoned not exceeding 60 days or both. Conviction shall immediately terminate the license of the person convicted of being personally guilty of such failure to exercise due care and ~~such~~ the person shall not be entitled to another license hereunder for a period of 5 years thereafter, nor shall ~~he~~ the person in that period act as the servant or agent of a person licensed hereunder for the performance of the acts authorized by such license.

NOTE: Replaces "such" for consistency.

SECTION 28. 135.02 (4) (a) of the statutes is amended to read:

135.02 (4) (a) Failure by a dealer to comply substantially with essential and reasonable requirements imposed upon ~~him~~ the dealer by the grantor, or sought to be imposed by the grantor, which requirements are not discriminatory as compared with requirements imposed on other similarly situated dealers either by their terms or in the manner of their enforcement; or

SECTION 29. 135.06 of the statutes is amended to read:

135.06 Action for damages and injunctive relief.

If any grantor violates this chapter, a dealer may bring an action against such grantor in any court of competent jurisdiction for damages sustained by ~~him~~ the dealer as a consequence of the grantor's violation, together with the actual costs of the action, including reasonable actual attorney fees, and the dealer also may be granted injunctive relief against unlawful termination, cancellation, nonrenewal or substantial change of competitive circumstances.

SECTION 30. 136.06 (1) (intro.) of the statutes is amended to read:

136.06 (1) (intro.) With respect to representations made to a prospective customer to induce ~~him~~ the customer to sign a future service contract, the contractor shall clearly and accurately describe:

SECTION 31. 137.01 (1) (e) of the statutes is amended to read:

137.01 (1) (e) The qualified applicant shall file ~~his or her~~ signature, post-office address and an impression of ~~his or her~~ official seal, or imprint of ~~his or her~~ official rubber stamp with the secretary of state.

SECTION 32. 137.01 (4) (a) of the statutes is amended to read:

137.01 (4) (a) Every official act of a notary public shall be attested by ~~his~~ the notary public's written signature.

SECTION 33. 137.01 (6) (a) of the statutes is amended to read:

137.01 (6) (a) The secretary of state may certify to the official qualifications of any notary public and to the genuineness of ~~his~~ the notary public's signature and seal or rubber stamp.

SECTION 34. 137.01 (6) (b) of the statutes is amended to read:

137.01 (6) (b) Whenever any notary public has filed in the office of the clerk of the circuit court of ~~his~~ the notary public's county of residence ~~his~~ the notary public's signature, an impression of ~~his~~ the notary public's official seal or imprint of ~~his~~ the notary public's official rubber stamp and a certificate of the secretary of state, such clerk may certify to the official qualifications of such notary public and the genuineness of ~~his~~ the notary public's signature and seal or rubber stamp.

SECTION 35. 137.01 (6m) of the statutes is amended to read:

137.01 (6m) CHANGE OF RESIDENCE. A notary public shall not vacate his or her office by reason of his or her change of residence within the state. Written notice of any change of address shall be given to the secretary of state within 5 days of such change.

SECTION 36. 137.01 (7) of the statutes is amended to read:

137.01 (7) OFFICIAL RECORDS TO BE FILED. When any notary public ceases to hold office ~~he~~ the notary public, or in case of his ~~the notary public's~~ death his ~~the notary public's~~ executor or administrator, shall deposit his ~~the notary public's~~ official records and papers in the office of the clerk of the circuit court of the county of his ~~the notary public's~~ residence. If any such notary or any executor or administrator, after such records and papers come to his or her hands, neglects for 3 months to deposit them, ~~he or she~~ shall forfeit not less than \$50 nor more than \$500. If any person knowingly destroys, defaces or conceals any records or papers of any notary public ~~he, the person~~ shall forfeit not less than \$50 nor more than \$500, and shall be liable to the party injured for all damages thereby sustained. The clerks of the circuit courts shall receive and safely keep all such papers and records in their office.

SECTION 37. 137.01 (8) of the statutes is amended to read:

137.01 (8) MISCONDUCT. If any notary public shall be guilty of any misconduct or neglect of duty in office ~~he~~ the notary public shall be liable to the party injured for all the damages thereby sustained.

SECTION 38. 137.02 (1) of the statutes is amended to read:

137.02 (1) The governor shall have power to appoint one or more commissioners in any of the United States, or of the territories belonging to the United States and in foreign countries, who shall hold his office for the term of four years unless sooner removed. Every such commissioner shall take the official oath before a judge or clerk of one of the courts of record of the state or territory or country in which ~~he~~ the commissioner shall reside, and file the same, with an impression of his ~~the commissioner's~~ seal of office and a statement of his ~~the commissioner's~~ post-office address, in the office of the secretary of state, and shall at the same time pay into the treasury the sum of five dollars; and thereupon his ~~the commissioner's~~ commission shall issue.

SECTION 39. 137.02 (2) of the statutes is amended to read:

137.02 (2) ~~Such~~ A commissioner appointed under sub. (1) shall have authority to take the acknowledgment and proof of the execution of deeds, conveyances and leases of any lands lying in this state, or written instruments relating thereto, or of any contract or any other writing, sealed or unsealed, to be used or recorded in this state; to administer oaths required to be used in this state; to take and certify depositions to be used in the courts of this state, either under a commission, by consent of par-

ties or on notice to the opposite party; and all such acts done pursuant to the laws of this state and certified under his ~~the commissioner's~~ hand and seal of office shall be as valid as if done by a proper officer of this state.

NOTE: Replaces "such" for clarity.

SECTION 40. 138.06 (4) of the statutes is amended to read:

138.06 (4) Any borrower to whom a lender or agent of a lender fails to provide the statement required in s. 138.05 (4) with respect to a loan or forbearance may by himself or herself or his or her personal representative recover in an action against the lender or his ~~the lender's~~ personal representative an amount equal to all interest and charges paid upon such loan or forbearance but not less than \$50 plus reasonable attorney's fees incurred in such action.

SECTION 41. 138.09 (2) of the statutes is amended to read:

138.09 (2) The commissioner may also require the applicant to file with ~~him~~ the commissioner, and to maintain in force, a bond in which the applicant shall be the obligor, in a sum not to exceed \$5,000 with one or more corporate sureties licensed to do business in Wisconsin, whose liability as such sureties shall not exceed the sum of \$5,000 in the aggregate, to be approved by the commissioner, and such bond shall run to the state of Wisconsin for the use of the state and of any person or persons who may have a cause of action against the obligor of the bond under the provisions of this section. Such bonds shall be conditioned that the obligor will conform to and abide by each and every provision of this section, and will pay to the state or to any person or persons any and all moneys that may become due or owing to the state or to such person or persons from the obligor under and by virtue of the provisions of this chapter.

SECTION 42. 138.09 (3) (a) of the statutes, as affected by 1993 Wisconsin Act 112, is amended to read:

138.09 (3) (a) Upon the filing of such application and the payment of such fee, the commissioner shall investigate the relevant facts, and if ~~he~~ the commissioner shall find that the character and general fitness and the financial responsibility of the applicant, and the members thereof if the applicant is a partnership, limited liability company or association, and the officers and directors thereof if the applicant is a corporation, warrant the belief that the business will be operated in compliance with this section the commissioner shall thereupon issue a license to said applicant to make loans in accordance with the provisions of this section. If the commissioner shall not so find, ~~he or she~~ shall deny such application.

SECTION 43. 138.09 (4) of the statutes is renumbered 138.09 (4) (intro.) and amended to read:

138.09 (4) (intro.) The commissioner for the purpose of discovering violations of this chapter may cause an investigation to be made of the business of the licensee

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transacted under this section, and shall cause an investigation to be made of convictions reported to ~~the commissioner~~ by any district attorney for violation by a licensee of this chapter. The place of business, books of account, papers, records, safes and vaults of said licensee shall be open to inspection and examination by the commissioner or ~~his~~ the commissioner's representative for the purpose of such investigation and the commissioner may examine under oath all persons whose testimony ~~he~~ the commissioner may require relative to said investigation. The commissioner may, upon notice to the licensee and reasonable opportunity to be heard, suspend or revoke such license after such hearing, ~~(a) if the:~~

(a) The licensee has violated any provision of this chapter and if ~~he~~ the commissioner determines such violation justifies the suspension or revocation of the license;

(b) ~~if any~~ Any fact or condition exists which, if it had existed at the time of the original application for such license, would have warranted the commissioner in refusing to issue such license; and

(c) ~~, if the~~ The licensee has failed to pay the annual licensee fee or to maintain in effect the bond, if any, required under sub. (2).

NOTE: Conforms provision to current numbering style.

SECTION 44. 138.09 (7) (f) 3. of the statutes is amended to read:

138.09 (7) (f) 3. The parties may agree in writing at any time, including at the time of a precomputed loan that if an instalment is not paid within 30 days after its due date, the licensee may grant a deferral and make charges under this section, if a notice is sent to the customer advising ~~him~~ the customer of the amount of the deferral charge, the period of deferral and that if the instalment is prepaid before maturity that a proportionate refund of the deferral charge will be given. No deferral charge may be made for a period after the date that such a lender elects to accelerate the maturity of the agreement.

SECTION 45. 138.09 (8) (a) of the statutes is amended to read:

138.09 (8) (a) Deliver to the borrower, at the time a loan is made, a statement in the English language showing in clear and distinct terms the amount and date of the note and of its maturity, the nature of the security, if any, for the loan, the name and address of the borrower and of the licensee, the amount of interest, the proceeds of the loan after deducting such interest, a description of the payment schedule and the default charge. Disclosures made in accordance with the federal consumer credit protection act and regulation Z shall be deemed to comply with such disclosures. The statement shall also indicate that the borrower may prepay ~~his~~ the borrower's loan in whole or in part and that if the loan is prepaid in full the borrower will receive a refund of interest as provided by this section. The statement shall also indicate the percentage per year of interest charged in the transaction.

SECTION 46. 138.09 (8) (d) of the statutes is amended to read:

138.09 (8) (d) Upon repayment of the loan in full mark indelibly every obligation, other than a security agreement, signed by the borrower with the word "Paid" or "Canceled" and cancel and return any note. When there is no outstanding secured obligation such licensee shall restore any pledge, cancel and return any assignment, cancel and return any security agreement given to ~~him~~ the licensee by the borrower and file a termination statement terminating any filed financing statement.

SECTION 47. 138.09 (9) (a) of the statutes is amended to read:

138.09 (9) (a) No person, except as authorized by statutes, shall directly or indirectly charge, contract for or receive any interest or consideration greater than allowed in s. 138.05 upon the loan, use or forbearance of money, goods or things in action, or upon the loan, use or sale of credit. The foregoing prohibition shall apply to any person who as security for any such loan, use or forbearance of money, goods or things in action, or for any such loan, use or sale of credit, makes a pretended purchase of property from any person and permits the owner or pledgor to retain the possession thereof, or who by any device or pretense of charging for his or her services or otherwise seeks to obtain a greater compensation than is authorized by this section.

SECTION 48. 138.10 (3) (e) of the statutes is amended to read:

138.10 (3) (e) "Pledge" means an article or articles deposited with a pawnbroker as security for a loan in the course of ~~his~~ the pawnbroker's business as defined in par. (a).

SECTION 49. 138.10 (3) (f) of the statutes is amended to read:

138.10 (3) (f) "Pledgor" means the person who obtains a loan from a pawnbroker and delivers a pledge into the possession of a pawnbroker, unless ~~such~~ the person discloses that he or she is or was acting for another in which case a "pledgor" means the disclosed principal.

NOTE: Replaces "such" for consistency.

SECTION 50. 138.12 (3) (c) of the statutes, as affected by 1993 Wisconsin Act 112, is amended to read:

138.12 (3) (c) The person to whom the license or the renewal thereof is issued shall file sworn answers, subject to the penalties of perjury, to such interrogatories as the commissioner requires. The commissioner may, at any time, require the applicant fully to disclose the identity of all stockholders, partners, members, managers, officers and employes, and ~~he~~ the commissioner may refuse to issue or renew a license in the name of any person if ~~he~~ the commissioner is not satisfied that any officer, employe, stockholder, partner, member or manager thereof, who may materially influence the applicant's conduct, meets the standards of this section.

SECTION 51. 138.12 (4) (a) of the statutes is amended to read:

138.12 (4) (a) Upon the filing of an application and the payment of the license fee, the commissioner shall make an investigation of each applicant and shall issue a license if ~~he~~ the commissioner finds the applicant is qualified in accordance with this section. If the commissioner does not so find, ~~he~~ the commissioner shall, within 30 days after ~~he~~ the commissioner has received such application, so notify the applicant and at the request of the applicant, give the applicant a full hearing.

SECTION 52. 138.12 (4) (b) (intro.) of the statutes is amended to read:

138.12 (4) (b) (intro.) The commissioner shall issue or renew a license when ~~he~~ the commissioner is satisfied that the person to be licensed:

SECTION 53. 138.12 (5) (a) 3. of the statutes is amended to read:

138.12 (5) (a) 3. The holder of such license has otherwise shown himself or herself untrustworthy or incompetent to act as a premium finance company,

SECTION 54. 138.12 (5) (b) of the statutes is amended to read:

138.12 (5) (b) Before the commissioner revokes, suspends or refuses to renew the license of any premium finance company, ~~he~~ the commissioner shall give ~~such person~~ the company an opportunity to be fully heard and to introduce evidence in ~~his~~ the company's behalf. In lieu of revoking or suspending the license for any of the causes enumerated in this subsection, after hearing, the commissioner may subject ~~such~~ the premium finance company to a penalty of not more than \$200 for each offense when in ~~his~~ the commissioner's judgment ~~he~~ the commissioner finds that the public interest would not be harmed by the continued operation of such company. The amount of any ~~such~~ penalty under this paragraph shall be paid by the company to the commissioner for the use of the state. At any hearing under this subsection, the commissioner may administer oaths to witnesses. Any one testifying falsely, after having been administered ~~such~~ the oath, shall be subject to the penalty of perjury.

NOTE: Replaces "such" for consistency.

SECTION 55. 138.12 (8) (a) 2. of the statutes is amended to read:

138.12 (8) (a) 2. Contain the name and place of business of the insurance agent or insurance broker negotiating the related insurance contract, the name and residence or the place of business of the insured as specified by ~~him~~ the insured, the name and place of business of the premium finance company to which instalment or other payments are to be made, a description of the insurance contracts, including term and type of policy, the premiums for which are advanced or to be advanced under the agreement and the amount of the premiums therefor; and

SECTION 56. 138.12 (9) (d) of the statutes is amended to read:

138.12 (9) (d) Notwithstanding the provisions of any premium finance agreement, any insured may prepay the obligation in full at any time. In such event ~~he,~~ the insured shall receive a refund credit. The amount of such refund credit shall represent at least as great a proportion of the service charge as the sum of the periodic balances after the month in which prepayment is made bears to the sum of all periodic balances under the schedule of instalments in the agreement. Where the amount of the refund credit is less than \$1, no refund need be made. If in addition to the service charge an additional charge was imposed, such additional charge need not be refunded nor taken into consideration in computing the refund credit.

SECTION 57. 138.12 (12) (b) of the statutes is amended to read:

138.12 (12) (b) Pursuant to the power of attorney or other authority referred to above, the insurance premium finance company may cancel on behalf of the insured by mailing to the insurer written notice stating when thereafter the cancellation shall be effective, and the insurance contract shall be canceled as if such notice of cancellation had been submitted by the insured himself or herself, but without requiring the return of the insurance contract. The insurance premium finance company shall also mail a notice of cancellation to the insured at ~~his~~ the insured's last-known address and to the insurance agent or insurance broker indicated on the premium finance agreement. Compliance by the premium finance company with the provisions of the premium finance agreement or par. (a), shall not be a condition of effective cancellation hereunder.

SECTION 58. 139.01 (6) of the statutes is amended to read:

139.01 (6) A "rectifier" is a person who rectifies, purifies or refines distilled spirits or wines by any process other than by original and continuous distillation from mash, wort or wash, through continuous closed vessels or pipes, until the manufacture thereof is complete, or who has in his or her possession any still or leach tub or keeps any other apparatus for the purpose of refining in any manner distilled spirits or the other liquors, or who after rectifying and purifying distilled spirits, by mixing such spirits or liquors with any materials, manufactures any spurious, imitation or compound liquors for sale, and any person who, without rectifying, purifying or refining distilled spirits, by mixing such spirits with any materials, manufactures any spurious, imitation or compound liquors for sale under the name of "whiskey," "brandy," "gin," "rum," "spirits," "cordials" or any other name, and who is also a distiller or is under substantially the same management or control as a distiller. A rectifier may sell at wholesale intoxicating liquors rectified by him or her without any other license than that of a rectifier.

SECTION 59. 139.03 (5) (c) of the statutes is amended to read:

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139.03 (5) (c) Any person who violates any provision of pars. (a) and (b) by having in his or her possession more than the amount specified may be fined not less than \$25 nor more than \$500 or imprisoned for not more than 90 days or both. If any such person is convicted of a ~~second~~ 2nd or subsequent offense ~~he,~~ the person may be fined not less than \$100 nor more than \$500 or imprisoned for not more than 6 months or both.

SECTION 60. 139.05 (2) of the statutes is amended to read:

139.05 (2) Each brewer and bottler in this state and each wholesaler of malt beverages within this state to whom malt beverages are shipped from outside this state shall on or before the fifteenth day of each month file with the secretary on forms prescribed by ~~him~~ the secretary a verified return containing such information as may be required to compute and show the amount of occupational tax payable by ~~him~~ the brewer, bottler or wholesaler or by the shipper for the next preceding calendar month on malt beverages.

SECTION 61. 139.11 (3) of the statutes is amended to read:

139.11 (3) SECRETARY'S POWERS. When the secretary finds that the records kept by any brewer, bottler, manufacturer, rectifier, wholesaler or retailer are in such condition that an unusual amount of time is required to determine therefrom the amount of tax due, ~~he~~ the secretary may give notice of such fact to such person and may require the records to be kept in such form as ~~he~~ the secretary prescribes. If such requirements are not complied with within 30 days after the date of the notice, the brewer, bottler, manufacturer, rectifier, wholesaler or retailer shall pay the expenses reasonably attributable to the determination of tax at the rate of \$30 per day for each auditor. The secretary shall render a bill therefor by registered mail to the person charged with payment at the conclusion of the audit, which bill shall constitute notice of assessment and demand of payment thereof. The brewer, bottler, manufacturer, rectifier, wholesaler or retailer shall, within 10 days after the mailing of the bill, pay its amount, and such payment shall be credited to the appropriation made in s. 20.566 (1) (a).

SECTION 62. 139.30 (3) of the statutes is amended to read:

139.30 (3) "Distributor" means any person who acquires unstamped cigarettes from the manufacturer thereof, affixes stamps to the packages or other containers, stores them and sells them to other permittees or to retailers for resale. ~~He may also acquire or who acquires~~ stamped cigarettes from another permittee for such sales.

SECTION 63. 139.32 (2) of the statutes is amended to read:

139.32 (2) The secretary shall prepare and have available for sale stamps of such denominations and quantities as ~~he deems~~ the secretary considers necessary for the payment of the taxes imposed by s. 139.31. The

stamps shall be of such designs and materials as to make the removal and reuse thereof impossible after being once affixed.

SECTION 64. 139.32 (4) of the statutes is amended to read:

139.32 (4) In lieu of stamps the secretary may authorize impressions applied by the use of meter machines. ~~He~~ The secretary shall prescribe by rule the type of impression and the kind of machines which may be used.

SECTION 65. 139.34 (6) of the statutes is amended to read:

139.34 (6) A vending machine operator or a multiple retailer may acquire unstamped cigarettes from the manufacturers thereof and affix the stamps to packages or other containers only if ~~he~~ the vending machine operator or multiple retailer also holds a permit as a distributor.

SECTION 66. 139.34 (10) of the statutes is amended to read:

139.34 (10) Every vending machine operator shall in his the vending machine operator's application for a permit list each county in which ~~he~~ the vending machine operator operates such machines and state the number of such machines ~~he~~ the vending machine operator is then operating in each such county.

SECTION 67. 139.36 of the statutes is amended to read:

139.36 Refunds for unusable stamps. The secretary shall refund to any purchaser the money paid for any stamps returned unfit for use or otherwise unused or which have been affixed to packages which are unsalable. ~~He~~ The secretary shall prescribe by rule the proof required to obtain such refund. The permittee shall pay the expenses of determining the amount of such refund.

SECTION 68. 139.38 (3) of the statutes is amended to read:

139.38 (3) The secretary shall prescribe reasonable and uniform methods of keeping records and making reports. ~~He~~ The secretary shall prescribe and furnish the necessary report forms.

SECTION 69. 139.38 (4) of the statutes is amended to read:

139.38 (4) If the secretary finds that the records of any permittee are not kept in the prescribed form or are in such condition that an unusual amount of time is required to determine therefrom the amount of tax due, ~~he~~ the secretary shall give notice of such fact to such permittee and, in such notice, require that the records be revised and kept in the prescribed form. If such permittee fails to comply within 30 days ~~he~~ the permittee shall pay the expenses reasonably attributable to a proper examination and tax determination at the rate of \$30 per day of each auditor. The secretary shall send a bill for such expenses and the permittee shall pay the amount of such bill within 10 days.

SECTION 70. 139.38 (5) of the statutes is amended to read:

139.38 (5) If any permittee fails to file a report when due ~~he~~ the permittee shall be required to pay a late filing fee of \$10. A report shall be considered filed in time if it is mailed in a properly addressed envelope with first class postage duly prepaid, which envelope is officially postmarked on the date due, and if the report is actually received by the secretary within 5 days of the due date.

SECTION 71. 139.40 (2) of the statutes is amended to read:

139.40 (2) If cigarettes which do not bear the proper tax stamps or on which the tax has not been paid are so seized they may be sold to qualified buyers by the secretary, without notice, and after deducting the costs of the sale and the keeping of the property, the proceeds of the sale shall be paid into the state treasury. When the secretary finds that such cigarettes may deteriorate or become unfit for sale or that such sale would otherwise be impractical ~~he~~ the secretary may order them destroyed or give them to a charitable or penal institution for free distribution to patients or inmates.

SECTION 72. 139.40 (3) of the statutes is amended to read:

139.40 (3) If cigarettes on which the tax has been paid and which bear the proper tax stamps are seized they shall be returned to the true owner if ownership can be ascertained and such owner or ~~his~~ the owner's agent is not involved in the violation resulting in such seizure. If such ownership cannot be ascertained or if the owner or ~~his~~ the owner's agent was guilty of a violation of any of the provisions of ss. 139.30 to 139.44, which resulted in the seizure of such cigarettes, they may be sold or otherwise disposed of as provided in sub. (2).

SECTION 73. 139.40 (4) of the statutes is amended to read:

139.40 (4) If personal property other than cigarettes is so seized the secretary shall advertise the same for sale by publication of a class 2 notice under ch. 985. If no claimant, either of lien or ownership, has notified the secretary within 10 days after last insertion of such notice, the property shall be sold. If such sale is not practical the property may be destroyed. If a claimant of a lien or ownership notifies the secretary within the prescribed time, the secretary may apply to a court of record in the county where the property was seized for an order directing disposition of said property or the proceeds thereof. If a sale of such seized property is ordered, all liens, if any, may be transferred from the property to the proceeds of such sale. Neither the property seized nor the proceeds from the sale thereof shall be turned over to any claimant of lien or ownership unless such claimant first establishes that the property was not used in connection with any violation of ss. 139.30 to 139.44 or that, if so used, it was done without ~~his~~ the claimant's knowledge or consent and without ~~his~~ the claimant's knowledge of such facts as should have given ~~him~~ the claimant reason to believe it would be put to such use. If no claim of lien or ownership

is so established the property may be ordered destroyed. In case of sale, the net proceeds after deducting costs, expenses and established claims shall be paid into the state treasury.

SECTION 74. 145.04 (2) of the statutes is amended to read:

145.04 (2) NO LOCAL LICENSES. No city, village, town, town sanitary district, county, metropolitan sewerage district commission or other agency may require the licensing of any person licensed or registered under this chapter or prohibit ~~such~~ the person from engaging in or working at business within the scope of ~~his~~ the person's license or permit.

NOTE: Replaces "such" for consistency.

SECTION 75. 145.045 (1) of the statutes is amended to read:

145.045 (1) POWERS AND DUTIES. The department shall by rule establish an examining program for the certification of soil testers, setting such standards as the department finds necessary to accomplish the purposes of this chapter. Such standards shall include formal written examinations for all applicants. The department shall charge applicants for the cost of examination and certification. After July 1, 1974, no person may construct soil bore holes, conduct soil percolation tests or other similar tests specified by the department, relating to the disposal of liquid domestic wastes into the soil unless ~~he~~ the person holds a valid certificate issued under this section.

SECTION 76. 145.06 (2) of the statutes is amended to read:

145.06 (2) No person shall install plumbing unless at all times a licensed master plumber is in charge, who shall be responsible for proper installation. Licenses shall be issued only to individuals and no license shall be issued to or in the name of any firm or corporation. No such license shall be transferable. It is unlawful for any licensed master plumber to allow the use of ~~his~~ or her license, directly or indirectly, for the purpose of obtaining local permits for others or to allow the use of ~~his~~ or her license by others to install plumbing work.

SECTION 77. 145.06 (4) (a) of the statutes is amended to read:

145.06 (4) (a) Plumbing work done by a property owner in a one-family building owned and occupied by ~~him~~ or her as ~~his~~ or her home or farm building, except where such license is required by local ordinance.

SECTION 78. 145.11 (2) of the statutes is amended to read:

145.11 (2) No person other than a licensed master plumber shall use or display the title "Master Plumber" or append ~~his~~ or her name to or in connection with such title or any other title or words which represent or may tend to represent ~~him~~ or her as a licensed master plumber. Every holder of ~~such~~ a master plumber's license shall

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promptly notify the department of any change of his or her business address.

NOTE: Replaces “such” for clarity.

SECTION 79. 145.12 (1) of the statutes is amended to read:

145.12 (1) Any person who engages in or follows the business or occupation of, or advertises or holds himself or herself out as or acts temporarily or otherwise as a master plumber, as an automatic fire sprinkler contractor or as a business establishment holding an automatic fire sprinkler — maintenance only registration certificate without first having secured the required license or certificate, or who otherwise violates any provisions of this chapter, shall be fined not less than \$100 nor more than \$500 or imprisoned for 30 days or both. Each day such violation continues shall be a separate offense.

SECTION 80. 145.15 (3) of the statutes is amended to read:

145.15 (3) Any person not licensed under this chapter prior to April 26, 1972, who was regularly engaged in the occupation of installing automatic fire sprinkler systems on or before March 1, 1967, shall be licensed under ss. 145.15 to 145.18 without being required to pass any written, oral or practical examination qualifying ~~him~~ the person for a license under ss. 145.15 to 145.18. Any such person shall apply for the appropriate license and pay the appropriate license fee.

SECTION 81. 146.17 of the statutes is amended to read:

146.17 Limitations. Nothing in the statutes shall be construed to authorize interference with the individual’s right to select his or her own physician or mode of treatment, nor as a limitation upon the municipality to enact measures in aid of health administration, consistent with statute and acts of the department.

SECTION 82. 147.015 (16) of the statutes is amended to read:

147.015 (16) “Secretary” means the secretary of the ~~department~~ of natural resources or his or her designee.

SECTION 83. 147.025 (3) (a) of the statutes is amended to read:

147.025 (3) (a) In the case of a corporation, by a principal executive officer of at least the level of vice president or by ~~his~~ the principal executive officer’s authorized representative responsible for the overall operation of the point source for which a permit is sought.

SECTION 84. 147.03 (3) (a) of the statutes is amended to read:

147.03 (3) (a) Any permittee who wishes to continue to discharge after the expiration date of his the permittee’s permit shall file an application for reissuance of his the permit at least 180 days prior to its expiration.

SECTION 85. 147.08 (1) (a) of the statutes is amended to read:

147.08 (1) (a) Establish and maintain records of the volume of effluent discharged and the amount of each

pollutant discharged from each point source under ~~his~~ the owner’s or operator’s ownership or control;

SECTION 86. 157.03 (1) of the statutes is amended to read:

157.03 (1) The corpse of ~~one~~ a person who died with smallpox, diphtheria or scarlet fever, or who in his or her last sickness shall request to be buried or cremated, and of a stranger or traveler who suddenly died, shall not be disposed of under s. 157.02 (3), and no person having charge of a corpse authorized to be so disposed of shall sell or deliver it to be used outside the state.

SECTION 87. 161.01 (1) (a) of the statutes is amended to read:

161.01 (1) (a) A practitioner (~~or, in his~~ the practitioner’s presence, by his the practitioner’s authorized agent); or

NOTE: Deletes unnecessary parentheses.

SECTION 88. 161.01 (21) of the statutes is amended to read:

161.01 (21) “Ultimate user” means a person who lawfully possesses a controlled substance for his that person’s own use or for the use of a member of his that person’s household or for administering to an animal owned by ~~him~~ that person or by a member of his that person’s household.

SECTION 89. 161.23 (4) of the statutes is amended to read:

161.23 (4) That any person purchasing such a substance at the time of purchase present to the seller ~~his~~ that person’s correct name and address. The seller shall record the name and address and the name and quantity of the product sold. The purchaser and the seller shall sign the record of this transaction. The giving of a false name or false address by the purchaser shall be prima facie evidence of a violation of s. 161.43 (1) (a).

SECTION 90. 161.32 (2) (a) of the statutes is amended to read:

161.32 (2) (a) An agent or employe of any registered manufacturer, distributor or dispenser of any controlled substance if ~~he~~ the agent or employe is acting in the usual course of his the agent’s or employe’s business or employment;

SECTION 91. 161.41 (2r) (c) of the statutes is amended to read:

161.41 (2r) (c) For purposes of this subsection, an offense is considered a 2nd or subsequent offense if, prior to his the offender’s conviction of the offense, the offender has at any time been convicted under this chapter or under any statute of the United States or of any state relating to controlled substances, narcotic drugs, marijuana or depressant, stimulant or hallucinogenic drugs.

SECTION 92. 161.48 (3) of the statutes is amended to read:

161.48 (3) For purposes of this section, an offense is considered a 2nd or subsequent offense if, prior to his the offender’s conviction of the offense, the offender has at

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any time been convicted under this chapter or under any statute of the United States or of any state relating to controlled substance, narcotic drugs, marijuana or depressant, stimulant or hallucinogenic drugs.

SECTION 93. 161.51 (1) (b) of the statutes is amended to read:

161.51 (1) (b) Make arrests without warrant for any offense under this chapter committed in ~~his~~ the officer's or employe's presence, or if ~~he~~ the officer or employe has reasonable grounds to believe that the person to be arrested has committed or is committing a violation of this chapter which may constitute a felony; and

SECTION 94. 161.52 (1) (b) (intro.) of the statutes is amended to read:

161.52 (1) (b) (intro.) A warrant shall issue only upon an affidavit of a designated officer or employe of the pharmacy examining board or the department of justice having knowledge of the facts alleged, sworn to before the judge and establishing the grounds for issuing the warrant. If the judge is satisfied that grounds for the application exist or that there is probable cause to believe they exist, ~~he~~ the judge shall issue a warrant identifying the area, premises, building or conveyance to be inspected, the purpose of the inspection, and, if appropriate, the type of property to be inspected, if any. The warrant shall:

SECTION 95. 161.55 (1) (d) 2. of the statutes is amended to read:

161.55 (1) (d) 2. No vehicle is subject to forfeiture under this section by reason of any act or omission established by the owner thereof to have been committed or omitted without ~~his~~ the owner's knowledge or consent;

SECTION 96. 161.55 (8) of the statutes is amended to read:

161.55 (8) The failure, upon demand by any officer or employe designated in s. 161.51 (1) or (2), of the person in occupancy or in control of land or premises upon which the species of plants are growing or being stored, to produce an appropriate federal registration, or proof that ~~he~~ the person is the holder thereof, constitutes authority for the seizure and forfeiture of the plants.

SECTION 97. 161.56 (2) of the statutes is amended to read:

161.56 (2) In the absence of proof that a person is the duly authorized holder of an appropriate federal registration or order form, ~~he~~ the person is presumed not to be the holder of the registration or form. The burden of proof is upon ~~him~~ the person to rebut the presumption.

SECTION 98. 161.56 (3) of the statutes is amended to read:

161.56 (3) No liability is imposed by this chapter upon any authorized state, county or municipal officer or employe engaged in the lawful performance of ~~his~~ the officer's or employe's duties.

SECTION 99. 162.03 (2) (c) of the statutes is amended to read:

162.03 (2) (c) ~~Has wilfully~~ Wilfully violated a second time any provision of this chapter or any rule, regulation or order prescribed by the department.

NOTE: Deletes "Has" to eliminate redundancy.

SECTION 100. 162.03 (2) (d) of the statutes is amended to read:

162.03 (2) (d) ~~Has been Been~~ found guilty in any civil or criminal proceeding of any action constituting fraud in connection with ~~his~~ the well driller's or pump installer's well drilling or pump installing operations.

SECTION 101. 162.06 of the statutes is amended to read:

162.06 Penalties. Any person, firm or corporation who engages in or follows the business or occupation of, or advertises or holds himself, herself or itself out as or acts temporarily or otherwise as a well driller or pump installer without having first secured the required permit or certificate of registration or renewal thereof, or who otherwise violates any provision of this chapter, shall be fined not less than \$10 or more than \$100 or imprisoned not less than 30 days, or both. Each day during which a violation continues shall constitute a separate and distinct offense, and may be punished separately.

SECTION 102. 165.015 (1) of the statutes is amended to read:

165.015 (1) GIVE OPINION TO OFFICERS. Give his or her opinion in writing, when required, without fee, upon all questions of law submitted to him or her by the legislature, either house thereof or the senate or assembly committee on organization, or by the head of any department of state government.

SECTION 103. 165.015 (2) of the statutes is amended to read:

165.015 (2) PROTECT TRUST FUNDS. Examine all applications for loans from any of the trust funds, and furnish to the commissioners of public lands his or her opinion in writing as to the regularity of each such application, and also of the validity of any bonds or other securities purchased for the benefit of such funds.

SECTION 104. 165.015 (3) of the statutes is amended to read:

165.015 (3) CERTIFY BONDS. Examine a certified copy of all proceedings preliminary to any issue of state bonds or notes, and, if found regular and valid, indorse on each bond or note his or her certificate of such examination and validity. The attorney general shall also make similar examinations and certificates respecting municipal bonds in the cases specified in s. 67.025.

SECTION 105. 165.015 (4) of the statutes is amended to read:

165.015 (4) KEEP STATEMENT OF FEES. Keep a detailed statement of all fees, including his or her fees as commissioner of public lands, received by him or her during the preceding year, and file such statement with the department of administration on or before June 30 in each year.

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SECTION 106. 165.015 (6) of the statutes is amended to read:

165.015 (6) PERFORM OTHER DUTIES. Perform all other duties imposed upon ~~him~~ the attorney general by law.

SECTION 107. 165.055 (2) of the statutes is amended to read:

165.055 (2) The deputy attorney general shall give a bond to the state in the sum of \$5,000, with good and sufficient sureties, to be approved by the governor, conditioned for the faithful performance of ~~his~~ the deputy attorney general's duties and the attorney general shall be responsible for all acts of ~~his~~ the deputy attorney general.

SECTION 108. 165.07 of the statutes is amended to read:

165.07 Assistant attorney general—public intervenor. The attorney general shall designate an assistant attorney general on ~~his~~ the attorney general's staff as public intervenor. Written notices of all proceedings under chs. 30, 31, 144 and 147 shall be given to the public intervenor and to the administrators of divisions primarily assigned the departmental functions under chs. 29 and 144 by the agency head responsible for such proceedings. A copy of such notice shall also be given to the natural areas preservation council. The public intervenor shall formally intervene in such proceedings when requested to do so by an administrator of a division primarily assigned the departmental functions under ch. 29 or 144. The public intervenor may, on ~~his~~ the public intervenor's own initiative or upon request of any committee of the legislature, formally intervene in all such proceedings where such intervention is needed for the protection of “public rights” in water and other natural resources, as provided in chs. 30 and 31 and defined by the supreme court. Personnel of the department of natural resources shall upon the request of the public intervenor make such investigations, studies and reports as ~~he~~ the public intervenor may request in connection with such proceedings, either before or after formal intervention. Personnel of state agencies shall at ~~his~~ the public intervenor's request provide information, serve as witnesses in such proceedings and otherwise cooperate in the carrying out of ~~his~~ the public intervenor's intervention functions. Formal intervention shall be by filing a statement to that effect with the examiner or other person immediately in charge of the proceeding. Thereupon the public intervenor shall be deemed a party in interest with full power to present evidence, subpoena and cross-examine witnesses, submit proof, file briefs or do any other acts appropriate for a party to the proceedings. ~~He~~ The public intervenor may appeal from administrative rulings to the courts and in all administrative proceedings and judicial review proceedings ~~he~~ the public intervenor shall be identified as “public intervenor”. This section does not preclude or prevent any division of the department of natural resources, or

any other department or independent agency from appearing by its staff as a party in such proceedings.

SECTION 109. 165.09 of the statutes is amended to read:

165.09 Removal of barriers to trade or movement of dairy products. The attorney general may take such action as ~~he~~ or she deems necessary in order to contest or oppose existing statutes, ordinances, regulations, orders or other trade barriers which may restrict the sale in other states of milk or other dairy products produced in Wisconsin; study and investigate problems concerning the free movement of milk and other dairy products in interstate commerce and present the results thereof to such legislative and executive agencies of the federal government and the several states, such studies, investigations and presentations to executive and legislative agencies to be made either individually or jointly with others.

SECTION 110. 165.55 (1) of the statutes is amended to read:

165.55 (1) The chief of the fire department or company of every city, village and town in which a fire department or company exists, and where no fire department or company exists, the city mayor, village president or town clerk shall investigate or cause to be investigated the cause, origin and circumstances of every fire occurring in ~~his~~ or her city, village or town by which property has been destroyed or damaged when the damage exceeds \$500, and on fires of unknown origin ~~he~~ or she shall especially investigate whether the fire was the result of negligence, accident or design. Where any investigation discloses that the fire may be of incendiary origin, ~~he~~ or she shall report the same to the state fire marshal.

SECTION 111. 165.55 (7) of the statutes is amended to read:

165.55 (7) The state fire marshal and ~~his~~ or her subordinates shall each have the power to conduct investigations and hearings and take testimony regarding fires and the causes thereof, and compel the attendance of witnesses. The fees of witnesses shall be paid upon certificates signed by the officer before whom any witnesses shall have attended, and shall be charged to the appropriation for the state fire marshal.

SECTION 112. 165.55 (8) of the statutes is amended to read:

165.55 (8) All investigations held by or under the direction of the state fire marshal, or ~~his~~ or her subordinates, may, in ~~his~~ the fire marshal's discretion, be private, and persons other than those required to be present may be excluded from the place where such investigation is held, and witnesses may be kept apart from each other, and not allowed to communicate with each other until they have been examined.

SECTION 113. 165.55 (9) of the statutes is amended to read:

165.55 (9) The state fire marshal and his or her subordinates may at all reasonable hours in performance of their duties enter upon and examine any building or premises where any fire has occurred and other buildings or premises near the same, and seize any evidence found as a result of such examination which in the opinion of the officer finding the same may be used in any criminal action which may result from such examination or otherwise, and retain it for a reasonable time or until it becomes an exhibit in the action.

SECTION 114. 165.55 (11) of the statutes is amended to read:

165.55 (11) All officers who perform any service at the request of the state fire marshal or his the state fire marshal's subordinates shall receive fees determined by the state fire marshal and such fees shall be charged to the appropriation for the department of justice.

SECTION 115. 165.85 (2) (c) of the statutes is amended to read:

165.85 (2) (c) “Law enforcement officer” means any person employed by the state or any political subdivision of the state, for the purpose of detecting and preventing crime and enforcing laws or ordinances and who is authorized to make arrests for violations of the laws or ordinances ~~he~~ that the person is employed to enforce.

SECTION 116. 167.25 (1) of the statutes is amended to read:

167.25 (1) Any person who discards or abandons any refrigerator, icebox or deep freeze locker, having a capacity of 1 1/2 cubic feet or more, which is no longer in use, and which has not had the door removed, or such portion of the latch mechanism removed to prevent latching or locking of the door, is guilty of a misdemeanor. Any owner, lessee, or manager who knowingly permits such a refrigerator, icebox, or deep freeze locker to remain on premises under his or her control without having the door removed or such portion of the latch mechanism removed to prevent latching or locking of the door is guilty of a misdemeanor. Any person violating this section shall be fined not more than \$50 or imprisoned not more than 30 days or both.

SECTION 117. 167.27 (5) of the statutes is amended to read:

167.27 (5) Whenever any mine shaft, exploration shaft or test well is abandoned or its use discontinued, the operator or contractor shall promptly fill same to grade or enclose the same with a fence of strong woven wire not less than 46 inches wide with one barbwire above or cap same with a reinforced concrete slab at least 6 inches thick or with a native boulder at least 3 times the diameter of the top of the shaft or test well bore. The strands of the woven wire shall not be smaller than No. 12 wire and the cross wires and meshes shall not be smaller than No. 16 wire; the strands shall not be more than 12 inches apart, and the meshes shall not exceed 8 inches square. All wires must be tightly stretched and securely fastened to

sufficient posts firmly set not more than 8 feet apart. In case any person shall neglect to repair or rebuild such fence which ~~he~~ the person is so required to build and maintain, any person may complain to the department of industry, labor and human relations or to the local governing body, which shall give notice in writing to the person who is required to build and maintain such fence. The department of industry, labor and human relations or the local governing body shall then proceed to examine the fence, and if it shall determine that such fence is insufficient, it shall notify the person responsible for its erection and maintenance and direct ~~him~~ the person to repair or rebuild the fence within such time as it shall deem reasonable. Any person refusing to comply with such order shall be subject to the penalties provided.

SECTION 118. 170.01 of the statutes is amended to read:

170.01 Who may take up strays. No stray, except horses and mules, shall be taken up by any person not a resident of the town in which it is found nor unless it is found upon land owned or occupied by ~~him~~ the person.

SECTION 119. 170.02 of the statutes is amended to read:

170.02 Finder to give notice; penalty. Every finder of a stray shall, within 7 days thereafter, notify the owner thereof, if ~~to him~~ known to the finder, and request ~~him~~ the owner to pay all reasonable charges and take such stray away; and, if such owner be ~~to him~~ unknown ~~he~~ to the finder, the finder shall, within ten days, file a notice with the town clerk of the town, who shall transmit a copy thereof to the county clerk. ~~He~~ The finder shall publish notice, if the value of the stray exceeds \$50, as a class 3 notice, under ch. 985, in the county. The notice shall briefly describe the stray by giving its marks, natural or artificial, as near as practicable, the name and residence of the finder, specifying the section and town, and the time when such stray was taken up. For neglect or refusal to publish such notice as required, the finder of such stray shall be liable in double the amount of damages sustained by the owner of such stray. For neglect or failure for one year to publish such notices the finder of such stray shall be liable for its full value, to be recovered by action in the name of the town, and the amount recovered shall be added to the school fund of such town.

SECTION 120. 170.06 of the statutes is amended to read:

170.06 Removal of stray; neglect to give notice, etc. If any person shall, without the consent of the finder, take away any stray taken up pursuant to this chapter without first paying all the lawful charges incurred in relation to the same ~~he~~ the person shall be liable to the finder for the value of such stray; and if any finder shall neglect to give, file or publish the notices or have the appraisal made or do any other act prescribed by this chapter ~~he~~ the finder shall be precluded from acquiring

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any right of property in such stray and from receiving any charges or expenses relative thereto.

SECTION 121. 171.01 of the statutes is amended to read:

171.01 Duty of consignee or bailee. Whenever any personal property shall be consigned to or deposited with any common carrier, forwarding merchant, wharfinger, warehouse keeper, innkeeper or the keeper of any depot for the storage of baggage, merchandise or other personal property, such consignee or bailee shall immediately cause to be entered in a proper book kept by ~~him~~ the consignee or bailee a description of such property with the date of the reception thereof; and if the same shall not have been so consigned or deposited for the purpose of being forwarded or disposed of according to directions received by such consignee or bailee at or before his or her reception thereof ~~he~~ the consignee or bailee shall immediately notify the owner by mail thereof, if ~~his~~ the owner's name and residence be known or can with reasonable diligence be ascertained.

SECTION 122. 171.02 of the statutes is amended to read:

171.02 Disposition of proceeds. If the owner of the property sold or ~~his~~ the owner's legal representatives shall, at any time within five years after such money shall have been deposited in the county treasury, furnish satisfactory evidence to the treasurer of the ownership of such property ~~he or they~~ the owner or the owner's legal representatives shall be entitled to receive from such treasurer the amount so deposited with ~~him~~ the treasurer. If not claimed within said time by the owner or ~~his~~ the owner's legal representatives the same shall belong to the county.

SECTION 123. 171.04 (2) of the statutes is amended to read:

171.04 (2) If the sheriff or constable, upon inspection, finds the property to be in a state of decay, or manifestly liable to immediate damage or decay, ~~he~~ the sheriff or constable shall attach to the order his or her affidavit stating such fact, and shall make an inventory of the property, and shall summarily sell the property without notice, and shall make full return of ~~his~~ the sheriff's or constable's execution of the order to the judge or commissioner who issued the same, together with ~~his~~ the sheriff's or constable's affidavit, inventory and the proceeds of said sale, after deducting ~~his~~ the sheriff's or constable's fees therefrom.

SECTION 124. 171.04 (3) of the statutes is amended to read:

171.04 (3) From the proceeds of such sale, the judge or commissioner shall pay all legal charges that have been incurred in relation to the property, or a ratable proportion of each charge if the proceeds of the sale are not sufficient to pay all the charges; and the balance, if any, ~~he~~ the judge or commissioner shall immediately pay over to the treasurer of ~~his~~ the judge's or commissioner's county, with a copy of all the proceedings in the matter.

The county treasurer shall file the copy in his or her office.

SECTION 125. 171.06 of the statutes is amended to read:

171.06 Unclaimed property, how disposed of. When any property is not perishable or subject to decay and is not claimed and taken away within one year after it was received, it may be sold as follows: The person in whose custody the property is, ~~his~~ or the persons's agent or attorney, may make an affidavit of the facts and present the same to a judge or court commissioner of the county in which the property is located and such judge or court commissioner shall immediately issue an order requiring the sheriff or any constable of the county to sell the property at public auction, giving 60 days' notice of the time and place of the sale to the consignor, the consignee and the custodian of the property. This notice shall be in writing and served personally or by mail upon the persons whose names and residences are known. If the name or residence of any of the persons is unknown and cannot be ascertained with reasonable diligence, the sheriff or constable shall make an affidavit of this fact and shall publish a class 3 notice, under ch. 985, in the county. At the time and place of the sale the sheriff or constable shall sell the property at public auction and shall make a full return of ~~his~~ the sheriff's or constable's proceedings under the order to the judge or commissioner issuing the order, together with proof of service or publication of the notice of the sale, and an inventory of the property sold and the proceeds of the sale after deducting ~~his~~ the sheriff's or constable's fees. From the proceeds of the sale the judge or commissioner shall pay all legal charges that have been incurred in relation to the property, including the charges of the person in whose custody the property was when the proceedings were begun, or a ratable proportion of each charge if the proceeds of the sale are not sufficient to pay all the charges; and the balance, if any, ~~he~~ the judge or commissioner shall immediately pay over to the treasurer of his or her county, with a copy of all proceedings in the matter. The county treasurer shall file the copy in his or her office. The person in whose custody the property is when any proceeding for the sale is commenced, shall immediately notify the consignor and consignee of the sale, in writing, and served by leaving a copy thereof with the consignor and consignee, personally or by mail.

SECTION 126. 171.07 (3) of the statutes is amended to read:

171.07 (3) Fruit, fresh fish, oysters, game and other perishable property after having been retained for 24 hours after notice to consignee, if ~~he~~ the consignee be known, may be sold, either at public or private sale in the discretion of the common carrier for the highest price that the same will bring.

SECTION 127. 171.07 (4) of the statutes is amended to read:

171.07 (4) After the lawful charges of the common carrier for transportation and storage for the period of compulsory retention shall be deducted from the proceeds of the sale, the overplus, if any, shall be held by the common carrier subject to the order of the owner, and, at any time within 12 months after such sale, upon the demand of the owner, the common carrier shall pay the same to ~~him~~ the owner.

SECTION 128. 172.01 of the statutes is amended to read:

172.01 Animals not to run at large. No stallion over one year old, nor bull over six months old, nor boar, nor ram, nor billy goat over four months old shall run at large; and if the owner or keeper shall, for any reason, suffer any such animal to do so to do he the owner or keeper shall forfeit five dollars to the person taking it up and be liable in addition for all damages done by ~~such~~ the animal while so at large, although ~~he~~ the animal escapes without the fault of such owner or keeper; and the construction of any fence enumerated in s. 90.02 shall not relieve such owner or keeper from liability for any damage committed by an animal of the enumerated class upon the inclosed premises of an adjoining owner.

SECTION 129. 172.015 of the statutes is amended to read:

172.015 Livestock on highways; penalty. No livestock shall run at large on a highway at any time except to go from one farm parcel to another. If the owner or keeper of livestock knowingly permits livestock ~~so~~ to do so and after notice by any peace officer fails to remove such livestock from the highway, ~~he~~ the owner or keeper may be fined not exceeding \$200.

SECTION 130. 172.02 of the statutes is amended to read:

172.02 May be taken up; notice. Any person finding any such animal running at large may take it up, but shall within seven days thereafter notify the owner, if ~~to~~ him known to the person, and request ~~him~~ the owner to pay all reasonable charges for its keeping, besides such forfeiture for taking up, and take such animal away within five days after being so notified.

SECTION 131. 172.07 of the statutes is amended to read:

172.07 Penalties. If any person, without the consent of the finder, shall take any animal lawfully taken up as aforesaid from ~~his~~ the finder's possession, without the payment of ~~his~~ the finder's lawful charges incurred in relation to the same, ~~he~~ the person shall be liable to such finder for the value of such animal. If the finder shall neglect to give the notices, procure the appraisals or perform any of the duties hereinbefore required of ~~him~~ he the finder, the finder shall be precluded from acquiring any right of property in such animal or receiving any charges or damages relative thereto.

SECTION 132. 172.08 of the statutes is amended to read:

172.08 Rams may be taken up; liability. If the owner of any ram shall suffer ~~him~~ the ram to go at large or out of ~~his~~ the ram's inclosure between the fifteenth day of July and the first day of December in the same year ~~he~~ the owner shall forfeit ten dollars for each time such ram shall be found at large and taken up, one-half of which shall be paid to the prosecutor; and ~~he~~ the owner shall also be liable for any damages sustained by any person in consequence of such ram running at large. Any person may take up such ram, and shall within twenty-four hours thereafter notify the owner thereof, if known, and the place where the same is secured; and if unknown shall within the same time file with the town clerk a notice of such taking up, containing the marks of such ram, natural and artificial, if any, and also post copies of such notice in three public places in such town. The owner of such ram may, within six days after the filing and posting of such notices, pay or tender to the town clerk said forfeiture and fifty cents for ~~his~~ the town clerk's fees, and thereupon said ram shall be restored to ~~him~~ the owner; and the clerk shall forthwith pay one-half of said forfeiture to the person who took the same up and the other half to the county treasurer. If such owner shall not so pay such forfeiture and fees in the time aforesaid said ram shall become the property of the person so taking ~~him~~ the ram up.

SECTION 133. 173.04 of the statutes is amended to read:

173.04 Time and notice of sale. The poundmaster of any such pound shall receive and keep any beasts so delivered to ~~him~~ the poundmaster and unless seized or discharged according to law within six days shall sell such beasts or so many as shall be necessary to pay such damages, fees and costs, at public auction, giving two days' notice of such sale by notice posted upon such pound and at three public places in such town, city or village.

SECTION 134. 174.12 (1) of the statutes is amended to read:

174.12 (1) The allowance by the county of any claim for damages done by dogs shall work an assignment to the county of the cause of the action of the claimant for which the claim is filed and the county may sue and recover from the owner of the dog or dogs doing the damages the full amount thereof and which shall not be limited to the sum paid the claimant by the county. Before any claim shall be allowed by the county on account of damages done by dogs, the claimant shall furnish satisfactory proof that the damage was not done in whole or in part by any dog owned, kept or harbored by ~~him~~ the claimant.

SECTION 135. 174.12 (2) of the statutes is amended to read:

174.12 (2) No claim shall be allowed by the county board at less than the amount so certified and reported, unless the claimant shall first be notified that such action

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is contemplated and shall have been given a reasonable opportunity to be heard and to offer further evidence in support of his the claimant's claim.

SECTION 136. 174.12 (4) of the statutes is amended to read:

174.12 (4) No person except the owner or his the owner's authorized agent shall remove any license tag from a dog collar or remove any collar with a license attached thereto from any dog. No person shall keep or harbor a dog wearing a fictitious, altered or invalid license tag, or a license tag not issued in connection with the licensing or keeping of the dog wearing the same. No license or license tag issued for one dog shall be transferable to another dog. Every town, village or city treasurer shall notify the district attorney of his that treasurer's county of every refusal or failure of an owner to obtain a license for keeping his the owner's dog and it shall be the duty of the district attorney to institute proceedings against such owner and against every owner within his the district attorney's county who has violated any of the provisions of the dog license law.

SECTION 137. 175.05 (2) (a) of the statutes is amended to read:

175.05 (2) (a) Any person or state or any political subdivision thereof engaged in, or preparing to engage in, the manufacture, transportation or storage of any product to be used in the preparation of the United States or of any of the states for defense or for war or in the prosecution of war by the United States or the manufacture, transportation, distribution or storage of gas, oil, coal, electricity or water, or any ~~of said natural or artificial persons~~ such person or governmental unit operating any public utility, whose property, except where it fronts on water or where there are entrances for railway cars, vehicles, persons or things, is surrounded by a fence or wall, or a fence or wall and buildings, may post around his ~~or its~~ that person's, state's or political subdivision's property at each gate, entrance, dock or railway entrance and every 100 feet of water front a sign reading "No Entry Without Permission".

SECTION 138. 175.05 (3) of the statutes is amended to read:

175.05 (3) QUESTIONING AND DETAINING SUSPECTED PERSONS. Any peace officer or any person employed as security person, guard, or in a supervisory capacity on premises posted as provided in sub. (2) may stop any person found on any premises to which entry without permission is forbidden by said subsection and may detain that person and demand ~~of him~~ his that person's name, address and business in such place. If ~~such~~ the peace officer or employe has reason to believe from the answers of the person so interrogated that ~~such~~ that person has no right to be in ~~such~~ that place, ~~such~~ the peace officer or employe shall forthwith release or arrest ~~such~~ that person without a warrant on a charge of violating the provisions of sub. (2) and ~~such~~ an employe in case of arrest shall

forthwith turn ~~him~~ the arrested person over to a peace officer.

SECTION 139. 175.05 (4) (a) of the statutes is amended to read:

175.05 (4) (a) Any person, municipal corporation, or state or any political subdivision thereof engaged in or preparing to engage in the manufacture, transportation or storage of any product to be used in the preparation of the United States or any of the states for defense or for war or in prosecution of war by the United States, or in the manufacture, transportation, distribution or storage of gas, oil, coal, electricity or water, or any ~~of said natural or artificial persons~~ such person or governmental unit operating any public utility, who has property so used which ~~he or it~~ that person or governmental unit believes will be endangered if public use and travel is not restricted or prohibited on one or more highways or parts thereof upon which such property abuts, may petition the highway commissioners of any city, village, town or county to close one or more of said highways or parts thereof to public use and travel or to restrict by order the use and travel upon one or more of said highways or parts thereof.

SECTION 140. 178.01 (3) of the statutes is amended to read:

178.01 (3) A person has "knowledge" of a fact within the meaning of this chapter not only when ~~he~~ that person has actual knowledge thereof, but also when ~~he~~ that person has knowledge of such other facts as in the circumstances shows bad faith.

SECTION 141. 178.01 (4) of the statutes is amended to read:

178.01 (4) A person has "notice" of a fact within the meaning of this chapter when the person who claims the benefit of the notice (a) states the fact to such person, or (b) delivers through the mail, or by other means of communication, a written statement of the fact to such person or to a proper person at his ~~or her~~ place of business or residence.

SECTION 142. 178.06 (1) of the statutes is amended to read:

178.06 (1) Every partner is an agent of the partnership for the purpose of its business, and the act of every partner, including the execution in the partnership name of any instrument, for apparently carrying on in the usual way the business of the partnership of which ~~he~~ the partner is a member binds the partnership, unless the partner so acting has in fact no authority to act for the partnership in the particular matter, and the person with whom ~~he~~ the partner is dealing has knowledge of the fact that ~~he~~ the partner has no such authority.

SECTION 143. 178.06 (4) of the statutes is amended to read:

178.06 (4) No act of a partner in contravention of a restriction on his the partner's authority shall bind the

partnership to persons having knowledge of the restriction.

SECTION 144. 178.07 (1) of the statutes is amended to read:

178.07 (1) Where title to real property is in the partnership name, any partner may convey title to such property by a conveyance executed in the partnership name; but the partnership may recover such property unless the partner's act binds the partnership under the provisions of s. 178.06 (1), or unless such property has been conveyed by the grantee or a person claiming through such grantee to a holder for value without knowledge that the partner, in making the conveyance, has exceeded ~~his~~ the partner's authority.

SECTION 145. 178.07 (2) of the statutes is amended to read:

178.07 (2) Where title to real property is in the name of the partnership, a conveyance executed by a partner, in ~~his~~ the partner's own name, passes the equitable interest of the partnership, provided the act is one within the authority of the partner under s. 178.06 (1).

SECTION 146. 178.07 (3) of the statutes is amended to read:

178.07 (3) Where title to real property is in the name of one or more but not all the partners, and the record does not disclose the right of the partnership, the partners in whose name the title stands may convey title to such property, but the partnership may recover such property if the partners' act does not bind the partnership under s. 178.06 (1), unless the purchaser or ~~his~~ the purchaser's assignee, is a holder for value, without knowledge.

SECTION 147. 178.07 (4) of the statutes is amended to read:

178.07 (4) Where the title to real property is in the name of one or more or all the partners, or in a third person in trust for the partnership, a conveyance executed by a partner in the partnership name, or in ~~his~~ the partner's own name, passes the equitable interest of the partnership, provided the act is one within the authority of the partner under s. 178.06 (1).

SECTION 148. 178.08 of the statutes is amended to read:

178.08 Admission by partner is evidence against the partnership. An admission or representation made by any partner concerning partnership affairs within the scope of ~~his~~ the partner's authority as conferred by this chapter is evidence against the partnership.

SECTION 149. 178.09 of the statutes is amended to read:

178.09 Notice to or knowledge of partner charges partnership. Notice to any partner of any matter relating to partnership affairs, and the knowledge of the partner acting in the particular matter, acquired while a partner or then present to ~~his~~ the partner's mind, and the knowledge of any other partner who reasonably could and should have communicated it to the acting partner, operate as

notice to or knowledge of the partnership, except in the case of a fraud on the partnership committed by or with the consent of that partner.

SECTION 150. 178.10 of the statutes is amended to read:

178.10 Partnership liable for wrongful act of partner. Where, by any wrongful act or omission of any partner acting in the ordinary course of the business of the partnership, or with the authority of ~~his~~ the partner's copartners, loss or injury is caused to any person, not being a partner in the partnership, or any penalty is incurred, the partnership is liable therefor to the same extent as the partner so acting or omitting to act.

SECTION 151. 178.11 of the statutes is renumbered 178.11 (intro.) and amended to read:

178.11 Partnership liable on partner's breach of trust. (intro.) The partnership is bound to make good the loss: ~~(a) Where one if any of the following occurs:~~

(1) ~~One~~ partner acting within the scope of his ~~or her~~ apparent authority receives money or property of a 3rd person and misapplies it; ~~and (b) where the~~

(2) ~~The~~ partnership in the course of its business receives money or property of a 3rd person and the money or property so received is misapplied by any partner while it is in the custody of the partnership.

NOTE: Conforms numbering and format to current style.

SECTION 152. 178.13 (1) of the statutes is renumbered 178.13 (1) (intro.) and amended to read:

178.13 (1) (intro.) When a person, by words spoken or written or by conduct, represents himself ~~or herself~~, or consents to another representing him ~~or her~~ to any one, as a partner in an existing partnership or with one or more persons not actual partners, he ~~or she~~ is liable to any such person to whom such representation has been made, who has, on the faith of such representation, given credit to the actual or apparent partnership; ~~and, if he or she has made such representation or consented to its being made in a public manner, he or she is liable to such person, whether the representation has or has not been made or communicated to such person so giving credit by or with the knowledge of the apparent partner making the representation or consenting to its being made (a) when, as follows:~~

(a) ~~If~~ a partnership liability results, he ~~or she~~ is liable as though he ~~or she~~ were an actual member of the partnership; ~~(b) when,~~

(b) ~~If~~ no partnership liability results, he ~~or she~~ is liable jointly with the other persons, if any, so consenting to the contract or representation as to incur liability, otherwise separately.

SECTION 153. 178.13 (2) of the statutes is amended to read:

178.13 (2) When a person has been thus represented to be a partner in an existing partnership, or with one or more persons not actual partners, ~~he~~ that person is an

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agent of the persons consenting to such representation to bind them to the same extent and in the same manner as though ~~he~~ that person were a partner in fact, with respect to persons who rely upon the representation. Where all the members of the existing partnership consent to the representation, a partnership act or obligation results; but in all other cases it is the joint act or obligation of the person acting and the persons consenting to the representation.

SECTION 154. 178.14 of the statutes is amended to read:

178.14 Liability of incoming partner. A person admitted as a partner into an existing partnership is liable for all the obligations of the partnership arising before ~~his~~ that person's admission as though ~~he~~ that person had been a partner when such obligations were incurred, except that this liability shall be satisfied only out of partnership property.

SECTION 155. 178.15 (1) of the statutes is amended to read:

178.15 (1) Each partner shall be repaid ~~his~~ that partner's contributions, whether by way of capital or advances to the partnership property and share equally in the profits and surplus remaining after all liabilities, including those to partners, are satisfied; and must contribute towards the losses, whether of capital or otherwise, sustained by the partnership according to ~~his~~ that partner's share in the profits.

SECTION 156. 178.15 (2) of the statutes is amended to read:

178.15 (2) The partnership must indemnify every partner in respect of payments made and personal liabilities reasonably incurred by him ~~or her~~ in the ordinary and proper conduct of ~~its~~ the partnership's business, or for the preservation of ~~its~~ the partnership's business or property.

NOTE: Replaces "its" for clarity.

SECTION 157. 178.15 (3) of the statutes is amended to read:

178.15 (3) A partner, who in aid of the partnership makes any payment or advance beyond the amount of capital which he ~~or she~~ agreed to contribute, shall be paid interest from the date of the payment or advance.

SECTION 158. 178.15 (4) of the statutes is amended to read:

178.15 (4) A partner shall receive interest on the capital contributed by him ~~or her~~ only from the date when repayment should be made.

SECTION 159. 178.15 (6) of the statutes is amended to read:

178.15 (6) No partner is entitled to remuneration for acting in the partnership business, except that a surviving partner is entitled to reasonable compensation for his ~~or her~~ services in winding up the partnership affairs.

SECTION 160. 178.18 (1) of the statutes is amended to read:

178.18 (1) Every partner must account to the partnership for any benefit, and hold as trustee for it any profits derived by him ~~or her~~ without the consent of the other partners from any transaction connected with the formation, conduct, or liquidation of the partnership or from any use by him ~~or her~~ of ~~its~~ partnership property.

NOTE: Replaces "its" for clarity.

SECTION 161. 178.19 of the statutes is renumbered 178.19 (intro.) and amended to read:

178.19 Right to an account. (intro.) Any partner shall have the right to a formal account as to partnership affairs: ~~(a) in any of the following circumstances:~~

(1) If ~~he~~ that partner is wrongfully excluded from the partnership business or possession of its property by his ~~or her~~ copartners; ~~(b) if,~~

(2) If the right exists under the terms of any agreement; ~~(c) as,~~

(3) ~~As~~ provided by s. 178.18; ~~or (d) whenever,~~

(4) If other circumstances render it just and reasonable.

NOTE: Conforms numbering and format to current style.

SECTION 162. 178.21 (1) of the statutes is amended to read:

178.21 (1) The property rights of a partner are ~~his~~ that partner's rights in specific partnership property, ~~his~~ that partner's interest in the partnership, and his ~~or her~~ right to participate in the management.

SECTION 163. 178.21 (2) of the statutes, as affected by 1993 Wisconsin Act 213, is amended to read:

178.21 (2) A partner is coowner with ~~his~~ the other partners of specific partnership property holding as a tenant in partnership.

SECTION 164. 178.21 (3) (a) of the statutes is amended to read:

178.21 (3) (a) A partner, subject to the provisions of this chapter and to any agreement between the partners, has an equal right with ~~his~~ the other partners to possess specific partnership property for partnership purposes; but ~~he~~ a partner has no right to possess such property for any other purpose without the consent of ~~his~~ the other partners.

SECTION 165. 178.21 (3) (d) of the statutes is amended to read:

178.21 (3) (d) On the death of a partner ~~his~~ the partner's right in specific partnership property vests in the surviving partner or partners, except where the deceased was the last surviving partner, when ~~his~~ the partner's right in such property vests in ~~his~~ the partner's legal representative. Such surviving partner or partners, or the legal representative of the last surviving partner, has no right to possess the partnership property for any but a partnership purpose.

SECTION 166. 178.22 of the statutes is amended to read:

178.22 Partner's interest in partnership. A partner's interest in the partnership is his the partner's share of the profits and surplus, and the same is personal property.

SECTION 167. 178.23 (1) of the statutes is amended to read:

178.23 (1) A conveyance by a partner of his the partner's interest in the partnership does not of itself dissolve the partnership, nor, as against the other partners in the absence of agreement, entitle the assignee, during the continuance of the partnership, to interfere in the management or administration of the partnership business or affairs, or to require any information or account of partnership transactions, or to inspect the partnership books; but it merely entitles the assignee to receive in accordance with his the assignee's contract the profits to which the assigning partner would otherwise be entitled.

SECTION 168. 178.23 (2) of the statutes is amended to read:

178.23 (2) In case of a dissolution of the partnership, the assignee is entitled to receive his the assignor's interest and may require an account from the date only of the last account agreed to by all the partners.

SECTION 169. 178.24 (1) of the statutes is amended to read:

178.24 (1) On due application to a competent court by any judgment creditor of a partner, the court which entered the judgment, order, or decree, or any other court, may charge the interest of the debtor partner with payment of the unsatisfied amount of such judgment debt with interest thereon; and may then or later appoint a receiver of his the debtor partner's share of the profits, and of any other money due or to fall due to him the debtor partner in respect to the partnership, and make all other orders, directions, accounts and inquiries which the debtor partner might have made, or which the circumstances of the case may require.

SECTION 170. 178.24 (3) of the statutes is amended to read:

178.24 (3) Nothing in this chapter shall be held to deprive a partner of his the partner's right, if any, under the exemption laws, as regards his the partner's interest in the partnership.

SECTION 171. 178.27 (1) of the statutes is renumbered 178.27 (1) (intro.) and amended to read:

178.27 (1) (intro.) On application by or for a partner the court shall decree a dissolution whenever any of the following applies:

(a) A partner has been declared a lunatic in any judicial proceeding or is shown to be of unsound mind;₂

(b) a A partner becomes in any other way incapable of performing his the partner's part of the partnership contract;₂

(c) a A partner has been guilty of such conduct as tends to affect prejudicially the carrying on of the business;₂

(d) a A partner wilfully or persistently commits a breach of the partnership agreement, or otherwise so conducts himself or herself in matters relating to the partnership business that it is not reasonably practicable to carry on the business in partnership with him; or her.

(e) ~~the~~ The business of the partnership can only be carried on at a loss; ~~or.~~

(f) ~~other~~ Other circumstances render a dissolution equitable.

NOTE: Conforms numbering and format to current style.

SECTION 172. 178.29 of the statutes is renumbered 178.29 (intro.) and amended to read:

178.29 Liability of dissolving partner to partners continues until knowledge of dissolution. (intro.) ~~Where the~~ If a dissolution is caused by the act, death or bankruptcy of a partner, each partner is liable to his the other copartners for his the partner's share of any liability created by any partner acting for the partnership as if the partnership had not been dissolved unless ~~(a) the~~ any of the following applies:

(1) The dissolution being by act of any partner, the partner acting for the partnership had knowledge of the dissolution, ~~or (b) the.~~

(2) The dissolution being by the death or bankruptcy of a partner, the partner acting for the partnership had knowledge or notice of the death or bankruptcy.

NOTE: Conforms numbering and format to current style.

SECTION 173. 178.30 (2) (b) of the statutes is amended to read:

178.30 (2) (b) So far unknown and inactive in partnership affairs that the business reputation of the partnership could not be said to have been in any degree due to his the partner's connection with it.

SECTION 174. 178.30 (3) of the statutes is amended to read:

178.30 (3) The partnership is in no case bound by any act of a partner after dissolution if any of the following applies:

(a) ~~Where the~~ The partnership is dissolved because it is unlawful to carry on the business, unless the act is appropriate for winding up partnership affairs; ~~or.~~

(b) ~~Where the~~ The partner has become bankrupt; ~~or.~~

(c) ~~Where the~~ The partner has no authority to wind up partnership affairs, except by a transaction with ~~one who~~ any of the following:

1. ~~Had~~ A person who had extended credit to the partnership prior to dissolution and had no knowledge or notice of his the partner's want of authority; ~~or.~~

2. ~~Had~~ A person who had not extended credit to the partnership prior to dissolution, and having no knowledge or notice of his the partner's want of authority, the fact of his the partner's want of authority had not been advertised in the manner provided for advertising the fact of dissolution in sub. (1) (b) 2.

SECTION 175. 178.30 (4) of the statutes is amended to read:

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178.30 (4) Nothing in this section shall affect the liability under s. 178.13 of any person who after dissolution represents himself or herself or consents to another representing him or her as a partner in a partnership engaged in carrying on business.

SECTION 176. 178.31 (2) of the statutes is amended to read:

178.31 (2) A partner is discharged from any existing liability upon dissolution of the partnership by an agreement to that effect between ~~himself~~ the partner, the partnership creditor and the person or partnership continuing the business; and such agreement may be inferred from the course of dealing between the creditor having knowledge of the dissolution and the person or partnership continuing the business.

SECTION 177. 178.31 (4) of the statutes is amended to read:

178.31 (4) The individual property of a deceased partner shall be liable for all obligations of the partnership incurred while ~~he~~ the deceased partner was a partner but subject to the prior payment of ~~his~~ the deceased partner's separate debts.

SECTION 178. 178.32 of the statutes is amended to read:

178.32 Right to wind up. Unless otherwise agreed, the partners who have not wrongfully dissolved the partnership or the legal representative of the last surviving partner, not bankrupt, has the right to wind up the partnership affairs; provided, however, that any partner, ~~his~~ the partner's legal representative, or ~~his~~ the partner's assignee, upon cause shown, may obtain winding up by the court.

SECTION 179. 178.33 (1) of the statutes is amended to read:

178.33 (1) When dissolution is caused in any way, except in contravention of the partnership agreement, each partner, as against ~~his~~ the other copartners and all persons claiming through them in respect of their interests in the partnership, unless otherwise agreed, may have the partnership property applied to discharge its liabilities, and the surplus applied to pay in cash the net amount owing to the respective partners. But if dissolution is caused by expulsion of a partner, bona fide under the partnership agreement, and if the expelled partner is discharged from all partnership liabilities, either by payment or agreement under s. 178.31 (2) ~~he~~ the expelled partner shall receive in cash only the net amount due ~~him~~ the expelled partner from the partnership.

SECTION 180. 178.33 (2) (b) of the statutes is amended to read:

178.33 (2) (b) The partners who have not caused the dissolution wrongfully, if they all desire to continue the business in the same name, either by themselves or jointly with others, may do so, during the agreed term for the partnership and for that purpose may possess the partnership property, provided they secure the payment by

bond approved by the court, or pay to any partner who has caused the dissolution wrongfully, the value of his or her interest in the partnership at the dissolution, less any damages recoverable under par. (a), and in like manner indemnify him or her against all present or future partnership liabilities.

SECTION 181. 178.33 (2) (c) of the statutes is amended to read:

178.33 (2) (c) A partner who has caused the dissolution wrongfully shall have, if the business is not continued under the provisions of par. (b), all the rights of a partner under sub. (1) subject to the provisions of par. (a), and, if the business is continued under par. (b), the right as against ~~his copartners~~ the other partners and all claiming through them in respect of their interests in the partnership, to have the value of his or her interest in the partnership, less any damages caused to ~~his copartners~~ the other partners by the dissolution, ascertained and paid to him or her in cash, or the payment secured by bond approved by the court, and to be released from all existing liabilities of the partnership; but in ascertaining the value of the partner's interest the value of the good will of the business shall not be considered.

SECTION 182. 178.34 of the statutes is renumbered 178.34 (intro.) and amended to read:

178.34 Adjustment of rights on dissolution for fraud. (intro.) ~~Where~~ If a partnership contract is rescinded on the ground of the fraud or misrepresentation of one of the parties thereto, the party entitled to rescind is, without prejudice to any other right, entitled ~~(a) to a to~~ all of the following:

(1) A lien on, or right of retention of, the surplus of the partnership property after satisfying the partnership liabilities to third persons for any sum of money paid by ~~him~~ the party entitled to rescind for the purchase of an interest in the partnership and for any capital or advances contributed by ~~him~~; ~~and (b) to~~ the party entitled to rescind.

(2) To stand, after all liabilities to third persons have been satisfied, in the place of the creditors of the partnership for any payments made by ~~him~~ the party entitled to rescind in respect of the partnership liabilities; ~~and (c) to be indemnified.~~

(3) Indemnification by the person guilty of the fraud or making the representation against all debts and liabilities of the partnership.

NOTE: Conforms numbering and format to current style.

SECTION 183. 178.35 (6) of the statutes is amended to read:

178.35 (6) Any partner or ~~his~~ the partner's legal representative shall have the right to enforce the contributions specified in sub. (4) to the extent of the amount which ~~he~~ the partner has paid in excess of ~~his~~ the partner's share of the liability.

SECTION 184. 178.35 (9) of the statutes is renumbered 178.35 (9) (intro.) and amended to read:

178.35 (9) (intro.) ~~Where~~ If a partner has become bankrupt or ~~his the partner's~~ estate is insolvent, the claims against ~~his the partner's~~ separate property shall rank in the following order:

- (a) Those owing to separate creditors;
- (b) ~~those Those~~ owing to partnership creditors;
- (c) ~~those Those~~ owing to partners by way of contribution.

NOTE: Repositions paragraphs for conformity with current numbering style and format.

SECTION 185. 178.36 (1) of the statutes is amended to read:

178.36 (1) ~~When~~ If any new partner is admitted into an existing partnership, or ~~when~~ if any partner retires and assigns ~~to~~ or the representative of the deceased partner assigns) ~~his, that partner's~~ rights in partnership property to 2 or more of the partners, or to one or more of the partners and one or more 3rd persons, and if the business is continued without liquidation of the partnership affairs, ~~the~~ creditors of the first or dissolved partnership are also creditors of the partnership so continuing the business.

NOTE: Replaces "when" and parentheses for clarity.

SECTION 186. 178.36 (3) of the statutes is amended to read:

178.36 (3) ~~When~~ If any partner retires or dies and the business of the dissolved partnership is continued as set forth in subs. (1) and (2), with the consent of the retired partners or the representative of the deceased partner, but without any assignment of ~~his the retired or deceased partner's~~ right in partnership property, rights of creditors of the dissolved partnership and of the creditors of the person or partnership continuing the business shall be as if such assignment had been made.

SECTION 187. 178.36 (8) of the statutes is amended to read:

178.36 (8) ~~When~~ If the business of a partnership after dissolution is continued under any conditions set forth in this section, the creditors of the dissolved partnership, as against the separate creditors of the retiring or deceased partner or the representative of the deceased partner, have a prior right to any claim of the retired partner or the representative of the deceased partner against the person or partnership continuing the business, on account of the retired or deceased partner's interest in the dissolved partnership or on account of any consideration promised for such interest or for ~~his the retired or deceased partner's~~ right in partnership property.

SECTION 188. 178.37 of the statutes is amended to read:

178.37 Rights of retiring or deceased partner. When If any partner retires or dies, and the business is continued under any of the conditions set forth in s. 178.33 (2) (b) or 178.36 (1), (2), (3), (5) and (6), without any settlement of accounts as between ~~him~~ the retired or

deceased partner or ~~his~~ the deceased partner's estate and the person or partnership continuing the business, unless otherwise agreed, ~~he~~ the retired partner or ~~his the deceased partner's~~ legal representative as against such persons or partnership may have the value of ~~his the retired or deceased partner's~~ interest at the date of dissolution ascertained, and shall receive as an ordinary creditor an amount equal to the value of ~~his the retired or deceased partner's~~ interest in the dissolved partnership with interest, or, at ~~his option~~ or at the option of ~~his the retired partner or the deceased partner's~~ legal representative, in lieu of interest, the profits attributable to the use of ~~his the retired or deceased partner's~~ right in the property of the dissolved partnership; provided that the creditors of the dissolved partnership as against the separate creditors, or the representative of the retired or deceased partner, shall have priority on any claim arising under this section, as provided by s. 178.36 (8).

SECTION 189. 178.38 of the statutes is amended to read:

178.38 Right to accounting accrues on dissolution.

The right to an account of his or her interest shall accrue to any partner, or his or her legal representative, as against the winding up partners or the surviving partners or the person or partnership continuing the business, at the date of dissolution, in the absence of any agreement to the contrary.

NOTE: Changes provision to active voice.

SECTION 190. 181.09 (1) (intro.) of the statutes is amended to read:

181.09 (1) (intro.) A corporation may change its registered agent or ~~his the registered agent's~~ address by executing and filing with the secretary of state a statement setting forth:

SECTION 191. 181.12 (3) of the statutes is amended to read:

181.12 (3) No member may transfer his or her membership, or any right arising therefrom, unless transfer is authorized by the articles of incorporation or in the bylaws, if the articles so provide.

SECTION 192. 181.15 of the statutes is amended to read:

181.15 Notice of members' meetings. Written notice stating the place, day and hour of the meeting and, in case of a special meeting, the purpose or purposes for which the meeting is called, shall be delivered not less than 10 nor more than 50 days before the date of the meeting, (~~unless a different time shall be provided by this chapter, the articles of incorporation or the bylaws~~). The notice shall be delivered either personally or by mail, by or at the direction of the president, the secretary, or the officer or person calling the meeting, to each member entitled to vote at such meeting. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail addressed to the member at ~~his the member's~~ address as it appears on the records of the cor-

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poration, with postage thereon prepaid. In lieu of such notice, if the articles of incorporation or bylaws so provide, notice may be given by publishing the same as a class 2 notice, under ch. 985, near the principal office of the corporation.

NOTE: Deletes unnecessary parentheses.

SECTION 193. 181.16 (2) of the statutes is amended to read:

181.16 (2) A member may vote in person, or unless the articles of incorporation or bylaws provide otherwise, may vote by proxy executed in writing by the member or by ~~his~~ the member's duly authorized attorney-in-fact. No proxy shall be valid after 11 months from the date of its execution, unless otherwise provided in the proxy. ~~Where~~ If directors or officers are to be elected by members, the bylaws may provide that such elections may be conducted by mail.

SECTION 194. 181.175 (2) of the statutes is amended to read:

181.175 (2) Written notice of meetings of delegates, stating the place, day and hour of the meeting and, in case of a special meeting, the purpose or purposes for which the meeting is called, shall be given to the delegates either personally or by mail addressed to each delegate at ~~his~~ the delegate's address as it appears on the records of the corporation and deposited in the United States mail, with postage prepaid thereon, not less than 10 days before the date set for such meeting.

SECTION 195. 181.175 (4) of the statutes is amended to read:

181.175 (4) Written notice of meetings of members within districts or units stating the place, day and hour of the meeting and in case of a special meeting the purpose or purposes for which the meeting is called, shall be given to members within the district either personally or by mail addressed to each member entitled to vote at such meeting at ~~his~~ the member's address as it appears on the records of the corporation and deposited in the United States mail, with postage prepaid thereon, not less than 10 days before the date set for such meeting. In lieu of such notice, if the articles of incorporation or bylaws so provide, notice may be given by publishing the same as a class 2 notice, under ch. 985, in the district.

SECTION 196. 181.20 (3) of the statutes is amended to read:

181.20 (3) Directors may be divided into classes and the terms of office of the several classes need not be uniform. Each director shall hold office for the term for which ~~he~~ the director is elected or appointed and until ~~his~~ the director's successor shall have been elected or appointed and qualified.

SECTION 197. 181.225 of the statutes is renumbered 181.225 (1) (intro.) and amended to read:

181.225 (1) (intro.) No contract or other transaction between a corporation and one or more of its directors or any other corporation, firm, association, or entity in

which one or more of its directors are directors or officers or has a material financial interest, shall be either void or voidable because of such relationship or interest or because such director or directors are present at the meeting of the board of directors or a committee thereof which authorizes, approves or ratifies such contract or transaction or because ~~his or their~~ the director's or directors' votes are counted for such purpose, if ~~1) the~~ any of the following applies:

(a) ~~The~~ fact of such relationship or interest is disclosed or known to the board of directors or committee which authorizes, approves or ratifies the contract or transaction by a vote or consent sufficient for the purpose without counting the votes or consents of such interested directors; ~~or 2) the~~.

(b) ~~The~~ fact of such relationship or interest is disclosed or known to the members entitled to vote and they authorize, approve or ratify such contract or transaction by vote or written consent; ~~or 3) the~~.

(c) ~~The~~ contract or transaction is fair and reasonable to the corporation.

(2) Common or interested directors may be counted in determining the presence of a quorum at a meeting of the board of directors or a committee thereof which authorizes, approves or ratifies ~~such a~~ contract or transaction under sub. (1).

NOTE: Conforms numbering to current style and format.

SECTION 198. 181.23 of the statutes is amended to read:

181.23 Committees of directors. If the articles of incorporation or bylaws so provide, the board of directors by resolution adopted by a majority of the number of directors fixed pursuant to this chapter may designate one or more committees, each committee to consist of 3 or more directors elected by the board of directors, which to the extent provided in said resolution or in the articles of incorporation or in the bylaws, shall have and may exercise, when the board of directors is not in session, the powers of the board of directors in the management of the affairs of the corporation, except action in respect to election of officers or the filling of vacancies in the board of directors or committees created pursuant to the authority granted in this section. The board of directors may elect one or more of its members as alternate members of any such committee who may take the place of any absent member or members at any meeting of such committee. The designation of such committee or committees and the delegation thereto of authority shall not operate to relieve the board of directors, or any member thereof, of any responsibility imposed upon ~~it or him~~ the board or member by law.

SECTION 199. 181.27 (1) of the statutes is amended to read:

181.27 (1) Each corporation shall keep correct and complete books and records of account and shall also keep minutes of the proceedings of its members, board of

directors and committees having any of the authority of the board of directors; and shall keep at its principal office or at the office of its secretary a record giving the names and addresses of members entitled to vote, or records showing where such information can be obtained. Any books, records or minutes may be in written form or in any other form capable of being converted into written form within a reasonable time. All relevant books and records of a corporation may be inspected by any member, or ~~his~~ the member's agent or attorney, for any proper purpose at any reasonable time.

SECTION 200. 181.295 (1) (a) of the statutes is amended to read:

181.295 (1) (a) The plaintiff alleges in the complaint that ~~he~~ the plaintiff was a member at the time of the transaction or any part thereof of which ~~he~~ the plaintiff complains, or that ~~his~~ the plaintiff's membership thereafter devolved upon ~~him~~ the plaintiff by operation of law from a member who was a member at the time of the transaction or any part thereof complained of.

SECTION 201. 181.295 (1) (b) of the statutes is amended to read:

181.295 (1) (b) The plaintiff alleges in the complaint with particularity ~~his~~ the plaintiff's efforts to secure from the board of directors such action as ~~he~~ the plaintiff desires and alleges further that ~~he~~ the plaintiff has either informed the corporation or such board of directors in writing of the ultimate facts of each cause of action against each such defendant director or delivered to the corporation or such board of directors a true copy of the complaint which ~~he~~ the plaintiff proposes to file, and the reasons for ~~his~~ the plaintiff's failure to obtain such action or the reasons for not making such effort.

SECTION 202. 181.58 (4) of the statutes is amended to read:

181.58 (4) A receiver of a corporation appointed under the provisions of this section shall have authority to sue and defend in all courts in ~~his~~ the receiver's own name as receiver of such corporation. The court appointing such receiver shall, for the purposes of this chapter, have exclusive jurisdiction of the corporation and its property wherever situated.

SECTION 203. 181.64 of the statutes, as affected by 1993 Wisconsin Act 35, is amended to read:

181.64 Deposits with state treasury. Upon the voluntary, involuntary or administrative dissolution of a corporation, the portion of the assets distributable to a creditor or member who is unknown or cannot be found, or who is under disability and there is no person legally competent to receive such distributive portion, may be reduced to cash and deposited with the state treasury of this state and shall be paid over without interest to such creditor or member or to ~~his~~ the creditor's or member's legal representative, upon proof satisfactory to the state treasurer of ~~his~~ the creditor's or member's right thereto.

SECTION 204. 181.66 (2) of the statutes is amended to read:

181.66 (2) A foreign corporation conducting its affairs or acquiring, holding or disposing of property in this state, shall by so doing be deemed to have thereby appointed the secretary of state as its agent and representative upon whom any process, notice or demand may be served in any action or proceeding arising out of or relating to any affairs conducted or property acquired, held or disposed of within this state. Service of such process, notice or demand shall be made by serving a copy upon the secretary of state or by filing such copy in ~~his~~ the secretary of state's office, and such service shall be sufficient service upon said foreign corporation, provided that notice of such service and a copy of the process, notice or demand are within 10 days thereafter sent by mail by the plaintiff to the defendant at its last-known address, and that the plaintiff's affidavit of compliance herewith is appended to the process, notice or demand. The secretary of state shall keep a record of all such processes, notices and demands which shows the day and hour of service.

SECTION 205. 181.68 (3) of the statutes is amended to read:

181.68 (3) The secretary of state shall not file any document relating to any corporation, domestic or foreign, organized under or subject to the provisions of this chapter, until all fees and charges provided to be paid in connection therewith shall have been paid to ~~him~~ the secretary of state or while the corporation is in default in the payment of any fees, charges or penalties herein provided to be paid by or assessed against it.

SECTION 206. 181.74 (2) of the statutes is amended to read:

181.74 (2) The secretary of state may provide such forms for other documents to be filed in ~~his~~ the secretary of state's office under this chapter as in ~~his~~ the secretary of state's judgment may be deemed necessary for such purpose but the use thereof, unless otherwise specifically prescribed in this chapter, shall not be mandatory.

SECTION 207. 182.0135 (2) of the statutes is amended to read:

182.0135 (2) Any director violating the provisions of this section may be removed by the public service commission, after notice and hearing. ~~When~~ If a director of a public utility ~~shall be~~ is removed by the commission ~~he,~~ the director shall be ineligible for a period of 2 years to serve as a director of said public utility.

SECTION 208. 182.0175 (2) (a) 1. of the statutes is amended to read:

182.0175 (2) (a) 1. Take reasonable action to ~~inform~~ learn the location of any transmission facilities in and near the area where such operation is to be conducted.

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SECTION 209. 182.23 of the statutes is amended to read:

182.23 Facsimile signatures on corporate obligations. On any bond, note or debenture issued by a corporation organized or created under the laws of this state which is countersigned or otherwise authenticated by the signature of a trustee acting in connection with the issuance, the signatures of the officers of the corporation and its seal may be facsimiles. If any officer who has signed or whose facsimile signature has been placed upon a bond, note or debenture has ceased to be such officer before such bond, note or debenture is issued, it may be issued by the corporation with the same effect as if he the former officer were such officer at the date of its issue.

SECTION 210. 182.25 of the statutes is amended to read:

182.25 Stock transfers on books, how compelled. Whenever it is made to appear to the circuit court by affidavit or otherwise that the proper officer or agent of an issuer, in violation of the issuer's duty under s. 408.401 (1) has neglected or refused for 2 days after proper demand to register the transfer of a security, the court immediately shall issue an order requiring the officer or agent to show cause why he the officer or agent should not register the transfer of the security. The court shall in the order prescribe the manner of its service and the date, not more than 10 days after the date of the order, when the issuer's officer or agent must show cause before the court. Unless the officer or agent at that time shows to the satisfaction of the court why the transfer should not be registered, the court shall order him the officer or agent to register the transfer at a time and place the court deems reasonable.

SECTION 211. 185.01 (4) (a) of the statutes is amended to read:

185.01 (4) (a) Either no member of the foreign cooperative who is an individual is allowed more than one vote because of the amount of stock or membership capital he the member owns therein, or the foreign cooperative does not pay dividends on stock or membership capital in excess of 8 ~~per cent~~% per year; and

SECTION 212. 185.11 (3) of the statutes is amended to read:

185.11 (3) No member may transfer his or her membership except as permitted in the bylaws.

SECTION 213. 185.12 (1) of the statutes is amended to read:

185.12 (1) Except as permitted in this section, s. 185.52, 185.61 or 185.63, no person other than a member may vote at any member meeting. A person who has not fully paid for his a membership may not vote except as expressly permitted in the bylaws. If the cooperative permits 2 or more persons to hold one membership, the bylaws may provide how such member vote is to be cast.

SECTION 214. 185.22 (2) of the statutes is amended to read:

185.22 (2) Except as provided in s. 185.37, a stockholder or subscriber is under no obligation to any person with respect to his the stockholder's or subscriber's stock or subscription other than the obligation to pay to the cooperative the full consideration for which such stock was to be issued.

SECTION 215. 185.24 (2) (a) of the statutes is amended to read:

185.24 (2) (a) "Proper person" means the registered owner or last prior transferee, whether or not described as fiduciary for another, or his or her authorized agent, legal representative, or successor to his or her interest by operation of law.

SECTION 216. 185.36 (2) of the statutes is amended to read:

185.36 (2) Unless the bylaws provide otherwise, for prior or future services of any officer or employe, the board may provide reasonable compensation, pension, bonuses or other benefits to such officer or employe, and pension or other benefits to a member of his or her family or his or her beneficiaries. No officer or employe who is a director may take part in the vote on his or her salary for services rendered the cooperative.

SECTION 217. 185.41 (1) (a) of the statutes is amended to read:

185.41 (1) (a) Sell, market or deliver all or any specified part of products produced or to be produced either by him the member or under his the member's control to or through the association or any facilities furnished by it.

SECTION 218. 185.41 (1) (b) of the statutes is amended to read:

185.41 (1) (b) Authorize the association or any facilities furnished by it to act for him the member in any manner with respect to all or any specified part of such products and any services to be furnished by him the member.

SECTION 219. 185.41 (1) (d) of the statutes is amended to read:

185.41 (1) (d) Authorize the association or any facilities furnished by it to act for him the member in any manner in the procurement of goods or services.

SECTION 220. 185.41 (2) of the statutes is amended to read:

185.41 (2) The term of such contracts may not exceed 5 years, but they may be made self-renewing for periods not exceeding 5 years each, subject to the right of either party to terminate at the end of the original and each renewal term upon giving written notice of such termination during a period specified in such contract. Such period shall be of at least 30 days' duration during the last year of each term. The association shall furnish to each member-maker a completed original or copy of his the member-maker's contract, and on his the member-maker's request at any time shall promptly furnish him the member-maker information as to his the member-maker's rights of termination. The 5-year limitation herein contained shall not apply to contracts for the furnishing

of electric energy or service involving an investment by the vendor in fixed assets to be amortized over a longer term.

SECTION 221. 185.41 (4) of the statutes is amended to read:

185.41 (4) If any contract authorized by sub. (1) (a) or (b) contains an assignment to the association of any part or all of funds due or to become due the member during the life of the contract for any product produced or to be produced by ~~him~~ the member or for any services performed or to be performed in producing any product, any person who accepts or receives such product from the member is bound by such assignment after receiving written notice from the association or the member of the amount and duration of such assignment. However, as to any seasonal crop, if no funds are paid or become payable by any person under such an assignment for a period of 2 consecutive years during the life of the contract, thereafter the assignment shall not be binding upon any person who receives or accepts such product from the member until the assignment is reaffirmed by the member in writing and written notice thereof is given by the association or the member. Any such reaffirmation shall continue to be effective during the life of the contract until another such lapse of 2 consecutive years shall occur.

SECTION 222. 185.43 (2) of the statutes is amended to read:

185.43 (2) Any person, with actual or constructive notice that a contract exists, who induces or attempts to induce any member to breach or repudiate ~~his~~ the member's contract with the association, or who in any manner aids a breach of such contract, is liable to the aggrieved party for damages caused by such interference. The association is also entitled to an injunction to prevent any interference or further interference with the contract.

SECTION 223. 185.52 (2) (intro.) of the statutes is amended to read:

185.52 (2) (intro.) For purposes of this section, a holder of stock is affected as to any class of stock owned by ~~him~~ the holder only if an amendment would expressly:

SECTION 224. 185.62 (3) of the statutes is amended to read:

185.62 (3) The surviving or new association possesses all the rights and all the property of each of the individual associations, and is responsible for all their obligations. Title to any property is vested in the surviving or new association with no reversion or impairment thereof caused by the merger or consolidation. No right of any creditor may be impaired by the merger or consolidation without ~~his~~ the creditor's consent.

SECTION 225. 185.85 of the statutes is amended to read:

185.85 Forms to be furnished by secretary of state. The secretary of state may provide forms for any document to be filed in ~~his office~~ the office of the secretary of state under this chapter.

SECTION 226. 185.93 (1) (intro.) of the statutes is amended to read:

185.93 (1) (intro.) No action may be instituted or maintained in the right of any association by a member or stockholder unless ~~he~~ the member or stockholder:

SECTION 227. 185.93 (1) (a) of the statutes is amended to read:

185.93 (1) (a) Alleges in ~~his~~ the complaint that ~~he~~ the member or stockholder was a member or registered stockholder when any part of the transaction of which ~~he~~ the member or stockholder complains took place, or that ~~his~~ the member's or stockholder's stock thereafter devolved upon ~~him~~ the member or stockholder by operation of law from a stockholder at such time.

SECTION 228. 185.94 (2) of the statutes is amended to read:

185.94 (2) No other person may use the term “cooperative”, or any variation thereof, as part of ~~his~~ the person's corporate or other business name or title, nor may any other person in any other manner represent himself or herself to be a cooperative. Whoever violates this subsection may be fined not more than \$100. Each day of improper use constitutes a separate offense.

SECTION 229. 185.983 (1) (d) of the statutes is amended to read:

185.983 (1) (d) File with the commissioner of insurance, on such forms as may be prescribed by ~~him~~ the commissioner, an annual report of its financial condition as of December 31 each year, on or before the last day of February following.

SECTION 230. 186.012 (3) of the statutes is amended to read:

186.012 (3) Except as otherwise provided in s. 186.015, any interested person or credit union aggrieved by an act, order or determination of the commissioner may, within 30 days from the date thereof, apply to the credit union review board to review the same. All such applications for review shall be considered and disposed of as speedily as possible. The credit union review board may require the commissioner to submit any of ~~his~~ the commissioner's official actions subject to such review to the board for its approval.

SECTION 231. 186.015 (1) of the statutes is amended to read:

186.015 (1) The commissioner shall confer with the credit union review board on matters affecting credit unions and ~~his~~ the commissioner's office. Detailed minutes of each board meeting shall be kept, and the decision of the board with reference to all orders issued, or policies established by the commissioner pursuant to this chapter is final, except for judicial review as provided in ch. 227.

SECTION 232. 186.015 (3) (a) of the statutes is amended to read:

186.015 (3) (a) The board may require the commissioner to submit any of ~~his~~ the commissioner's official

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actions to the board for its approval. The board may make rules of procedure as provided in ch. 227.

SECTION 233. 186.015 (3) (b) of the statutes is amended to read:

186.015 (3) (b) Any interested person aggrieved by any act, order or determination of the commissioner may apply for review thereof by filing a petition with the secretary of the board within 30 days after the act, order or determination to be reviewed. The petition shall state the nature of the petitioner's interest, facts showing that the petitioner is aggrieved and directly affected by the act, order or determination to be reviewed and the ground or grounds upon which the petitioner claims that the act, order or determination should be modified or reversed. The issues raised by the petition for review shall be considered by the board upon giving at least 10 days' written notice of the time and place when said matter will be heard to the commissioner and the person applying for review or his the applying person's attorney and upon any other person who participated in the proceedings before the commissioner or his that other person's attorney. Notice of hearing may be given by registered mail, return receipt requested, and the return receipt signed by the addressee or his the addressee's agent shall be presumptive evidence that such notice was received by the addressee on the day stated on the receipt. Any other interested party shall have the right to appear in any proceeding before the board.

SECTION 234. 186.015 (3) (c) of the statutes is amended to read:

186.015 (3) (c) The board shall base its determination upon the record made by the commissioner and may also receive additional evidence to supplement such record if it finds it necessary. The board shall affirm, modify or reverse the act, order or determination under review. The burden of overcoming the act, order or determination of the commissioner under review shall be on the person seeking the review. Any findings of fact made by the commissioner shall be sustained if supported by substantial evidence in the record made by him the commissioner or in such record supplemented by evidence taken by the board. The board shall have the powers granted by s. 885.01 (4). Any person causing a witness to be subpoenaed shall advance and pay the fees and mileage of such witness which shall be the same as in circuit court. The fees and mileage of witnesses who are called at the instance of the commissioner shall be paid by the state in the same manner that other expenses are audited and paid upon presentation of properly verified vouchers approved by at least one member of the board and charged to the appropriation of the office of the commissioner ~~of credit unions~~.

SECTION 235. 186.098 (5) of the statutes is amended to read:

186.098 (5) No loans shall be made to any member in excess of \$100 or 10% of the credit union's assets,

whichever is greater; plus the balance of his the member's share account pledged as security for such loan, but these limitations shall not apply to loans made to member credit unions by a central credit union.

SECTION 236. 186.113 (13) of the statutes is amended to read:

186.113 (13) Issue multiple accounts in joint tenancy with any person designated by the credit union member. The person first named in any such joint account shall be a member of the credit union. A nonmember named in the joint account shall not acquire the right to vote, obtain loans or hold office because of his the nonmember's inclusion in the joint account.

SECTION 237. 186.119 (2) of the statutes is amended to read:

186.119 (2) The commissioner may also employ such additional office and clerical help and examiners as are necessary to carry out his the commissioner's functions under this chapter.

SECTION 238. 186.15 of the statutes is amended to read:

186.15 Auditing. After the annual meeting and within one month the board of directors shall appoint a competent and qualified person to audit the operations of the credit union. The auditor shall at least annually report his the auditor's activities and recommendations to the board of directors and to the membership at the annual meeting. Reports shall be filed and preserved with the records of the credit union.

SECTION 239. 186.19 (1) of the statutes is amended to read:

186.19 (1) As a condition precedent to qualification or entry upon the discharge of his or her duties, every person appointed or elected to any position requiring the receipt, payment or custody of money or other personal property owned by a credit union or in its custody or control as collateral or otherwise, shall give a bond in some responsible corporate surety company, licensed to do business in this state, in such adequate sum as the directors shall require and approve. In lieu of individual bonds the commissioner may accept a schedule or blanket bond which covers all of the officers and employes of any credit union whose duties include the receipt, payment or custody of money or other personal property for or on behalf of the credit union. All such bonds shall be in the form prescribed by the commissioner.

SECTION 240. 186.19 (2) of the statutes is amended to read:

186.19 (2) No officer or employe who is required to give bond shall be deemed qualified nor shall be permitted to enter upon the discharge of his that officer's or employe's duties until his that officer's or employe's bond shall have been approved by a majority of the board of directors. Such bonds shall be filed with the commissioner within 10 days next after approval thereof by the board of directors. The minute books of each credit union

shall contain a record of each bond executed and approved.

SECTION 241. 186.19 (3) of the statutes is amended to read:

186.19 (3) Such bond shall be sufficient in amount to protect the credit union from loss by reason of acts of fraud or dishonesty including forgery, theft, embezzlement, wrongful abstraction or misapplication on the part of the person, directly or through connivance with others. At any time the commissioner may require additional bond or security, when, in ~~his~~ the commissioner's opinion, the bonds then executed and approved are insufficient.

SECTION 242. 186.19 (5) of the statutes is amended to read:

186.19 (5) For reasons which ~~he~~ the commissioner deems valid and sufficient the commissioner may waive as to the cancellation or termination of any such bond the 10-day written notice in advance required by sub. (4) (a) and the commissioner may give ~~his~~ written consent to the termination or cancellation being made effective as of a date agreed upon and requested by the surety and credit union.

SECTION 243. 186.22 (3) (intro.) of the statutes is amended to read:

186.22 (3) WHEN CORPORATE EXISTENCE BEGINS; CONDITIONS PRECEDENT TO COMMENCING BUSINESS. (intro.) When the commissioner shall have indorsed ~~his~~ the commissioner's approval on the organization certificate, the corporate existence of the credit union finance corporation shall begin and it shall then have power to elect officers and transact such other business as relates to its organization; but such credit union finance corporation shall transact no other business until:

SECTION 244. 186.22 (4) (d) of the statutes is amended to read:

186.22 (4) (d) To receive by assignment from its members and to deposit in trust with the commissioner to be held by ~~him~~ the commissioner as security for its and their outstanding obligations any first mortgages on real estate and the bonds secured thereby and such other securities as are provided for in s. 186.11 and are legally receivable by credit unions; to empower such credit unions as agents of the credit union finance corporation to collect and immediately pay over to the credit union the dues, interest and other sums payable under the terms, conditions and covenants of the bonds and mortgages or, prior to a default upon any such bond and mortgage so assigned and when adequate security has been given to the credit union finance corporation, by any such credit union, to retain such collections until a payment to the credit union finance corporation from such credit union becomes due; to return to, or permit such credit unions to retain any sums of money so collected in excess of the amount required to meet the obligations of such credit unions respectively.

SECTION 245. 186.22 (6) of the statutes is amended to read:

186.22 (6) ISSUING OF BONDS. Bonds shall be issued in series of not less than \$10,000. All bonds issued by the credit union finance corporation may be called on any interest day at 102 1/2% and interest by publishing a class 1 notice, under ch. 985, not less than 60 days prior to said day. Any member credit union which is not indebted for borrowed money to any other bank or trust company which does business exclusively with the credit union finance corporation shall submit a schedule of assets from time to time as the board of directors of such finance corporation shall require. Any member credit union which may have a loan from any other banking institution may borrow money from such credit union finance corporation upon pledging therefor such amount of its mortgages with the bonds secured thereby as collateral security for bonds issued on its behalf as the commissioner and the board of directors of such credit union finance corporation may require; provided that the aggregate of all loans made by such credit union shall not exceed 40% of its assets as provided in s. 186.11. The amortization payments upon all mortgages accepted by the credit union finance corporation as collateral security for bonds shall be sufficient to liquidate the debt in a period not exceeding 40 years. In the event of any default for more than 90 days in the payment of the principal of, or for more than 90 days in the payment of any instalment of interest upon, any of said bonds, the commissioner may, ~~of his~~ on the commissioner's own motion, and shall, upon the request in writing of the holders of said bonds in default to the amount of \$10,000, forthwith take possession of and proceed to liquidate the credit union finance corporation. Upon such liquidation it shall be entitled in the name of the credit union finance corporation to enforce all of its rights and securities and to collect and realize upon all of its assets, including all mortgages assigned to said credit union finance corporation by the several member credit unions, and deposited with the state treasurer, up to the amounts advanced by the credit union finance corporation to the several member credit unions thereon. Upon any such liquidation all said bonds then issued and outstanding shall forthwith become due and payable equally and ratably out of all the assets of said credit union finance corporation in advance of any other debts thereof not specifically preferred by law.

SECTION 246. 186.22 (10) of the statutes is amended to read:

186.22 (10) QUALIFICATIONS AND DISQUALIFICATIONS OF DIRECTORS; BOND. All of the directors of the credit union finance corporation must reside in the state of Wisconsin during their term of office, and all must be citizens of the United States. No person shall be elected a director unless ~~he~~ the person is a shareholder of a member credit union and has been nominated by it for that office; and every person elected to be a director who, after such elec-

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tion, shall cease to be a shareholder of a member credit union, shall cease to be a director of the credit union finance corporation, and ~~his~~ the person's office shall be vacant. Directors who have the custody or possession of money, securities or property shall give bond to the credit union finance corporation in an amount commensurate with their liability, as approved by the commissioner.

SECTION 247. 186.22 (11) of the statutes is amended to read:

186.22 (11) OATH OF DIRECTORS. Each director, when appointed or elected, shall take an oath that ~~he~~ the director will, so far as the duty devolves upon ~~him~~ the director, diligently and honestly administer the affairs of the credit union finance corporation, and will not knowingly violate, or willingly permit to be violated, any of the provisions of law applicable to such corporation, and that ~~he~~ the director is the owner in good faith and in ~~his~~ the director's own right on the books of the credit union which nominated ~~him~~ the director of shares in value of not less than \$100, or other shares of the withdrawal value of \$100, and that the same is not hypothecated, or in any way pledged as security for any loan or debt and, in case of reelection that such share was not hypothecated or in any way pledged as security for any loan or debt during ~~his~~ the director's previous term. Such oath shall be subscribed by the directors and officers making it, and certified by an officer authorized by law to administer oaths, and immediately transmitted to the commissioner.

SECTION 248. 186.29 (1) (intro.) of the statutes is amended to read:

186.29 (1) CONDITIONS FOR TAKING POSSESSION. (intro.) The commissioner may forthwith take possession and control of the business and property of any credit union to which this chapter is applicable whenever ~~he~~ the commissioner finds a credit union violating this chapter or that the credit union:

SECTION 249. 186.29 (2) (a) of the statutes is amended to read:

186.29 (2) (a) Serve a notice in writing upon the president and secretary of said credit union setting forth therein that ~~he~~ the commissioner has taken possession and control of the business and property of said credit union. Said notice shall be executed in duplicate, and immediately after the same has been served, one of the said notices shall be filed with the clerk of the circuit court of the county where said credit union is located together with proof of service.

SECTION 250. 186.29 (2) (c) of the statutes is amended to read:

186.29 (2) (c) The commissioner may appoint one or more special deputy commissioners as agent to assist in the duty of liquidation and distribution of the assets of one or more credit unions of whose business and property the commissioner shall have taken possession pursuant to the provisions of this chapter. A certificate of such appointment shall be filed in the office of the commis-

sioner and a certified copy in the office of the clerk of the circuit court for the county in which such credit union is located. The commissioner may employ such counsel and procure such expert assistance and advice as may be necessary in the liquidation and distribution of the assets of such credit union, and may retain such of the officers or employes of such credit union as ~~he~~ the commissioner deems necessary. The special deputy commissioner and assistants shall furnish such security for the faithful discharge of their duties as the commissioner deems proper. Such special deputy commissioner may execute, acknowledge and deliver any and all deeds, assignments, releases or other instruments necessary and proper to effect any sale and transfer or incumbrance of real estate or personal property and may borrow money for use in the liquidation after the same has been approved by the commissioner and an order obtained from the circuit court of the county in which said credit union is located as hereinafter provided.

SECTION 251. 186.29 (2) (d) of the statutes is amended to read:

186.29 (2) (d) Upon taking possession of the property and business of such credit union, the special deputy commissioner is authorized to collect all moneys due to such credit union, and do such other acts as are necessary to conserve its assets and business, and shall proceed to liquidate the affairs thereof as hereinafter provided. ~~He~~ The special deputy commissioner shall collect all debts due and claims belonging to it, and upon a petition approved by the commissioner and upon order of the circuit court of the county in which such credit union is located, may sell or compound all bad or doubtful debts, or do any act or execute any other necessary instruments and upon like petition and order may sell all the real and personal property of such credit union on such terms as the court shall approve. Such special deputy commissioner may, if necessary, enforce individual liability of the stockholders to pay the debts of such corporation.

SECTION 252. 186.29 (3) of the statutes is amended to read:

186.29 (3) NOTICE, ALLOWANCE AND PAYMENT OF CLAIMS. The special deputy commissioner shall cause a class 3 notice, under ch. 985, to be published, calling on all persons who may have claims against such credit union, to present the same to the special deputy commissioner and make legal proof thereof at a place and within a time, not earlier than the last day of publication, to be therein specified. ~~He~~ The special deputy commissioner shall mail a similar notice to all persons at their last-known address, whose names appear as creditors upon the books of the credit union. Proof of service of such notice shall be filed with the clerk of said court. The special deputy commissioner may reject any claim. Any party interested may also file written objections to any claim with the special deputy commissioner and after notice by registered mail of such rejection, said claimant

shall be barred unless ~~he~~ the claimant commences an action thereon within 3 months. Claims presented after the expiration of the time fixed in the notice to creditors shall be entitled to share in the distribution only to the extent of the assets then in the hands of the special deputy commissioner equitably applicable thereto.

SECTION 253. 186.29 (4) of the statutes is amended to read:

186.29 (4) INVENTORY OF ASSETS AND STATEMENT OF LIABILITIES. Upon taking possession of the property and assets of such credit union, the special deputy commissioner shall make an inventory of the assets of such credit union, in duplicate, one to be filed in the office of the commissioner and one in the office of the clerk of circuit court for the county in which such credit union is located. Upon the expiration of the time fixed for the presentation of claims, the special deputy commissioner shall make in duplicate a full and complete list of the claims presented, including and specifying such claims as have been rejected by ~~him~~ the special deputy commissioner, one to be filed in the office of the commissioner, and one in the office of the clerk of circuit court for the county in which such credit union is located. Such inventory and list of claims shall be open at all reasonable times to inspection.

SECTION 254. 186.29 (13) (b) of the statutes is amended to read:

186.29 (13) (b) The commissioner may pay over the moneys so held by ~~him~~ the commissioner to the persons respectively entitled thereto, upon being furnished satisfactory evidence of their right to the same. In case of doubt or conflicting claims, ~~he~~ the commissioner may require an order of the circuit court authorizing and directing the payment thereof. ~~He~~ The commissioner may apply the interest earned by the moneys so held by ~~him~~ the commissioner towards defraying the expenses in the payment and distribution of such unclaimed liquidating dividends and funds to the stockholders and creditors entitled to receive the same.

SECTION 255. 186.30 (2) of the statutes is amended to read:

186.30 (2) Whenever the commissioner finds that the losses existing, or which it may reasonably be anticipated will be sustained in the near future, are more than two-thirds of the amount in the regular reserve of the credit union, ~~he~~ the commissioner may, with the approval of the review board, issue an order to such credit union, which order shall provide that no further dividends be credited or paid and no moneys paid out for retiring shares, whether noticed for withdrawal, until the commissioner otherwise orders.

SECTION 256. 186.30 (3) of the statutes is amended to read:

186.30 (3) After the commissioner shall have determined the losses existing or which ~~he~~ the commissioner shall determine may reasonably be sustained in the near future, ~~he~~ the commissioner shall issue an order provid-

ing that the book value of each share be depreciated as stated in such order, the officers shall forthwith proceed to depreciate the book value of all shares as ordered. A record shall be made on the books showing the amount by which the book value of the shares was depreciated, and a copy of such record shall be filed with the commissioner.

SECTION 257. 186.30 (4) of the statutes is amended to read:

186.30 (4) Any borrowing member may, after the book value of ~~his~~ the member's shares shall have depreciated as provided in sub. (3), pay to the credit union the difference between the withdrawal value of ~~his~~ the member's shares as depreciated, and the amount due on ~~his~~ the member's loan, and ~~his~~ the member's note and other securities shall thereupon be released.

SECTION 258. 186.30 (6) of the statutes is amended to read:

186.30 (6) The directors shall give notice by mail to each member, stating in such notice that the book value of ~~his~~ the member's shares has been depreciated, the date when such book value was depreciated and the book value of ~~his~~ the member's shares after such depreciation. The mailing of such notice to the last-known place of abode as shown on the records of the credit union shall be a compliance with this subsection.

SECTION 259. 186.32 (1) of the statutes is amended to read:

186.32 (1) Central credit unions may be organized and operated under the conditions and provisions of this chapter and subject to all of the provisions of this chapter not inconsistent herewith. It shall be lawful for other credit unions located in this state and any other state to become members of corporate central credit unions. Credit unions having membership in a central credit union may be represented at annual or special meetings of the central credit union by one member duly authorized by the board of directors of such member credit union and shall be entitled to one vote, and such representative shall be eligible for office in the central credit union the same as though ~~he~~ the representative were a member of the central credit union.

SECTION 260. 186.36 of the statutes is amended to read:

186.36 Sale of insurance in credit unions. Any agent who is an officer or employe of a credit union may pay the whole or any part of ~~his~~ the agent's commissions from the sale of credit life insurance or credit accident and sickness insurance to the credit union.

SECTION 261. 186.37 of the statutes is amended to read:

186.37 Immunity of commissioner. The commissioner of credit unions shall not be subject to any civil liability or penalty, nor to any criminal prosecution, for any error in judgment or discretion made in good faith and upon reasonable grounds in any action taken or

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omitted by ~~him~~ the commissioner in ~~his~~ the commissioner's official capacity under this chapter.

SECTION 262. 190.01 (1) (e) of the statutes is amended to read:

190.01 (1) (e) The names and residences of the directors of the corporation who shall manage its affairs for the first year and until others are chosen in their places, and who shall not be less than five; and each such person shall subscribe thereto ~~his~~ the person's name, place of residence and the number of shares of stock ~~he~~ the person agrees to take in such corporation. There shall be annexed to such articles an affidavit of at least three of the directors therein named that the signatures thereto are genuine and that it is intended in good faith to construct or maintain and operate the railroad therein mentioned.

SECTION 263. 190.016 (2) of the statutes is amended to read:

190.016 (2) NOTICE. Meetings of railroad corporations shall be called and noticed as prescribed by the articles or bylaws, but if no provision therefor is made, meetings of any railroad corporation may be called by the board of directors or trustees at any time, and shall be called by the secretary when requested by the owners of one-fifth of the outstanding shares of voting stock on 10 days' notice; and such notice to stockholders may be served by publishing the same as a class 2 notice, under ch. 985, at or nearest to the location of the corporation, or by personal service or by mailing a copy thereof to each stockholder directed to ~~his~~ the stockholder's last post-office address as it appears in the records of the corporation.

SECTION 264. 190.12 (1) of the statutes is amended to read:

190.12 (1) Any railroad company existing in whole or part under the laws of this state may, with the consent of the stockholders as hereinafter stated, issue and sell, under such restrictions and terms, and for such consideration as the stockholders shall authorize, any part or all of its unissued stock, or additional stock authorized pursuant to this section, to employes of the corporation or any subsidiary corporation, without first offering such stock for subscription to its stockholders. Such consent and authorization may be given at any annual or special meeting of the stockholders by a majority vote of all its stock, upon the same notice to stockholders as is provided in s. 190.016. If any stockholder not voting in favor of said issue and sale of stock to employes so desires, ~~he~~ the stockholder may, at such meeting, or within 20 days thereafter, object thereto by written notice filed with the secretary of the corporation and demand payment for the stock held by ~~him~~ the stockholder at the time of such meeting, in which case such stockholders or the corporation may at any time within 60 days after such meeting file a petition in either the circuit court of Dane county or the circuit court of the county in which the principal office of the corporation within this state is located, asking for the condemnation of the shares of such dissenting

stockholder and a finding and determination of the fair value thereof at the date of such stockholders' meeting.

SECTION 265. 190.12 (2) of the statutes is amended to read:

190.12 (2) The taking of shares of such dissenting stockholders in order to promote employe ownership in railroad enterprises is hereby declared to be a taking for a public use and the necessity therefor shall in all cases be determined by the railroad company. The circuit courts of the several counties in this state are hereby vested with jurisdiction to hear and determine condemnation proceedings instituted by such petition and to determine the fair value of such shares of stock, and to render judgment against the corporation for the said value thereof. Any and all such dissenting stockholders may join, or may be joined, in all such proceedings and the fair value of such shares of stock shall be equal to their market value, which in the case of stocks listed upon any stock exchange shall be the average price for which like shares of stock were sold upon such exchange during the week in which was held the stockholders' meeting aforesaid. Upon payment by the corporation to the said stockholder, or to the clerk of said court, of the value of such shares of stock so determined, such stockholder shall cease to have any interest in such shares or in the property of the corporation, and ~~his~~ the stockholder's shares of stock shall be transferred to, and may be held and disposed of by the corporation as treasury stock. The corporation shall be liable for and shall pay to any such objecting stockholder the value of ~~his~~ the objecting stockholder's shares of stock so determined. In case of failure or refusal of such stockholder to surrender for transfer the certificates representing such shares of stock, the filing with the secretary of said railroad company of a certified copy of the circuit court's order determining the value thereof together with a receipt from the clerk of said court showing full payment therefor by the railroad company, shall constitute full authority for the said company to issue new certificates in lieu of those in the hands of such dissenting stockholder, and such outstanding certificates shall thereupon be null and void.

SECTION 266. 190.14 of the statutes is amended to read:

190.14 Inspection of books. The official custodian of the books, records and papers or other property of every railroad corporation shall keep the same in his or her possession and at all times during business hours have the same ready to be exhibited to any officer, director or any committee appointed by the stockholders, representing one-tenth of all the subscribed stock, on request, and furnish them or either of them transcripts from the records or proceedings of the board of directors, under ~~his~~ the custodian's official hand and seal, on the payment to ~~him~~ the custodian of the same fee as that required by law to be paid to the register of deeds for transcripts. ~~And said~~ The official custodian shall on vacating ~~his~~ the office of

official custodian make over all such books, records, papers and property of the railroad corporation in his the custodian's possession to his the custodian's successor in office, and where no successor has been elected to the board of directors, or to the person appointed therefor by the stockholders.

NOTE: Replaces "And said" for clarity.

SECTION 267. 190.16 (3) of the statutes is amended to read:

190.16 (3) PRIVATE CONSTRUCTION. The owner of any elevator, warehouse, manufacturing plant or mill, or of any lumber, coal or wood yard located within one-half mile of any railroad or any sidetrack thereof may at his the owner's own expense construct a spur track therefrom to a point on the right of way within the terminal or yard limits of such railroad and the railroad shall connect the same with its tracks within such terminal or yard limits. Such spur track shall at all times be under the control and management of and be kept in repair and operated by such railroad, but the cost of maintaining and operating shall be paid monthly by the owner thereof, and in case of neglect to pay the same upon demand, the obligation of this subsection upon any such railroad shall cease until such charges are paid.

SECTION 268. 191.13 (4) of the statutes is amended to read:

191.13 (4) For such temporary railroad, the corporation may acquire any necessary lands or interests in lands. In appraising the damages sustained by any person by reason of the construction and operation of said railroad through and upon his the person's land only the injury to the land and improvements thereon within the limits of the right of way of such railroad, and the fair annual value of the use of the land within such right of way and the fair amount of the annual damage sustained by the landowner to the land from which such right of way is severed, shall be considered, which items of damage and value shall be separately found and shall constitute the sole measure of the landowner's right to compensation. Payment of the damages on account of injury to the land and improvements thereon within such right of way shall be made as directed in s. 32.06 (9) (b), and payment of the amount found to be the fair annual value of the use of such land, together with the amount so found to be the annual damage to the land from which such right of way is taken, shall be made annually by the railroad company so long as such temporary railroad is maintained and operated.

SECTION 269. 192.17 of the statutes is amended to read:

192.17 Arrest of passenger; police power of conductors. If it shall become necessary for the protection of the passengers on any railroad car from the violent, abusive, profane or indecent language or conduct of any passenger, the conductor may arrest such passenger and keep him the passenger in the baggage car or some other safe and secure place on such train until its arrival at some

usual stopping place, when he the passenger may be put off the train and given into the custody of some officer for prosecution; and for this purpose conductors, while in charge of trains, may exercise the powers of sheriffs.

SECTION 270. 192.31 (6) of the statutes is amended to read:

192.31 (6) An employe of a railroad corporation who is injured by or because of the existence of any bridge, or other structure over, above or across any of the tracks of said railroad at a height less than that provided in this section, which has not been protected by telltales, shall not be considered to have assumed the risk of such injury, although he the employe continues in the employ of such corporation after the existence of such unguarded structure has been brought to his the employe's knowledge.

SECTION 271. 192.32 (1) of the statutes is amended to read:

192.32 (1) No person, other than a licensee or authorized newspaper reporters or those connected with or employed upon the railroad, shall walk, loiter or be upon or along the track of any railroad. The provisions of this subsection shall not be construed to interfere with the lawful use of a public road or highway by any person, or to prevent any person from driving across any railroad from one part of his the person's land to another part thereof, or from walking directly across the tracks or right of way of any railroad; or with the use of the right of way or track by any person when occasioned by or in connection with, either directly or indirectly, the shipping, loading or unloading of freight, seeking employment, the investigation or securing of evidence with respect to any accident or wreck, or in conducting or transacting any other business for or with said railroad; or with the entry of any employe during or on account of labor disputes by employes.

SECTION 272. 192.327 (1) (e) of the statutes is amended to read:

192.327 (1) (e) "Worker" means an individual employed for any period in any work for which he the individual is compensated, whether full or part time.

SECTION 273. 192.37 (1) of the statutes is amended to read:

192.37 (1) Whenever any corporation shall operate a railroad through ~~inclosed~~ enclosed lands and shall fail to construct the fences, farm crossings or cattle guards required by law, proper for the use of such lands, the owner or occupant thereof may give notice in writing signed by ~~him~~ the owner or occupant to such corporation, to be served as a circuit court summons is served, to fence its road through his the owner's or occupant's enclosed lands, describing the same, and construct the necessary farm crossings and cattle guards thereon. If such company, after being so notified, neglect for three months to construct such fences, farm crossings and cattle guards, it shall be liable to pay to such owner or occupant ten dollars for each day after the expiration of said three months

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until so constructed. But no time between the first day of November and the first day of April succeeding shall be included in the three months aforesaid.

NOTE: Corrects spelling of “inclosed”.

SECTION 274. 192.44 (2) of the statutes is amended to read:

192.44 (2) To recover such damages, it shall only be necessary for the owner to prove the loss of or injury to ~~his~~ the owner's property, and that the fire originated in the manner hereinbefore stated.

SECTION 275. 192.80 of the statutes is amended to read:

192.80 Full crew employe rights. No employe of a railroad operating in this state on May 20, 1972, shall be discharged, laid off, furloughed, removed from train or engine service, reduced in monthly earnings, transferred without ~~his~~ the employe's approval or reduced in rank or classification, because of the repeal of s. 192.25, 1969 stats., s. 192.26, 1969 stats., s. 192.55 (4), 1969 stats., and s. 195.03 (21), 1969 stats., by chapter 306, laws of 1971. A transferred employe shall be reimbursed by ~~his~~ the employe's employer for ~~his~~ the employe's moving expenses, including loss on sale of home. The rights granted to the employes under this section shall be binding on the railroads and shall be part of and shall have the same force and effect as the collective bargaining agreements between the employe organizations and the railroads. Any employe who recovers from a railroad upon litigation brought to enforce ~~his~~ the employe's rights under this section shall be reimbursed by ~~his~~ the employe's employer for all reasonable attorney's fees necessarily incurred thereby.

SECTION 276. 194.05 (3) of the statutes is amended to read:

194.05 (3) This chapter shall not apply to transportation of newspapers by motor vehicles having a gross weight of less than 8,000 pounds when any transportation for hire provided by the person who owns or operates the motor vehicle is confined exclusively to the transportation or distribution of newspapers within a radius of 50 miles of the point where the person or motor carrier receives the newspapers from the newspaper publisher or ~~his~~ the publisher's drop-off agent or carrier.

SECTION 277. 195.14 (3) of the statutes, as affected by 1993 Wisconsin Act 213, is amended to read:

195.14 (3) Upon any shipment of livestock or other property of such nature as to require the care of an attendant, the railroad may furnish to the shipper or persons designated by ~~him~~ the shipper, free transportation for such attendant, including return passage to the point at which the shipment originated; provided, there shall be no discrimination in reference thereto.

SECTION 278. 198.04 (1) of the statutes is amended to read:

198.04 (1) NOTICE TO COMMISSION. Upon receipt of the certified copies of resolutions or the petition men-

tioned in s. 198.03, such county clerk shall forthwith notify the public service commission in writing that the municipalities filing said resolutions or those named in said petition as constituting the proposed power district had petitioned ~~him~~ the county clerk to call an election without delay for determining whether such district should be created.

SECTION 279. 198.08 (7) of the statutes is amended to read:

198.08 (7) TERM, OATH. The regular term of directors of the district after the first term shall be for four years. Each director shall hold office until ~~his~~ the director's successor is selected and qualifies. Each director shall, before entering upon the discharge of ~~his~~ the director's duties, take and subscribe to the constitutional oath of office. Such oath shall be filed in the office of the clerk of the district.

SECTION 280. 198.08 (10) of the statutes is amended to read:

198.08 (10) ELECTION STATISTICS. The clerk of the district shall seasonably obtain, compile and file in ~~his~~ or her office, for the information of the public, a statement showing the total number of votes cast for the office of governor in the last preceding general election in each subdistrict of the district. The clerk of every municipality and the elections board shall furnish such information so far as obtainable from their records, duly certified, to the clerk of the district upon ~~his~~ request therefor by the clerk of the district. If the total number of votes cast in any subdistrict for the office of governor in the last preceding election cannot, because of an intervening change of boundaries of election wards or for any reason, be ascertained from any official record the clerk of the district shall fairly estimate such number for the purposes of such statement to be filed in ~~his~~ or her office.

SECTION 281. 198.09 of the statutes is amended to read:

198.09 Vacancies, declared, filled. The death of a director, ~~his~~ the director's resignation, ~~his~~ the director's disability to continue for any cause to act as director or ~~his~~ the director's change of residence from the subdistrict in which ~~he~~ the director was selected shall vacate ~~his~~ his office as such director that director's office. The board shall by resolution declare the office vacant and a certified copy of such resolution shall be filed forthwith by the clerk of the district with the clerk of each municipality included within the district. A successor for the unexpired term shall within twenty days after such filing, be selected by the officer or officers who selected the director whose office has been declared vacant.

SECTION 282. 198.10 (4) of the statutes is amended to read:

198.10 (4) MUNICIPAL TAX LEVY, CLERKS' DUTIES. Upon the receipt of the report from the board of directors as provided for in sub. (2) each such clerk shall submit the same to the next regular or special meeting of the govern-

ing board of said city, village or town and such board shall, by resolution, levy and assess taxes sufficient to pay the same, against all of the taxable property included within the power district in ~~his said~~ the clerk's municipality. Following such assessment and levy, the clerk of each such municipality shall place the same upon the tax roll to be collected as other taxes are collected upon all of the taxable property within said municipality, and such moneys when collected shall be paid by the treasurer of each such municipality to the treasurer of such municipal power district.

SECTION 283. 198.11 (1) of the statutes is amended to read:

198.11 (1) Each director of the district shall receive compensation from the district for ~~his~~ the director's services as such director at the rate of ten dollars for each day ~~he~~ the director shall attend meetings of the board or of any committee of the board of which ~~he~~ the director shall be a member, when the meeting of such committee is authorized by vote or resolution of the board, but such compensation shall not exceed the sum of one thousand dollars in any one year. Each director shall also be entitled to be reimbursed ~~his~~ for the actual and necessary traveling and hotel expenses ~~by him~~ incurred by the director whenever it shall be necessary for ~~him~~ the director to travel outside of the municipality in which ~~he~~ the director resides to attend meetings of the board or a committee of the board of which ~~he~~ the director is a member or to render any other service or discharge any other duty to the district which may be required of ~~him~~ the director by law or by vote or resolution of the board.

SECTION 284. 198.11 (2) of the statutes is amended to read:

198.11 (2) The compensation of directors and amounts due them as reimbursement for expenses shall be paid at the end of each month upon itemized statements duly verified. Such statements shall be in such form as the clerk of the district shall prescribe and shall be audited and, if found true and correct, approved by ~~him~~ the clerk of the district. When so audited and approved the amounts so approved shall be paid to the directors entitled thereto by the treasurer of the district out of the general fund of the district.

SECTION 285. 198.16 (1) of the statutes is amended to read:

198.16 (1) ELECTION, ELIGIBILITY. The general manager shall be the chief executive officer of the district. ~~He~~ The general manager shall be chosen by the board of directors solely on the basis of ~~his~~ the general manager's

executive and administrative qualifications and need not, when appointed, be a resident of the state. All other things being equal, the board of directors shall appoint as general manager a person with experience in the construction, operation or management of public utilities. No member of the board shall, during the time for which appointed, be chosen as general manager. In case of the absence or disability of the manager, the board may designate some qualified person to perform the duties of the office during such absence or disability.

SECTION 286. 198.16 (2) (f) of the statutes is amended to read:

198.16 (2) (f) To devote his or her entire time to the business of the district;

SECTION 287. 215.21 (23) of the statutes is amended to read:

215.21 (23) FALSE STATEMENT IN LOAN APPLICATIONS; PENALTY. Any person who makes or causes to be made any false written statement to any state or federal savings and loan association for the purpose of obtaining a loan for himself or herself or for another, with intent to mislead, or which may mislead the association, may be imprisoned for not more than 6 months or fined not to exceed \$1,000.

SECTION 288. 253.09 (1) of the statutes, as affected by 1993 Wisconsin Act 27, is amended to read:

253.09 (1) No hospital shall be required to admit any patient or to allow the use of the hospital facilities for the purpose of performing a sterilization procedure or removing a human embryo or fetus. A physician or any other person who is a member of or associated with the staff of a hospital, or any employe of a hospital in which such a procedure has been authorized, who shall state in writing his or her objection to the performance of or providing assistance to such a procedure on moral or religious grounds shall not be required to participate in such medical procedure, and the refusal of any such person to participate therein shall not form the basis of any claim for damages on account of such refusal or for any disciplinary or recriminatory action against such person.

SECTION 289. 253.09 (4) (a) of the statutes, as affected by 1993 Wisconsin Act 27, is amended to read:

253.09 (4) (a) Such individual to perform or assist in the performance of any sterilization procedure or removal of a human embryo or fetus if ~~his~~ the individual's performance or assistance in the performance of such a procedure would be contrary to ~~his~~ the individual's religious beliefs or moral convictions; or