

State of Wisconsin



1997 Assembly Bill 970

Date of enactment: **June 4, 1998**
Date of publication*: **June 18, 1998**

1997 WISCONSIN ACT 253

AN ACT relating to: repealing, consolidating, renumbering, amending and revising various provisions of the statutes for the purpose of correcting errors, supplying omissions, correcting and clarifying references, and eliminating defects, anachronisms, conflicts, ambiguities and obsolete provisions (Revision Bill).

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

SECTION 1. 59.64 (1) (c) (title) of the statutes is amended to read:

59.64 (1) (c) (title) *Of judicial officers court commissioners.*

SECTION 2. 59.64 (1) (c) of the statutes is renumbered 59.64 (1) (c) 1. and amended to read:

59.64 (1) (c) 1. (intro.) Court commissioners shall, on or before the first Monday of November in each year, forward to the clerk of their respective counties a correct statement of all actions or proceedings had before them, during the immediately preceding year, in which the county became liable for costs, ~~giving the~~. The statement shall include all of the following:

a. ~~The~~ names of the parties in each action or proceeding, ~~the~~.

b. ~~The~~ nature and result of ~~the same~~, ~~the~~ each action or proceeding.

c. ~~The~~ amount of costs in detail in each case ~~and what action or proceeding.~~

d. ~~The~~ items of costs awarded, if any, ~~which~~ have been paid and the amount thereof ~~of each payment.~~

2. The clerk shall file ~~such the~~ statements described in subd. 1. in his or her office. Any ~~such officer court~~

commissioner who neglects to make and return ~~such the~~ statements within the time prescribed in ~~this paragraph subd. 1.~~ shall not receive any compensation from the county for any service rendered by him or her in any criminal case or proceeding during the year next preceding the time when the statement is required to be made and returned.

NOTE: Clarifies references to court commissioners. This provision referred to "other officers" as it previously included county judges and municipal justices. Other language is replaced and the provision subdivided for improved readability and conformity with current style.

SECTION 3. 59.64 (1) (d) 1. of the statutes is renumbered 59.64 (1) (d) 1. (intro.) and amended to read:

59.64 (1) (d) 1. (intro.) At least 10 days before the annual meeting of the board, every ~~such officer court commissioner~~ shall make and file with the clerk a certified statement of all actions or proceedings had or tried before him or her within the year next preceding the date of the statement in which the state was a party, and ~~wherein~~ in which the county became liable for the fees of officers, ~~within the year next preceding the date of the statement, showing the who appeared on the part of either the state or a defendant. The statement shall include all of the following:~~

a. ~~The~~ title and nature of the action or examination,

b. ~~The~~ date of trial, ~~the~~.

* Section 991.11, WISCONSIN STATUTES 1995-96: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

c. ~~The names of all officers, who actually attended court and gave in a statement of their attendance and travel; and also such on the part of the defendant as were allowed against the county, and the~~

d. ~~The amount to which they the officers are severally entitled.~~

1m. ~~The statement described in subd. 1 shall be substantially in the following form:~~

STATE OF WISCONSIN

v.

....

IN ~~...~~ CIRCUIT COURT FOR ... COUNTY

Complaint for ...

Before ~~..., ...~~ Judge Court Commissioner.

Heard the ~~... day of ..., 19...~~ ...

To the County Board of ~~... County:~~

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

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

Dated this ~~... day of ..., 19...~~ ...

NOTE: Clarifies references to court commissioners. This provision referred to "other officers" as it previously included county judges and municipal justices. Also clarifies that "such on the part of the defendant" applies to appearances by officers on behalf of defendants and not to the award of any fees to defendants. Other language is reordered and replaced and the provision subdivided for improved readability and conformity with current style. Modifies date for new millennium.

SECTION 4. 63.36 (1) of the statutes is amended to read:

63.36 (1) The board shall control all examinations, and may, whenever an examination is to take place, designate a suitable number of persons, either in or not in the official service of the city, to be examiners, and the examiners shall make return or report ~~thereof of the examination~~ to the board. The board may, at any time, substitute any other person, whether or not in ~~such the official service of the city,~~ in the place of ~~any one anyone~~ so selected. The board may themselves, at any time, act as ~~such examiners, and under this section~~ without appointing examiners. The examiners, at any examination, shall not all be members of the same political party, ~~and no.~~ No person shall serve in an examination of ~~candidates a candidate~~ for office under ss. 63.18 to 63.53 ~~in case of who is~~ a relative or ~~connection~~ connected by marriage within the degree of first cousin.

NOTE: Replaces language for greater clarity and readability.

SECTION 5. 70.22 (1) of the statutes is amended to read:

70.22 (1) In case one or more of ~~two 2~~ or more executors of the will or administrators or trustees of the estate of a decedent, whose domicile at the time of the decedent's death was in this state, ~~shall are~~ not be residents ~~within of~~ the state, the taxable personal property belonging to ~~such the~~ estate shall be assessed to the executors, administrators or trustees residing in this state. In case there ~~shall be two are 2~~ or more executors, administrators or trustees of the same estate residing in this state, but in different ~~assessment taxation~~ districts, the assessment of ~~such the taxable personal property belonging to the estate~~ shall be in the name of all ~~such of the~~ executors, administrators or trustees ~~of the estate residing in this state.~~ In case the executor, administrator, ~~or~~ trustee, or all of them if more than one, ~~shall do not~~ reside in this state, ~~such the taxable personal property belonging to the estate~~ may be assessed in the name of ~~such the~~ executors or administrators or in the name of ~~such the~~ estate.

NOTE: Replaces word form of numbers with digits, corrects grammar and replaces language for greater conformity with current style.

SECTION 6. 70.22 (2) of the statutes is renumbered 70.22 (2) (a) and amended to read:

70.22 (2) (a) The taxes imposed pursuant to ~~such an~~ assessment ~~under sub. (1)~~ may be enforced as a claim against the estate, upon presentation of ~~such a claim for the taxes~~ by the treasurer of ~~such the taxation~~ district to the court in which the proceedings for the probate of ~~such the~~ estate are pending, ~~and upon.~~ Upon due proof ~~such, the~~ court shall allow and order the ~~same claim~~ to be paid; ~~and before the allowance of.~~

(b) Before allowing the final account of a nonresident executor, administrator or trustee, the court shall ascertain whether there are or will be any taxes remaining unpaid or to be paid on account of personal property belonging to the estate, and shall make ~~such any~~ order or direction as ~~may be that is~~ necessary to provide for the payment ~~thereof of the taxes.~~

(3) The ~~foregoing~~ provisions of this section shall not impair or affect any remedy given by other provisions of law for the collection or enforcement of taxes upon personal property assessed to executors, administrators or trustees.

NOTE: Subdivides provision and replaces language for greater readability and conformity with current style.

SECTION 7. 70.23 (2) of the statutes is amended to read:

70.23 (2) When ~~two 2~~ or more lots or tracts owned by the same person are ~~deemed considered~~ by the assessor to be so improved or occupied with buildings as to be practically incapable of separate valuation, ~~they the lots or tracts~~ may be entered as one parcel. Whenever any

tract, parcel or lot of land shall have has been surveyed and platted and a plat thereof of the platted ground recorded according to law, the assessor shall designate the several lots and subdivisions of ~~such~~ the platted ground as ~~they~~ the lots and subdivisions are fixed and designated by ~~such~~ the plat.

NOTE: Replaces word form of numbers with digits and replaces language for greater conformity with current style.

SECTION 8. 70.73 (1) of the statutes is renumbered 70.73 (1) (a) and amended to read:

70.73 (1) (a) ~~Whenever it shall be~~ If it is discovered by any town, village or city clerk or treasurer that any parcel of land has been erroneously described on the tax roll the clerk or treasurer shall correct the description. ~~Whenever~~

(b) If a town, village or city clerk or treasurer shall ~~discover~~ discovers that personal property has been assessed to the wrong person, or ~~two~~ 2 or more parcels of land belonging to different ~~individuals or corporations~~ persons have been erroneously assessed together on the tax roll, the clerk or treasurer shall notify the assessor and all parties interested, if the parties are residents of the county, by notice in writing to appear at the clerk's office at some time, not less than ~~five~~ 5 days thereafter, to correct the assessment roll, ~~at which.~~

(c) At the time and place designated in the notice given under par. (b), the assessment roll shall be corrected by entering the correct names of the persons liable to assessment ~~thereon,~~ both as to real and personal property, describing each parcel of land and giving ~~its~~ the proper valuation to each parcel separately owned; ~~but the.~~ The total valuation so given to the separate tracts of real estate shall not together exceed nor be less than be equal to the valuation given to the same property when the several parcels were assessed together. Such

(d) The valuation of parcels of land or correction of names of persons whose personal property is assessed with ~~personal property~~ under this subsection may be made at any time before the tax roll ~~shall be~~ is returned to the county treasurer for the year in which ~~such~~ the tax is levied. ~~Such~~ The valuation or correction of names, when so made under this subsection, shall be held just and correct and be final and conclusive.

NOTE: Subdivides provision and replaces language for greater readability and conformity with current style.

SECTION 9. 70.99 (3) (a) of the statutes is amended to read:

70.99 (3) (a) The state department of employment relations shall recommend a reasonable salary range for the county assessor for each county based upon pay for comparable work or qualifications in ~~such~~ that county. If, by contractual agreement under s. 66.30 ~~two,~~ 2 or more counties join to employ one county assessor with the approval of the secretary of revenue, the department of employment relations shall recommend a reasonable salary range for the county assessor under ~~such~~ the agreement.

The department of revenue shall assist the county in establishing the budget for the county assessor's offices, including the number of personnel and their qualifications, based on the anticipated workload.

NOTE: Replaces word form of numbers with digits and replaces language for greater conformity with current style.

SECTION 10. 75.26 (1) of the statutes is renumbered 75.26 (1) (a) (intro.) and amended to read:

75.26 (1) (a) (intro.) No action shall may be maintained by the grantee or ~~any one~~ anyone claiming under the grantee to recover the possession of any land or any interest ~~therein~~ in land which shall have has been conveyed by deed for the nonpayment of taxes unless ~~such one of the following conditions is met:~~

1. The action shall be is brought within ~~three~~ 3 years next after the date of the execution of ~~such~~ the deed; ~~or if such.~~

2. The land demanded shall be is, when so conveyed, vacant and unoccupied and remains so ~~remain,~~ unless ~~such~~ the action be is brought within ~~three~~ 3 years next after the date of the recording of ~~such~~ the deed; ~~or unless such.~~

3. The grantee or those claiming under the grantee shall have been in actual, not constructive, possession of the land so demanded for ~~three~~ 3 successive years during the ~~five~~ 5 years next after the recording of ~~such~~ the deed; ~~provided, however, that.~~

(b) Notwithstanding par. (a), if the former owner takes possession of any ~~such~~ land conveyed by deed for the nonpayment of taxes at any time within ~~three~~ the 3 months ~~of~~ after the expiration of ~~three~~ 3 years from the date of the execution of ~~such~~ the deed, ~~then and in such case the grantee in such~~ the tax deed or those claiming under the grantee may bring and maintain an action to recover possession of ~~said~~ the land at any time within ~~three~~ the 3 months ~~next~~ after the expiration of ~~said~~ three 3 years from the date of the execution of the deed.

NOTE: Subdivides provision, replaces word form of numbers with digits, inserts punctuation and deletes and replaces language for greater conformity with current style.

SECTION 11. 75.26 (2) of the statutes is amended to read:

75.26 (2) (title) ~~TAX DEED VOID, WHEN VOIDED.~~ ~~Whenever~~ If the original owner, or ~~any one~~ anyone claiming under the original owner, of lands which that have been conveyed by deed for the nonpayment of taxes, ~~shall continue to pay~~ pays the taxes upon such lands, and shall pay ~~the taxes~~ assessed against ~~said~~ the lands continuously for ~~five~~ the 5 years next after the execution of ~~such~~ the tax deed, without actual notice of the existence of ~~such~~ the tax deed, ~~said~~ the tax deed shall be is void and of no effect.

NOTE: Replaces word form of numbers with digits, deletes redundant phrase and replaces language for greater conformity with current style.

SECTION 12. 75.28 (1) of the statutes is renumbered 75.28 (1) (intro.) and amended to read:

75.28 (1) (intro.) The limitation for bringing actions as provided in under s. 75.27 or any other limitation in favor of a tax deed or a tax certificate, except in case of actual possession founded on a tax deed, shall or as otherwise provided in this section, does not apply where the in the following cases:

(a) If the taxes, for the nonpayment of which the land was included in a tax certificate and the tax deed executed, were paid prior to the inclusion of the land in the tax certificate, or where,

(b) If the land was redeemed as provided by law or where,

(c) If the land was not liable to exempt from taxation; nor shall such limitation apply where a,

(d) If a single tax deed only has been issued and the original owner has, before the issuance of such the tax deed, paid all taxes levied against the land for the 3 years ensuing after the year for which the land was returned delinquent and sold, except as herein provided.

NOTE: Subdivides provision, reorders text and replaces language for greater readability and conformity with current style.

SECTION 13. 75.28 (2) of the statutes is renumbered 75.28 (2) (a) and amended to read:

75.28 (2) (a) The tax deed grantee or the assigns of the tax deed grantee may, at any time after the tax deed is issued and recorded, serve a notice on the owner of record of the original title, stating that he, she or they hold a tax deed on the land of such the original owner and giving a description of the land so deeded and a reference to the volume and page where such the tax deed is recorded, which. The notice shall be served in the same manner as a summons in a court of record or by registered mail, addressed to such the owner of record and proof. Proof of which service of the notice shall be filed in the office of the county clerk of the county in which the lands are situated.

(b) If the post-office address of the owner of record of the original title is unknown, the tax deed grantee, or the assigns of the tax deed grantee, may, upon filing file in the office of such the county clerk of the county in which the lands are situated an affidavit that he, she or they are unable, with due diligence, to make personal service of such the notice or to ascertain the post-office address of such the former owner. Upon filing the affidavit, the tax deed grantee, or the assigns of the tax deed grantee, may publish such the notice as a class 3 notice, under ch. 985, in the county where the land described in the tax deed is located and proof. Proof of such publication of the notice shall be filed in the office of such the county clerk.

NOTE: Subdivides provision, shortens sentences and replaces language for greater readability and conformity with current style.

SECTION 14. 75.28 (3) of the statutes is renumbered 75.28 (3) (a) and amended to read:

75.28 (3) (a) If such the notice be described in sub. (2) is served and filed, or such if the notice is published and proof of publication is filed thirty, 30 days or more before the expiration of three 3 years from the date of recording the tax deed, the limitation provided by s. 75.27 shall apply. If such applies. If the notice is not so served and filed, or if the notice is not published and proof of publication is not filed, the limitation provided by said under s. 75.27 shall be is extended until the expiration of thirty 30 days from and after the day such on which the notice is served and filed or published and proof filed.

(b) In any action brought by the original owner to set aside such a tax deed after the service or publication and filing of the notice aforesaid described in sub. (2), the original owner, in case the original owner prevails, shall as a condition of relief pay to the tax deed claimant the sum of five dollars \$5 for each description and the costs of serving or publishing the aforesaid notice, in addition to all other costs and charges now provided for by law. The provisions of law regulating costs and charges for the service of a summons in a court of record shall apply to and govern the amount that may be charged for the service or publication of such the notice.

NOTE: Subdivides provision, replaces word form of numbers with digits, adds commas and replaces language for greater readability and conformity with current style.

SECTION 15. 75.29 of the statutes is renumbered 75.29 (1) and amended to read:

75.29 (1) No Subject to sub. (2), no action to quiet title, to remove a cloud on title, to cancel, to annul or to set aside any tax deed, nor, of ejectment, of trespass, of waste or for other injury to land shall be brought as to lands purporting to be conveyed by a tax deed void on its face after the expiration of three 3 years from the time of the recording of such the deed. Provided, that the

(2) The limitation herein declared shall period under sub. (1) does not apply unless the each of the following occurs:

(a) The original owner or those claiming under the original owner shall have failed to pay or redeem all of the taxes levied upon such on the lands from the time of the levy of the tax for the nonpayment of which the tax deed was issued to the time of the recording of the tax deed, nor unless the,

(b) The grantee in the tax deed or those claiming under the grantee in the tax deed shall have paid or redeemed all of the taxes levied upon such on the lands for three successive the 3 years next after such the recording of the tax deed.

SECTION 16. 75.30 of the statutes is amended to read:

75.30 (title) Action by original owner where if deed is void, when barred. No action shall may be brought by the original owner for the recovery of lands purporting to be conveyed for the nonpayment of taxes by a deed void on its face after the expiration of five 5

years from the date of the recording of the tax deed, in cases where ~~if the grantee in the tax deed shall have~~ has taken actual possession of ~~such the~~ the land within ~~two~~ 2 years after ~~such the~~ the recording ~~of the tax deed~~ and shall have has actually and continuously maintained such possession ~~of the lands~~ to the end of such the 5-year period of five years from the recording of the deed.

NOTE: Replaces language and word form of numbers with digits for greater readability and conformity with current style.

SECTION 17. 75.54 (1) of the statutes is amended to read:

75.54 (1) In all actions in any court of this state, in which either party seeks to avoid or set aside in whole or in part any assessment, tax or tax proceeding or reassessment, if the court is of the opinion, after holding a hearing ~~had~~, that, for any reason affecting the groundwork of the tax and all of the property in any assessment taxation district, ~~said the~~ the assessment, tax or tax proceeding should be set aside, the court shall immediately stay all proceedings in ~~such the~~ the action and in all other actions affecting the assessment, tax or tax proceeding in ~~such the~~ the taxation district until a reassessment of the property ~~therein in the taxation district~~ can be made; and the. The proper officers of the municipality constituting the assessment taxation district or in which the district is located shall reassess ~~such the~~ the property in the taxation district in the manner specified in the statutes, and shall levy upon the ~~same reassessed property~~ the amount of taxes for the year in question. Such a reassessment under this subsection shall be made by the assessor of the ~~municipality or assessment taxation~~ taxation district or by the person the court appoints, and the assessment roll shall be submitted to and passed upon by the board of review in the manner and after ~~like the same~~ notice as that which is given in the case of the original assessment.

NOTE: Shortens sentences and replaces language for greater readability and conformity with current style.

SECTION 18. 75.54 (2) of the statutes is renumbered 75.54 (2) (a) (intro.) and amended to read:

75.54 (2) (a) (intro.) Upon ~~the~~ the completion of the review by ~~said the~~ the board of review under sub. (1), the clerk of the town, village or city in which the reassessed district is situated shall extend upon ~~such the~~ the assessment roll the taxes lawfully levied upon and apportioned to the property described ~~therein in the tax roll~~ for such the year, and such in question. The tax roll and the tax so extended thereon shall be on the tax roll under this section are a public record and be prima facie evidence in any legal proceeding of all of the following:

1. The amount of tax justly chargeable against the party seeking to set aside or avoid the original assessment, tax or tax proceeding and the amount of tax upon the lot or lots, tract or tracts of land all lands respecting which the ~~said~~ action is was brought, and shall also be prima facie evidence of the

2. The amount of tax justly chargeable against any and every other person or corporation and every other lot, parcel or tract of land and all other lands included in such the tax roll for such the year in any legal proceeding that may arise respecting the same. Such in question.

(b) The reassessment and tax roll as corrected under this section shall be completed and filed with the clerk of the municipality constituting such assessment taxation district or in which such district is located within ninety 90 days from the date of the entry of such the order for reassessment unless the court upon motion and cause shown shall extend extends the time therefor.

NOTE: Subdivides provision, replaces word form of numbers with digits and replaces language for greater readability and conformity with current style.

SECTION 19. 75.54 (3) of the statutes is renumbered 75.54 (3) (a) and amended to read:

75.54 (3) (a) Upon ~~such~~ the completion and filing of the tax roll under sub. (2), notice ~~thereof of the reassessment~~ shall be given by ~~such the~~ the clerk of the taxation district to the clerk of the court in which ~~such the~~ the action challenging the tax is pending; and ~~such last-mentioned~~. The clerk of court shall thereupon give notice thereof of the reassessment to the attorneys for the parties to ~~such the~~ the action and to the attorneys in all other actions pending in which the validity of ~~such the~~ the original assessment may be involved.

(b) If any party to an action seeking to set aside or avoid the original assessment, tax or tax proceeding shall desire desires to contest the validity of ~~such a~~ the reassessment made under this section, that party shall, within ~~twenty~~ 20 days after notice of the completion and filing of ~~such the~~ the reassessment and tax roll, file written objections to the reassessment or tax roll with the clerk of the court where ~~such the~~ the action is pending objections in writing to such reassessment or tax roll, and serve a copy of which those objections shall ~~within five days after such filing, be served upon the attorney for the opposite opposing party and thereupon within 5 days after filing.~~

(c) Upon the filing and service of the written objections under par. (b), the court may direct ~~an that the~~ the issue ~~to be made up involving raised by~~ the objections ~~afore-said, which shall be tried summarily by the court, which shall make an order sustaining or overruling such the~~ objections. If by such order such the objections are sustained, the court shall do one of the following:

1. Hold the reassessment or tax roll shall to be held invalid and order subsequent reassessments of ~~such the~~ the tax ~~may be had in the manner and form as hereinbefore provided and similar proceedings may be resorted to determine the validity of any such reassessment; or the court in its discretion may upon sustaining objections made to any reassessment, determine in this section.~~

2. Determine and fix the amount of tax which ought justly to be paid by the party or parties contesting ~~such the~~ the

original assessment, tax or tax proceeding, and, for that purpose, with or without directing a further issue to be made up, the court may proceed to take such any further evidence as may be that is necessary to make such determination determine the tax.

NOTE: Subdivides provision, replaces word form of numbers with digits and replaces and reorders language for greater readability and conformity with current style "In its discretion" is removed because the (intro.) says "may". Challenges to all reassessments are now specifically provided for in sub. (2) (b).

SECTION 20. 75.54 (4) of the statutes is renumbered 75.54 (4) (a) and amended to read:

75.54 (4) (a) If such under sub. (3) the reassessment and tax roll be are held by the court to be regular and valid or if no objections thereto shall be to the reassessment and tax roll are filed, the court shall make an order requiring the party or parties contesting the original assessment, tax or tax proceeding to pay into court, for the use and benefit of the party entitled thereto, the amount which that by such the reassessment the contesting party or parties justly ought to pay. If the amount of tax imposed upon the property of such the contesting party by such valid the reassessment, or by the subsequent determination and order of the court, shall equal or exceed equals or exceeds the amount imposed thereon on the property by the original assessment and tax roll, the party or parties contesting the validity of such the assessment shall be adjudged to pay the costs of such the suit; otherwise, Otherwise, upon complying with the order of the court last aforesaid, the contesting party or parties shall be are entitled to judgment with costs; provided, however, that no,

(b) No judgment rendered in any such action shall in any way affect under this section affects the validity of any tax against any other person other than the parties to such the action or any tract or parcel of land or other affects property than that is not described in the complaint therein in the action.

NOTE: Subdivides provision, deletes surplusage and replaces language for greater readability and conformity with current style.

SECTION 21. 75.54 (5) of the statutes is amended to read:

75.54 (5) The value of the reassessed property shall be fixed, as nearly as may be, as of the day the original assessment was made, and the rules for determining the same shall be those provided by law. A like stay of proceedings and reassessment in accordance with sub. (1) shall be ordered in all cases in which a tax which that has been reassessed by any county, town or village board, or common council for one or more years shall be is adjudged uncollectible or void for any reason affecting the groundwork of the tax so as to require a reassessment in order to determine the amount properly due. When such If the reassessed tax shall have has been levied in different years it shall is not be necessary to make separate assessment rolls for each year; but the, The valuations for

each year respectively, may be placed opposite the description of the property on the assessment roll in columns headed with the figures of the year, so that the valuations for each year of reassessments shall be kept are distinct from the valuations for other years entered upon the tax roll. All of the provisions of this section shall apply to the making and completion of, and to objections and further proceedings in respect to such, an assessment, and the same under this subsection. An assessment under this subsection shall be treated with respect to each year which that it purports to embrace as if it were a separate reassessment roll for that year.

(5r) This section shall apply applies to all actions whether determined upon default or otherwise.

NOTE: Divides and reorders unrelated material into separate subsections and shortens sentences, replaces language and deletes surplusage for greater readability and conformity with current style. See also the next section of this bill.

SECTION 22. 75.54 (5g) of the statutes is created to read:

75.54 (5g) The value of property reassessed under this section shall be fixed, as nearly as possible, as of the day as of which the original assessment was made, and the rules for determining the value of the property are those provided by law.

NOTE: See the note to the previous section of this bill.

SECTION 23. 75.54 (6) of the statutes is amended to read:

75.54 (6) If however, in any such In any action now pending or which may be begun hereafter under this section in which the evidence enables the court to determine, with reasonable certainty, the amount of taxes which that were justly chargeable against the lands involved in the action, the court, in its discretion, may proceed to judgment without staying proceedings or ordering a reassessment, if it finds that it is for the best interests of all parties to the action that it should do so.

NOTE: Deletes obsolete transition language.

SECTION 24. 75.63 (1) of the statutes is renumbered 75.63 (1) (a) (intro.) and amended to read:

75.63 (1) (a) (intro.) No action shall may be commenced, maintained or prosecuted by or on behalf of the original owner or any person claiming title through or under such the original owner to recover possession of or in any way involving the title to any lands conveyed to this state of Wisconsin by any county, or attempted to be so conveyed, and sold by said this state to any person until all of the following have been paid into the treasury of the county where the lands are located:

1. All taxes levied and assessed thereon on the lands from the date of the sale thereof of the lands by the state, together with all,

2. All legal charges for assessing and collecting the same taxes described in subd. 1, and interest thereon at the rate of eight per centum 8% per year from the fifteenth day of January 15 in each and every year during which the

said ~~the~~ lands were assessed, commencing with the January following the first assessment after ~~such the~~ sale, shall have been paid into the treasury of the county in which such lands shall lie; nor until all.

3. All delinquent taxes levied upon and returned against said ~~the~~ lands and remaining ~~that were~~ unpaid when the same ~~lands~~ were so conveyed or attempted to be ~~conveyed~~ to the state, together with the like interest thereon, shall have been paid into such county treasury; which ~~on~~ those delinquent taxes at the rate and in the manner described in subd. 2.

(b) All money paid into a county treasury under par. (a) shall be retained in said ~~the~~ treasury to abide the event of such ~~pending the conclusion of the action and described in par. (a) (intro.).~~ The money shall be returned to the party paying or depositing the same ~~money~~ if the party fails to maintain such ~~the~~ action; otherwise, so much thereof as covers, ~~If the action is maintained, an amount equal to~~ the delinquent taxes above mentioned and interest thereon at the rate aforesaid ~~described in par. (a) shall be retained by such the county and the.~~ The remainder shall be paid over to the person purchasing the same ~~lands~~ from the state or ~~the that~~ person's legal representatives.

NOTE: Subdivides provision, shortens sentences, replaces word form of numbers with digits and replaces language for greater readability and conformity with current style.

SECTION 25. 77.12 of the statutes is amended to read:

77.12 Review of findings, venue. Any finding of fact made under this subchapter after due notice and hearing ~~shall be is~~ final and conclusive, ~~except and unless it is~~ set aside or modified by the judgment of the circuit court for either Dane county, or of the county in which the land lies in either of which. Any person may bring an action may be brought for that purpose; in either of those courts within thirty 30 days after the making of the finding sought to be reviewed.

NOTE: Replaces word form of number with digits in conformity with current style.

SECTION 26. 83.07 (1a) of the statutes is amended to read:

83.07 (1a) The county highway committee or town board may purchase or accept ~~donation~~ donations of remnants of tracts or parcels of land remaining at the time or after it has acquired portions of ~~such the~~ tracts or parcels by purchase or condemnation where in the judgment of ~~such the county highway committee or town board such action the acquisition of the remnant~~ would assist in rendering just compensation to a ~~land owner landowner~~, a part of whose lands have been taken for highway purposes, and would serve to minimize the overall cost of ~~such the~~ taking by the public.

NOTE: Corrects spelling, replaces disfavored term and replaces nonspecific reference.

SECTION 27. 83.08 (1) of the statutes is renumbered 83.08 (1) (a) and amended to read:

83.08 (1) (a) The county highway committee may acquire by gift, devise, purchase or condemnation any lands or interests ~~therein in lands~~ for the proper improvement, maintenance, relocation or change of any county aid or other highway or street or any bridge ~~thereon which on a county aid or other highway or street that~~ the county is empowered to improve or aid in improving or to maintain. The county highway committee may purchase or accept ~~donation~~ donations of remnants of tracts or parcels of land remaining at the time or after it has acquired portions of ~~such those~~ tracts or parcels by purchase or condemnation where in the judgment of ~~such the~~ committee ~~such action the acquisition of the remnant~~ would assist in rendering just compensation to a ~~land owner landowner~~, a part of whose lands have been taken for highway purposes, and would serve to minimize the overall cost of ~~such the~~ taking by the public.

(b) Whenever the county highway committee ~~deems~~ considers it necessary to acquire any ~~such~~ lands or interests ~~therein in land~~ for any ~~such~~ purpose described in par. (a), it shall so order ~~and in such.~~ The order or on a separate map or plat shall show the old and new locations and the lands or interests required, ~~and.~~ The committee shall file a copy of the order and map with the county clerk. The committee shall ~~endeavor attempt~~ attempt to obtain easements or title in fee simple by conveyance of the lands or interests required, at a price, including damages, ~~deemed considered~~ reasonable by the committee. The instrument of conveyance shall name the county as grantee and shall be filed with the county clerk and recorded in the office of the register of deeds.

NOTE: Subdivides provision and replaces nonspecific references with specific references and other language for greater readability and conformity with current style.

SECTION 28. 84.04 (1) (a) of the statutes is amended to read:

84.04 (1) (a) "Overlook" means a graded terrace, often ~~inclosed~~ enclosed by a masonry retaining wall, located on roadside areas where favorable topographic conditions provide an exceptional view or offscape from the road.

NOTE: Inserts preferred spelling.

SECTION 29. 86.23 of the statutes is renumbered 86.23 (1) and amended to read:

86.23 (1) All Each swing or ~~drawbridges~~ drawbridge built or purchased by any city and town or by any other ~~two 2~~ municipalities, ~~and so situated so that a part thereof of the bridge is~~ in one municipality and a part in another, shall be operated and maintained at the joint expense of the municipalities ~~which that~~ built or purchased ~~them the~~ the bridge in proportion to the amount of the cost ~~thereof of the bridge~~ borne by each. If either ~~such~~ municipality ~~shall does~~ not provide for or pay its full share of ~~such the~~ expense of operating or maintaining the bridge in any

year, the other may provide for or pay it, and upon paying the same the expense.

(2) A municipality that pays any portion of another municipality's share of the expenses of operating and maintaining a bridge under sub. (1) may recover of the amount of the payment from the defaulting municipality in default its share of the same, with interest from the time of payment and costs of suit; provided, that no. No action under this subsection to recover the same shall a payment may be brought until thirty 30 days after demand of payment is made.

NOTE: Subdivides provision, replaces word form of numbers with digits and replaces language for greater readability and conformity with current style.

SECTION 30. 90.05 (1) of the statutes is renumbered 90.05 (1) (a) (intro.) and amended to read:

90.05 (1) (a) (intro.) Every partition of the a fence or of the line upon which partition fences are to be built between adjoining owners, ~~made by the owners thereof in writing, signed, sealed and witnessed by two witnesses, or by the fence viewers, in writing under their hands, in the cases and in the manner hereinafter provided of adjoining lands,~~ after being recorded in the town clerk's office, shall ~~oblige such obligates the~~ owners, their heirs and assigns, so long as such adjoining land on each side respectively shall remain in the same ownership, and after a severance of ownership until a new partition of such fence shall be made, to build and maintain such the fence agreeably to said in accordance with the partition. ~~But neither the, if any of the following conditions is met:~~

(c) An owner nor, or the owner's heirs or assigns shall be bound, are not obligated to build or maintain any part of such a partition fence during any time when none of such the adjoining lands shall be so is occupied for farm-ing or grazing.

NOTE: Subdivides provision, reorders text, replaces word form of numbers with digits, replaces nonspecific references and replaces language for greater readability and conformity with current style.

SECTION 31. 90.05 (1) (a) 1. and 2. and (b) of the statutes are created to read:

90.05 (1) (a) 1. The partition is made by the owners of the adjoining lands and is in writing, signed and sealed by the owners and witnessed by 2 witnesses.

2. The partition is made by fence viewers in the manner provided under this chapter and is in writing under their hands.

(b) A partition made in accordance with par. (a) shall remain in effect so long as the adjoining land on each side respectively remains in the same ownership, and after a severance of ownership until a new partition of the fence is made.

NOTE: New provisions are created to reposition text. See the previous section of this bill.

SECTION 32. 90.06 (title) of the statutes is amended to read:

90.06 (title) Removal Relocation of fence.

SECTION 33. 90.06 of the statutes is renumbered 90.06 (1) and amended to read:

90.06 (1) When any owner or occupant of land shall ~~build builds~~ a fence before the location of the a boundary line has been located between such that land and any land adjoining the same land and the location of such the boundary line shall establish the fact establishes that said the fence is located on such the adjoining land, the ownership thereof shall be in the person who built it the fence or that person's grantee, devisee or heirs, ~~but such shall be the owner of the fence.~~ The owner of the fence shall ~~be removed~~ relocate the fence to the boundary line within 30 days after ~~the location thereof and the~~ service of written notice of the location of the fence upon the person who built it or who has acquired that person's rights, owner of the fence by the owner or occupant of the land upon which the fence is situated; ~~such located.~~

(2) The notice under sub. (1) shall be served personally on the fence owner or by leaving a copy thereof of the notice at the fence owner's usual place of abode of that person with some member of that person's the fence owner's family who is of suitable age and discretion who. If the notice is left with a family member, the family member shall be informed of the contents thereof; if of the notice.

(3) If the removal relocation of the fence is not made within 30 days thereafter after service of the notice under sub. (2), the party who served or caused such the notice to be served may remove relocate the fence to the boundary line and set it up there and recover the expense of so doing so from the other party; provided, that fence owner. However, no such fence that is subject to relocation under this section shall be removed relocated by the party giving the notice during a time when annual crops will be damaged unless by agreement of the owners or occupants of the adjoining lands mutually agree.

NOTE: Extensive changes in language were made to this section in the 1898 Annotated Statutes. A note states that the section was "amended by striking out the clause naming the county surveyor, and by extending it to include the occupant of adjoining lands". These substantive changes are retained. Other language changes by the 1898 Annotated Statutes are extensively modified to reflect the pre-1898 form, updated for greater conformity with current style.

SECTION 34. 90.09 of the statutes is renumbered 90.09 (1) and amended to read:

90.09 (1) When the boundary line between enclosed lands of owned by different persons is a river, brook, pond or creek, which of itself is not a sufficient fence, and it is impracticable, without unreasonable expense, for a partition fence to be built on the true boundary line, and either owner or occupant shall ~~refuse~~ refuses to join in making a partition fence on either side ~~thereof of the river, brook, pond or creek,~~ or if they shall disagree respecting the same making a partition fence, either party may apply to two 2 or more fence viewers of the town, who,

after giving notice as provided in s. 90.07, shall proceed to view ~~such~~ the river, brook, pond or creek; ~~and if they shall.~~

(2) ~~If the fence viewers determine that the same river, brook, pond or creek is not a sufficient fence and that it is impracticable, without unreasonable expense, to build a fence on the true boundary line they, the fence viewers shall, in writing under their hands, determine how or on which side thereof of the river, brook, pond or creek the fence shall be built or whether the fence shall be built partly on one side and partly on the other, and side. The fence viewers shall assign to each owner or occupant that owner's or occupant's share thereof of the fence and the time within which the respective parties shall build the same, and fence. The fence viewers shall file such their determination in the office of the town clerk, who shall record the same determination.~~

(3) ~~If either party shall refuse or neglect refuses or neglects to build that party's part of the fence within the time so assigned by the fence viewers, the other party may, after having completed his or her own part, build such the other party's part and recover the expense thereof as hereinafter of building the other party's part of the fence as provided under s. 90.11.~~

(4) ~~If said the fence viewers shall determine that it is impracticable, either from the formation of the banks of such the river, brook, pond or creek or from for any other cause reason, to maintain any fence along or near said the boundary line, they shall give written notice to the parties of such that determination.~~

NOTE: Subdivides provision, replaces word form of numbers with digits, replaces nonspecific references and replaces language for greater readability and conformity with current style.

SECTION 35. 90.10 of the statutes is amended to read:

90.10 Compulsory repair of fence. ~~In case If any person shall neglect neglects to repair or rebuild any partition fence which that by law that person ought is required to maintain, the aggrieved party may complain to two 2 or more fence viewers of the town, who, after giving notice as provided in s. 90.07, shall examine the same, and if they shall fence. If the fence viewers determine such that the fence is insufficient, they shall signify the same to inform the delinquent party of the insufficiency and direct the delinquent party to repair or rebuild the same fence within such a time as they shall deem that the fence viewers determine is reasonable. If such the fence shall not be is not repaired or rebuilt within the time so fixed by the fence viewers, the complainant may repair or rebuild the same fence and recover the expense thereof of repairing or rebuilding the fence as hereinafter provided under s. 90.11.~~

NOTE: Subdivides provision, replaces word form of numbers with digits, replaces nonspecific references and replaces language for greater readability and conformity with current style.

SECTION 36. 90.11 (1) of the statutes is renumbered 90.11 (1) (a) and amended to read:

90.11 (1) (a) ~~Whenever any owner or occupant shall have of land has built, repaired or rebuilt any fence in pursuance of the preceding sections which, pursuant to the provisions of this chapter, that the adjoining owner or occupant shall have has been lawfully directed by fence viewers to build, repair or rebuild, and have but has failed to do within the time prescribed, the owner or occupant who built, repaired or rebuilt the fence may call upon complain to any two 2 or more fence viewers of the town, who.~~

(b) ~~The fence viewers complained to under par. (a) shall, after having given notice to such the defaulting adjoining owner or occupant as provided in s. 90.07, examine such the fence and ascertain the expense thereof; and if they shall of building, repairing or rebuilding the fence. If the fence viewers adjudge such the fence sufficient they shall give to such the complaining party a certificate under their hands of such their decision and of the amount of the expense of such building or repairing, or rebuilding the fence and of the fees of the fence viewers who made such order and of their own; and thereupon such.~~

(c) ~~Upon receipt of the fence viewers' certificate, the complaining party may demand the amount of such ascertained the expense determined by the fence viewers, together with such the fence viewers' fees, from such the defaulting, adjoining owner or occupant; and in case of neglect and refusal. If the adjoining owner or occupant fails to pay the same expenses and fees for one month after so demanded the complaining party has demanded payment, the amount of such expenses and fees together with interest at the rate of one per cent a 1% per month shall constitute a special charge and lien against such the adjoining owner's or occupant's lands and may be recovered in the manner provided in sub. (2).~~

NOTE: Subdivides provision, replaces word form of numbers with digits, replaces nonspecific references and replaces language for greater readability and conformity with current style.

SECTION 37. 90.11 (2) of the statutes is renumbered 90.11 (2) (a) and amended to read:

90.11 (2) (a) ~~The person to whom such certificate shall be executed and delivered complaining party may file the same certificate executed and delivered to him or her under sub. (1) (b) with the town clerk of the town in which the lands charged with such the expense and fees set forth in the certificate are located. Upon the filing of such the certificate such, the town clerk shall issue a warrant for the amount thereof of the listed expenses and fees upon the town treasurer payable to such the person to whom the certificate was executed and delivered.~~

(b) ~~The amount so paid by the town treasurer under par. (a) together with interest at the rate of one per cent a~~

1% per month shall be included by the town clerk in the next tax roll as a special charge against ~~such the lands and such charged with the expense and fees.~~ The special charge shall be collected by the town treasurer with the other taxes in ~~such the town.~~ Any ~~such special charge under this paragraph~~ remaining unpaid shall be added to the list of delinquent taxes returned to the county treasurer, ~~who.~~ The county treasurer shall collect the ~~same delinquent special charge~~ or sell the land as for delinquent taxes; ~~and all.~~ All proceedings in relation ~~thereto to the sale of land for a delinquent special charge~~ shall be the same in all respects as in the case of land sold for other delinquent taxes. Every county treasurer who shall collect or receive any moneys on account of ~~such delinquent charges under this subsection~~ shall pay the ~~same moneys received~~ to the treasurer of the proper town.

NOTE: Subdivides provision, replaces word form of numbers with digits, and replaces language for greater readability and conformity with current style.

SECTION 38. 90.13 (title) of the statutes is amended to read:

90.13 (title) Partition fence on newly enclosed newly enclosed land.

SECTION 39. 90.13 of the statutes is renumbered 90.13 (1) and amended to read:

90.13 (1) When any ~~previously~~ unenclosed land ~~shall afterwards be is~~ enclosed, the owner or occupant ~~thereof of the newly enclosed land~~ shall pay for ~~one-half~~ 50% of each partition fence standing upon the line between that owner's or occupant's land and the enclosure of any other owner or occupant, unless ~~such the line shall have has~~ been ~~theretofore previously~~ divided, ~~in which case that.~~ If the line has been previously divided, the owner or occupant ~~of the newly enclosed land~~ shall pay the value of the fence on the part of ~~such the line so~~ previously assigned to that owner or occupant; ~~and.~~ In either case, the value ~~thereof of the fence~~ at the time ~~in either case~~ shall be ascertained on the application of either ~~adjoining owner or occupant~~ as provided in s. 90.11, ~~in case if~~ the parties do not agree; ~~and if such.~~

(2) If the responsible owner or occupant shall neglect or refuse ~~fails~~ to pay the ~~same value~~ for sixty 60 days after the value has been so ascertained and demand made, the proprietor of ~~such the~~ fence may recover ~~such the~~ value with the fence viewers' fees and costs.

NOTE: Subdivides provision, reorders text, replaces word form of numbers with digits, and replaces language for greater readability and conformity with current style.

SECTION 40. 93.06 (6) (b) of the statutes is amended to read:

93.06 (6) (b) Investigate the management of any ~~such~~ cooperative association ~~doing business in this state,~~ and may make the facts, relating to ~~said the management,~~ ~~of the cooperative association~~ available to the members of the association, when a request for ~~such a management~~ investigation has been filed with the department, signed by all ~~of the directors~~ or by at least ~~twenty per cent~~ 20%

of the members (~~in the case of associations of less than five hundred 500 members~~) and or by at least ~~one hundred 100~~ members (~~in the case of associations of five hundred 500 or more members~~). The department shall fix and collect a fee for ~~such investigations, to under this paragraph, which shall~~ be the actual cost ~~thereof of the investigation.~~

NOTE: Subdivides provision, replaces parentheses with commas, deletes unnecessary commas, replaces word form of numbers with digits, and replaces language for greater readability and conformity with current style.

SECTION 41. 93.09 (9) of the statutes is renumbered 93.09 (9) (a) (intro.) and amended to read:

93.09 (9) (a) (intro.) Whenever the department finds that any person marketing or having in his or her possession any product or receptacle to which the standard is applicable has intentionally violated sub. (8), the department, after opportunity for hearing has been given ~~such to that person,~~ may, by special order, ~~revoke the do any of the following:~~

1. ~~Revoke the person's right of such person~~ to represent any product or receptacle to which the standard is applicable as being of any grade contained in the standard ~~and may, in said order, require such.~~

2. ~~Require the person to mark or tag such the~~ product or receptacle as provided in sub. (4).

(b) The department may, without hearing, suspend ~~such the right described in par. (a) 1.~~ for a period not exceeding ~~ten 10~~ days, pending investigation.

(c) The department may restore ~~such the~~ right to any person from whom it has been revoked, ~~where if~~ the person gives satisfactory evidence warranting ~~such~~ restoration.

NOTE: Subdivides provision, replaces word form of numbers with digits, and replaces language for greater readability and conformity with current style.

SECTION 42. 93.11 (6) of the statutes is renumbered 93.11 (6) (a) (intro.) and amended to read:

93.11 (6) (a) (intro.) The department, after opportunity for hearing has been given the licensee, may, by special order, revoke any license issued under this section, whenever the department finds that ~~such any of the following:~~

1. ~~That the licensee is incompetent or.~~

2. ~~That the licensee has made material false statements in order to obtain a license or.~~

3. ~~That the licensee has knowingly or carelessly issued any false or improper certificate of grade or.~~

4. ~~That the licensee has accepted money or other consideration, directly or indirectly, as compensation for any neglect or improper performance of duty or.~~

5. ~~That the licensee has violated chs. 93 to 100 or any regulation made thereunder under chs. 93 to 100.~~

(b) The department may, without hearing, suspend ~~such a licensee's right to act under this section~~ for a period not exceeding ~~ten 10~~ days, pending investigation.

(c) The department may restore the license of any person whose license has been revoked, ~~where under this~~

subsection if the person gives satisfactory evidence warranting such restoration.

NOTE: Subdivides provision, replaces word form of numbers with digits, and replaces language for greater readability and conformity with current style.

SECTION 43. 93.21 (4) of the statutes is amended to read:

93.21 (4) FAILURE TO OBEY ORDERS. Any person who wilfully violates s. 93.14 (3) or 93.15 (3), or who wilfully violates or refuses, neglects or fails to obey any order or regulation made issued under s. 93.06 (3), shall, for each offense, be punished by a fine of fined not more than five thousand dollars or by imprisonment in the county jail \$5,000 or imprisoned for not more than one year; in the county jail or by both such fine and imprisonment.

NOTE: Replaces word form of numbers with digits, and replaces and deletes language for greater readability and conformity with current style. Section 93.06 (3) authorizing the issuance of orders does not provide for the making of regulations.

SECTION 44. 94.27 of the statutes is amended to read:

94.27 Liability for damages. The Any person so building or maintaining any such who builds or maintains any dam or constructing or keeping constructs or keeps open any such ditch or drain shall be under s. 94.26 is liable to the persons whose lands are overflowed or otherwise injured by such the dam, ditch or drain for the full sum of damages so sustained, which shall be ascertained under s. 94.28 and recovered in the manner following and not otherwise. ~~If the person claiming any such damages cannot agree with the person liable to pay the same, the person claiming the damages shall select one disinterested arbitrator and give notice thereof to the person from whom such damages are claimed, who shall, within ten days after the receipt of such notice, select another disinterested arbitrator, not of kin to any of the parties interested in maintaining such dams, ditches or drains, and give notice thereof to the claimant and to each of the persons so selected as arbitrators under ss. 94.28 to 94.30.~~

NOTE: The deleted material is recreated as s. 94.28 (1) for more logical placement. See the creation of s. 94.28 (1) by this bill.

SECTION 45. 94.28 of the statutes is renumbered 94.28 (2) (a) (intro.) and amended to read:

94.28 (2) (a) (intro.) The persons selected as arbitrators under sub. (1) shall, within twenty 20 days after such notice, appoint some of their appointment, do all of the following:

1. Appoint a disinterested third 3rd person to act as arbitrator with them and fix,

2. Fix a time and place at which the arbitrators shall meet to determine the claimant's damages which the claimant ought to have, and give,

3. Give notice thereof of the appointment of the 3rd arbitrator and the time and place of hearing to the parties interested parties.

(b) At the time and place so fixed under par. (a) 2., the arbitrators shall view the premises and hear the proofs

and allegations of the parties, ~~and within ten.~~ Within 10 days thereafter, the arbitrators, or any ~~two 2~~ of them, shall make duplicate statements of the proceedings had by them and of the amount ~~by them ordered to~~ that they order to be paid to the claimant for the claimant's damages and the amount to be paid by the respective parties for their the arbitrators' fees and the costs of such the proceedings, and. The arbitrators shall deliver to each party a copy thereof of the statement and order to each party. Within twenty 20 days thereafter, the amount so ordered shall be paid by the party of whom required unless an appeal be is taken as hereinafter provided under s. 94.29.

NOTE: Subdivides provision, replaces word form of numbers with digits, and replaces language for greater readability and conformity with current style.

SECTION 46. 94.28 (1) of the statutes is created to read:

94.28 (1) If a person claiming damages from a dam, ditch or drain cannot agree with the person liable to pay the damages under s. 94.27, the damage claimant shall select one disinterested arbitrator and give notice of the selection to the person against whom the damages are claimed. The person from whom damages are claimed shall, within 10 days after receipt of the notice, select another disinterested arbitrator, not of kin to any of the parties interested in maintaining the dams, ditches or drains, and give notice of the selection to the claimant and to the persons selected as arbitrators.

NOTE: Moves the material deleted from s. 94.27 by this bill to s. 94.28 (1) for more logical placement.

SECTION 47. 94.30 of the statutes is renumbered 94.30 (1) and amended to read:

94.30 (1) If neither party appeals from such the award under s. 94.28 and the responsible party required to pay the damages shall pay pays the full amount thereof of damages and costs awarded within the time above prescribed under s. 94.28 (2) (b) or if, upon an appeal, a final judgment shall be is rendered in favor of the claimant and the defendant shall pay such responsible party pays the judgment and all costs awarded to the claimant within sixty 60 days after such entry of the final judgment, then the person so erecting or maintaining such dam or dams or constructing or maintaining such ditches or drains that responsible party shall have the perpetual right to maintain and keep the same dams, ditches or drains that caused the damage in good condition and repair; ~~and neither. Neither the person responsible party nor the person's responsible party's assigns shall be liable to for the payment of any further damages on account thereof; and upon failure of the dams, ditches or drains.~~

(2) If the responsible party fails to make such payment as described in sub. (1) within the times above applicable prescribed time, the person responsible party shall forfeit all right under this chapter to maintain such the dams, ditches or drains under the foregoing provisions that caused the damage.

NOTE: Subdivides provision, replaces word form of numbers with digits, and replaces language and inserts cross-references for greater readability and conformity with current style.

SECTION 48. 94.32 of the statutes is amended to read:
94.32 Pay of arbitrators. The arbitrators appointed under s. 94.28 shall each receive \$3 per day for their services ~~three dollars per day each~~, to be paid in whole or in part by either party as ~~they shall~~ the arbitrators determine.

NOTE: Replaces word form of numbers with digits, and inserts cross-references for greater readability and conformity with current style.

SECTION 49. 94.72 (2) (a) 8. of the statutes is amended to read:

94.72 (2) (a) 8. In the case of mixed feeds containing more than a total of ~~five per cent~~ 5% of one or more mineral ingredients, or other unmixed materials used as mineral supplements, and in the case of mineral feeds, mixed or unmixed, ~~which that~~ are manufactured, represented and sold for the primary purposes of supplying mineral elements in rations for animals or birds, and ~~containing that contain~~ mineral elements generally regarded as dietary factors essential for normal nutrition, the minimum percentage of calcium (Ca), phosphorus (P), ~~of and~~ and iodine (I) and the maximum percentage of salt (NaCl), ~~if the same be those elements are~~ present. ~~Provided, that if~~ If no nutritional properties other than those of a mineral nature ~~be are~~ claimed for a mineral feed product, the ~~per centums~~ percentages of crude protein, crude fat and crude fiber may be omitted;

NOTE: Replaces word form of numbers with digits.

SECTION 50. 97.56 (2) of the statutes is renumbered 97.56 (2) (intro.) and amended to read:

97.56 (2) (intro.) No person shall may, with intent to defraud, sell do any of the following:

(a) Sell or expose for sale any meat or meat preparation, whether ~~the same be~~ raw or prepared for human consumption, and falsely represent the ~~same~~ meat or meat preparation to be kosher, and as having been prepared under and of a product or products sanctioned by the orthodox Hebrew religious requirements; ~~nor shall any person falsely.~~

(b) Falsely represent any food product or the contents of any package or container to be ~~so constituted and prepared~~ kosher and as having been prepared under and of a product or products sanctioned by the orthodox Hebrew religious requirements, by having or permitting to be inscribed ~~thereon~~ on the package or container the word "kosher" in any language; ~~nor shall any person sell.~~

(c) Sell or expose for sale in the same place of business both kosher and nonkosher meat or meat preparations, either raw or prepared for human consumption, unless all of that person's window signs and display advertising indicate, in block letters at least ~~four~~ 4 inches in height, "Kosher and Nonkosher Meat Sold Here;" ~~nor shall any person expose."~~

(d) Expose for sale in any show window or place of business both kosher and nonkosher meat or meat preparations, either raw or prepared for human consumption, unless the person displays over each kind of meat or meat preparation so exposed a sign in block letters at least ~~four~~ 4 inches in height reading "Kosher Meat;" or "Nonkosher Meat;" as the case may be.

NOTE: Subdivides provision, replaces word form of numbers with digits, and replaces language for greater readability and conformity with current style.

SECTION 51. 97.56 (3) of the statutes is renumbered 97.56 (3) (intro.) and amended to read:

97.56 (3) (intro.) No person, with intent to defraud, shall ~~sell~~ may do any of the following:

(a) Sell or expose for sale, in any restaurant or other place where food products are sold for consumption on the premises, any article of food or food preparations and ~~that is falsely represent the same~~ represented to be kosher and as having been prepared in accordance with the orthodox Hebrew religious requirements; ~~nor shall any person sell.~~

(b) Sell or expose for sale in any ~~such~~ restaurant or other place both kosher and nonkosher food or food preparations for consumption on the premises when not prepared in accordance with the Jewish ritual and not sanctioned by the Hebrew orthodox religious requirements, unless the person's window signs and display advertising state, in block letters at least 4 inches in height, "Kosher and Nonkosher Food Served Here".

NOTE: Subdivides provision, replaces word form of numbers with digits, and replaces language for greater readability and conformity with current style.

SECTION 52. 98.13 (4) of the statutes is amended to read:

98.13 (4) Whenever milk is sold under an agreement, express or implied, that the value of the ~~same~~ milk shall be determined by its proportion of butter fat, the price to be paid shall be based on a ~~three and five tenths per cent~~ 3.5% butter fat standard.

NOTE: Replaces "same" and word form of numbers with digits for greater conformity with current style.

SECTION 53. 98.14 (1) of the statutes is amended to read:

98.14 (1) All bottles and pipettes used in measuring milk or milk products for ~~making determination of the percent~~ to determine the percentage of fat in said ~~the~~ milk or milk products shall have clearly blown or otherwise permanently marked in the side of the bottle or pipette the word "Sealed;" and in the side of the pipette or the side or bottom of the bottle the name, initials, or trademark of the manufacturer and the manufacturer's designating number, which designating number shall be different for each manufacturer and may be used in identifying bottles. The designating number shall be furnished by the department upon application by the manufacturer and upon the filing by the manufacturer of a bond in the sum

of ~~one thousand dollars~~ \$1,000 with sureties to be approved by the attorney general, conditioned upon conformance with the requirements of this section. A record of the bonds furnished, the designating number, and to whom furnished, shall be kept in the office of the department.

NOTE: Replaces "said" and word form of numbers with digits for greater conformity with current style.

SECTION 54. 98.14 (2) of the statutes is amended to read:

98.14 (2) Any manufacturer who sells Babcock milk, cream or butter test bottles or milk pipettes, ~~to be used for~~ use in this state, that do not comply with the provisions of this section shall ~~suffer the~~ be subject to a penalty of ~~five hundred dollars~~ \$500 to be recovered by the attorney general in an action brought in the name of the people of the state against the offender's bondsmen, ~~to be brought in the name of the people of the state~~. No dealer shall use, for the purpose of determining the percent of milk fat in milk or milk products, any bottles or pipettes that do not comply with the provisions of this section ~~relating thereto~~.

NOTE: Replaces word form of numbers with digits, reorders text and replaces language for greater readability and conformity with current style.

SECTION 55. 98.14 (3) of the statutes is amended to read:

98.14 (3) The department shall prescribe specifications with which the glassware ~~mentioned~~ described in this section shall comply. The unit of graduation for all Babcock glassware shall be the true cubic centimeter or the weight of one gram of distilled water at ~~four~~ 4 degrees centigrade.

NOTE: Replaces word form of numbers with digits for greater conformity with current style.

SECTION 56. 100.16 (1) of the statutes is amended to read:

100.16 (1) No person shall sell or offer to sell anything ~~whatever~~, by the representation or pretense that a sum of money or something of value, which is uncertain or concealed, is ~~inclosed~~ enclosed within or may be found with or named upon the thing sold, or that will be given to the purchaser in addition to the thing sold, or by any representation, pretense or device, by which the purchaser is informed or induced to believe that money or something else of value may be won or drawn by chance by reason of ~~such~~ the sale.

NOTE: Inserts preferred spelling.

SECTION 57. 100.26 (2) of the statutes is amended to read:

100.26 (2) Any person violating s. 100.02 shall be guilty of a felony and upon conviction shall be ~~punished by a fine of~~ fined not less than ~~fifty dollars~~ \$50 nor more than ~~three thousand dollars~~, ~~or by imprisonment~~ \$3,000 ~~or imprisoned~~ for not less than ~~thirty~~ 30 days nor more than ~~three~~ 3 years, or both.

NOTE: Replaces word form of numbers with digits for greater conformity with current style.

SECTION 58. 101.865 (2) of the statutes is amended to read:

101.865 (2) Any person who ~~shall violate~~ violates the provisions of this section shall be deemed is guilty of a misdemeanor and shall be ~~punished by a fine of~~ fined not less than ~~twenty-five dollars~~ \$25 nor more than ~~one hundred dollars~~, ~~or by imprisonment~~ \$100 ~~or imprisoned in the county jail for~~ not less than ~~thirty~~ 30 days nor more than ~~six~~ 6 months.

NOTE: Replaces word form of numbers with digits for greater conformity with current style.

SECTION 59. 102.11 (1) (g) of the statutes is amended to read:

102.11 (1) (g) If an employe is under ~~twenty-seven~~ 27 years of age, the employe's average weekly earnings on which to compute the benefits accruing for permanent disability or death shall be determined on the basis of the earnings that ~~such~~ the employe, if not disabled, probably would earn after attaining the age of ~~twenty-seven~~ 27 years. Unless otherwise established, ~~said~~ the projected earnings determined under this paragraph shall be taken as equivalent to the amount upon which maximum weekly indemnity is payable.

NOTE: Replaces nonspecific reference with specific reference and word form of numbers with digits for greater readability and conformity with current style.

SECTION 60. 102.11 (2) of the statutes is amended to read:

102.11 (2) The average annual earnings when referred to in this chapter shall consist of ~~fifty~~ 50 times the employe's average weekly earnings. Subject to the maximum limitation, average annual earnings shall in no case be taken at less than the actual earnings of the employe in the year immediately preceding the employe's injury in the kind of employment in which the employe worked at the time of injury.

NOTE: Replaces nonspecific reference with specific reference and word form of numbers with digits for greater readability and conformity with current style.

SECTION 61. 102.49 (3) of the statutes is amended to read:

102.49 (3) ~~Where~~ If the employe leaves a ~~wife or husband~~ spouse wholly dependent and also a child ~~or children~~ by a former marriage or adoption likewise wholly dependent, aggregate benefits shall be the same in amount as if the ~~children~~ child were the ~~children of such~~ child of the surviving spouse, and the entire benefit shall be apportioned to the dependents in ~~such~~ the amounts as ~~that~~ the department shall determine to be just, considering ~~their~~ the ages of the dependents and other ~~facts~~ factors bearing on dependency. The benefit awarded to the surviving spouse shall not exceed ~~four~~ 4 times the average annual earnings of the deceased employe.

NOTE: Replaces word form of numbers with digits and language for greater conformity with current style.

SECTION 62. 102.51 (2) (b) of the statutes is amended to read:

102.51 (2) (b) ~~Where~~ If for ~~eight~~ 8 years or more prior to the date of injury a deceased employe has been a resident of the United States, it shall be conclusively presumed that no person who has remained a nonresident alien during that period is either totally or partially dependent upon the deceased employe for support.

NOTE: Replaces word form of numbers with digits for greater conformity with current style.

SECTION 63. 103.16 of the statutes is amended to read:

103.16 (title) Seats for ~~workers~~ employees; penalty. Every ~~person or corporation~~ employer employing ~~workers~~ employees in any manufacturing, mechanical or mercantile establishment in the ~~this~~ state of Wisconsin shall provide suitable seats for ~~the workers so employed~~ its employees, and shall permit the use of ~~such~~ those seats by ~~them~~ its employees when ~~they~~ the employees are not necessarily engaged in the active duties for which they are employed. Any ~~person or corporation~~ employer who violates this section may be fined not less than \$10 nor more than \$30 for each offense.

NOTE: Replaces language and nonspecific references with specific references for greater readability and conformity with current style.

SECTION 64. 103.17 of the statutes is amended to read:

103.17 Mutual forfeit. Any ~~person or corporation~~ employer engaged in manufacturing, ~~which that~~ requires ~~from~~ its employes, under penalty of forfeiture of a part of the wages earned by ~~them~~, those employes, to provide a notice of intention to leave ~~such~~ the employer's employ, shall be liable ~~to for~~ for the payment of a like forfeiture if the ~~person or corporation~~ employer discharges, without similar notice, ~~a person in such employ except an employe~~, other than for incapacity or misconduct, ~~unless except~~ in case of a general suspension of labor in the ~~person's or corporation's~~ employer's shop or factory or in the department thereof ~~wherein such~~ of the employer's shop or factory in which the employe is engaged employed.

NOTE: Deletes redundant phrases and replaces language and nonspecific references with specific references for greater readability and conformity with current style.

SECTION 65. 103.19 of the statutes is amended to read:

103.19 Children in shows. No license shall may be granted for a theatrical exhibition or public show in which children under ~~fifteen~~ 15 years of age are employed as acrobats, as contortionists or in any feats of gymnastics or equestrianism, ~~when if~~, in the opinion of the board of officers authorized to grant licenses ~~such~~, those children are employed in ~~such a~~ manner as ~~to that~~ may corrupt their morals or impair their physical health.

NOTE: Replaces language and word form of number with digits for greater readability and conformity with current style.

SECTION 66. 103.37 (1) of the statutes is renumbered 103.37 (2m) and amended to read:

103.37 (2m) ~~It shall be unlawful for any~~ No employe, ~~as defined in sub. (3) to~~ may require any employe or applicant for employment to pay the cost of a medical examination required by the employer as a condition of employment.

NOTE: Replaces language, deletes redundant phrase and reorganizes provision for greater readability and conformity with current style. See also the NOTES following the next 3 SECTIONS.

SECTION 67. 103.37 (1m) (intro.) of the statutes is created to read:

103.37 (1m) (intro.) In this section:

NOTE: Creates definitions provision at beginning of section for greater readability and conformity with current style.

SECTION 68. 103.37 (2) of the statutes is renumbered 103.37 (1m) (a) and amended to read:

103.37 (1m) (a) ~~The term "employe" shall mean and include every~~ "Employe" means a person who may be permitted, required or directed by any an employer, as defined in sub. (3) in consideration of direct or indirect gain or profit, to engage in any employment.

NOTE: Deletes redundant language and places definition in definitions provision at the beginning of the section for greater readability and conformity with current style.

SECTION 69. 103.37 (3) of the statutes is renumbered 103.37 (1m) (b) and amended to read:

103.37 (1m) (b) "Employer", ~~as used in this section~~ means an individual, a partnership, ~~an~~ association, a corporation, a limited liability company, a legal representative, trustee, receiver, trustee in bankruptcy, ~~and or~~ any common carrier by rail, motor, water or air doing business in or operating within the state.

NOTE: Deletes redundant language and places definition in definitions provision at the beginning of the section for greater readability and conformity with current style.

SECTION 70. 103.38 (title) of the statutes is amended to read:

103.38 (title) ~~Eight hours a day's~~ Eight-hour work, when day; applicability.

SECTION 71. 103.38 of the statutes is renumbered 103.38 (1) and amended to read:

103.38 (1) ~~In~~ Subject to sub. (2), in all engagements to labor in any manufacturing or mechanical business, ~~where if~~ there is no express contract to the contrary, a day's work shall consist of ~~eight~~ 8 hours and all engagements or contracts for labor in ~~such cases~~ a manufacturing or mechanical business shall be so construed; ~~but this shall~~.

(2) Subsection (1) does not apply to any contract for labor by the week, month or year.

NOTE: Subdivides provision and replaces nonspecific references with specific references and word form of numbers with digits for greater readability and conformity with current style. Modernizes title.

SECTION 72. 103.43 (1) of the statutes is renumbered 103.41 (1) (a) (intro.) amended to read:

103.41 (1) (a) (intro.) ~~It shall be unlawful to~~ No person may influence, induce, persuade or attempt to influ-

ence, induce, persuade or engage ~~workmen~~ a worker to change from one place of employment to another in this state or to accept employment in this state ~~or to, and no persons may bring workmen a worker~~ of any class or calling into this state to work in any department of labor in this state, through or by means of any false or deceptive representations, false advertising or false pretenses concerning ~~the or arising from any of the following:~~

1. ~~The~~ kind and character of the work to be done, ~~or,~~
2. ~~The~~ amount and character of the compensation to be paid for ~~such work, or the,~~
3. ~~The~~ sanitary or other conditions of the employment, ~~or,~~
4. ~~The~~ failure to state in any advertisement, proposal or contract for the employment that there is a strike or lockout at the place of the proposed employment, when ~~in fact such a strike or lockout then actually exists in such the~~ employment at ~~such the proposed place of employment.~~

(b) Any of ~~such unlawful the~~ acts described in par. (a) shall be ~~deemed considered~~ a false advertisement, or misrepresentation for the purposes of this section.

NOTE: Replaces language, including language that discriminates on the basis of sex, and nonspecific references with specific references for greater readability and conformity with current style.

SECTION 73. 103.43 (1a) of the statutes is renumbered 103.43 (1m) (intro.) and amended to read:

103.43 (1m) (intro.) A strike or lockout ~~shall be deemed is considered~~ to exist as long as the any of the following conditions exists:

- (a) ~~The~~ usual concomitants of a strike or lockout exist; ~~or unemployment,~~
- (b) Unemployment on the part of workers affected continues; ~~or any,~~
- (c) Any payments of strike benefits is are being made; ~~or any,~~
- (d) Any picketing is maintained; ~~or publication,~~
- (e) Publication is being made of the existence of ~~such a~~ strike or lockout.

NOTE: Renumbers the provision and replaces language for greater readability and conformity with current style.

SECTION 74. 103.43 (2) of the statutes is amended to read:

103.43 (2) Any person who, by himself or herself, or by a servant or agent, or as the servant or agent of any other person, or as an officer, director, servant or agent of any firm, corporation, association or organization of any kind, violates sub. (1) (a) ~~shall upon conviction thereof be punished by a fine of be fined~~ not more than \$2,000 or by imprisonment imprisoned in the county jail for not more than one year or by both ~~such fine and imprisonment.~~

NOTE: Replaces language and deletes redundant language for greater readability and conformity with current style.

SECTION 75. 103.43 (3) of the statutes is amended to read:

103.43 (3) Any ~~person worker~~ who shall be is influenced, induced or persuaded to engage with any ~~persons mentioned person specified~~ in sub. (1) (a), through or by means of any of the ~~things therein acts~~ prohibited in sub. (1) (a), shall have a right of action for recovery of all damages that the ~~person shall have sustained worker sustains~~ in consequence of the false or deceptive representation, false advertising or false pretenses used to induce the ~~person worker~~ to change his or her place of employment in this state or to accept ~~such~~ employment in this state, against any person ~~or persons, corporations or companies or associations, corporation, company or association,~~ directly or indirectly, causing ~~such the~~ damage; ~~and in.~~ In addition to all ~~such~~ actual damages ~~such workman that the worker may have sustained, sustain, the worker~~ shall be entitled to recover ~~such~~ reasonable attorney fees as determined by the court ~~shall fix,~~ to be taxed as costs in any judgment recovered.

NOTE: Replaces language and nonspecific references with specific references for greater readability and conformity with current style.

SECTION 76. 103.45 of the statutes is amended to read:

103.45 Time checks; penalty. All persons paying wages in time checks or ~~other paper, other~~ than legal money, shall make ~~such those~~ time checks or that paper payable in some designated place of business in the county in which the work was performed or at the office of the person paying the wages if within this state, or at any bank within this state. Any person failing to comply with this section shall be fined not to exceed \$100 ~~nor less than \$10 nor more than \$100.~~

NOTE: Replaces language and nonspecific references with specific references for greater readability and conformity with current style.

SECTION 77. 103.455 of the statutes is amended to read:

103.455 Deductions for faulty workmanship, loss, theft or damage. No employer shall may make any deduction from the wages due or earned by any employe, who is not an independent contractor, for defective or faulty workmanship, lost or stolen property or damage to property, unless the employe authorizes the employer in writing to make ~~such that~~ deduction or unless the employer and a representative designated by the employe shall determine that ~~such the~~ defective or faulty work workmanship, loss ~~or,~~ theft, or damage is due to ~~worker's the employe's~~ negligence, carelessness, or wilful and intentional conduct ~~on the part of such employe,~~ or unless the employe is found guilty or held liable in a court of competent jurisdiction by reason thereof of that negligence, carelessness, or wilful and intentional conduct. If any ~~such~~ deduction is made or credit taken by any employer, that is not in accordance with this section, the employer shall be liable for twice the amount of the deduction or credit taken in a civil action brought by ~~said the~~

employee. Any agreement entered into between an employer and employee that is contrary to this section shall be void ~~and of no force and effect~~. In case of a disagreement between the 2 parties, the department shall be the 3rd determining party, subject to any appeal to the court. Section 111.322 (2m) applies to discharge and other discriminatory acts arising in connection with any proceeding to recover a deduction under this section.

NOTE: Replaces language and nonspecific references with specific references for greater readability and conformity with current style.

SECTION 78. 103.46 (intro.) of the statutes is amended to read:

103.46 Contracts; promises to withdraw from or not to join labor, employers' or cooperative organizations are void. (intro.) Every undertaking or promise ~~hereafter made~~, whether written or oral, express or implied, constituting or contained in ~~either~~ any of the following is declared to be contrary to public policy and wholly void and shall not afford any basis for the granting of any legal or equitable relief by any court:

NOTE: Deletes redundant language and reorganizes provision for greater readability and conformity with current style. See also the NOTES following the next 2 SECTIONS.

SECTION 79. 103.46 (1) of the statutes is amended to read:

103.46 (1) A contract or agreement of hiring or employment between any employer and any employe or prospective employe, whereby in which either party to ~~such the~~ contract or agreement undertakes or promises not to join, become or remain, a member of any labor organization or of any organization of employers, or in which either party to ~~such the~~ contract or agreement undertakes or promises to withdraw from the employment relation ~~in the event that he or she if the party~~ joins, becomes or remains, a member of any labor organization or of any organization of employers; ~~or~~.

NOTE: Replaces language and nonspecific references with specific references for greater readability and conformity with current style.

SECTION 80. 103.46 (2) of the statutes is amended to read:

103.46 (2) ~~In a~~ A contract or agreement for the sale of agricultural, horticultural or dairy products between a producer of ~~such those~~ products and a distributor or purchaser thereof, whereby of those products, in which either party to ~~such the~~ contract or agreement undertakes or promises not to join, become or remain a member of any cooperative association organized under ch. 185 or of any trade association of the producers, distributors or purchasers of ~~such those~~ products, ~~is hereby declared to be contrary to public policy and wholly void and shall not afford any basis for the granting of legal or equitable relief by any court.~~

NOTE: Reorganizes provision and replaces language and nonspecific references with specific references for greater readability and conformity with current style.

SECTION 81. 103.465 of the statutes is amended to read:

103.465 Restrictive covenants in employment contracts. A covenant by an assistant, servant or agent not to compete with his or her employer or principal during the term of the employment or agency, or ~~thereafter~~ after the termination of that employment or agency, within a specified territory and during a specified time is lawful and enforceable only if the restrictions imposed are reasonably necessary for the protection of the employer or principal. Any ~~such restrictive covenant, described in this subsection~~, imposing an unreasonable restraint is illegal, void and unenforceable even as to ~~so much any part~~ of the covenant or performance as that would be a reasonable restraint.

NOTE: Replaces nonspecific references with specific references for greater readability and conformity with current style.

SECTION 82. 103.51 (intro.) of the statutes is amended to read:

103.51 Public policy as to collective bargaining. (intro.) In the interpretation and application of ss. ~~103.51 to 103.62~~ 103.505 to 103.61, the public policy of this state is declared as follows:

NOTE: Reflects renumbering of s. 103.62 for greater readability and conformity with current style.

SECTION 83. 103.52 (1) (intro.) of the statutes is amended to read:

103.52 (1) (intro.) Every undertaking or promise made after July 1, 1931, whether written or oral, express or implied, between any employe or prospective employe and that person's employer, prospective employer or any other individual, firm, company, association or corporation is declared to be against public policy if either party ~~thereto~~ to the undertaking or promise undertakes or promises any of the following:

NOTE: Replaces nonspecific reference with specific references for greater readability and conformity with current style.

SECTION 84. 103.52 (2) of the statutes is amended to read:

103.52 (2) No undertaking or promise described in sub. (1) shall afford any basis for the granting of legal or equitable relief by any court against a party to ~~such the~~ the undertaking or promise, or against any other persons person, who may advise, urge or induce, without fraud, violence, or threat ~~thereof, of fraud or violence~~ either party ~~thereto~~ to the undertaking or promise to act in disregard of ~~such the~~ the undertaking or promise.

NOTE: Replaces language and nonspecific references with specific references for greater readability and conformity with current style.

SECTION 85. 103.53 (1) of the statutes is amended to read:

103.53 (1) The following acts, whether performed singly or in concert, shall be considered legal:

(a) Ceasing or refusing to perform any work or to remain in any relation of employment regardless of any promise, undertaking, contract or agreement in violation of the public policy declared in s. 103.52;

(b) Becoming or remaining a member of any labor organization or of any employer organization, regardless of any such undertaking or promise as is described in s. 103.52;

(c) Paying or giving to any person any strike or unemployment benefits or insurance or other moneys or things of value;

(d) ~~By all Aiding, by~~ lawful means ~~aiding~~, any person who is being proceeded against in, or is prosecuting, any action or suit in any court of the United States or of any state;

(e) Giving publicity to and obtaining or communicating information regarding the existence of, or the facts involved in, any dispute, whether by advertising, speaking, patrolling any public street or any place where any person ~~or persons~~ may lawfully be, without intimidation or coercion, or by any other method not involving fraud, violence, breach of the peace, or threat thereof; ~~of fraud, violence or breach of the peace.~~

(f) Ceasing to patronize or to employ any person ~~or persons~~, but, ~~except that~~ nothing herein in this paragraph shall be construed to legalize a secondary boycott;

(g) Assembling peaceably to do or to organize to do any of the acts heretofore specified in pars. (a) to (f) or to promote lawful interests;

(h) Advising or notifying any person or persons of an intention to do any of the acts heretofore specified; in pars. (a) to (g).

(i) Agreeing with other persons to do or not to do any of the acts heretofore specified; specified in pars. (a) to (h).

(j) Advising, urging, or inducing without fraud, violence, or threat thereof ~~of fraud or violence~~, others to do the acts heretofore specified in pars. (a) to (i), regardless of any such undertaking or promise as is described in s. 103.52; ~~and.~~

(k) Doing in concert any ~~or all~~ of the acts heretofore specified ~~shall not constitute an unlawful combination or conspiracy; in pars. (a) to (j).~~

(L) Peaceful picketing or patrolling, ~~whether engaged in singly or in numbers, shall be legal.~~

NOTE: Replaces semicolons, deletes redundant language and replaces nonspecific references with specific references for greater readability and conformity with current style.

SECTION 86. 103.53 (2) of the statutes is amended to read:

103.53 (2) No court, ~~nor any judge or judges thereof~~, shall have jurisdiction to issue any restraining order or temporary or permanent injunction which, in specific or general terms, prohibits any person ~~or persons~~ from doing, whether singly or in concert, any of the foregoing acts specified in sub. (1).

NOTE: Replaces nonspecific reference with specific reference and deletes redundant language for greater readability and conformity with current style.

SECTION 87. 103.535 of the statutes is amended to read:

103.535 Unlawful conduct in labor controversies. ~~It shall be unlawful for anyone to~~ No person may picket, or induce others to picket, the establishment, employes, supply or delivery vehicles, or customers of anyone engaged in business, or to interfere with the person's business, or interfere with any person ~~or persons~~ desiring to transact or transacting business with the person, when no labor dispute, ~~as defined in s. 103.62 (3),~~ exists between the employer and the employer's employes or their representatives.

NOTE: Replaces language and deletes redundant language for greater readability and conformity with current style.

SECTION 88. 103.54 of the statutes is renumbered 103.54 (intro.) and amended to read:

103.54 Responsibility for unlawful acts. (intro.) No officer or member of any association or organization, and no association or organization participating or interested in a labor dispute ~~(as these terms are defined in s. 103.62)~~ shall, may be held responsible or liable in any civil action at law or suit in equity, or in any criminal prosecution, for the unlawful acts of individual officers, members, or agents, except upon proof by a preponderance of the evidence and without the aid of any presumptions of law or fact, ~~both of (a) the doing of such acts by persons who are of all of the following:~~

(1) That individual officers, members or agents of any such the association or organization, and (b) actual participation in, or actual authorization of, such acts, or ratification of such committed those acts.

(2) That the officer or member, or association or organization, sought to be held liable or responsible actually participated in or authorized those acts or ratified those acts after with actual knowledge thereof by such association or organization of those acts.

NOTE: Reorganizes provision, replaces language and nonspecific references with specific references and deletes redundant language for greater readability and conformity with current style.

SECTION 89. 103.55 (1) of the statutes is amended to read:

103.55 (1) Equity procedure that permits a complaining party to obtain sweeping injunctive relief that is not preceded by or conditioned upon notice to and hearing of the responding party or parties, or that issues after hearing based upon written affidavits alone and not wholly or in part upon examination, confrontation and cross-examination of witnesses in open court, is peculiarly subject to abuse in labor litigation for ~~the reasons that~~ all of the following reasons:

(a) ~~The~~ That the existing state of affairs cannot be maintained but is necessarily altered by the injunction;

(b) ~~Determination~~ That determination of issues of veracity and of probability of fact from affidavits of the opposing parties that are contradictory and, under the circumstances, untrustworthy rather than from oral examination in open court is subject to grave error;.

(c) ~~Error~~ That error in issuing the injunctive relief is usually irreparable to the opposing party; and.

(d) ~~Delay~~ That delay incident to the normal course of appellate practice frequently makes ultimate correction of error in law or in fact unavailing in the particular case.

NOTE: Replaces language and semicolons with periods for greater readability and conformity with current style.

SECTION 90. 103.56 (1) (intro.) and (a) to (e) of the statutes are amended to read:

103.56 (1) (intro.) No court ~~nor any judge or judges thereof~~ shall have jurisdiction to issue a temporary or permanent injunction in any case involving or growing out of a labor dispute, as defined in s. 103.62, except after hearing the testimony of witnesses in open court ~~(with opportunity for cross-examination),~~ in support of the allegations of a complaint made under oath, and testimony in opposition ~~thereto~~ to the allegations of the complaint, if offered, and except after findings of all of the following facts by the court ~~or judge or judges thereof~~:

(a) That unlawful acts have been threatened or committed and will be executed or continued unless restrained;.

(b) That substantial and irreparable injury to complainant's property will follow unless the relief requested is granted;.

(c) That as to each item of relief granted greater injury will be inflicted upon the complainant by the denial thereof ~~of that relief~~ than will be inflicted upon the defendants by the granting thereof; ~~of that relief.~~

(d) That the relief to be granted does not violate s. 103.53;.

(e) That the complainant has no adequate remedy at law; and.

NOTE: Replaces parentheses and semicolons, deletes redundant phrases and inserts specific references for greater readability and conformity with current style.

SECTION 91. 103.56 (2) of the statutes is amended to read:

103.56 (2) ~~Such~~ A hearing under sub. (1) shall be held after due and personal notice ~~thereof of the hearing~~ has been given, in ~~such~~ the manner as ~~that~~ the court shall direct, to all known persons against whom relief is sought, and also to those public officers who are charged with the duty to protect the complainant's property. ~~Provided, however, that if a complainant shall also allege that unless a temporary restraining order shall be issued before such hearing may be had, a substantial and irreparable injury to complainant's property will be unavoidable, such temporary restraining order may be granted upon the expiration of such reasonable notice of application therefor as the court may direct by order to show cause, but in no case less than forty-eight hours.~~

NOTE: Adds cross-reference and replaces word form of numbers with digits and other language for greater readability and conformity with current style. The 2nd sentence of this provision is stricken and added to sub. (3) for more logical placement. See the next section of this bill.

SECTION 92. 103.56 (3) of the statutes is amended to read:

103.56 (3) ~~Such~~ If a complainant alleges that a substantial and irreparable injury to the complainant's property will be unavoidable unless a temporary restraining order is issued before a hearing under sub. (1) may be had, a temporary restraining order may be granted on reasonable notice of application for the temporary restraining order as the court may direct by order to show cause, but in no case less than 48 hour's notice. The order to show cause shall be served upon ~~such~~ the party or parties as ~~that~~ are sought to be restrained and ~~as shall be that are~~ specified in ~~said~~ the order, ~~and then.~~ The order shall be issued only upon testimony under oath, or, in the discretion of the court, upon affidavits, sufficient, if sustained, to justify the court in issuing a temporary injunction upon a hearing as herein provided for under this section.

NOTE: See the note to the previous section of this bill. Divides preexisting provision into 2 sentences and replaces word form of numbers with digits and other language for greater readability and conformity with current style.

SECTION 93. 103.56 (4) of the statutes is amended to read:

103.56 (4) ~~Such~~ A temporary restraining order ~~issued under sub. (3)~~ shall be effective for no longer than five 5 days, and, at the expiration of ~~said five days~~ the 5-day period, shall become void and not subject to renewal or extension, ~~provided, however, except~~ that if the hearing for a temporary injunction ~~shall have been begun~~ begins before the expiration of the ~~said five days~~ the 5-day period the restraining order may in the court's discretion be continued until a decision is reached ~~upon~~ on the issuance of the temporary injunction.

NOTE: Replaces word form of numbers with digits and other language for greater readability and conformity with current style.

SECTION 94. 103.56 (5) of the statutes is amended to read:

103.56 (5) No temporary restraining order or temporary injunction ~~shall~~ may be issued under this section except on condition that the complainant ~~shall~~ first file files an undertaking with adequate security sufficient to ~~re-empense~~ compensate those enjoined for any loss, expense, or damage caused by the improvident or erroneous issuance of ~~such~~ the order or injunction, including all reasonable costs ~~(together with a reasonable attorney's fee)~~ attorney fees and ~~expense against~~ expenses that will be incurred in opposing the order or against the granting of any injunctive relief sought in the same proceeding and subsequently denied by the court.

NOTE: Inserts cross-reference, deletes parentheses and replaces word form of numbers with digits and other language for greater readability and conformity with current style.

SECTION 95. 103.56 (6) of the statutes is amended to read:

103.56 (6) The undertaking ~~herein mentioned~~ required under sub. (5) shall be understood to signify represent an agreement entered into by between the complainant and the surety upon which a decree may be rendered in the same suit or proceeding against ~~said the~~ complainant and surety, the ~~said~~ complainant and surety submitting themselves to the jurisdiction of the court for that purpose. ~~But However,~~ nothing ~~herein~~ contained shall ~~deprive in this section deprives~~ any party having a claim or cause of action under or upon ~~such an~~ undertaking filed under sub. (5) from electing to pursue an ordinary remedy by suit at law or in equity.

NOTE: Inserts cross-references and replaces word form of numbers with digits and other language for greater readability and conformity with current style.

SECTION 96. 103.57 of the statutes is amended to read:

103.57 Clean hands doctrine. No restraining order or injunctive relief shall may be granted to any complainant who has failed to comply with any legal obligation which is involved in the labor dispute in question, or who has failed to make every reasonable effort to settle ~~such the~~ dispute either by negotiation or with the aid of any available machinery of governmental mediation or voluntary arbitration, but nothing ~~herein contained shall be deemed to require the in this section requires~~ a court to await the action of any such tribunal if irreparable injury is threatened.

NOTE: Replaces language and nonspecific references with specific references and deletes redundant language for greater readability and conformity with current style.

SECTION 97. 103.58 of the statutes is renumbered 103.58 (intro.) and amended to read:

103.58 Injunctions: contents. Except as provided in s. 103.56 ~~no,~~ any restraining order or temporary or permanent injunction shall be granted in a case involving or growing out of a labor dispute, ~~except is subject to all of the following:~~

(1) ~~The order or injunction may be granted only on the basis of findings of fact made and filed by the court in the record of the case prior to the issuance of such restraining the order or injunction; and every restraining.~~

(2) ~~The order or injunction granted in a case involving or growing out of a labor dispute shall include only a prohibition of such those specific act or acts as may be that are expressly complained of in the bill of complaint or petition filed in such the case and expressly included in said findings of fact made and filed by the court as provided herein; and under sub. (1).~~

(3) The order or injunction shall be binding only upon the parties to the suit, their agents, servants, employes and attorneys, or those in active concert and participation with them, ~~and who shall~~ by personal service or otherwise have received actual notice of the ~~same order or injunction.~~

NOTE: Subdivides provision and replaces language and nonspecific references with specific references for greater readability and conformity with current style.

SECTION 98. 103.59 of the statutes is amended to read:

103.59 Injunctions: appeals. If any court issues or denies any temporary injunction in a case involving or growing out of a labor dispute, the court shall, upon the request of any party to the proceedings, and on filing the usual bond for costs, ~~forthwith~~ immediately certify the entire record of the case, including a transcript of the evidence taken, to the appropriate appellate court for its review. Upon the filing of the record in the appropriate appellate court, the appeal shall be given preference.

NOTE: Replaces language for greater readability and conformity with current style.

SECTION 99. 103.60 (intro.) of the statutes is amended to read:

103.60 Contempt cases. (intro.) If a person is charged with contempt under this chapter for violation of a restraining order or injunction issued by a court ~~or judge or judges thereof,~~ the accused shall enjoy all of the following:

NOTE: Deletes redundant language for greater readability and conformity with current style.

SECTION 100. 103.60 (1) of the statutes is amended to read:

103.60 (1) The rights ~~as to admission~~ to bail that are accorded to persons accused of a crime.

NOTE: Deletes redundant language for greater readability and conformity with current style.

SECTION 101. 103.60 (2) of the statutes is amended to read:

103.60 (2) The right to be notified of the accusation and a reasonable time to make a defense, ~~provided if~~ the alleged contempt is not committed in the immediate view or presence of the court.

NOTE: Replaces language for greater readability and conformity with current style.

SECTION 102. 103.60 (3) of the statutes is amended to read:

103.60 (3) Upon demand, the right to a speedy and public trial by an impartial jury of the county in which the contempt was committed, ~~provided except~~ that this requirement shall ~~not be construed to~~ does not apply to contempts committed in the presence of the court or so near ~~thereto to the court~~ as to interfere directly with the administration of justice or to ~~apply to~~ the misbehavior, misconduct or disobedience of any officer of the court in respect to the writs, orders or process of the court. All contempt proceedings brought for the alleged violation of any such restraining order or injunction are independent, original, special proceedings and shall require a unanimous finding of the jury.

NOTE: Replaces language and nonspecific references with specific references for greater readability and conformity with current style.

SECTION 103. 103.61 of the statutes is amended to read:

103.61 Punishment for contempt. Punishment for a contempt, specified in s. 103.60, may be by fine, not exceeding \$25, or by imprisonment not exceeding ten 10 days, in the jail of the county where the court is sitting, or both, in the discretion of the court. ~~Where~~ If a person is committed to jail, for the nonpayment of ~~such~~ a fine imposed under this section, the person must be discharged at the expiration of fifteen 15 days; ~~but where except that if the person is also committed for a definite time, the fifteen 15 days must be computed from the expiration of the definite time.~~

NOTE: Replaces nonspecific reference with specific reference and word form of numbers with digits for greater conformity with current style.

SECTION 104. 103.62 (intro.), (1) (intro.), (a), (b) and (d), (2) and (3) of the statutes are renumbered 103.505 (intro.), (1) (intro.), (a), (b) and (d), (2) and (3), and 103.505 (intro.), (1) (d), (2) and (3) of the statutes, as renumbered, are amended to read:

103.505 (title) **Definitions Collective bargaining; definitions.** (intro.) When used in ss. ~~103.51~~ 103.505 to ~~103.62~~ 103.61, and for the purposes of ~~these~~ those sections:

(1) (d) Between any conflicting or competing interests in a "labor dispute", ~~as defined in sub. (3), of "persons participating or interested" therein, as defined in sub. (2) in the labor dispute.~~

(2) A person or association shall be held to be a person participating or interested in a labor dispute if relief is sought against the person or association and if the person or association is engaged in the industry, trade, craft, or occupation in which ~~such~~ the labor dispute occurs, or is a member, officer, or agent of any association of employers or employes engaged in ~~such~~ that industry, trade, craft, or occupation.

(3) ~~The term "labor~~ "Labor dispute" means any controversy between an employer and the majority of the employer's employes in a collective bargaining unit concerning the right or process or details of collective bargaining or the designation of representatives. Any organization with which either the employer or ~~such~~ the majority of the employer's employes is affiliated may be considered a party to the labor dispute. ~~The provisions of this subsection shall supersede any provision of the statutes in conflict therewith.~~

NOTE: Renumbers provision for proper location; replaces nonspecific references with specific references, amends the title and deletes quotation marks and redundant language for greater readability and conformity with current style.

SECTION 105. 103.62 (1) (c) of the statutes, as affected by 1997 Wisconsin Act 35, is renumbered 103.505 (1) (c).

NOTE: See the NOTE to the previous section of this bill.

SECTION 106. 111.01 (1) of the statutes is amended to read:

111.01 (1) It recognizes that there are ~~three 3~~ 3 major interests involved, namely: ~~That of~~ the public, the employee, and the employer. These ~~three 3~~ 3 interests are to a considerable extent interrelated. It is the policy of the state to protect and promote each of these interests with due regard to the situation and to the rights of the others.

NOTE: Replaces word form of numbers with digits for greater readability and conformity with current style.

SECTION 107. 111.63 of the statutes is amended to read:

111.63 Enforcement. The commission shall ~~have the responsibility for enforcement of~~ enforce compliance with the provisions of this subchapter and to that end may file an action in the circuit court of the county in which any ~~such~~ violation of this subchapter occurs to restrain and enjoin ~~such~~ the violation and to compel the performance of the duties imposed by this subchapter. In any ~~such~~ action ~~the provisions of ss. 103.51 to 103.62 shall described in this section, ss. 103.505 to 103.61 do not apply.~~

NOTE: Reflects the renumbering of s. 103.62, deletes redundant language and replaces nonspecific reference with specific references for greater readability and conformity with current style.

SECTION 108. 112.01 (1) (d) of the statutes is amended to read:

112.01 (1) (d) "Person" includes a corporation, limited liability company, partnership, or other association, or ~~two 2~~ 2 or more persons having a joint or common interest.

NOTE: Replaces word form of numbers with digits for greater readability and conformity with current style.

SECTION 109. 114.33 (6) of the statutes is renumbered 114.33 (6) (a) and amended to read:

114.33 (6) (a) For the purposes of carrying out this section and ss. 114.35 and 114.37, the secretary may acquire by gift, devise, purchase or condemnation any lands for establishing, protecting, laying out, enlarging, extending, constructing, reconstructing, improving and maintaining airports, or interests in lands in and about airports, ~~and after establishment, layout and.~~ After completion of ~~such~~ the improvements, the secretary may convey as provided in this subsection lands ~~thus~~ that were acquired ~~and under this subsection, but were~~ not necessary for the airport improvements, ~~with.~~ The conveyances may be made with reservations concerning the future use and occupation of those lands so as to protect the airports and improvements and their environs and to preserve the view, appearance, light, air and usefulness of the airports.

(b) Whenever the secretary ~~deems~~ considers it necessary to acquire any lands or interests in lands for any of ~~those~~ the purposes described in par. (a), the secretary shall so order and in the order, or on a map or plat, show the lands and interests required. The secretary shall file a copy of the order and map with the county clerk of each county in which the lands or interests are required. For the purposes of this section the secretary may acquire pri-

vate or public lands or interests therein. When so provided in the secretary's order, the land shall be acquired in fee simple. Unless the secretary elects to proceed under sub. (3), the secretary shall endeavor attempt to obtain easements or title in fee simple by conveyance of the lands or interests required at a price, including any damages, ~~deemed~~ considered reasonable by the secretary. The instrument of conveyance shall name the state as grantee and shall be recorded in the office of the register of deeds. The purchase or acquisition of lands or interests ~~therein in lands~~ under this section is excepted and exempt from s. 20.914 (1).

(c) The secretary may purchase or accept donations of remnants of tracts or parcels of land existing at the time or after the secretary has acquired portions of tracts or parcels, by purchase or condemnation for airport purposes, where in the judgment of the secretary ~~such action the acquisition of the tracts or parcels~~ would assist in making whole the ~~land owner~~ landowner, a part of whose lands have been taken for airport purposes and would serve to minimize the overall cost of ~~such the~~ taking by the public.

NOTE: Subdivides provision and replaces nonspecific references with specific references and other language for greater readability and conformity with current style.

SECTION 110. 128.001 of the statutes is created to read:

128.001 Definitions. In this chapter:

(2) **PETITION.** "Petition" means a petition for the appointment of a receiver under this chapter.

NOTE: Creates a definition section for the proper location of definitions in ch. 128. The term "petition" is used throughout the chapter without specifying what is being petitioned for. According to legislative counsel notes in the drafting files to chapter 289, Laws of 1969, all references to petition are to petitions for the appointment of a receiver. See also the treatment of s. 128.04 by this bill.

SECTION 111. 128.02 (2) of the statutes is amended to read:

128.02 (2) No assignment shall be void because of any defect, informality or mistake ~~therein in the assignment or in the bond, inventory or list of creditors accompanying the same; and the assignment.~~ The court may direct the amendment of the assignment or of any other paper document to effect the intention of the assignor or assignee, or to obtain a distribution of the assignor's assets as provided in this chapter, and any such amendment shall relate back to the time of the execution of the paper document. No mistake in filing a copy instead of an original or any like mistake or inadvertent failure to comply with ~~the provisions of this chapter~~ shall void the assignment.

(3) (a) No creditor shall, in case a debtor has attempted to make an assignment for the benefit of creditors, or in case of the insolvency of any debtor, by attachment, garnishment or otherwise, obtain priority over other creditors upon ~~such the~~ assignment being adjudged

void, or in consequence of any sale, lien or security being adjudged void; ~~but in.~~

(b) In all ~~such~~ cases described in par. (a), the property of ~~such the~~ debtor shall be administered for the ratable benefit of all of the debtor's creditors under the direction of the court by the assignee or by a receiver.

NOTE: Subdivides provision, inserts specific references and cross-references and replaces other language for greater readability and conformity with current style.

SECTION 112. 128.03 of the statutes is amended to read:

128.03 Liens by legal proceedings; assignment.

When a lien has been obtained by legal proceedings against the property of a debtor the debtor may, within ~~thirty 30~~ days thereafter, make an assignment of all of the debtor's nonexempt property for the benefit of all of the debtor's creditors, whereupon ~~such the~~ lien shall be dissolved and the property shall be turned over to the assignee.

NOTE: Replaces word form of numbers with digits and other language for greater readability and conformity with current style.

SECTION 113. 128.04 of the statutes is renumbered 128.001 (1) (intro.) and amended to read:

128.001 (1) (title) ~~DEFINITION OF INSOLVENCY; TIME INSOLVENT.~~ (intro.) A person shall ~~be deemed is considered~~ "insolvent within the provisions of this chapter" whenever any of the following conditions is met:

(a) The aggregate of the person's property, exclusive of any property which that the person may have conveyed, transferred, concealed or removed, or permitted to be concealed or removed, with intent to defraud, hinder or delay the person's creditors, shall not, at a fair valuation be sufficient in amount to pay the person's debts, or if an.

(b) An execution be against the person or the person's property is returned unsatisfied or if the.

(c) The person shall make makes an assignment for the benefit of creditors.

NOTE: Repositions and subdivides provision and replaces language for greater readability and conformity with current style.

SECTION 114. 128.05 (1) of the statutes is amended to read:

128.05 (1) The assignee shall ~~indorse~~ endorse in writing the assignee's acceptance of the assignment, and shall file ~~such the~~ assignment with the clerk of the circuit court in the county where the debtor has his or her residence or principal place of business. The court shall, upon the filing of ~~such the~~ assignment, order ~~such the~~ assignee to administer the debtor's estate pursuant to this chapter, and the assignee shall be vested with the powers of a receiver.

NOTE: Replaces disfavored term.

SECTION 115. 128.05 (2) of the statutes is amended to read:

128.05 (2) A certified copy ~~thereof of an assignment filed under sub. (1)~~ may be recorded in the office of the

register of deeds of any county wherein lands are conveyed by ~~such~~ the assignment in the same manner and with the same effect as other conveyances.

NOTE: Inserts specific cross-reference and replaces disfavored term.

SECTION 116. 128.07 (1) (intro.) and (b) of the statutes are created to read:

128.07 (1) DEFINITIONS. (intro.) In this section:

(b) "Recipient" means a person who receives a preference, or benefits from a preference, or that person's agent.

NOTE: Creates a definition subsection for the proper location of definitions in s. 128.07. The definition of "recipient" is created from language in sub.(2) in order to simplify and improve the clarity and readability of sub. (2).

SECTION 117. 128.07 (1) of the statutes is renumbered 128.07 (1) (a) and amended to read:

128.07 (1) (a) A person shall be ~~deemed~~ considered to have given a preference if, being insolvent, the person has made a transfer of any of his or her property, or has procured or ~~suffered~~ permitted a judgment to be entered against him or her in favor of any other person, and the effect of the transfer or the enforcement of the judgment will be to enable any ~~one of his or her creditors~~ creditor to obtain a greater percentage of his or her debt than any other of ~~such creditors~~ creditor of the same class.

NOTE: Moves definition to definitions subsection. Replaces disfavored terms.

SECTION 118. 128.07 (2) of the statutes is amended to read:

128.07 (2) If the debtor ~~shall have~~ has given a preference within ~~four~~ 4 months before the filing of a petition, or an assignment, ~~or~~ after the filing of the petition and before the appointment of a receiver, or after the filing of an assignment and before the qualification of the assignee, and the ~~person receiving it, or to be benefited thereby, or his or her agent acting therein, shall have had~~ recipient has reasonable cause to believe that the enforcement of ~~such~~ the judgment or transfer would effect a preference, ~~it~~ the judgment shall be voidable by the receiver or assignee, and the receiver or assignee may recover the property or its value from ~~such person~~ the recipient.

NOTE: Deletes language moved to sub. (1) (a) and replaces word form of number with digits and other language for greater readability and conformity with current style. See also the previous section of this bill.

SECTION 119. 128.07 (3) of the statutes is renumbered 128.07 (1) (c) 1. (intro.) and amended to read:

128.07 (1) (c) 1. (intro.) "Transfer" means ~~the any of the following, whether made absolutely or conditionally, voluntarily or involuntarily, by or without judicial proceedings, as a conveyance, sale, assignment, payment, pledge, mortgage, lien, encumbrance, gift, security or otherwise:~~

a. ~~The~~ The sale or other disposal of or ~~of~~ parting with property ~~or with~~, an interest ~~therein~~ in property or with the possession ~~thereof~~ of the property.

b. ~~The~~ The fixing of a lien upon property or upon an interest ~~therein, absolutely or conditionally, voluntarily or involuntarily, by or without judicial proceedings, as a conveyance, sale, assignment, payment, pledge, mortgage, lien, encumbrance, gift, security or otherwise~~ in property.

2. The retention of a security title to property delivered to a debtor shall be ~~deemed~~ considered a transfer ~~suffered~~ permitted by ~~such~~ the debtor.

NOTE: Repositions and subdivides provision, repositions text and replaces disfavored language for greater readability and conformity with current style.

SECTION 120. 128.07 (4) of the statutes is amended to read:

128.07 (4) A transfer of property other than real property shall be ~~deemed~~ considered to have been made or ~~suffered~~ permitted at the time when it became so far perfected that no subsequent lien upon ~~such~~ the property obtainable by legal or equitable proceedings on a simple contract could become superior to the rights of the transferee. A transfer of real property shall be ~~deemed~~ considered to have been made or ~~suffered~~ permitted when it became so far perfected that no subsequent bona fide purchase from the debtor could create rights in ~~such~~ the property superior to the rights of the transferee. If any transfer of real property is not so perfected against a bona fide purchase, or if any transfer of other property is not so perfected against such liens by legal or equitable proceedings prior to the filing of a petition initiating a proceeding in insolvency, it shall be ~~deemed~~ considered to have been made immediately before the filing of the petition.

NOTE: Replaces disfavored terms.

SECTION 121. 128.11 of the statutes is amended to read:

128.11 Provisional remedies. In all actions authorized by this chapter, appropriate provisional remedies may be had and final relief administered to the equal distribution of all assets recovered among the creditors of the debtor, and the court may make such orders for the payment of costs and expenses as may be just. An action or proceeding authorized ~~herein~~ by this chapter for the benefit of all creditors may be taken by a creditor although the creditor's demand is not due at the commencement thereof.

NOTE: Replaces disfavored term.

SECTION 122. 128.13 of the statutes is amended to read:

128.13 (title) Inventory of assets and list of creditors. With the filing of an assignment or within ~~ten~~ 10 days after the appointment of a receiver, the debtor shall file with the clerk of ~~the circuit~~ the circuit court a correct inventory of the debtor's assets and a list of the debtor's creditors, stating the place of residence of each and the amount due to each, ~~which~~. The inventory and list shall be verified

by the debtor's oath, ~~but no.~~ No mistake therein in the inventory or list shall affect the rights of any creditor.

NOTE: Breaks up long sentence and replaces nonspecific references.

SECTION 123. 128.15 (1) of the statutes is renumbered 128.15 (1) (a) (intro.) and amended to read:

128.15 (1) (a) (intro.) At the expiration of the period of time limited for the filing of claims, the receiver or assignee shall file all of the following with the clerk ~~proof~~ of circuit court:

1. Proof of publication of the notice and a required under s. 128.14 (1).

2. A list of the creditors to whom the notice was made with given that includes the debts thereof respectively owed to the creditors, verified by an affidavit, and also a,

3. A list of claims filed stating the names of creditors, residences name and residence of and amounts amount claimed respectively by each creditor who has filed a claim.

(b) At any time ~~thereafter~~ after the expiration of the period of time limited for the filing of claims, the receiver or assignee or, upon ~~that person's~~ the receiver's or assignee's refusal or failure to act, any creditor may file written objections to any claim specifying the grounds ~~thereof~~ and for the objection. The party filing the objection shall serve a copy thereof in such manner as the court may order of the objection upon the claimant as ordered by the court. Depositions may thereafter be taken as in civil actions. The court, on the application of either party, shall ~~fix by~~ enter an order fixing a time when the objections shall be heard, which shall be served ~~as therein prescribed~~ upon the adverse party as prescribed in the order. Upon the final hearing the court shall make such order as shall be just and may compel the payment of costs.

NOTE: Subdivides provision, reorders text and replaces language for greater readability and conformity with current style.

SECTION 124. 128.16 (1) of the statutes is amended to read:

128.16 (1) The court may compel the debtor to discover any property alleged to belong or to have belonged to him or her, the disposition ~~thereof~~ of the property and the consideration and all the circumstances of the disposition. Every officer, agent or stockholder of a corporation, every manager or member of a limited liability company and every person to whom it shall be alleged that any transfer of property has been made, or in whose possession or control the ~~same~~ property is alleged to be, may be compelled to testify in relation ~~thereto~~ to the property and to the transfer or possession of the property; but the witness shall not be liable to criminal prosecution or proceeding for or on account of his or her testimony.

NOTE: Replaces nonspecific references.

SECTION 125. 128.18 (3) of the statutes is renumbered 128.18 (3) (b), and 128.18 (3) (b) (intro.), as renumbered, is amended to read:

128.18 (3) (b) (intro.) A lien created by, or obtained in or pursuant to any action ~~which that~~ was begun against, a person within ~~four~~ 4 months before the commencement of proceedings for the appointment of a receiver ~~herein,~~ or the filing of an assignment ~~hereunder,~~ under this chapter shall be dissolved by the appointment of a receiver or the qualification of the assignee, and the receiver or assignee shall be subrogated to the rights of the holder of ~~such~~ the lien for the benefit of all creditors, if:

NOTE: Replaces word form of number with digits, disfavored term and nonspecific references.

SECTION 126. 128.18 (3) (a) of the statutes is created to read:

128.18 (3) (a) In this subsection, "preference" has the meaning given in s. 128.07 (1) (a).

SECTION 127. 128.18 (5) of the statutes is amended to read:

128.18 (5) All conveyances, transfers, assignments or encumbrances of a debtor's property, or any part ~~thereof~~ of a debtor's property, made or given by the debtor within 4 months prior to the filing of a petition or assignment ~~hereunder~~ under this chapter with the intent and purpose on the debtor's part to hinder, delay or defraud any of the debtor's creditors, or any of them, shall be ~~null and void~~ null and void as against the debtor's creditors ~~of such debtor~~ except as to purchasers in good faith and for a present fair consideration.

NOTE: Replaces disfavored term and nonspecific references.

SECTION 128. 128.18 (6) of the statutes is amended to read:

128.18 (6) All levies, judgments, attachments or other liens obtained through legal proceedings against a person who is insolvent at any time within 4 months prior to the filing of a petition or assignment ~~hereunder~~ shall be deemed null and under this chapter are void in case a receiver is appointed or an assignee qualifies ~~hereunder,~~ and the. The property affected by the levy, judgment, attachment or other lien shall be ~~deemed~~ wholly discharged and released from the ~~same~~ levy, judgment, attachment or lien, and shall pass to the receiver or assignee as a part of the estate of the debtor unless the court shall, on due notice, order that the right under ~~such~~ the levy, judgment, attachment or ~~other~~ lien shall be preserved for the benefit of the estate; ~~and thereupon the same.~~ In that case, the right under the levy, judgment, attachment or lien may pass to and shall be preserved by the receiver or assignee for the benefit of the estate.

NOTE: Breaks up long sentence, replaces and deletes disfavored terms and nonspecific references.

SECTION 129. 128.20 (1) of the statutes is renumbered 128.20 (1) (a) (intro.) and amended to read:

128.20 (1) (a) (intro.) Every receiver or assignee shall, within 6 months after the time limited for filing claims or within ~~such~~ any further time as ~~that~~ the court ~~shall allow~~ allows, file with the clerk of the circuit court

a full and itemized statement, verified by the receiver's or assignee's oath of the, showing all of the following in regard to the receivership or assignment:

1. The property received by the receiver or assignee, the,
2. The manner of the receiver's or assignee's dealing therewith, with the property received.
3. The amount of money realized by the receiver or assignee, the,
4. The condition of the property and funds in the receiver's or assignee's possession, the,
5. The names and residences of the debtor's creditors, the,
6. The dividends paid them, the to the debtor's creditors.
7. The receiver's or assignee's receipts and disbursements with the,
8. The receiver's or assignee's claim for compensation and administration expenses.

(b) If any receiver or assignee ~~shall neglect~~ neglects to apply promptly for a settlement of ~~the receiver's or assignee's~~ his or her account, the court may, upon application of any creditor, compel the making and filing of ~~such the~~ the account or settlement ~~thereof of the account~~ and in ~~such that~~ that case the receiver or assignee may be denied compensation.

NOTE: Subdivides provision and replaces and deletes disfavored terms and nonspecific references.

SECTION 130. 128.20 (2) of the statutes is amended to read:

128.20 (2) Upon filing the report described in sub. (1) (a), the receiver or assignee may apply to the court upon not less than 10 days' notice ~~thereof~~ by mail to the respective creditors named in the report, for a final settlement of the account. The court shall fix a time and place for the hearing of objections or taking of evidence and by order settle and adjust the accounts and the compensation and expenses of the receiver or assignee, regardless of whether objection is made. The order shall be conclusive upon all parties including the sureties of the receiver or assignee, ~~but the,~~ The receiver or assignee or any creditor may appeal from the order in the manner prescribed for appeals in civil actions except that the receiver or assignee may file a notice and undertaking with the clerk without other service ~~thereof of the notice and undertaking.~~ The receiver or assignee shall be discharged of the trust and the bond canceled upon compliance with the final order of the court.

NOTE: Inserts specific cross-reference, breaks up long sentence and replaces disfavored terms.

SECTION 131. 128.21 (4) (intro.) of the statutes is amended to read:

128.21 (4) (intro.) If the plan recommended under sub. (3) (b) or a modification ~~thereof of the plan~~ is approved under sub. (3r), the debtor shall make the periodic payments ~~therein~~ provided for in the plan to the trustee,

and may make additional payments from time to time to the trustee, and the trustee shall distribute the payments proportionally among the creditors listed in the plan, less all of the following:

NOTE: Inserts specific reference.

SECTION 132. 128.21 (5) of the statutes is amended to read:

128.21 (5) If the debtor defaults in any payment provided for under the plan for a period of more than ~~thirty 30~~ days the trustee shall, and before the end of ~~any such the 30-day~~ period may, report the matter to the court with the trustee's recommendations, ~~and the,~~ The court shall ~~thereupon~~ either dismiss the proceedings or, if satisfied from the trustee's report that the debtor is in good faith and should be able to make good the default, extend the period of grace for not to exceed ~~thirty 30~~ days, ~~at.~~ At the end of ~~which the~~ the grace period, the trustee shall again report to the court and if all defaults have not then been cured the court shall ~~forthwith~~ immediately dismiss the proceedings. If the debtor makes preferential payments to creditors during the pendency of the proceedings, or appears for any reason to be abusing the privileges of this section, the trustee shall promptly report the matter to the court and the court may dismiss the proceedings. If the claims of all creditors as listed in the plan are satisfied in full, the trustee shall, upon completion of the final distribution, report to the court and the court shall ~~thereupon~~ dismiss the proceedings.

NOTE: Inserts specific references, breaks up long sentence, replaces word form of number with digits and deletes disfavored terms.

SECTION 133. 128.21 (7) of the statutes is amended to read:

128.21 (7) Neither the determination of the amount of any claim for the purposes of the plan, nor the acceptance of payments ~~thereunder~~ under the plan, shall affect the right of any creditor to litigate the creditor's claim and obtain judgment ~~thereon on the claim,~~ or the right of the debtor to dispute it, ~~and the~~ the claim. The amount of any judgment shall be substituted by the trustee for the amount fixed in the plan.

NOTE: Inserts specific references and breaks up long sentence.

SECTION 134. 128.21 (8) of the statutes is amended to read:

128.21 (8) Any secured creditor who wishes to realize on his or her security shall give the trustee at least ~~five 5~~ days' notice in writing of the time, place and manner of the proposed realization, and shall notify the trustee of the amount realized, by which amount the creditor's claim as listed under the plan shall be reduced.

NOTE: Replaces word form of number with digit.

SECTION 135. 128.25 (5) (a) of the statutes is amended to read:

128.25 (5) (a) *By collection.* When the asset constituting the security is an obligation for the payment of

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money, the secured creditor may determine ~~its~~ the securi-
ty's value by collection or by exhausting his or her reme-
dies ~~thereon~~ against the security and then surrendering

the obligation to the liquidator.

NOTE: Inserts specific references.

