

SENATE BILL 146**SECTION 167**

1 **SECTION 167.** 94.64 (6) of the statutes, as affected by 1997 Wisconsin Act 27, is
2 amended to read:

3 **94.64 (6) RECORDS.** A person who manufactures, sells or distributes fertilizer
4 in this state shall keep records showing the grades and quantities of fertilizer
5 manufactured, sold or distributed in this state. The person shall keep the records
6 relating to the 12 months covered by a report under ~~par. sub. (5)~~ (a) 1. for at least 24
7 months following the date of filing the report. The person shall make the records
8 available to the department for inspection and copying upon request.

NOTE: Inserts the correct cross-reference. There is no s. 94.64 (6) (a) 1. Reporting
is required under s. 94.64 (5) (a) 1.

9 **SECTION 168.** 95.60 (4s) (b) of the statutes, as created by 1997 Wisconsin Act 27,
10 is amended to read:

11 **95.60 (4s) (b)** In consultation with the department of natural resources,
12 promulgate rules specifying fish health standards and requirements for certifying
13 that fish meet those standards for the purpose of s. ~~29.53~~ 29.736.

NOTE: Inserts correct cross-reference. 1997 Wis. Act 248 renumbered s. 29.53 to
s. 29.736.

14 **SECTION 169.** 100.209 of the statutes, as created by 1997 Wisconsin Act 260, is
15 renumbered 100.2095.

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 1997 Wis. Act
111 renumbered s. 134.42 to be s. 100.209.

16 **SECTION 170.** 100.26 (2) of the statutes, as affected by 1997 Wisconsin Acts 253
17 and 283, is amended to read:

18 **100.26 (2)** Any person violating s. 100.02 shall be fined not less than \$50 nor
19 more than \$3,000 or imprisoned for not less than 30 days nor more than ~~3~~ 4 years and
20 6 months or both.

NOTE: The stricken "3" was inserted by 1997 Wis. Act 253, but was rendered
without effect by the treatment of this provision by 1997 Wis. Act 283.

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1 **SECTION 171.** 101.132 (2) (c) 2. of the statutes, as affected by 1997 Wisconsin Act
2 237, section 347, is amended to read:

3 101.132 (2) (c) 2. The department may grant a variance from the requirements
4 relating to exterior accessibility under par. (a) 1. or (b), or from administrative rules
5 promulgated under par. (e) 2. ~~or 3.~~, if the person designing, constructing or
6 remodeling the housing shows that meeting those requirements is impractical
7 because of the terrain or unusual characteristics of the site. The department shall
8 use a slope analysis of the undisturbed site for covered multifamily housing under
9 par. (a) or the existing site for remodeling under par. (b) to determine the minimum
10 number of accessible entrances at each site, with a minimum goal of exterior
11 accessibility of 50% of the dwelling units of covered multifamily housing at one site.
12 The department may impose specific conditions in granting a variance to promote
13 exterior accessibility of the housing to persons with disabilities. If the department
14 finds that exterior accessibility is impractical as to all dwelling units at a site, it may
15 grant a waiver from the requirements under par. (a) 1. or (b).

NOTE: There is no s. 101.132 (2) (e) 3.

16 **SECTION 172.** The treatment of 104.07 (2) of the statutes by 1997 Wisconsin Act
17 112 is not repealed by 1997 Wisconsin Act 237. Both treatments stand.

NOTE: There is no conflict of substance.

18 **SECTION 173.** The treatment of 114.33 (6) of the statutes by 1997 Wisconsin Act
19 253 is not repealed by 1997 Wisconsin Act 282. Both treatments stand.

NOTE: There is no conflict of substance.

20 **SECTION 174.** 115.28 (21) of the statutes is repealed.

NOTE: By its terms this subsection does not apply after June 30, 1996.

21 **SECTION 175.** 115.28 (24) of the statutes is amended to read:

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1 **115.28 (24) PRIORITY IN AWARDING GRANTS.** Give priority in awarding grants to
2 local community organizations under sub. (21) and to school boards under ss. 115.36
3 and 115.362, and in awarding grants from federal funds received under 20 USC 2301
4 to 2471, 20 USC 4601 to 4665 and 29 USC 1602 (b) (1), to programs that provide more
5 than one of the educational services specified under ~~sub. (21)~~, s. 115.36, 115.362,
6 115.915, 118.01 (2) (d) 7. or 8. or 118.153 or 20 USC 2301 to 2471, 20 USC 4601 to 4665
7 or 29 USC 1602 (b) (1).

NOTE: See the previous section of this bill.

8 **SECTION 176.** 115.42 of the statutes, as created by 1997 Wisconsin Act 298, is
9 renumbered 115.425.

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 1997 Wis. Act
237 also creates a provision numbered s. 115.42.

10 **SECTION 177.** The treatment of 116.032 (1) of the statutes by 1997 Wisconsin
11 Act 237 is not repealed by 1997 Wisconsin Act 238. Both treatments stand.

NOTE: There is no conflict of substance.

12 **SECTION 178.** The treatment of 116.08 (4) of the statutes by 1997 Wisconsin Act
13 164 is not repealed by 1997 Wisconsin Act 238. Both treatments stand.

NOTE: There is no conflict of substance.

14 **SECTION 179.** The treatment of 117.05 (1m) of the statutes by 1997 Wisconsin
15 Act 27 is not repealed by 1997 Wisconsin Act 286. Both treatments stand.

NOTE: There is no conflict of substance.

16 **SECTION 180.** The treatment of 117.05 (9) (a) (intro.) of the statutes by 1997
17 Wisconsin Act 27 is not repealed by 1997 Wisconsin Act 286. Both treatments stand.

NOTE: There is no conflict of substance.

18 **SECTION 181.** 117.05 (9) (b) of the statutes, as affected by 1997 Wisconsin Acts
19 27 and 286, is amended to read:

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1 117.05 (9) (b) The clerk of the school district ordering the dissolution or
2 requesting review shall pay the fee under par. (a) 3. or 4. to the state superintendent.
3 The clerk of each affected school district shall pay the fee under par. (a) 1. to the
4 ~~department state superintendent.~~ The ~~department state superintendent~~ shall
5 allocate the fee under par. (a) 1. among the school districts from which territory is
6 being detached to create a new school district if there is more than one such school
7 district. The secretary of the board shall forward the fees collected under par. (a) 1.
8 and 5. to the state superintendent.

NOTE: 1997 Wis. Act 286 inserted the stricken language without taking into account the treatment of this provision by 1997 Wis. Act 27. 1997 Wis. Act 27 changed the other references to department contained in this paragraph to state superintendent.

9 **SECTION 182.** The treatment of 117.30 (1) of the statutes by 1997 Wisconsin Act
10 27 is not repealed by 1997 Wisconsin Act 286. Both treatments stand.

NOTE: There is no conflict of substance.

11 **SECTION 183.** 118.30 (2) (b) 1. of the statutes, as affected by 1997 Wisconsin Act
12 164, is amended to read:

13 118.30 (2) (b) 1. If a pupil is enrolled in a special education program under
14 subch. V of ch. 115, the school board shall comply with s. 115.77 (1) ~~(1m)~~ (bg).

NOTE: Corrects cross-reference. There is no s. 115.77 (1) (bg).

15 **SECTION 184.** The treatment of 119.04 (1) of the statutes by 1997 Wisconsin Acts
16 77, 113 and 240 is not repealed by 1997 Wisconsin Act 335. All treatments stand.

NOTE: There is no conflict of substance.

17 **SECTION 185.** The treatment of 121.14 (1) of the statutes by 1997 Wisconsin Act
18 164 is not repealed by 1997 Wisconsin Act 240. Both treatments stand.

NOTE: There is no conflict of substance.

19 **SECTION 186.** 121.90 (2) (intro) and (a) of the statutes, as affected by 1997
20 Wisconsin Acts 113, 237 and 286, are amended to read:

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1 121.90 (2) “State aid” means aid under ss. 121.08, 121.09 and 121.105 and
2 subch. VI, as calculated for the current school year on October 15 under s. 121.15 (4),
3 and amounts under s. 79.095 (4) for the current school year, except that “state aid”
4 excludes all of the following:

5 (a) Any additional aid that a school district receives as a result of ss. 121.07 (6)
6 (e) 1. and (7) (e) 1. and 121.105 (3) for school district consolidations that are effective
7 on or after July 1, 1995, as determined by the department. ~~“State aid” also includes~~
8 ~~amounts under s. 79.095 for the current school year.~~

NOTE: The stricken language was inserted by 1997 Wis. Act 237, but the treatment of s. 121.90 (2) by 1997 Wis. Act 286 resulted in the positioning of that language within the provision being incorrect. “79.095” is changed to “79.095 (4)” to specify the part within that statute that relates to payments.

9 **SECTION 187.** The treatment of 121.905 (3) (a) of the statutes by 1997 Wisconsin
10 Acts 113 and 164 is not repealed by 1997 Wisconsin Act 286. All treatments stand.

NOTE: There is no conflict of substance.

11 **SECTION 188.** The treatment of 121.905 (3) (b) of the statutes by 1997 Wisconsin
12 Act 164 is not repealed by 1997 Wisconsin Act 286. All treatments stand.

NOTE: There is no conflict of substance.

13 **SECTION 189.** The treatment of 121.91 (3) (c) of the statutes by 1997 Wisconsin
14 Act 113 is not repealed by 1997 Wisconsin Act 237. Both treatments stand.

NOTE: There is no conflict of substance.

15 **SECTION 190.** 128.17 (1) (d) of the statutes is amended to read:

16 128.17 (1) (d) Wages, including pension, welfare and vacation benefits, due to
17 workmen, clerks, traveling or city salesmen salespersons or servants, which have
18 been earned within 3 months before the date of the commencement of the
19 proceedings, not to exceed \$600 to each claimant.

NOTE: Replaces gender specific word form.

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1 **SECTION 191.** 138.09 (1m) (b) 2. b. of the statutes, as affected by 1997 Wisconsin
2 Act 237, is amended to read:

3 138.09 (1m) (b) 2. b. The division may disclose information under subd. 1. a.
4 to the department of ~~industry, labor and job~~ workforce development in accordance
5 with a memorandum of understanding under s. 49.857.

NOTE: The department of industry, labor and job development was renamed the
department of workforce development by 1997 Wis. Act 3.

6 **SECTION 192.** 138.12 (3) (d) 2. b. of the statutes, as affected by 1997 Wisconsin
7 Act 237, is amended to read:

8 138.12 (3) (d) 2. b. The division may disclose information under subd. 1. a. to
9 the department of ~~industry, labor and job~~ workforce development in accordance with
10 a memorandum of understanding under s. 49.857.

NOTE: The department of industry, labor and job development was renamed the
department of workforce development by 1997 Wis. Act 3.

11 **SECTION 193.** 146.34 (1) (j) of the statutes, as affected by 1997 Wisconsin Act
12 188, is amended to read:

13 146.34 (1) (j) “Relative” means a parent, grandparent, stepparent, brother,
14 sister, first cousin, nephew or niece; or uncle or aunt within the 3rd degree of kinship
15 as computed under s. ~~852.03 (2), 1995 stats. 990.001 (16)~~. This relationship may be
16 by consanguinity or direct affinity.

NOTE: Section 852.03 (2), 1995 stats., is recreated as s. 990.001 (16) by this bill for
user convenience. See also the note to the treatment of s. 990.001 (16) by this bill.

17 **SECTION 194.** 146.40 (1) (d) of the statutes, as affected by 1997 Wisconsin Act
18 156, is amended to read:

19 146.40 (1) (d) “Nurse’s assistant” means an individual who performs routine
20 patient care duties delegated by a registered nurse or licensed practical nurse who
21 supervises the individual, for the direct health care of a patient or resident. “Nurse’s

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1 assistant” does not mean an individual who is licensed, permitted, certified or
2 registered under subch. ~~X~~ XI of ch. 440 or ch. 441, 448, 449, 450, 451, 455 or 459 or
3 an individual whose duties primarily involve skills that are different than those
4 taught in instructional and competency evaluation programs for nurse’s assistants
5 certified under sub. (3) or evaluated by competency evaluation programs for nurse’s
6 assistants approved under sub. (3m).

NOTE: Subch. X of ch. 440, as created by 1997 Wis. Act 156, is renumbered subch.
XI of ch. 440 by this bill.

7 **SECTION 195.** The treatment of 146.81 (1) (em) of the statutes by 1997
8 Wisconsin Act 75 is not repealed by 1997 Wisconsin Act 175. Both treatments stand.

NOTE: There is no conflict of substance.

9 **SECTION 196.** 146.81 (1) (hp) of the statutes, as created by 1997 Wisconsin Act
10 156, is amended to read:

11 146.81 (1) (hp) A massage therapist or bodyworker issued a license of
12 registration under subch. ~~X~~ XI of ch. 440.

NOTE: Subch. X of ch. 440, as created by 1997 Wis. Act 156, is renumbered subch.
XI of ch. 440 by this bill.

13 **SECTION 197.** 146.82 (2) (a) 18. of the statutes, as created by 1997 Wisconsin Act
14 272, is renumbered 146.82 (2) (a) 18m.

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 1997 Wis. Act
114 also created a provision numbered s. 146.82 (2) (a) 18.

15 **SECTION 198.** 153.01 (4d) of the statutes, as created by 1997 Wisconsin Act 231,
16 is repealed.

NOTE: 1997 Wis. Act 27 created an identical paragraph as s. 153.01 (4).

17 **SECTION 199.** 157.061 (7) of the statutes, as affected by 1997 Wisconsin Act 188,
18 is amended to read:

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1 157.061 (7) “Family member” means a spouse or an individual related by blood,
2 marriage or adoption within the 3rd degree of kinship as computed under s. ~~852.03~~
3 (~~2~~), ~~1995 stats. 990.001 (16)~~.

NOTE: Section 852.03 (2), 1995 stats., is recreated as s. 990.001 (16) by this bill for
user convenience. See also the note to the treatment of s. 990.001 (16) by this bill.

4 **SECTION 200.** 165.40 (1) (d) of the statutes, as created by 1997 Wisconsin Act
5 93, is amended to read:

6 165.40 (1) (d) “Nonprofit corporation” has the meaning given in s. ~~181.02 (8)~~
7 181.0103 (17).

NOTE: Inserts correct reference. 1997 Wis. Act 79 repealed and recreated ch. 181.
The definition of “nonprofit corporation” is now at s. 181.0103 (17).

8 **SECTION 201.** The treatment of 167.31 (4) (c) of the statutes by 1997 Wisconsin
9 Act 248 is not repealed by 1997 Wisconsin Act 249. Both treatments stand.

NOTE: There is no conflict of substance.

10 **SECTION 202.** The treatment of 167.31 (4) (cg) (intro.) of the statutes by 1997
11 Wisconsin Act 248 is not repealed by 1997 Wisconsin Act 249. Both treatments stand.

NOTE: There is no conflict of substance.

12 **SECTION 203.** The treatment of 167.31 (4) (cm) of the statutes by 1997 Wisconsin
13 Act 248 is not repealed by 1997 Wisconsin Act 249. Both treatments stand.

NOTE: There is no conflict of substance.

14 **SECTION 204.** The treatment of 167.31 (4m) of the statutes by 1997 Wisconsin
15 Act 248 is not repealed by 1997 Wisconsin Act 249. Both treatments stand.

NOTE: There is no conflict of substance.

16 **SECTION 205.** 172.52 of the statutes, as affected by 1997 Wisconsin Act 192,
17 section 12, and 1997 Wisconsin Act 254, section 32, is amended to read:

18 **172.52 Appraisal.** The freeholders appointed as appraisers under s. ~~173.01~~
19 172.51 shall be immediately notified and shall immediately repair to the place
20 damaged by the animals and view the damages done. The appraisers may take

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1 evidence of any witnesses of the facts and circumstances necessary to enable them
2 to ascertain the extent of the damages and the sufficiency of any line fence on the
3 premises where the damage was done, if any dispute arises regarding the damages
4 or line fence. The appraisers may administer oaths to the witnesses. The appraisers
5 shall certify under their hands the amount of damages, the cost of keeping the beasts
6 to that time, their fees for services as appraisers not exceeding \$1 per day each, and
7 their determination as to the sufficiency of the line fence, if in dispute. The
8 appraisers' decision as to damages and sufficiency of the fence is conclusive.

NOTE: Section 173.01 was renumbered to s. 172.51 by 1997 Wis. Act 192.

9 **SECTION 206.** 172.53 (1) (intro.) of the statutes, as affected by 1997 Wisconsin
10 Act 192, section 12, and 1997 Wisconsin Act 254, section 33, is amended to read:

11 172.53 (1) (intro.) Unless the damages determined under s. ~~173.02~~ 172.52,
12 together with the fees of the appraisers and chairperson, president or mayor, have
13 been paid within 24 hours after the appraisal, the person distraining the beasts shall
14 cause the beasts to be confined in accordance with whichever of the following applies:

NOTE: Section 173.02 was renumbered to s. 172.52 by 1997 Wis. Act 192.

15 **SECTION 207.** 172.53 (2) of the statutes, as affected by 1997 Wisconsin Act 192,
16 section 12, and 1997 Wisconsin Act 254, section 33, is amended to read:

17 172.53 (2) The beasts shall remain confined until sold under ss. ~~173.04~~ 172.54
18 to ~~173.06~~ 172.56, until the damages, fees and costs of keeping the beasts after
19 appraisal are paid or until they are otherwise seized or discharged according to law.
20 The confined beasts shall be furnished with suitable food from the time of seizure
21 until they are discharged or sold. The expense of feeding the beasts, after the
22 appraisal, shall be added to the amount determined under s. ~~173.02~~ 172.52 and paid

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1 as additional costs. If the beasts are put in a pound, the certificate of appraisal shall
2 be delivered to the keeper of the pound.

NOTE: Sections 173.01 to 173.07 were renumbered to ss. 172.51 to 172.57 by 1997
Wis. Act 192.

3 **SECTION 208.** 172.54 of the statutes, as affected by 1997 Wisconsin Act 192,
4 section 12, and 1997 Wisconsin Act 254, section 34, is amended to read:

5 **172.54 Time and notice of sale.** The poundmaster of any pound shall receive
6 and keep any beasts delivered to the poundmaster under s. ~~173.03~~ 172.53. Unless
7 the beasts are seized or discharged according to law within 6 days, from the time of
8 their delivery to the pound, the poundmaster shall sell at public auction the beasts
9 or so many of them as is necessary to pay the damages, fees and costs enumerated
10 under ss. ~~173.02~~ 172.52 and ~~173.03~~ 172.53. The poundmaster shall give 2 days' notice
11 of the sale by notice posted upon the pound and at 3 public places in the town, city
12 or village in which the pound is located.

NOTE: Sections 173.01 to 173.07 were renumbered to ss. 172.51 to 172.57 by 1997
Wis. Act 192.

13 **SECTION 209.** 172.55 of the statutes, as affected by 1997 Wisconsin Act 192,
14 section 12, and 1997 Wisconsin Act 254, section 35, is amended to read:

15 **172.55 Sale of animal not impounded.** If in consequence of there being no
16 pound within the distraining person's city, town or village of residence the beasts
17 distrained under s. ~~173.01~~ 172.51 are kept in some other enclosure and the beasts
18 are not discharged in the manner provided under this chapter within 6 days after
19 being placed in the enclosure, the sheriff or any constable of the county shall sell the
20 beasts or so many of them as shall be necessary to pay the damages, fees and costs
21 of keeping, upon the same notice as is required in case of a constable's sale of personal
22 property taken by execution.

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NOTE: Section 173.01 was renumbered to s. 172.51 by 1997 Wis. Act 192.

1 **SECTION 210.** 172.56 (1) of the statutes, as affected by 1997 Wisconsin Act 192,
2 section 12, and 1997 Wisconsin Act 254, section 36, is amended to read:

3 172.56 (1) From the proceeds of the sale under s. ~~173.04~~ 172.54 or ~~173.05~~
4 172.55, the person making the sale shall retain his or her fees, which shall be the
5 same as are allowed to constables upon sales of personal property on execution, and
6 the cost of keeping the beasts. The person making the sale shall pay to the person
7 who distrained the beasts the damages certified under s. ~~173.02~~ 172.52, with the fees
8 of the appraisers and chairperson, president or mayor.

NOTE: Sections 173.01 to 173.07 were renumbered to ss. 172.51 to 172.57 by 1997
Wis. Act 192.

9 **SECTION 211.** 173.13 (1) (a) (intro.) of the statutes is amended to read:

10 173.13 (1) (a) (intro.) A humane officer, on behalf of a political subdivision in
11 which the humane officer has jurisdiction under s. ~~173.01~~ 173.03 (3), or a law
12 enforcement officer, on behalf of a political subdivision, may take custody of an
13 animal if the humane officer or law enforcement officer has reasonable grounds to
14 believe that the animal is one of the following:

NOTE: Inserts correct cross-reference. Section 173.03 (3) relates to the jurisdiction
of a humane officer. Section 173.01 (3) is a definition of "political subdivision".

15 **SECTION 212.** The treatment of 174.01 (2) of the statutes by 1997 Wisconsin Act
16 192 is not repealed by 1997 Wisconsin Act 248. Both treatments stand.

NOTE: There is no conflict of substance.

17 **SECTION 213.** 180.1901 (1m) (ag) of the statutes, as created by 1997 Wisconsin
18 Act 156, is amended to read:

19 180.1901 (1m) (ag) The department of regulation and licensing under subch.
20 X XI of ch. 440.

NOTE: Inserts correct cross-reference as renumbered by this bill.

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1 **SECTION 214.** The treatment of 180.1901 (1m) (br) of the statutes by 1997
2 Wisconsin Act 75 is not repealed by 1997 Wisconsin Act 175. Both treatments stand.

NOTE: There is no conflict of substance.

3 **SECTION 215.** 181.1703 (3) of the statutes, as affected by 1997 Wisconsin Act 79,
4 is amended to read:

5 181.1703 (3) REINSTATEMENT OF DISSOLVED CORPORATION. Section 181.1422
6 applies to any involuntary or administrative dissolution, even if the dissolution
7 occurred before ~~the effective date of this subsection~~ January 1, 1999.

NOTE: Confirms the insertion of the correct date by the revisor under s. 13.93 (1)
(c).

8 **SECTION 216.** The treatment of 182.031 (2) of the statutes by 1997 Wisconsin
9 Act 79 is not repealed by 1997 Wisconsin Act 140. Both treatments stand.

NOTE: There is no conflict of substance.

10 **SECTION 217.** 190.02 (11) (title) of the statutes is amended to read:

11 190.02 (11) (title) OPERATE BUSES AND AIR TRANSPORTATION.

NOTE: Confirms title to the subject matter of the statute text.

12 **SECTION 218.** 190.05 (1) of the statutes, as affected by 1997 Wisconsin Act 254,
13 section 61, is renumbered 190.051 (1).

NOTE: Confirms renumbering by revisor. 1997 Wis. Act 254 erroneously stated that
s. 190.051 was renumbered to s. 190.05 (1) (a). No renumbering was intended.

14 **SECTION 219.** 195.14 (2) (b) of the statutes, as affected by 1997 Wisconsin Act
15 254, is amended to read:

16 195.14 (2) (b) Railroads may exchange passes with officers, attorneys,
17 physicians or employes of other railroads and members of their families. No person
18 holding any public office or position under the laws of this state shall be given
19 transportation free or at reduced rates that are not open to the public, except that
20 notaries public and regular employes of a railroad or other public utility who are

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1 candidates for or hold public office for which the annual compensation is not more
2 than \$300 to whom no passes or privileges are extended beyond those that are
3 extended to other regular employes of such corporations may be granted free
4 transportation ~~free~~ or at reduced rates for the transmission of any message or
5 communication.

NOTE: Restores language existing prior to 1997 Wis. Act 254 that was mistakenly
changed by that act.

6 **SECTION 220.** 196.01 (5) (a) 2. of the statutes, as affected by 1997 Wisconsin Acts
7 184 and 218, is amended to read:

8 196.01 (5) (a) 2. A telecommunications utility ~~commercial service provider~~.

NOTE: The stricken language was inserted into s. 196.01 (5) by 1997 Wis. Act 218,
but was rendered surplusage by the treatment of s. 196.01 (5) by 1997 Wis. Act 184.

9 **SECTION 221.** 196.01 (5) (b) 4. of the statutes, as affected by 1997 Wisconsin Act
10 184, is amended to read:

11 196.01 (5) (b) 4. A cellular commercial mobile radio ~~telecommunications utility~~
12 service provider.

NOTE: 1997 Wis. Act 218 changed “cellular mobile radio telecommunications
utility” to “commercial mobile radio service provider” but did not take into account the
treatment of s. 196.01 (5) by 1997 Wis. Act 184. See also the previous section of this bill.

13 **SECTION 222.** The treatment of 196.202 (2) of the statutes by 1997 Wisconsin
14 Act 140 is not repealed by 1997 Wisconsin Act 218. Both treatments stand.

NOTE: There is no conflict of substance.

15 **SECTION 223.** 196.205 (2) of the statutes is amended to read:

16 196.205 (2) Notwithstanding sub. (1m), a telecommunications cooperative
17 shall be subject to s. 196.26 if it is a party in a proceeding on a complaint specified
18 in s. 196.26 (1) ~~(a) 2. or 3.~~ (b) or (c).

NOTE: Section 196.26 (1) (a) is renumbered s. 196.26 (1) by this bill.

19 **SECTION 224.** 196.215 (2d) of the statutes is amended to read:

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1 196.215 (2d) Notwithstanding sub. (2), a small telecommunications utility
2 shall be subject to s. 196.26 if it is a party in a proceeding on a complaint specified
3 in s. 196.26 (1) ~~(a) 2. or 3.~~ (b) or (c).

NOTE: Section 196.26 (1) (a) is renumbered s. 196.26 (1) by this bill.

4 **SECTION 225.** 196.215 (2m) (e) of the statutes is amended to read:

5 196.215 (2m) (e) Notwithstanding pars. (a) to (d), a small telecommunications
6 utility is subject to s. 196.26 if it is a party in a proceeding on a complaint specified
7 in s. 196.26 (1) ~~(a) 2. or 3.~~ (b) or (c).

NOTE: Section 196.26 (1) (a) is renumbered s. 196.26 (1) by this bill.

8 **SECTION 226.** 196.26 (1) (intro.) and (a) (intro.) of the statutes are consolidated,
9 renumbered 196.26 (1) (intro.) and amended to read:

10 196.26 (1) COMPLAINT. (intro.) In this section: ~~(a) “Complaint”, “complaint”~~
11 means any of the following:

NOTE: Eliminates unnecessary paragraph level in this subsection for conformity
with current style. There is no par. (b).

12 **SECTION 227.** 196.26 (1) (a) 1. to 3. of the statutes are renumbered 196.26 (1)
13 (a) to (c).

NOTE: See the previous section of this bill.

14 **SECTION 228.** The treatment of 196.26 (1) of the statutes by 1997 Wisconsin Act
15 218 is not repealed by 1997 Wisconsin Act 229. Both treatments stand.

NOTE: There is no conflict of substance.

16 **SECTION 229.** 196.26 (1m) of the statutes, as affected by 1997 Wisconsin Acts
17 218 and 229, is amended to read:

18 196.26 (1m) ~~COMPLAINT AND INVESTIGATION~~ INVESTIGATION OF COMPLAINT. If any
19 mercantile, agricultural or manufacturing society, body politic, municipal
20 organization or 25 persons file a complaint specified in sub. (1) (a) ~~1.~~ against a public
21 utility, or if the commission terminates a proceeding on a complaint under s. 196.199

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1 (3) (a) 1m. b., or if a person files a complaint specified in sub. (1) ~~(a) 3. (c)~~, the
2 commission, with or without notice, may investigate the complaint under this section
3 as it ~~deems~~ considers necessary. If the mobile home park occupants of 25% of the total
4 number of manufactured homes or mobile homes in a mobile home park or the mobile
5 home park occupants of 25 manufactured homes or mobile homes in a mobile home
6 park, whichever is less, files a complaint specified in sub. (1) (a) against a mobile
7 home park contractor or mobile home park operator, the commission, with or without
8 notice, may investigate the complaint as it ~~deems~~ considers necessary. The
9 commission may not issue an order based on an investigation under this subsection
10 without a public hearing.

NOTE: Conforms title to the subject matter of the provision. Reconciles the
treatments of this provision by 1997 Wis. Acts 218 and 229. Section 196.26 (1) (a) is
renumbered s. 196.26 (1) by this bill. Replaces “deems” with the preferred “considers” for
conformity with current style.

11 **SECTION 230.** 196.26 (2) (a) of the statutes, as affected by 1997 Wisconsin Acts
12 218 and 229, is amended to read:

13 196.26 (2) (a) Prior to a hearing under this section, the commission shall notify
14 the public utility, mobile home park contractor ~~or~~, mobile home park operator or
15 party to an interconnection agreement complained of that a complaint has been
16 made, and 10 days after the notice has been given the commission may proceed to
17 set a time and place for a hearing and an investigation. This paragraph does not
18 apply to a complaint specified in sub. (1) ~~(a) 2. (b)~~.

NOTE: Reconciles the treatments of this provision by 1997 Wis. Acts 218 and 229.
Section 196.26 (1) (a) is renumbered s. 196.26 (1) by this bill.

19 **SECTION 231.** 196.26 (2) (b) of the statutes, as affected by 1997 Wisconsin Acts
20 218 and 229, is amended to read:

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1 196.26 (2) (b) The commission shall give the complainant and either the public
2 utility, mobile home park contractor ~~or~~, mobile home park operator or party to an
3 interconnection agreement which is the subject of a complaint specified in sub. ~~(1m)~~
4 (1) (a) 1. or 3. (c) or, for a complaint specified in sub. (1) ~~(a) 2. (b)~~, a party to an
5 interconnection agreement who is identified in a notice under s. 196.199 (3) (b) 1. b.,
6 10 days' notice of the time and place of the hearing and the matter to be considered
7 and determined at the hearing. The complainant and either the public utility, mobile
8 home park contractor ~~or~~, mobile home park operator or ~~the~~ party to the
9 interconnection agreement may be heard. The commission may subpoena any
10 witness at the request of the public utility, mobile home park contractor, mobile home
11 park operator, party to the interconnction agreement or complainant.

NOTE: Reconciles the treatments of this provision by 1997 Wis. Acts 218 and 229.
Section 196.26 (1) (a) is renumbered s. 196.26 (1) by this bill. The last underscored phrase
was inserted by 1997 Wis. Act 229 but inadvertently not printed in the 1997-98 Wisconsin
Statutes.

12 **SECTION 232.** 196.26 (4) (c) of the statutes is amended to read:

13 196.26 (4) (c) Paragraphs (a) and (b) do not apply to a complaint specified in
14 sub. (1) ~~(a) 2. or 3. (b) or (c)~~.

NOTE: Section 196.26 (1) (a) is renumbered s. 196.26 (1) by this bill.

15 **SECTION 233.** 196.28 (3) of the statutes, as affected by 1997 Wisconsin Acts 218
16 and 229, is amended to read:

17 196.28 (3) Notice of the time and place for a hearing under sub. (2) shall be
18 given to the public utility, mobile home park contractor or mobile home park
19 operator, and to such other interested persons as the commission ~~deems~~ considers
20 necessary. After the notice has been given, proceedings shall be had and conducted
21 in reference to the matter investigated as if a complaint specified in s. 196.26 (1) (a)
22 ~~1.~~ had been filed with the commission ~~(1m)~~ relative to the matter investigated. The

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1 same order or orders may be made in reference to the matter as if the investigation
2 had been made on complaint under s. 196.26.

NOTE: Reconciles the treatments of this provision by 1997 Wis. Acts 218 and 229.
Section 196.26 (1) (a) is renumbered s. 196.26 (1) by this bill. The stricken "(1m)" was
inserted by Act 229, but rendered surplusage by the treatment of this provision by Act
218.

3 **SECTION 234.** 196.85 (3) of the statutes, as affected by 1997 Wisconsin Acts 184
4 and 229, is amended to read:

5 196.85 (3) If any public utility, sewerage system, joint local water authority,
6 mobile home park operator or power district is billed under sub. (1), (2) ~~or~~ (2e) or (2g)
7 and fails to pay the bill within 30 days or fails to file objections to the bill with the
8 commission, as provided in this subsection, the commission shall transmit to the
9 state treasurer a certified copy of the bill, together with notice of failure to pay the
10 bill, and on the same day the commission shall mail by registered mail to the public
11 utility, sewerage system, joint local water authority, mobile home park operator or
12 power district a copy of the notice which it has transmitted to the state treasurer.
13 Within 10 days after receipt of the notice and certified copy of the bill, the state
14 treasurer shall levy the amount stated on the bill to be due, with interest, by distress
15 and sale of any property, including stocks, securities, bank accounts, evidences of
16 debt, and accounts receivable belonging to the delinquent public utility, sewerage
17 system, joint local water authority, mobile home park operator or power district. The
18 levy by distress and sale shall be governed by s. 74.10, 1985 stats., except that it shall
19 be made by the state treasurer and that goods and chattels anywhere within the state
20 may be levied upon.

NOTE: Replaces "or" with a comma for correct punctuation.

21 **SECTION 235.** 196.85 (4) (a) of the statutes, as affected by 1997 Wisconsin Acts
22 184 and 229, is amended to read:

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1 196.85 (4) (a) Within 30 days after the date of the mailing of any bill under sub.
2 (1), (2) ~~and~~, (2e) or (2g), the public utility, sewerage system, joint local water
3 authority, mobile home park operator or power district that has been billed may file
4 with the commission objections setting out in detail the grounds upon which the
5 objector regards the bill to be excessive, erroneous, unlawful or invalid. The
6 commission, after notice to the objector, shall hold a hearing upon the objections,
7 from 5 to 10 days after providing the notice. If after the hearing the commission finds
8 any part of the bill to be excessive, erroneous, unlawful or invalid it shall record its
9 findings upon its minutes and transmit to the objector by registered mail an
10 amended bill, in accordance with the findings. The amended bill shall have the same
11 force and effect under this section as an original bill rendered under sub. (1), (2) ~~and~~,
12 (2e) or (2g).

NOTE: Replaces “and” with a comma for correct punctuation.

13 **SECTION 236.** 196.85 (5) of the statutes, as affected by 1997 Wisconsin Acts 184
14 and 229, is amended to read:

15 196.85 (5) No suit or proceeding may be maintained in any court to restrain or
16 delay the collection or payment of any bill rendered under sub. (1), (2) ~~and~~, (2e) or
17 (2g). Every public utility, sewerage system, joint local water authority, mobile home
18 park operator or power district that is billed shall pay the amount of the bill, and after
19 payment may in the manner provided under this section, at any time within 2 years
20 from the date the payment was made, sue the state to recover the amount paid plus
21 interest from the date of payment, upon the ground that the assessment was
22 excessive, erroneous, unlawful or invalid in whole or in part. If the court finds that
23 any part of the bill for which payment was made was excessive, erroneous, unlawful

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1 or invalid, the state treasurer shall make a refund to the claimant as directed by the
2 court. The refund shall be charged to the appropriations to the commission.

NOTE: Replaces “and” with a comma for correct punctuation.

3 **SECTION 237.** 198.13 (3) (a) of the statutes is amended to read:

4 198.13 (3) (a) If within 2 years of its creation a district has not become the owner
5 or operator, or commenced construction, of a public utility. Any time consumed in any
6 proceeding or contest before any commission or court shall not be included as part
7 of the 2–year period.

NOTE: Inserts missing word.

8 **SECTION 238.** 198.17 (3) (b) of the statutes is amended to read:

9 198.17 (3) (b) The defendant ~~or~~ owner shall answer in the action commenced
10 under par. (a) within 10 days after service of the summons and complaint on the
11 owner and the action shall be at issue and stand ready for trial upon 10 days’ notice
12 by either party. Unless the parties waive a jury, the question as to the necessity of
13 the taking of the utility by the district shall be as speedily as possible submitted to
14 a jury. If the jury or the court, in case a jury is waived, finds that a necessity exists
15 for the taking by the district of the utility, to which the owner shall not have
16 consented, the directors shall cause speedy notice of the finding of necessity to be
17 certified to the commission and the owner. The commission and the parties shall
18 then proceed to the ascertainment of the just compensation to be paid by the district
19 to the owner for the utility. The consummation of the transfer of the utility to the
20 district and the payment of the compensation to the owner shall be in the manner
21 provided in sub. (2).

NOTE: The treatment of this provision by 1997 Wis. Act 254 rendered the stricken
“or” surplusage.

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1 **SECTION 239.** The treatment of 200.09 (2) of the statutes, as renumbered, by
2 1997 Wisconsin Act 254, section 43, is not repealed by 1997 Wisconsin Act 283,
3 section 129. Both treatments stand.

 NOTE: There is no conflict of substance. 1997 Wis. Act 140 renumbered s. 184.09
to s. 200.09.

4 **SECTION 240.** The treatment of 200.12 of the statutes, as renumbered, by 1997
5 Wisconsin Act 140, section 14, is not repealed by 1997 Wisconsin Act 254, section 44.
6 Both treatments stand.

 NOTE: There is no conflict of substance. 1997 Wis. Act 140 renumbered s. 184.12
to s. 200.12.

7 **SECTION 241.** 217.05 (1m) (b) 2. of the statutes is amended to read:

8 217.05 (1m) (b) 2. The division may disclose information under par. (a) 1. to the
9 department of ~~industry, labor and job~~ workforce development in accordance with a
10 memorandum of understanding under s. 49.857.

 NOTE: The department of industry, labor and job development was renamed the
department of workforce development by 1997 Wis. Act 3.

11 **SECTION 242.** 218.01 (2) (ie) 1. of the statutes is amended to read:

12 218.01 (2) (ie) 1. In addition to any other information required under this
13 subsection, an application by an individual for the issuance or renewal of a license
14 described in par. (d) shall include the individual's social security number and an
15 application by a person who is not an individual for the issuance or renewal of a
16 license described in par. (d) 1., 2., 3. or 5. shall include the person's federal employer
17 identification number. The licensor may not disclose any information received under
18 this subdivision to any person except the department of ~~industry, labor and job~~
19 workforce development for purposes of administering s. 49.22 or the department of
20 revenue for the sole purpose of requesting certifications under s. 73.0301.

 NOTE: The department of industry, labor and job development was renamed the
department of workforce development by 1997 Wis. Act 3.

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SECTION 243

1 **SECTION 243.** 218.01 (2) (ig) 2. b. of the statutes is amended to read:

2 218.01 (2) (ig) 2. b. The licensor may disclose information under subd. 1. a. to
3 the department of ~~industry, labor and job~~ workforce development in accordance with
4 a memorandum of understanding under s. 49.857.

NOTE: The department of industry, labor and job development was renamed the department of workforce development by 1997 Wis. Act 3.

5 **SECTION 244.** 218.01 (3) (ag) 2. of the statutes is amended to read:

6 218.01 (3) (ag) 2. A license described in ~~par. sub. (2)~~ (d) 1., 2., 3. or 5. shall be
7 suspended or revoked if the department of revenue certifies under s. 73.0301 that the
8 applicant or licensee is liable for delinquent taxes.

NOTE: Corrects cross-reference. There is no s. 218.01 (3) (d) 1., 2., 3. or 5. and sub. (3) (d) does not relate to specific types of licenses. The remainder of s. 218.01 (3) (ag) relates to licenses described in s. 218.01 (2) (d).

9 **SECTION 245.** 218.02 (2) (a) 2. b. of the statutes is amended to read:

10 218.02 (2) (a) 2. b. The division may disclose information under subd. 1. a. to
11 the department of ~~industry, labor and job~~ workforce development in accordance with
12 a memorandum of understanding under s. 49.857.

NOTE: The department of industry, labor and job development was renamed the department of workforce development by 1997 Wis. Act 3.

13 **SECTION 246.** 218.02 (6) (b) of the statutes is amended to read:

14 218.02 (6) (b) In accordance with a memorandum of understanding entered
15 into under s. ~~49.587~~ 49.857, the division shall restrict or suspend a license if the
16 licensee is an individual who fails to comply, after appropriate notice, with a
17 subpoena or warrant issued by the department of workforce development or a county
18 child support agency under s. 59.53 (5) and related to paternity or child support
19 proceedings or who is delinquent in making court-ordered payments of child or
20 family support, maintenance, birth expenses, medical expenses or other expenses
21 related to the support of a child or former spouse.

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NOTE: Inserts correct cross-reference. There is no s. 49.587. Section 49.857 relates to memoranda of understanding.

1 **SECTION 247.** 218.04 (3) (a) 2. b. of the statutes is amended to read:

2 218.04 (3) (a) 2. b. The division may disclose information under subd. 1. a. to
3 the department of ~~industry, labor and job~~ workforce development in accordance with
4 a memorandum of understanding under s. 49.857.

NOTE: The department of industry, labor and job development was renamed the department of workforce development by 1997 Wis. Act 3.

5 **SECTION 248.** 218.05 (3) (am) 2. b. of the statutes is amended to read:

6 218.05 (3) (am) 2. b. The division may disclose information under subd. 1. a.
7 to the department of ~~industry, labor and job~~ workforce development in accordance
8 with a memorandum of understanding under s. 49.857.

NOTE: The department of industry, labor and job development was renamed the department of workforce development by 1997 Wis. Act 3.

9 **SECTION 249.** 218.11 (2) (am) 3. of the statutes is amended to read:

10 218.11 (2) (am) 3. The licensor may not disclose any information received under
11 subd. 1. to any person except to the department of ~~industry, labor and job~~ workforce
12 development for purposes of administering s. 49.22 or to the department of revenue
13 for the sole purpose of requesting certifications under s. 73.0301.

NOTE: The department of industry, labor and job development was renamed the department of workforce development by 1997 Wis. Act 3.

14 **SECTION 250.** 218.21 (2m) (b) of the statutes is amended to read:

15 218.21 (2m) (b) The department of transportation may not disclose any
16 information received under sub. (2) (ag) or (am) to any person except to the
17 department of ~~industry, labor and job~~ workforce development for purposes of
18 administering s. 49.22 or the department of revenue for the sole purpose of
19 requesting certifications under s. 73.0301.

NOTE: The department of industry, labor and job development was renamed the department of workforce development by 1997 Wis. Act 3.

SENATE BILL 146**SECTION 251**

1 **SECTION 251.** 218.31 (1m) (b) of the statutes is amended to read:

2 218.31 (1m) (b) The department of transportation may not disclose any
3 information received under sub. (1) (ag) or (am) to any person except to the
4 department of ~~industry, labor and job~~ workforce development for purposes of
5 administering s. 49.22 or the department of revenue for the sole purpose of
6 requesting certifications under s. 73.0301.

NOTE: The department of industry, labor and job development was renamed the
department of workforce development by 1997 Wis. Act 3.

7 **SECTION 252.** 224.72 (2) (c) 2. b. of the statutes is amended to read:

8 224.72 (2) (c) 2. b. The department may disclose information under subd. 1. a.
9 to the department of ~~industry, labor and job~~ workforce development in accordance
10 with a memorandum of understanding under s. 49.857.

NOTE: The department of industry, labor and job development was renamed the
department of workforce development by 1997 Wis. Act 3.

11 **SECTION 253.** 224.72 (4r) of the statutes is amended to read:

12 224.72 (4r) INSUFFICIENT SECURITY; DIVISION ORDER; SUSPENSION OF REGISTRATION.
13 If the division finds that the surety bond, security or insurance policy filed by a
14 mortgage banker or mortgage broker has been ~~cancelled~~ canceled without the
15 required notice to the division, the division may summarily suspend the mortgage
16 banker's or mortgage broker's registration.

NOTE: Inserts preferred spelling.

17 **SECTION 254.** The treatment of 224.72 (5) (a) of the statutes by 1997 Wisconsin
18 Act 145 is not repealed by 1997 Wisconsin Act 191. Both treatments stand.

NOTE: There is no conflict of substance.

19 **SECTION 255.** 224.77 (6) of the statutes is amended to read:

20 224.77 (6) RESTRICTION OR SUSPENSION OF REGISTRATION. The department shall
21 restrict or suspend the registration of a mortgage banker, loan originator or loan

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1 ~~solicitor~~ mortgage broker if the registrant is an individual who fails to comply, after
2 appropriate notice, with a subpoena or warrant issued by the department of
3 workforce development or a county child support agency under s. 59.53 (5) and
4 related to paternity or child support proceedings or who is delinquent in making
5 court-ordered payments of child or family support, maintenance, birth expenses,
6 medical expenses or other expenses related to the support of a child or former spouse,
7 as provided in a memorandum of understanding entered into under s. 49.857. A
8 registrant whose registration is restricted or suspended under this subsection is
9 entitled to a notice and hearing only as provided in a memorandum of understanding
10 entered into under s. 49.857 and is not entitled to any other notice or hearing under
11 this section.

NOTE: This provision was created by 1997 Wis. Act 191 without taking into account
1997 Wis. Act 145 which changed the term “loan solicitor” to “mortgage broker”,
throughout the statutes.

12 **SECTION 256.** 224.77 (6m) of the statutes, as affected by 1997 Wisconsin Act 237,
13 section 449s, is renumbered 224.77 (8).

NOTE: Renumbers provision for more logical placement within the section.

14 **SECTION 257.** 224.77 (7) of the statutes, as created by 1997 Wisconsin Act 237,
15 is amended to read:

16 **224.77 (7) REVOCATION FOR LIABILITY FOR DELINQUENT TAXES.** The department
17 shall revoke the certificate of registration of a mortgage banker, loan originator or
18 ~~loan solicitor~~ mortgage broker if the department of revenue certifies under s. 73.0301
19 that the registrant is liable for delinquent taxes. A registrant whose certificate of
20 registration is revoked under this subsection for delinquent taxes is entitled to a
21 notice under s. 73.0301 (2) (b) 1. b. and a hearing under s. 73.0301 (5) (a) but is not
22 entitled to any other notice, hearing or review under this section.

SENATE BILL 146**SECTION 257**

NOTE: This provision was created by 1997 Wis. Act 237 without taking into account 1997 Wis. Act 145 which changed the term “loan solicitor” to “mortgage broker”, throughout the statutes.

1 **SECTION 258.** 229.70 (4) of the statutes is amended to read:

2 229.70 (4) It shall be a goal of a district, with regard to each of the contracts
3 described under sub. (3) (a), (b) and (c), to award at least 25% of the dollar value of
4 such contracts to minority businesses and at least 5% of the dollar value of such
5 contracts to women’s businesses.

NOTE: Inserts “and” for correct grammar.

6 **SECTION 259.** 242.01 (11) of the statutes, as affected by 1997 Wisconsin Act 188,
7 is amended to read:

8 242.01 (11) “Relative” means an individual related by consanguinity within the
9 3rd degree of kinship as computed under s. ~~852.03 (2), 1995 stats.~~ 990.001 (16), a
10 spouse or an individual related to a spouse within the 3rd degree as so computed, and
11 includes an individual in an adoptive relationship within the 3rd degree.

NOTE: Section 852.03 (2), 1995 stats., is recreated as s. 990.001 (16) by this bill for user convenience. See also the note to the treatment of s. 990.001 (16) by this bill.

12 **SECTION 260.** 252.10 (7) of the statutes, as affected by 1997 Wisconsin Acts 75,
13 156 and 175, is amended to read:

14 252.10 (7) Drugs necessary for the treatment of mycobacterium tuberculosis
15 shall be purchased by the department from the appropriation under s. 20.435 (5) (e)
16 and dispensed to patients through the public health dispensaries or through health
17 care providers, as defined in s. 146.81 (1), other than massage therapists or
18 bodyworkers issued a license of registration under subch. ~~X~~ XI of ch. 440, social
19 workers, marriage and family therapists or professional counselors certified under
20 ch. 457, speech–language pathologists or audiologists licensed under subch. II of ch.

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1 459, speech and language pathologists licensed by the department of public
2 instruction or dietitians certified under subch. V of ch. 448.

NOTE: Subch. X of ch. 440, as created by 1997 Wis. Act 156, is renumbered subch.
XI of ch. 440 by this bill.

3 **SECTION 261.** The treatment of 252.14 (1) (ar) 4m. of the statutes by 1997
4 Wisconsin Act 75 is not repealed by 1997 Wisconsin Act 175. Both treatments stand.

NOTE: There is no conflict of substance.

5 **SECTION 262.** 252.15 (1) (ar) 1. of the statutes is amended to read:

6 252.15 (1) (ar) 1. A person or entity that is specified in s. 146.81 (1), but does
7 not include a massage therapist or bodyworker issued a license of registration under
8 subch. ~~X~~ XI of ch. 440.

NOTE: Subch. X of ch. 440, as created by 1997 Wis. Act 156, is renumbered subch.
XI of ch. 440 by this bill.

9 **SECTION 263.** 252.15 (1) (eg) of the statutes is amended to read:

10 252.15 (1) (eg) "Relative" means a spouse, parent, grandparent, stepparent,
11 brother, sister, first cousin, nephew or niece; or uncle or aunt within the 3rd degree
12 of kinship as computed under s. ~~852.03 (2), 1995 stats. 990.001 (16)~~. This
13 relationship may be by consanguinity or direct affinity.

NOTE: Section 852.03 (2), 1995 stats., is recreated as s. 990.001 (16) by this bill for
user convenience. See also the note to the treatment of s. 990.001 (16) by this bill.

14 **SECTION 264.** 252.24 (2) of the statutes is amended to read:

15 252.24 (2) DEPARTMENT; DUTY. Except as provided in ss. 250.041 and ~~254.241~~
16 ~~252.241~~, the department shall provide uniform, statewide licensing and regulation
17 of body piercers and uniform, statewide licensing and regulation of body-piercing
18 establishments under this section. The department shall inspect a body-piercing
19 establishment once before issuing a license for the body-piercing establishment

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SECTION 264

1 under this section and may make additional inspections that the department
2 determines are necessary.

NOTE: Inserts correct cross-reference. There is no s. 254.241. Section 252.241
relates to the licensing of body piercing establishments.

3 **SECTION 265.** 253.12 (3) (intro.) of the statutes is amended to read:

4 253.12 (3) DEPARTMENTAL POWERS AND DUTIES. (intro.) From the appropriations
5 under s. 20.435 ~~(1)~~ (5) (md) and (8) (n), the department shall perform all of the
6 following for the program under this section:

NOTE: Inserts correct cross-reference. Section 20.435 (1) (md) was renumbered to
s. 20.435 (5) (md) by 1997 Wis. Act 27.

7 **SECTION 266.** The treatment of 281.19 (2) (a) of the statutes by 1997 Wisconsin
8 Act 27 is not repealed by 1997 Wisconsin Act 193. Both treatments stand.

NOTE: There is no conflict of substance.

9 **SECTION 267.** 289.62 (2) (a), (b), (c) and (g) (intro.) of the statutes are amended
10 to read:

11 289.62 (2) (a) *Tonnage fee; solid waste.* Except as provided under pars. (c) and
12 (g), the tonnage fee imposed by sub. ~~(3)~~ (1) (a) is 1.5 cents per ton for solid waste.

13 (b) *Tonnage fee; certain hazardous waste.* The tonnage fee imposed by sub. ~~(3)~~
14 (1) (a) is 15 cents per ton for hazardous wastes other than waste specified under par.
15 (c).

16 (c) *Tonnage fee; other waste.* Except as provided under par. (g), the tonnage fee
17 imposed by sub. ~~(3)~~ (1) (a) is 1.5 cents per ton for waste consisting of ashes and sludges
18 from electric and process steam generating facilities, sludges produced by waste
19 treatment or manufacturing processes at pulp or paper mills, manufacturing process
20 solid wastes from foundries and sludges produced by municipal wastewater
21 treatment facilities.

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1 (g) *Tonnage fee; mining waste.* (intro.) Notwithstanding pars. (a) to (c), with
2 respect to prospecting or mining waste, the tonnage fee imposed under sub. ~~(3)~~ **(1)**
3 (a) is:

NOTE: Inserts correct cross-reference. There is no s. 289.62 (3). Tonnage fees are imposed under s. 289.62 (1) (a).

4 **SECTION 268.** 299.07 (1) (b) 2. of the statutes is amended to read:

5 299.07 (1) (b) 2. If the department is required to obtain the information under
6 s. 299.08 (1) (a), to the department of ~~industry, labor and job~~ workforce development
7 in accordance with a memorandum of understanding under s. 49.857.

NOTE: The department of industry, labor and job development was renamed the department of workforce development by 1997 Wis. Act 3.

8 **SECTION 269.** 299.08 (1) (b) 1. of the statutes is amended to read:

9 299.08 (1) (b) 1. To the department of ~~industry, labor and job~~ workforce
10 development in accordance with a memorandum of understanding under s. 49.857.

NOTE: The department of industry, labor and job development was renamed the department of workforce development by 1997 Wis. Act 3.

11 **SECTION 270.** 301.03 (14) of the statutes, as created by 1997 Wisconsin Act 283,
12 is renumbered 301.03 (15).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 1997 Wis. Act 237 also created an s. 301.03 (14).

13 **SECTION 271.** The treatment of 301.26 (7) (h) of the statutes by 1997 Wisconsin
14 Act 27 is not repealed by 1997 Wisconsin Act 35. Both treatments stand.

NOTE: There is no conflict of substance.

15 **SECTION 272.** 302.372 (6) (d) of the statutes is amended to read:

16 302.372 (6) (d) Before entering a judgment for the county, the court shall
17 consider any legal obligations of the defendant for support or maintenance under ch.
18 767 and any moral obligation of the defendant to support ~~dependants~~ dependents

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1 and may reduce the amount of the judgment entered for the county based on those
2 obligations.

NOTE: Corrects spelling.

3 **SECTION 273.** 302.425 (2) of the statutes is amended to read:

4 302.425 (2) SHERIFF'S OR SUPERINTENDENT'S GENERAL AUTHORITY. Subject to the
5 limitations under sub. (3), a county sheriff or a superintendent of a house ~~or~~ of
6 correction may place in the home detention program any person confined in jail who
7 has been arrested for, charged with, convicted of or sentenced for a crime. The sheriff
8 or superintendent may transfer any prisoner in the home detention program to the
9 jail.

NOTE: Inserts correct word.

10 **SECTION 274.** The treatment of 303.01 (2) (em) of the statutes by 1997
11 Wisconsin Act 27 is not repealed by 1997 Wisconsin Act 36. Both treatments stand.

NOTE: There is no conflict of substance.

12 **SECTION 275.** The treatment of 303.065 (1) (b) 2. of the statutes by 1997
13 Wisconsin Act 283 is not repealed by 1997 Wisconsin Act 326. Both treatments stand.

NOTE: There is no conflict of substance.

14 **SECTION 276.** The treatment of 304.02 (5) of the statutes by 1997 Wisconsin Act
15 283 is not repealed by 1997 Wisconsin Act 326. Both treatments stand.

NOTE: There is no conflict of substance.

16 **SECTION 277.** The treatments of 304.06 (1) (b) of the statutes by 1997 Wisconsin
17 Act 283 are not repealed by 1997 Wisconsin Act 326. All treatments stand.

NOTE: There is no conflict of substance.

18 **SECTION 278.** The treatments of 304.071 (2) of the statutes by 1997 Wisconsin
19 Act 283 are not repealed by 1997 Wisconsin Act 326. All treatments stand.

NOTE: There is no conflict of substance.

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1 **SECTION 279.** The treatments of 341.14 (6r) (b) 3. of the statutes by 1997
2 Wisconsin Act 27 are not repealed by 1997 Wisconsin Act 255. All treatments stand.

NOTE: There is no conflict of substance.

3 **SECTION 280.** 343.16 (6) (title) of the statutes is amended to read:

4 343.16 (6) (title) SPECIAL RETESTING OF LICENSED OPERATIONS OPERATORS.

NOTE: Conforms title to statute subject matter.

5 **SECTION 281.** 343.23 (2) (b) of the statutes, as affected by 1997 Wisconsin Acts
6 84 and 237, is amended to read:

7 343.23 (2) (b) The information specified in par. (a) must be filed by the
8 department so that the complete operator's record is available for the use of the
9 secretary in determining whether operating privileges of such person shall be
10 suspended, revoked, canceled or withheld in the interest of public safety. The record
11 of suspensions, revocations and convictions that would be counted under s. 343.307
12 (2) shall be maintained for 10 years, except that if there are 2 or more suspensions,
13 revocations or convictions within any 10-year period, the record shall be maintained
14 permanently. The record of convictions for disqualifying offenses under s. 343.315
15 (2) (h) shall be maintained for at least 10 years. The record of convictions for
16 disqualifying offenses under s. 343.315 (2) (f) shall be maintained for at least 3 years.
17 The record of convictions for disqualifying offenses under s. 343.315 (2) (a) to (e) shall
18 be maintained permanently, except that 5 years after a licensee transfers residency
19 to another state such record may be transferred to another state of licensure of the
20 licensee if that state accepts responsibility for maintaining a permanent record of
21 convictions for disqualifying offenses. Such reports and records may be cumulative
22 beyond the period for which a license is granted, but the secretary, in exercising the
23 power of suspension granted under s. 343.32 (2) may consider only those reports and

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1 records entered during the 4-year period immediately preceding the exercise of such
2 power of suspension ~~or revocation~~.

NOTE: 1997 Wis. Act 84 deleted “revocation” from the referred to power under s.
343.32 (2) and in this provision.

3 **SECTION 282.** The treatment of 343.30 (2d) of the statutes by 1997 Wisconsin
4 Act 84 is not repealed by 1997 Wisconsin Act 283. Both treatments stand.

NOTE: There is no conflict of substance.

5 **SECTION 283.** 343.305 (6) (e) 3. b. of the statutes is amended to read:

6 343.305 (6) (e) 3. b. The licensor may not disclose any information received
7 under subd. 2. a. or b. except to the department of ~~industry, labor and job~~ workforce
8 development for purposes of administering s. 49.22 or the department of revenue for
9 the sole purpose of requesting certifications under s. 73.0301.

NOTE: The department of industry, labor and job development was renamed the
department of workforce development by 1997 Wis. Act 3.

10 **SECTION 284.** 343.44 (2s) (title) of the statutes is created to read:

11 343.44 (2s) (title) CITATIONS.

NOTE: All other s. 344.44 subsections have titles.

12 **SECTION 285.** The treatment of 343.50 (8) (b) of the statutes by 1997 Wisconsin
13 Act 119 is not repealed by 1997 Wisconsin Act 191. Both treatments stand.

NOTE: There is no conflict of substance.

14 **SECTION 286.** 343.61 (2) (b) of the statutes is amended to read:

15 343.61 (2) (b) The department of transportation may not disclose any
16 information received under par. (a) 1. or 2. to any person except to the department
17 of ~~industry, labor and job~~ workforce development for purposes of administering s.
18 49.22 or the department of revenue for the sole purpose of requesting certifications
19 under s. 73.0301.

NOTE: The department of industry, labor and job development was renamed the
department of workforce development by 1997 Wis. Act 3.

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1 **SECTION 287.** The treatment of 345.47 (1) (b) of the statutes by 1997 Wisconsin
2 Act 84 is not repealed by 1997 Wisconsin Act 237. Both treatments stand.

NOTE: There is no conflict of substance.

3 **SECTION 288.** The treatment of 346.65 (5m) of the statutes by 1997 Wisconsin
4 Act 135 is not repealed by 1997 Wisconsin Act 277. Both treatments stand.

NOTE: There is no conflict of substance.

5 **SECTION 289.** The treatment of 346.65 (6) (a) 1. of the statutes by 1997
6 Wisconsin Act 237 is not repealed by 1997 Wisconsin Act 295. Both treatments stand.

NOTE: There is no conflict of substance.

7 **SECTION 290.** The treatment of 346.65 (6) (a) 2. of the statutes by 1997
8 Wisconsin Act 237 is not repealed by 1997 Wisconsin Act 295. Both treatments stand.

NOTE: There is no conflict of substance.

9 **SECTION 291.** 346.65 (6) (d) of the statutes, as affected by 1997 Wisconsin Acts
10 237 and 295, is amended to read:

11 346.65 (6) (d) At the hearing set under par. (c), the state has the burden of
12 proving to a reasonable certainty by the greater weight of the credible evidence that
13 the motor vehicle is a motor vehicle owned by a person who committed a violation of
14 s. 346.63 (1) (a) or (b) or (2) (a) 1. or 2., 940.09 (1) (a), (b), (c) or (d) or 940.25 (1) (a),
15 (b), (c) or (d) and, if the seizure is under par. (a) 1., that the person had 2 prior
16 convictions, suspensions or revocations, as counted under s. 343.307 (1) or, if the
17 seizure is under par. (a) 2., 3 or more prior convictions, suspensions or revocations,
18 as counted under s. 343.307 (1). If the ~~or (d), (e) or (d)~~ state fails to meet the
19 burden of proof required under this paragraph, the motor vehicle shall be returned
20 to the owner upon the payment of storage costs.

NOTE: The stricken language was inserted by 1997 Wis. Act 295, but was rendered surplusage by the treatment of this provision by 1997 Wis. Act 237.

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1 **SECTION 292.** The treatment of 409.203 (1) (a) of the statutes by 1997 Wisconsin
2 Act 265 is not repealed by 1997 Wisconsin Act 297. Both treatments stand.

NOTE: There is no conflict of substance.

3 **SECTION 293.** 423.201 of the statutes is renumbered 423.201 (1) and amended
4 to read:

5 423.201 (1) “Consumer approval transaction” means a consumer transaction
6 other than a sale or lease or listing for sale of real property or a sale of goods at auction
7 ~~1) which is that:~~

8 (a) ~~Is~~ initiated by face-to-face solicitation away from a regular place of business
9 of the merchant or by mail or telephone solicitation directed to the particular
10 customer and ~~2) which is~~

11 (b) ~~Is~~ consummated or in which the customer’s offer to contract or other writing
12 evidencing the transaction is received by the merchant away from a regular place of
13 business of the merchant and involves the extension of credit or is a cash transaction
14 in which the amount the customer pays exceeds \$25.

15 (2) “Consumer approval transaction” ~~shall in no event~~ does not include a
16 catalog sale ~~which that~~ is not accompanied by any other solicitation or a consumer
17 loan conducted and consummated entirely by mail.

NOTE: The term “consumer approval transaction” only appears in subch. II of ch.
423. Removes numbering that is inconsistent with current style, replaces improperly
used word and subdivides provision for greater readability.

18 **SECTION 294.** 423.201 (intro.) of the statutes is created to read:

19 423.201 (intro.) In this subchapter:

NOTE: Accommodates renumbering by the previous section of this bill.

20 **SECTION 295.** 440.03 (11m) (c) of the statutes is amended to read:

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1 440.03 (11m) (c) The department of regulation and licensing may not disclose
2 a social security number obtained under par. (a) to any person except to the
3 department of workforce development for purposes of administering s. 49.22 and, for
4 a social security number obtained under par. (a) 1., the department of revenue for the
5 sole purpose of ~~making the determination required under s. 440.08 (2r) requesting~~
6 certifications under s. 73.0301.

NOTE: 1997 Wis. Act 237 repealed s. 440.08 (2r). Conforms this provision with the other treatments in Act 237 regarding the disclosure of social security numbers to the department of revenue for the purpose of determining tax delinquencies.

7 **SECTION 296.** 440.042 (1) of the statutes, as affected by 1997 Wisconsin Act 156,
8 is amended to read:

9 440.042 (1) The secretary may appoint persons or advisory committees to
10 advise the department and the boards, examining boards and affiliated
11 credentialing boards in the department on matters relating to the regulation of
12 credential holders. The secretary shall appoint an advisory committee to advise the
13 department on matters relating to carrying out the duties specified in s. 440.972
14 440.982 and making investigations, conducting hearings and taking disciplinary
15 action under s. 440.976 440.986. A person or an advisory committee member
16 appointed under this subsection shall serve without compensation, but may be
17 reimbursed for his or her actual and necessary expenses incurred in the performance
18 of his or her duties.

NOTE: Sections 440.972 and 440.976, as created by 1997 Wis. Act 156, are renumbered ss. 440.982 and 440.986 by this bill.

19 **SECTION 297.** 440.08 (2) (a) 67q. of the statutes, as created by 1997 Wisconsin
20 Act 261, is renumbered 440.08 (2) (a) 67v.

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 1997 Wis. Act 156 also created a provision numbered s. 440.08 (2) (a) 67q.

21 **SECTION 298.** 440.26 (1) (a) 11. of the statutes is amended to read:

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1 440.26 (1) (a) 11. Receive any fees or compensation for acting as any person,
2 engaging in any business or performing any service specified in subds. 1. to ~~10.~~ 4.

NOTE: The creation of s. 440.26 (1) (a) 5. to 10. was removed from 1995 Wis. Act 461
by the governor's partial veto.

3 **SECTION 299.** Subchapter X (title) of chapter 440 of the statutes, as created by
4 1997 Wisconsin Act 156, is renumbered subchapter XI (title) of chapter 440 [precedes
5 440.98].

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 1997 Wis. Act
81 also created a subch. X of ch. 440.

6 **SECTION 300.** 440.97 of the statutes, as created by 1997 Wisconsin Act 156, is
7 renumbered 440.98.

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 1997 Wis. Act
81 also created a provision numbered s. 440.97.

8 **SECTION 301.** 440.9705 of the statutes, as created by 1997 Wisconsin Act 156,
9 is renumbered 440.9805.

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). Moves section
for proper location within subch. XI of ch. 440 as renumbered by this bill.

10 **SECTION 302.** 440.971 of the statutes, as created by 1997 Wisconsin Act 156, is
11 renumbered 440.981.

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). Moves section
for proper location within subch. XI of ch. 440 as renumbered by this bill.

12 **SECTION 303.** 440.972 of the statutes, as created by 1997 Wisconsin Act 156, is
13 renumbered 440.982.

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 1997 Wis. Act
81 also created a provision numbered s. 440.972.

14 **SECTION 304.** 440.973 of the statutes, as created by 1997 Wisconsin Act 156, is
15 renumbered 440.983, and 440.983 (4), as renumbered, is amended to read:

16 440.983 (4) Submits evidence satisfactory to the department that he or she
17 satisfies the requirements established in rules promulgated under s. ~~440.972~~
18 440.982 (1) (b).

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NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 1997 Wis. Act 81 also created a provision numbered s. 440.973. Section 440.972, as created by 1997 Wis. Act 156, is renumbered s. 440.982 by this bill.

1 **SECTION 305.** 440.974 of the statutes, as created by 1997 Wisconsin Act 156, is
2 renumbered 440.984, and 440.984 (6), as renumbered, is amended to read:

3 440.984 (6) The person submits the evidence specified in s. ~~440.973~~ 440.983 (5).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 1997 Wis. Act 81 also created a s. 440.974. Section 440.973, as created by 1997 Wis. Act 156, is renumbered s. 440.983 by this bill.

4 **SECTION 306.** 440.975 of the statutes, as created by 1997 Wisconsin Act 156, is
5 renumbered 440.985, and 440.985 (2), as renumbered, is amended to read:

6 440.985 (2) Evidence satisfactory to the department that the applicant has
7 completed any continuing education requirements specified in rules promulgated
8 under s. ~~440.972~~ 440.982 (2).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 1997 Wis. Act 81 also created a provision numbered s. 440.975. Section 440.972, as created by 1997 Wis. Act 156, is renumbered s. 440.982 by this bill.

9 **SECTION 307.** 440.976 of the statutes, as created by 1997 Wisconsin Act 156, is
10 renumbered 440.986, and 440.986 (2) (g) and (3) (intro.), as renumbered, are
11 amended to read:

12 440.986 (2) (g) Violated any standard relating to the practice of massage
13 therapy or bodywork established by the department in the rules promulgated under
14 s. ~~440.972~~ 440.982 (1) (a).

15 (3) (intro.) In lieu of proceeding under sub. (2), the department may place, in
16 the registry established under s. ~~440.972~~ 440.982 (1) (c), a copy of a complaint
17 received by the department against a registrant, the registrant's response to the
18 complaint and a copy of any records of the department concerning the complaint. The
19 department shall use the following procedure in placing information in the registry
20 under this subsection:

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NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 1997 Wis. Act 81 also created a provision numbered s. 440.976. Section 440.972, as created by 1997 Wis. Act 156, is renumbered s. 440.982 by this bill.

1 **SECTION 308.** 440.977 of the statutes, as created by 1997 Wisconsin Act 156, is
2 renumbered 440.987.

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 1997 Wis. Act 81 also created a provision numbered s. 440.977.

3 **SECTION 309.** 440.978 of the statutes, as created by 1997 Wisconsin Act 156, is
4 renumbered 440.988, and 440.988 (2), as renumbered, is amended to read:

5 440.988 (2) A person who violates s. ~~440.971~~ 440.981 (1) or a person presenting
6 or attempting to use as his or her own the license of registration of another, or any
7 person who falsely impersonates any other registrant of like or different name, or any
8 person who attempts to use an expired or revoked license of registration, may be
9 fined not less than \$100 nor more than \$500 or imprisoned for not more than 3
10 months or both.

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 1997 Wis. Act 81 also created a provision numbered s. 440.978. Section 440.971, as created by 1997 Wis. Act 156, is renumbered s. 440.981 by this bill.

11 **SECTION 310.** 440.979 of the statutes, as created by 1997 Wisconsin Act 156, is
12 renumbered 440.989.

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). Moves section for proper location within subch. XI of ch. 440 as renumbered by this bill.

13 **SECTION 311.** 440.999 of the statutes, as created by 1997 Wisconsin Act 81, is
14 renumbered 440.979.

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). Moves section for proper location within subch. X of ch. 440, as created by 1997 Wis. Act 81, required by the renumbering of the provisions of subch. X of ch. 440, as created by 1997 Wis. Act 156, by this bill.

15 **SECTION 312.** 443.11 (6) of the statutes, as affected by 1997 Wisconsin Acts 237
16 and 300, is amended to read:

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1 443.11 (6) The examining board, for reasons the appropriate section of the
2 examining board considers sufficient, may reissue a certificate of registration or a
3 certificate of record to any person, or a certificate of authorization to any firm,
4 partnership or corporation, whose certificate has been revoked, except for a
5 certificate revoked under s. 440.12, if 3 members of the section vote in favor of such
6 reissuance. Subject to the rules of the examining board, the examining board, the
7 examining board may, upon payment of the required fee, issue a new certificate of
8 registration, certificate of record or certificate of authorization, to replace any
9 certificate that is revoked, lost, destroyed or mutilated.

NOTE: The underscored comma is added for clarity.

10 **SECTION 313.** The treatment of 448.01 (6) of the statutes by 1997 Wisconsin Act
11 67 is not repealed by 1997 Wisconsin Act 175. Both treatments stand.

NOTE: There is no conflict of substance.

12 **SECTION 314.** 448.015 (4) of the statutes, as affected by 1997 Wisconsin Act 67,
13 section 13, and 1997 Wisconsin Act 175, section 25, is amended to read:

14 448.015 (4) “Unprofessional conduct” means those acts or attempted acts of
15 commission or omission defined as unprofessional conduct by the board under the
16 authority delegated to the board by s. 15.08 (5) (b) and any act by a physician, or
17 physician assistant in violation of ch. 450 or 961.

NOTE: Replaces comma with “or” to correct grammar.

18 **SECTION 315.** 448.02 (1) of the statutes, as affected by 1997 Wisconsin Acts 67
19 and 175, is amended to read:

20 448.02 (1) LICENSE. The board may grant licenses, including various classes
21 of temporary licenses, to practice medicine and surgery, and to practice as a
22 physician assistant.

NOTE: Replaces comma with “and” to correct grammar.

SENATE BILL 146**SECTION 316**

1 **SECTION 316.** The treatment of 448.03 (1) of the statutes by 1997 Wisconsin Act
2 67 is not repealed by 1997 Wisconsin Act 175. Both treatments stand.

NOTE: There is no conflict of substance.

3 **SECTION 317.** 448.03 (1) (c) of the statutes, as created by 1997 Wisconsin Act 67,
4 is repealed.

NOTE: Reconciles the treatment of s. 448.03 (1) by 1997 Wis. Acts 67 and 175. Act 67 divided the subsection into 3 parts, with par. (c) requiring that podiatrists not practice without a license. Act 175 deleted the reference to podiatrists from sub. (1) as it existed prior to the treatment by Act 67 and created a new s. 448.61 requiring that podiatrists not practice without a license. The treatment by Act 175 renders par. (c) as created by Act 67 surplusage.

5 **SECTION 318.** The treatment of 448.03 (2) (e) of the statutes by 1997 Wisconsin
6 Act 67 is not repealed by 1997 Wisconsin Act 175. Both treatments stand.

NOTE: There is no conflict of substance.

7 **SECTION 319.** The treatment of 448.09 (1) of the statutes by 1997 Wisconsin Act
8 175 is not repealed by 1997 Wisconsin Act 311. Both treatments stand.

NOTE: There is no conflict of substance.

9 **SECTION 320.** 448.40 (2) (f) of the statutes, as created by 1997 Wisconsin Act 311,
10 is renumbered 448.40 (2) (g).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 1997 Wis. Act 67 also created a provision numbered s. 448.40 (2) (f).

11 **SECTION 321.** The treatment of 450.10 (3) (a) 5m. of the statutes by 1997
12 Wisconsin Act 75 is not repealed by 1997 Wisconsin Act 175. Both treatments stand.

NOTE: There is no conflict of substance.

13 **SECTION 322.** 470.04 (2) (b) of the statutes is amended to read:

14 470.04 (2) (b) Subject to sub. (7), that he or she has a bachelor's degree, ~~and at~~
15 ~~least 30 semester hours or 45 quarter hours of~~ with course credits in geology of a
16 variety and nature sufficient to constitute a geology major from a college or
17 university approved by the examining board.

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NOTE: 1997 Wis. Act 300 deleted the language stricken here without showing it as stricken and added the language underscored here without showing it as underscored. The change was intended.

1 **SECTION 323.** 470.04 (4) (intro.) of the statutes is amended to read:

2 470.04 (4) (intro.) The professional soil scientist section shall grant a
3 professional soil scientist license to a person who satisfies the requirements under
4 sub. (1) and who ~~who~~ submits evidence satisfactory to the section of all of the
5 following:

NOTE: Deletes repeated word inserted by 1997 Wis. Act 300.

6 **SECTION 324.** 551.29 (3) of the statutes is amended to read:

7 551.29 (3) With respect to a federal covered security that is a covered security
8 under section 18 (b) (3) or (4) of the Securities Act of 1933, the division may, by rule
9 or order, require the filing, for purpose of providing notice to the division, of any
10 document filed with the federal securities and exchange commission under the ~~the~~
11 Securities Act of 1933, together with a fee prescribed in the rule or order. The filing
12 is effective upon receipt by the division of the documents and fee required under the
13 rule or order.

NOTE: Deletes repeated word inserted by 1997 Wis. Act 316.

14 **SECTION 325.** 551.32 (1) (bm) 2. b. of the statutes is amended to read:

15 551.32 (1) (bm) 2. b. The division may disclose information under subd. 1. a.
16 to the department of ~~industry, labor and job~~ workforce development in accordance
17 with a memorandum of understanding under s. 49.857.

NOTE: The department of industry, labor and job development was renamed the department of workforce development by 1997 Wis. Act 3.

18 **SECTION 326.** 551.32 (9) (a) of the statutes, as affected by 1997 Wisconsin Act
19 316, section 60, is amended to read:

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1 551.32 (9) (a) Withdrawal from the status of a licensed broker-dealer, agent,
2 investment adviser or investment adviser representative becomes effective 30 days
3 after receipt by the division or by an organization designated by rule of the division
4 under ~~s. 551.32~~ sub. (1) (a) of an application to withdraw or within such shorter
5 period as the division determines, unless a revocation or suspension proceeding is
6 pending when the application is filed or a proceeding to revoke or suspend or to
7 impose conditions upon the withdrawal is instituted within 30 days after the
8 application is filed. If a proceeding is pending or instituted, withdrawal becomes
9 effective at such time and upon such conditions as the division by order determines.
10 If no proceeding is pending or instituted and withdrawal automatically becomes
11 effective, the division may institute a revocation or suspension proceeding for the
12 grounds specified under ~~sub. s. 551.34~~ (1) (b), (g), (m) or (n) within one year after
13 withdrawal became effective and enter a revocation or suspension order as of the last
14 date on which the license was in effect.

NOTE: 1997 Wis. Act 316 renumbered this provision from s. 551.34 (6), but did not
amend the cross-references accordingly.

15 **SECTION 327.** 551.65 (1) of the statutes is amended to read:

16 551.65 (1) Every applicant for license or registration under this chapter, every
17 person filing a ~~filing~~ notice filing under this chapter and every issuer ~~which that~~
18 proposes to offer a security in this state through any person acting as agent shall file
19 with the division or, if applying for a license, with the organization designated by the
20 division under s. 551.32 (1) (a), an irrevocable consent appointing the division to be
21 his or her attorney to receive service of any lawful process in any noncriminal suit,
22 action or proceeding against him or her or a successor, executor or administrator
23 ~~which that~~ arises under this chapter or any rule or order under this chapter after the

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1 consent has been filed, with the same validity as if served personally on the person
2 filing the consent. The consent shall be in the form the division by rule prescribes.
3 The consent need not be filed by a person who has filed a consent in connection with
4 a previous registration or notice filing or license ~~which~~ that is then in effect. Service
5 may be made by leaving a copy of the process at the office of the division, but it is not
6 effective unless the plaintiff, who may be the division in a suit, action or proceeding
7 instituted by the division, promptly sends notice of the service and a copy of the
8 process by registered or certified mail to the defendant or respondent at the person's
9 last address on file with the division, and the plaintiff's affidavit of compliance with
10 this subsection is filed in the case on or before the return day of the process, or within
11 such time as the court allows.

NOTE: Corrects word order. 1997 Wis. Act 316 added provisions regarding "notice filing" to ch. 551. Replaces improperly used "which".

12 **SECTION 328.** 552.05 (2) (intro.) of the statutes is amended to read:

13 552.05 (2) (intro.) The registration statement shall be filed on forms prescribed
14 by the division, and shall be accompanied by a consent by the offeror to service of
15 process specified in s. 551.65 (1) and the filing fee specified in s. 552.15 (1), and shall
16 contain the following information and such additional information as the
17 ~~commissioner~~ division by rule prescribes:

NOTE: Inserts the correct term. 1995 Wis. Act 27 replaced the commissioner of securities with the division of securities in the department of financial institutions.

18 **SECTION 329.** 560.745 (2) (b) and (c) 1. of the statutes are amended to read:

19 560.745 (2) (b) Annually the department shall estimate the amount of ~~foregone~~
20 forgone state revenue because of tax benefits claimed by persons in each
21 development zone.

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1 (c) 1. Ninety days after the day on which the department determines that the
2 foregone forgone tax revenues under par. (b) will equal or exceed the limit for the
3 development zone established under par. (a) or (am).

NOTE: Inserts preferred spelling.

4 **SECTION 330.** 560.795 (2) (c) and (d) 1. of the statutes are amended to read:

5 560.795 (2) (c) Annually, the department shall estimate the amount of foregone
6 forgone state revenue because of tax benefits claimed by corporations in each
7 development opportunity zone.

8 (d) 1. Notwithstanding par. (a), the designation of an area as a development
9 opportunity zone shall expire 90 days after the day on which the department
10 determines that the foregone forgone tax revenues under par. (c) will equal or exceed
11 the limit for the development opportunity zone.

NOTE: Inserts preferred spelling.

12 **SECTION 331.** 560.797 (5) (c) and (d) 1. of the statutes are amended to read:

13 560.797 (5) (c) Annually, the department shall estimate the amount of foregone
14 forgone state revenue because of tax benefits claimed by persons in each enterprise
15 development zone.

16 (d) 1. Notwithstanding the length of time specified by the department under
17 par. (a), the designation of an area as an enterprise development zone shall expire
18 90 days after the day on which the department determines that the foregone forgone
19 tax revenues under par. (c) will equal or exceed the limit established for the
20 enterprise development zone.

NOTE: Inserts preferred spelling.

21 **SECTION 332.** 615.03 (1) (c) of the statutes is amended to read:

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1 615.03 (1) (c) A natural person who issues such an annuity to a relative by blood
2 or marriage within the 3rd degree of kinship as computed according to s. ~~852.03 (2)~~,
3 ~~1995 stats. 990.001 (16)~~.

NOTE: Section 852.03 (2), 1995 stats., is recreated as s. 990.001 (16) by this bill for user convenience. See also the note to the treatment of s. 990.001 (16) by this bill.

4 **SECTION 333.** The treatment of 632.895 (1) (b) 5. b. of the statutes by 1997
5 Wisconsin Act 75 is not repealed by 1997 Wisconsin Act 175. Both treatments stand.

NOTE: There is no conflict of substance.

6 **SECTION 334.** 632.895 (12) (a) of the statutes is amended to read:

7 632.895 (12) (a) In this subsection, “ambulatory surgery center” has the
8 meaning given in s. ~~49.45 (6r) (a) 1.~~ 42 CFR 416.2.

NOTE: Section 49.45 (6r) was repealed by 1997 Wis. Act 252. The definition from that section replaces the former cross-reference.

9 **SECTION 335.** 751.15 (title) of the statutes, as created by 1997 Wisconsin Act
10 191, is amended to read:

11 **751.15 (title) Rules regarding the practice of law; delinquent support**
12 **obligors.**

NOTE: Confirms title to the subject matter of the section. 1997 Wis. Acts 191 and 237 each created a section numbered s. 751.15 and titled “Rules regarding the practice of law”. Section 751.15 as created by Act 237 is renumbered to s. 751.155 and its title amended by the next section of this bill.

13 **SECTION 336.** 751.15 of the statutes, as created by 1997 Wisconsin Act 237, is
14 renumbered 751.155, and 751.155 (title), as renumbered, is amended to read:

15 **751.155 (title) Rules regarding the practice of law; delinquent**
16 **taxpayers.**

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b) and conforms title to the subject matter of the section. 1997 Wis. Acts 191 and 237 each created a section numbered s. 751.15 and titled “Rules regarding the practice of law”. See also the previous section of this bill.

17 **SECTION 337.** 757.69 (1) (n) of the statutes, as created by 1997 Wisconsin Act
18 192, is renumbered 757.69 (1) (o).

SENATE BILL 146**SECTION 337**

NOTE: Confirms the renumbering by the revisor under s. 13.93 (1) (b). 1991 Wis. Act 191 also created a provision numbered s. 757.69 (1) (n).

1 **SECTION 338.** 767.25 (6) (a) of the statutes, as affected by 1997 Wisconsin Acts
2 27 and 191, is amended to read:

3 767.25 (6) (a) First, to payment of child support ~~department or its~~ due within
4 the calendar month during which the payment is received.

NOTE: The stricken language was inserted by 1997 Wis. Act 27, but rendered surplusage by the treatment of this provision by 1997 Wis. Act 191.

5 **SECTION 339.** 767.261 (1) of the statutes, as affected by 1997 Wisconsin Acts 27
6 and 191, is amended to read:

7 767.261 (1) First, to payment of family support ~~department or its~~ due within
8 the calendar month during which the payment is received.

NOTE: The stricken language was inserted by 1997 Wis. Act 27, but rendered surplusage by the treatment of this provision by 1997 Wis. Act 191.

9 **SECTION 340.** 767.303 (1) of the statutes, as affected by 1997 Wisconsin Act 191,
10 is amended to read:

11 767.303 (1) If a person fails to pay a payment ordered for support under s.
12 767.077, support under s. 767.08, child support or family support under s. 767.23,
13 child support under s. 767.25, family support under s. 767.261, revised child or
14 family support under s. 767.32, child support under s. 767.458 (3), child support
15 under s. ~~767.458 (3)~~ 767.477, child support under s. 767.51, child support under s.
16 767.62 (4) (a), child support under ch. 769 or child support under s. 948.22 (7), the
17 payment is 90 or more days past due and the court finds that the person has the
18 ability to pay the amount ordered, the court may suspend the person's operating
19 privilege, as defined in s. 340.01 (40), until the person pays all arrearages in full or
20 makes payment arrangements that are satisfactory to the court, except that the

SENATE BILL 146

1 suspension period may not exceed 5 years. If otherwise eligible, the person is eligible
2 for an occupational license under s. 343.10 at any time.

NOTE: Corrects cross-reference. An incorrect number was erroneously inserted in
the transcription 1997 Wis. Act 191.

3 **SECTION 341.** The treatment of 767.303 (1) of the statutes by 1997 Wisconsin
4 Act 84 is not repealed by 1997 Wisconsin Act 191. Both treatments stand.

NOTE: There is no conflict of substance.

5 **SECTION 342.** 767.51 (5p) (a) of the statutes, as affected by 1997 Wisconsin Acts
6 27 and 191, is amended to read:

7 767.51 (5p) (a) First, to payment of child support ~~department or its~~ due within
8 the calendar month during which the payment is received.

NOTE: The stricken language was inserted by 1997 Wis. Act 27, but rendered
surplusage by the treatment of this provision by 1997 Wis. Act 191.

9 **SECTION 343.** The treatment of 801.095 (1) of the statutes by 1997 Wisconsin
10 Act 187 is not repealed by 1997 Wisconsin Act 250. Both treatments stand.

NOTE: There is no conflict of substance.

11 **SECTION 344.** 801.095 (2) (form) of the statutes, as affected by 1997 Wisconsin
12 Acts 187 and 250, is amended to read:

13 801.095 (2) (form)

14 STATE OF WISCONSIN CIRCUIT COURT: COUNTY

15 _____
16 A. B.

17 Address

18 City, State Zip Code File No.

19 , Plaintiff

20 vs. S U M M O N S

21 C. D.

SENATE BILL 146

SECTION 344

1 Address (Case Classification Type): (Code No.)

2 City, State Zip Code

3 , Defendant



4
5 **THE STATE OF WISCONSIN, To each person named above as a Defendant:**

6 You are hereby notified that the Plaintiff named above has filed a lawsuit or
7 other legal action against you.

8 Within 45 days of receiving this summons, you must respond with a written
9 demand for a copy of the complaint. The demand must be sent or delivered to the
10 court, whose address is, and to, Plaintiff’s attorney, whose address is, You
11 may have an attorney help or represent you.

12 If you do not demand a copy of the complaint within 45 days, the court may
13 grant judgment against you for the award of money or other legal action requested
14 in the complaint, and you may lose your right to object to anything that is or may be
15 incorrect in the complaint. A judgment may be enforced as provided by law. A
16 judgment awarding money may become a lien against any real estate you own now
17 or in the future, and may also be enforced by garnishment or seizure of property.

18 Dated:, (year)

19 Signed:

20 A. B., Plaintiff

21 or

22 E. F., Plaintiff’s Attorney

23 State Bar Number No.:

24 Address:

25 City, State Zip Code:

SENATE BILL 146

1

Phone No.:

NOTE: The stricken language was deleted by 1997 Wis. Act 187 without being shown as stricken and the underscored material was inserted by Act 187 without being shown as underscored. The changes were intended.

2

SECTION 345. 801.095 (3) of the statutes, as affected by 1997 Wisconsin Acts 187

3

and 250, is amended to read:

4

801.095 (3) NO PERSONAL SERVICE; COMPLAINT SERVED AT THE SAME TIME.

5

STATE OF WISCONSIN

CIRCUIT COURT:

COUNTY

6

7

A. B.

8

Address

9

10

City, State Zip Code

File No.

11

, Plaintiff

12

vs.

S U M M O N S

13

C. D.

14

Address (Case Classification Type): (Code No.)

15

City, State Zip Code

16

, Defendant

17

18

THE STATE OF WISCONSIN, To each person named above as a Defendant:

19

20

You are hereby notified that the Plaintiff named above has filed a lawsuit or other legal action against you. The complaint, which is also served upon you, states the nature and basis of the legal action.

22

Within 45 days after, (year), you must respond with a written answer, as

23

that term is used in chapter 802 of the Wisconsin Statutes, to the complaint. The

SENATE BILL 146**SECTION 345**

1 court may reject or disregard an answer that does not follow the requirements of the
2 statutes. The answer must be sent or delivered to the court, whose address is, and
3 to, Plaintiff's attorney, whose address is, You may have an attorney help or
4 represent you.

5 If you do not provide a proper answer within 40 days, the court may grant
6 judgment against you for the award of money or other legal action requested in the
7 complaint, and you may lose your right to object to anything that is or may be
8 incorrect in the complaint. A judgment may be enforced as provided by law. A
9 judgment awarding money may become a lien against any real estate you own now
10 or in the future, and may also be enforced by garnishment or seizure of property.

11 Dated:, (year)

12 Signed:

13 A. B., Plaintiff

14 or

15 E. F., Plaintiff's Attorney

16 State Bar Number No.:

17 Address:

18 City, State Zip Code:

19 Phone No.:

NOTE: The stricken language was deleted by 1997 Wis. Act 187 without being
shown as stricken and the underscored language was inserted by Act 187 without being
shown as underscored. The changes were intended.

20 **SECTION 346.** 801.095 (4) of the statutes, as affected by 1997 Wisconsin Acts 187
21 and 250, is amended to read:

22 801.095 (4) NO PERSONAL SERVICE; COMPLAINT NOT SERVED AT THE SAME TIME.

SENATE BILL 146

1 STATE OF WISCONSIN CIRCUIT COURT: COUNTY

2

3 A. B.

4 Address

5 City, State Zip Code File No.

6 , Plaintiff

7 vs. S U M M O N S

8 C. D.

9 Address (Case Classification Type): (Code No.)

10 City, State Zip Code

11 , Defendant

12

13 THE STATE OF WISCONSIN, To each person named above as a Defendant:

14 You are hereby notified that the plaintiff named above has filed a lawsuit or
15 other legal action against you.

16 Within 45 days after, (year), you must respond with a written demand for
17 a copy of the complaint. The demand must be sent or delivered to the court, whose
18 address is, and to, Plaintiff's attorney, whose address is, You may have an
19 attorney help or represent you.

20 If you do not demand a copy of the complaint within 45 days, the court may
21 grant judgment against you for the award of money or other legal action requested
22 in the complaint, and you may lose your right to object to anything that is or may be
23 incorrect in the complaint. A judgment may be enforced as provided by law. A
24 judgment awarding money may become a lien against any real estate you own now
25 or in the future, and may also be enforced by garnishment or seizure of property.

SENATE BILL 146

SECTION 346

1 Dated:, (year)

2 Signed:

3 A. B., Plaintiff

4 or

5 E. F., Plaintiff’s Attorney

6 State Bar Number No.:

7 Address:

8 City, State Zip Code:

9 Phone No.:

NOTE: The stricken language was deleted by 1997 Wis. Act 187 without being shown as stricken and the underscored language was inserted by Act 187 without being shown as underscored. The changes were intended.

10 **SECTION 347.** 801.11 (2) (b) of the statutes is amended to read:

11 801.11 (2) (b) Where the person under disability is known by the plaintiff to be
12 under guardianship of any kind, a summons shall be served separately upon the
13 guardian in any manner prescribed in sub. (1), (5), or (6) ~~or (7)~~. If no guardian has
14 been appointed when service is made upon a person known to the plaintiff to be
15 incompetent to have charge of the person’s affairs, then service of the summons shall
16 be made upon the guardian ad litem after appointment under s. 803.01.

NOTE: Section 801.11 (7) was repealed by 1997 Wis. Act 140.

17 **SECTION 348.** The treatment of 802.06 (1) of the statutes by 1997 Wisconsin Act
18 133 is not repealed by 1997 Wisconsin Act 187. Both treatments stand.

NOTE: There is no conflict of substance.

19 **SECTION 349.** 807.10 (3) of the statutes, as affected by 1997 Wisconsin Act 290,
20 is amended to read:

SENATE BILL 146

1 807.10 (3) If the amount awarded to a minor by judgment or by an order of the
2 court approving a compromise settlement of a claim or cause of action of the minor
3 does not exceed \$10,000 (exclusive of interest and costs and disbursements), and if
4 there is no general guardian of the ward, the court may upon application by the
5 guardian ad litem after judgment, or in the order approving settlement, fix and allow
6 the expenses of the action, including attorney fees and fees of guardian ad litem,
7 authorize the payment of the total recovery to the clerk of the court, authorize and
8 direct the guardian ad litem upon the payment to satisfy and discharge the
9 judgment, or to execute releases to the parties entitled thereto and enter into a
10 stipulation dismissing the action upon its merits. The order shall also direct the
11 clerk upon the payment to pay the costs and disbursements and expenses of the
12 action and to dispose of the balance in one of the manners provided in s. 880.04 (2)
13 as selected by the court. The fee for the clerk's services for handling, depositing and
14 disbursing funds under this subsection is prescribed in s. 814.61 (12) (a).

NOTE: Replaces parentheses with commas consistent with current style.

15 **SECTION 350.** The treatment of 812.44 (4) (form) 2. of the statutes by 1997
16 Wisconsin Act 35 is not repealed by 1997 Wisconsin Act 250. Both treatments stand.

NOTE: There is no conflict of substance.

17 **SECTION 351.** The treatment of 814.04 (intro.) of the statutes by 1997 Wisconsin
18 Act 55 is not repealed by 1997 Wisconsin Act 164. Both treatments stand.

NOTE: There is no conflict of substance.

19 **SECTION 352.** 853.04 (1) (a), (b) and (c) of the statutes, as created by 1997
20 Wisconsin Act 188, are consolidated, renumbered 853.04 (1) (form) and amended to
21 read:

22 853.04 (1) (form)

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1 State of

2 County of

3 I,, the testator, sign my name to this instrument this day of, and being
4 first duly sworn, declare to the undersigned authority all of the following:

5 1. I execute this instrument as my will.

6 2. I sign this will willingly, or willingly direct another to sign for me.

7 3. I execute this will as my free and voluntary act for the purposes expressed
8 therein.

9 4. I am 18 years of age or older, of sound mind and under no constraint or undue
10 influence.

11 Testator:

12 (b) We,,, the witnesses, being first duly sworn, sign our names to this
13 instrument and declare to the undersigned authority all of the following:

14 1. The testator executes this instrument as his or her will.

15 2. The testator signs it willingly, or willingly directs another to sign for him or
16 her.

17 3. Each of us, in the conscious presence of the testator, signs this will as a
18 witness.

19 4. To the best of our knowledge, the testator is 18 years of age or older, of sound
20 mind and under no constraint or undue influence.

21 Witness:

22 Witness:

23 State of

SENATE BILL 146

1 County of

2 (e) Subscribed and sworn to before me by, the testator, and by, and,
3 witnesses, this day of,

4 (Seal)

(Signed):

6 (Official capacity of officer):

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). Deletes paragraph numbers to clarify that each form is a single unit and that letters are not a necessary part of the affidavits. Moves "State of" and "County of" to the beginning of sub. (1) (form) for consistency with sub. (2) (form) and more logical placement.

7 **SECTION 353.** 853.04 (2) of the statutes, as created by 1997 Wisconsin Act 188,
8 is amended to read:

9 853.04 (2) TWO-STEP PROCEDURE. An attested will may be made self-proved at
10 any time after its execution by the affidavit of the testator and witnesses. The
11 affidavit must be made before an officer authorized to administer oaths under the
12 laws of the state in which the affidavit occurs and must be evidenced by the officer's
13 certificate, under official seal, attached or annexed to the will in substantially the
14 following form:

15 State of

16 County of

17 (a) We,,, and, the testator and the witnesses whose names are signed
18 to the foregoing instrument, being first duly sworn, do declare to the undersigned
19 authority all of the following:

- 20 1. The testator executed the instrument as his or her will.
- 21 2. The testator signed willingly, or willingly directed another to sign for him or
22 her.

SENATE BILL 146

1 938.38 (1) (a), supervising the juvenile may petition the court assigned to exercise
2 jurisdiction under chs. 48 and 938 to order that the amount of restitution unpaid by
3 the juvenile or parent be entered and docketed as a judgment against the juvenile
4 and the parent with custody of the juvenile and in favor of the victim or the victim's
5 insurer, or both. A petition under this paragraph may be filed after the expiration
6 of the deferred prosecution agreement, consent decree, dispositional order or
7 sentence under which the restitution is payable, but no later than one year after the
8 expiration of the deferred prosecution agreement, consent decree, dispositional order
9 or sentence or any extension of the consent decree, dispositional order or sentence.
10 A judgment rendered under this paragraph does not bar the victim or the victim's
11 insurer, or both, from commencing another action seeking compensation from the
12 child juvenile or the parent, or both, if the amount of restitution ordered under this
13 paragraph is less than the total amount of damages claimed by the victim or the
14 victim's insurer.

NOTE: Reconciles the treatment of this provision by 1997 Wis. Acts 35 and 205. Act 35 changed "child" to "juvenile" for consistency with ch. 938. This act makes all of the references consistent.

15 **SECTION 355.** The treatment of 895.035 (3) of the statutes by 1997 Wisconsin
16 Act 35 is not repealed by 1997 Wisconsin Act 205. Both treatments stand.

NOTE: There is no conflict of substance.

17 **SECTION 356.** 895.48 (1m) (intro.) of the statutes, as affected by 1997 Wisconsin
18 Acts 67 and 156, is amended to read:

19 895.48 (1m) (intro.) Any physician licensed under ch. 448, chiropractor
20 licensed under ch. 446, dentist licensed under ch. 447, emergency medical technician
21 licensed under s. 146.50, physician assistant licensed under ch. 448, registered nurse
22 licensed under ch. 441 or massage therapist or bodyworker issued a license of

SENATE BILL 146**SECTION 356**

1 registration under subch. ~~X~~ XI of ch. 440 who renders voluntary health care to a
2 participant in an athletic event or contest sponsored by a nonprofit corporation, as
3 defined in s. 46.93 (1m) (c), a private school, as defined in s. 115.001 (3r), a public
4 agency, as defined in s. 46.93 (1m) (e), or a school, as defined in s. 609.655 (1) (c), is
5 immune from civil liability for his or her acts or omissions in rendering that care if
6 all of the following conditions exist:

NOTE: Subch. X of ch. 440, as created by 1997 Wis. Act 156, is renumbered subch.
XI of ch. 440 by this bill.

7 **SECTION 357.** 908.03 (6m) (a) of the statutes, as affected by 1997 Wisconsin Acts
8 67 and 156, is amended to read:

9 908.03 (6m) (a) *Definition.* In this subsection, “health care provider” means
10 a massage therapist or bodyworker issued a license of registration under subch. ~~X~~
11 XI of ch. 440, a chiropractor licensed under ch. 446, a dentist licensed under ch. 447,
12 a physician assistant licensed under ch. 448 or a health care provider as defined in
13 s. 655.001 (8).

NOTE: Subch. X of ch. 440, as created by 1997 Wis. Act 156, is renumbered subch.
XI of ch. 440 by this bill.

14 **SECTION 358.** 938.183 (2) of the statutes, as affected by 1997 Wisconsin Act 205,
15 is amended to read:

16 938.183 (2) Notwithstanding ss. 938.12 (1) and 938.18, courts of criminal
17 jurisdiction have exclusive original jurisdiction over a juvenile who is alleged to have
18 attempted or committed a violation of s. 940.01 or to have committed a violation of
19 s. 940.02 or 940.05 on or after the juvenile’s 15th birthday. Notwithstanding ss.
20 938.12 (1) and 938.18, courts of criminal jurisdiction also have exclusive original
21 jurisdiction over a juvenile specified in the preceding sentence who is alleged to have
22 attempted or committed a violation of any state law in addition to the violation

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1 alleged under the preceding sentence if the violation alleged under this sentence and
2 the violation alleged under the preceding sentence may be joined under s. ~~972.12~~
3 971.12 (1). Notwithstanding subchs. IV to VI, a juvenile who is alleged to have
4 attempted or committed a violation of s. 940.01 or to have committed a violation of
5 s. 940.02 or 940.05 on or after the juvenile's 15th birthday and a juvenile who is
6 alleged to have attempted or committed a violation of any state criminal law, if that
7 violation and an attempt to commit a violation of s. 940.01 or the commission of a
8 violation of s. 940.01, 940.02 or 940.05 may be joined under s. 971.12 (1), is subject
9 to the procedures specified in chs. 967 to 979 and the criminal penalties provided for
10 the crime that the juvenile is alleged to have committed, except that the court of
11 criminal jurisdiction shall, in lieu of convicting the juvenile, adjudge the juvenile to
12 be delinquent and impose a disposition specified in s. 938.34 if the court of criminal
13 jurisdiction finds that the juvenile has committed a lesser offense than the offense
14 alleged under this subsection or has committed an offense that is joined under s.
15 971.12 (1) to an attempt to commit a violation of s. 940.01 or to the commission of a
16 violation of s. 940.01, 940.02 or 940.05, but has not attempted to commit a violation
17 of s. 940.01 or committed a violation of s. 940.01, 940.02 or 940.05, and the court of
18 criminal jurisdiction, after considering the criteria specified in s. 938.18 (5),
19 determines that the juvenile has proved by clear and convincing evidence that it
20 would be in the best interests of the juvenile and of the public to adjudge the juvenile
21 to be delinquent and impose a disposition specified in s. 938.34.

NOTE: Inserts correct cross-reference. There is no s. 972.12 (1). Section 971.12
relates to joinder.

22 **SECTION 359.** The treatment of 938.205 (1) (intro.) of the statutes by 1997
23 Wisconsin Act 35 is not repealed by 1997 Wisconsin Act 296. Both treatments stand.

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SECTION 359

NOTE: There is no conflict of substance.

1 **SECTION 360.** The treatment of 938.245 (2) (a) 5. a. of the statutes by 1997
2 Wisconsin Act 183 is not repealed by 1997 Wisconsin Act 205. Both treatments stand.

NOTE: There is no conflict of substance.

3 **SECTION 361.** The treatment of 938.273 (2) of the statutes by 1997 Wisconsin
4 Act 35 is not repealed by 1997 Wisconsin Act 181. Both treatments stand.

NOTE: There is no conflict of substance.

5 **SECTION 362.** The treatment of 938.299 (5) of the statutes by 1997 Wisconsin
6 Act 252 is not repealed by 1997 Wisconsin Act 296. Both treatments stand.

NOTE: There is no conflict of substance.

7 **SECTION 363.** The treatment of 938.30 (6) of the statutes by 1997 Wisconsin Act
8 237 is not repealed by 1997 Wisconsin Act 252. Both treatments stand.

NOTE: There is no conflict of substance.

9 **SECTION 364.** The treatment of 938.31 (7) of the statutes by 1997 Wisconsin Act
10 237 is not repealed by 1997 Wisconsin Act 252. Both treatments stand.

NOTE: There is no conflict of substance.

11 **SECTION 365.** The treatment of 938.32 (1t) (a) 1. of the statutes by 1997
12 Wisconsin Act 183 is not repealed by 1997 Wisconsin Act 239. Both treatments stand.

NOTE: There is no conflict of substance.

13 **SECTION 366.** The treatment of 938.34 (5) (a) of the statutes by 1997 Wisconsin
14 Act 183 is not repealed by 1997 Wisconsin Act 205. Both treatments stand.

NOTE: There is no conflict of substance.

15 **SECTION 367.** The treatment of 938.34 (8) of the statutes by 1997 Wisconsin Act
16 84 is not repealed by 1997 Wisconsin Act 205.

NOTE: There is no conflict of substance.

17 **SECTION 368.** The treatment of 938.343 (4) of the statutes by 1997 Wisconsin
18 Act 183 is not repealed by 1997 Wisconsin Act 205. Both treatments stand.

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NOTE: There is no conflict of substance.

1 **SECTION 369.** The treatment of 938.343 (7) of the statutes by 1997 Wisconsin
2 Act 197 is not repealed by 1997 Wisconsin Act 248. Both treatments stand.

NOTE: There is no conflict of substance.

3 **SECTION 370.** 938.35 (1) (d) of the statutes is amended to read:

4 938.35 (1) (d) The fact that a juvenile has been adjudged delinquent on the
5 basis of unlawfully and intentionally killing a person is admissible for the purpose
6 of s. ~~852.01 (2m) (bg)~~ 854.14 (5) (b).

NOTE: Section 852.01 (2m) was repealed and recreated by 1997 Wis. Act 188. It no longer contains par. (bg). The subject matter of the former s. 852.01 (2m) (bg) relating to the heirship of a juvenile adjudicated delinquent for intentionally killing a person is now located at s. 854.14 (5) (b), as created by 1997 Wis. Act 188.

7 **SECTION 371.** 938.355 (2d) (b) 3. of the statutes is amended to read:

8 938.355 (2d) (b) 3. That the parent has committed a violation of s. 940.19 (2),
9 (3), (4) or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025 or 948.03 (2) (a) or (3) (a)
10 or a violation of the law of any other state or federal law, if that violation would be
11 a violation of s. 940.19 (2), (3), (4) or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025
12 or 948.03 (2) (a) or (3) (a) if committed in this state, and that the violation resulted
13 in great bodily harm, as defined in s. ~~938.22~~ 939.22 (14), or in substantial bodily
14 harm, as defined in s. ~~938.22~~ 939.22 (38), to the juvenile or another child of the
15 parent.

NOTE: Inserts correct cross-references. There is no s. 938.22 (14) or (22). "Great bodily harm" is defined at s. 939.22 (14) and "substantial bodily harm" is defined at s. 939.22 (38).

16 **SECTION 372.** The treatment of 938.355 (6m) (a) (intro.) of the statutes by 1997
17 Wisconsin Act 239 is not repealed by 1997 Wisconsin Act 252. Both treatments stand.

NOTE: There is no conflict of substance.

18 **SECTION 373.** 938.371 (1) of the statutes is reenacted to read:

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1 938.371 (1) If a juvenile is placed in a foster home, treatment foster home,
2 group home, child caring institution or secured correctional facility, including a
3 placement under s. 938.205 or 938.21, the agency, as defined in s. 938.38 (1) (a), that
4 placed the juvenile or arranged for the placement of the juvenile shall provide the
5 following information to the foster parent, treatment foster parent or operator of the
6 group home, child caring institution or secured correctional facility at the time of
7 placement or, if the information has not been provided to the agency by that time, as
8 soon as possible after the date on which the agency receives that information, but not
9 more than 2 working days after that date:

10 (a) Results of a test or a series of tests of the juvenile to determine the presence
11 of HIV, as defined in s. 968.38 (1) (b), antigen or nonantigenic products of HIV, or an
12 antibody to HIV, as provided under s. 252.15 (5) (a) 19., including results included
13 in a court report or permanency plan. At the time that the test results are provided,
14 the agency shall notify the foster parent, treatment foster parent or operator of the
15 group home, child caring institution or secured correctional facility of the
16 confidentiality requirements under s. 252.15 (6).

17 (b) Results of any tests of the juvenile to determine the presence of viral
18 hepatitis, type B, including results included in a court report or permanency plan.
19 The foster parent, treatment foster parent or operator of a group home, child caring
20 institution or secured correctional facility receiving information under this
21 paragraph shall keep the information confidential.

22 (c) Any other medical information concerning the juvenile that is necessary for
23 the care of the juvenile. The foster parent, treatment foster parent or operator of a
24 group home, child caring institution or secured correctional facility receiving
25 information under this paragraph shall keep the information confidential.

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NOTE: The numbering of this subsection was incorrectly printed in the 1997–98 Wisconsin Statutes.

1 **SECTION 374.** 938.396 (1) of the statutes, as affected by 1997 Wisconsin Acts 80
2 and 205, is amended to read:

3 938.396 (1) Law enforcement officers' records of juveniles shall be kept
4 separate from records of adults. Law enforcement officers' records of juveniles shall
5 not be open to inspection or their contents disclosed except under sub. (1b), (1d), (1g),
6 (1m), (1r), (1t) ~~or~~, (1x) or (5) or s. 938.293 or by order of the court. This subsection does
7 not apply to representatives of the news media who wish to obtain information for
8 the purpose of reporting news without revealing the identity of the juvenile involved,
9 to the confidential exchange of information between the police and officials of the
10 school attended by the juvenile or other law enforcement or social welfare agencies
11 or to juveniles 10 years of age or older who are subject to the jurisdiction of the court
12 of criminal jurisdiction. A public school official who obtains information under this
13 subsection shall keep the information confidential as required under s. 118.125 and
14 a private school official who obtains information under this subsection shall keep the
15 information confidential in the same manner as is required of a public school official
16 under s. 118.125. A law enforcement agency that obtains information under this
17 subsection shall keep the information confidential as required under this subsection
18 and s. 48.396 (1). A social welfare agency that obtains information under this
19 subsection shall keep the information confidential as required under ss. 48.78 and
20 938.78.

NOTE: Reconciles the treatments of this provision by 1997 Wis. Acts 183 and 205.

21 **SECTION 375.** The treatment of 938.396 (1t) of the statutes by 1997 Wisconsin
22 Act 35 is not repealed by 1997 Wisconsin Act 181. Both treatments stand.

NOTE: There is no conflict of substance.

SENATE BILL 146**SECTION 376**

1 **SECTION 376.** 938.396 (2) (g) of the statutes, as created by 1997 Wisconsin Act
2 205, is renumbered 938.396 (2) (gm).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 1997 Wis. Act
80 also created a provision numbered s. 938.396 (2) (g).

3 **SECTION 377.** 938.396 (2) (i) of the statutes is amended to read:

4 938.396 (2) (i) Upon request of the court assigned to exercise probate
5 jurisdiction, the attorney general, the personal representative or special
6 administrator of, or an attorney performing services for, the estate of a decedent in
7 any proceeding under chs. 851 to 879, a person interested, a as defined in s. 851.21,
8 or an attorney, attorney-in-fact, guardian ad litem or guardian of the estate of a
9 person interested to review court records for the purpose of s. ~~852.01 (2m) (bg)~~ 854.14
10 (5) (b), the court assigned to exercise jurisdiction under this chapter and ch. 48 shall
11 open for inspection by any authorized representative of the requester the records of
12 the court relating to any juvenile who has been adjudged delinquent on the basis of
13 unlawfully and intentionally killing a person.

NOTE: Section 852.01 (2m) was repealed and recreated by 1997 Wis. Act 188. It no
longer contains par. (bg). The subject matter of the former s. 852.01 (2m) (bg) relating
to the heirship of a juvenile adjudicated delinquent for intentionally killing a person is
now located at s. 854.14 (5) (b), as created by 1997 Wis. Act 188.

14 **SECTION 378.** The treatment of 938.396 (7) (a) of the statutes by 1997 Wisconsin
15 Act 95 is not repealed by 1997 Wisconsin Act 205. Both treatments stand.

NOTE: There is no conflict of substance.

16 **SECTION 379.** The treatment of 938.396 (7) (bm) of the statutes by 1997
17 Wisconsin Act 95 is not repealed by 1997 Wisconsin Act 205. Both treatments stand.

NOTE: There is no conflict of substance.

18 **SECTION 380.** The treatment of 938.396 (7) (c) of the statutes by 1997 Wisconsin
19 Act 95 is not repealed by 1997 Wisconsin Act 205. Both treatments stand.

NOTE: There is no conflict of substance.

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1 **SECTION 381.** The treatment of 938.51 (1) (intro.) of the statutes by 1997
2 Wisconsin Act 181 is not repealed by 1997 Wisconsin Act 207. Both treatments stand.

NOTE: There is no conflict of substance.

3 **SECTION 382.** 938.51 (1) (c) (intro.) of the statutes, as affected by 1997 Wisconsin
4 Acts 181 and 207, is amended to read:

5 938.51 (1) (c) (intro.) Subject to par. (cm), notify an adult relative of the victim
6 of the juvenile's release if all of the following apply:

NOTE: The underscored language was deleted by 1997 Wis. Act 181, but must be
reinserted to give effect to the treatment of this provision by 1997 Wis. Act 207.

7 **SECTION 383.** 938.51 (1m) of the statutes, as affected by 1997 Wisconsin Acts
8 181 and 207, is amended to read:

9 938.51 (1m) The department or county department having supervision over a
10 juvenile described in sub. (1) shall determine the local agencies that it will notify
11 under sub. (1) (a) based on the residence of the juvenile's parents or on the juvenile's
12 intended residence specified in the juvenile's aftercare supervision plan or, if those
13 methods do not indicate the community in which the juvenile will reside following
14 release from a secured correctional facility ~~or, from a~~ secured child caring institution
15 or from the supervision of the department or county department, the community in
16 which the juvenile states that he or she intends to reside.

NOTE: The stricken "or" was inserted by 1997 Wis. Act 207, but rendered surplusage
by the treatment of this provision by 1997 Wis. Act 181.

17 **SECTION 384.** The treatment of 938.51 (2) of the statutes by 1997 Wisconsin Act
18 181 is not repealed by 1997 Wisconsin Act 207. Both treatments stand.

NOTE: There is no conflict of substance.

19 **SECTION 385.** The treatment of 938.51 (4) (intro.) of the statutes by 1997
20 Wisconsin Act 181 is not repealed by 1997 Wisconsin Act 207. Both treatments stand.

NOTE: There is no conflict of substance.

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1 **SECTION 386.** 938.51 (4) (a) of the statutes, as affected by 1997 Wisconsin Acts
2 181 and 207, is amended to read:

3 938.51 (4) (a) Any known victim of the act for which the juvenile was found
4 delinquent or to be in need of protection or services, if the criteria under sub. (1) (b)
5 are met; an adult relative of the victim, if the criteria under sub. (1) (c) are met; or
6 the victim's parent or guardian, if the criteria under sub. (1) (cm) are met.

NOTE: The underscored language was deleted by 1997 Wis. Act 181, but must be
reinserted to give effect to the treatment of this provision by 1997 Wis. Act 207.

7 **SECTION 387.** The treatment of 939.62 (2m) (a) 2m. b. of the statutes, as
8 renumbered, by 1997 Wisconsin Act 219, section 1r, is not repealed by 1997
9 Wisconsin Act 295, section 11. Both treatments stand.

NOTE: There is no conflict of substance. Section 939.62 (2m) (a) 2. was renumbered
to be s. 939.62 (2m) (a) 2m. b. by 1997 Wis. Act 326.

10 **SECTION 388.** The treatment of 939.62 (2m) (c) of the statutes, as renumbered,
11 by 1997 Wisconsin Act 283, section 327, is not repealed by 1997 Wisconsin Act 326,
12 section 9. Both treatments stand.

NOTE: There is no conflict of substance.

13 **SECTION 389.** The treatment of 940.09 (1d) of the statutes by 1997 Wisconsin
14 Act 237 is not repealed by 1997 Wisconsin Act 295. Both treatments stand.

NOTE: There is no conflict of substance.

15 **SECTION 390.** 940.25 (1b) of the statutes is amended to read:

16 940.25 (1b) If there was a minor passenger under 16 years of age or an unborn
17 child in the motor vehicle at the time of the violation that gave rise to the conviction
18 under sub. (1), any applicable maximum fine or imprisonment specified for the
19 conviction is doubled.

NOTE: The underscored language was inadvertently not included in the printed
1997-98 Wisconsin Statutes.

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1 **SECTION 391.** The treatment of 940.25 (1d) of the statutes by 1997 Wisconsin
2 Act 237 is not repealed by 1997 Wisconsin Act 295. Both treatments stand.

NOTE: There is no conflict of substance.

3 **SECTION 392.** 940.25 (2) of the statutes, as affected by 1997 Wisconsin Act 295,
4 is amended to read:

5 940.25 (2) The defendant has a defense if he or she proves by a preponderance
6 of the evidence that the great bodily harm would have occurred even if he or she had
7 been exercising due care and he or she had not been under the influence of an
8 intoxicant or did not have an alcohol concentration described under sub. (1), ~~or (b),~~
9 (bm), (d) or (e).

NOTE: The treatment by 1997 Wis. Act 295 resulted in incorrect cross-references.
Drafting records indicate that the underscored “(b)” was inadvertently stricken and that
the stricken “or” was actually intended for striking.

10 **SECTION 393.** The treatment of 941.20 (3) (b) 2. of the statutes by 1997
11 Wisconsin Act 248 is not repealed by 1997 Wisconsin Act 249. Both treatments stand.

NOTE: There is no conflict of substance.

12 **SECTION 394.** 941.31 (2) (c) of the statutes is amended to read:

13 941.31 (2) (c) This subsection does not apply to the transportation, possession,
14 use or transfer of any improvised explosive ~~devise~~ device by any armed forces or
15 national guard personnel or to any peace officer in the line of duty or as part of a
16 duty-related function or exercise. The restriction on transportation in this
17 subsection does not apply to common carriers.

NOTE: Corrects spelling error. The change has been made in the printed volumes.

18 **SECTION 395.** 950.02 (1m) of the statutes, as affected by 1997 Wisconsin Acts
19 35 and 181, is amended to read:

20 950.02 (1m) “Crime” means an act committed in this state which, if committed
21 by a competent adult, would constitute a crime, as defined in s. 939.12. juvenile

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NOTE: The stricken language was inserted by 1997 Wis. Act 35, but rendered surplusage by the treatment of this provision by 1997 Wis. Act 181.

1 **SECTION 396.** 950.04 (2w) (g) of the statutes, as affected by 1997 Wisconsin Act
2 181, is amended to read:

3 950.04 (2w) (g) To be provided with appropriate ~~employer~~ intercession services
4 to ensure that employers of witnesses will cooperate with the criminal justice process
5 and the juvenile justice process in order to minimize an employe's loss of pay and
6 other benefits resulting from court appearances.

NOTE: 1997 Wis. Act 181 deleted "employer" without showing it as stricken. The change was intended.

7 **SECTION 397.** 961.41 (3g) (a) 1. of the statutes, as affected by 1997 Wisconsin
8 Act 283, is amended to read:

9 961.41 (3g) (a) 1. Except as provided in subd. 2., if the person possesses a
10 controlled substance included in schedule I or II which is a narcotic drug, or possesses
11 a controlled substance analog of a controlled substance included in schedule I or II
12 which is a narcotic drug, the person may, upon a first conviction, be fined not more
13 than \$5,000 or imprisoned for not more than 2 years or both, and, for a 2nd or
14 subsequent offense, the person may be fined not more than \$10,000 or imprisoned
15 for not more than 3 years or both.

NOTE: The underscored text was inadvertently deleted by 1997 Wis. Act 283.

16 **SECTION 398.** The treatment of 961.49 (2) (a) of the statutes by 1997 Wisconsin
17 Act 283 is not repealed by 1997 Wisconsin Act 327. Both treatments stand.

NOTE: There is no conflict of substance.

18 **SECTION 399.** 969.08 (1) of the statutes is amended to read:

19 969.08 (1) Upon petition by the state or the defendant, the court before which
20 the action is pending may increase or reduce the amount of bail or may alter other
21 conditions of release or the bail bond or grant bail if it has been previously revoked.

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1 Except as provided in sub. (5), a defendant for whom conditions of release are
2 imposed and who after 72 hours from the time of initial appearance before a judge
3 continues to be detained in custody as a result of the defendant's inability to meet the
4 conditions of release, upon application, is entitled to have the conditions reviewed by
5 the judge of the court before whom the action against the defendant is pending. s
6 Unless the conditions of release are amended and the defendant is thereupon
7 released, the judge shall set forth on the record the reasons for requiring the
8 continuation of the conditions imposed. A defendant who is ordered released on a
9 condition which requires that he or she return to custody after specified hours, upon
10 application, is entitled to a review by the judge of the court before whom the action
11 is pending. Unless the requirement is removed and the defendant thereupon
12 released on another condition, the judge shall set forth on the record the reasons for
13 continuing the requirement.

NOTE: The underscored text was inadvertently deleted from the printed volumes
of the 1997-98 Wisconsin Statutes.

14 **SECTION 400.** The treatments of 969.08 (10) (b) of the statutes by 1997
15 Wisconsin Acts 143 and 180 are not repealed by 1997 Wisconsin Act 295. All
16 treatments stand.

NOTE: There is no conflict of substance.

17 **SECTION 401.** The treatments of 972.13 (6) of the statutes by 1997 Wisconsin
18 Acts 250 and 275 are not repealed by 1997 Wisconsin Act 283. All treatments stand.

NOTE: There is no conflict of substance.

19 **SECTION 402.** The treatment of 972.14 (2) of the statutes by 1997 Wisconsin Act
20 73 is not repealed by 1997 Wisconsin Act 205. Both treatments stand.

NOTE: There is no conflict of substance.

SENATE BILL 146**SECTION 403**

1 **SECTION 403.** The treatment of 972.15 (2s) of the statutes by 1997 Wisconsin
2 Act 73 is not repealed by 1997 Wisconsin Act 205. Both treatments stand.

NOTE: There is no conflict of substance.

3 **SECTION 404.** The treatment of 973.0135 (1) (b) 2. of the statutes by 1997
4 Wisconsin Act 219 is not repealed by 1997 Wisconsin Act 295. Both treatments stand.

NOTE: There is no conflict of substance.

5 **SECTION 405.** The treatment of 973.014 (2) of the statutes by 1997 Wisconsin
6 Act 283 is not repealed by 1997 Wisconsin Act 326. Both treatments stand.

NOTE: There is no conflict of substance.

7 **SECTION 406.** The treatments of 973.05 (1) of the statutes by 1997 Wisconsin
8 Acts 27 and 148 are not repealed by 1997 Wisconsin Act 248. All treatments stand.

NOTE: There is no conflict of substance. 1997 Wis. Act 248 states that it treats this
provision as affected by 1997 Wis. Act 27, but does not.

9 **SECTION 407.** 980.06 (2) (b) of the statutes, as affected by 1997 Wisconsin Acts
10 27 and 284, is amended to read:

11 980.06 (2) (b) An order for commitment under this section shall specify either
12 institutional care or supervised release. In determining whether commitment shall
13 be for institutional care or for supervised release, the court may consider, without
14 limitation because of enumeration, the nature and circumstances of the behavior
15 that was the basis of the allegation in the petition under s. 980.02 (2) (a), the person's
16 mental history and present mental condition, where the person will live, how the
17 person will support himself or herself, and what arrangements are available to
18 ensure that the person has access to and will participate in necessary treatment,
19 including pharmacological treatment using an antiandrogen or the chemical
20 equivalent of an antiandrogen if the person is a serious child sex offender. In deciding
21 whether to order supervised release of a person who is a serious child sex offender,

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1 the court may not consider, as a factor in making its decision, that the person is a
2 proper subject for pharmacological treatment using an antiandrogen or the chemical
3 equivalent of an antiandrogen or that the person is willing to participate in
4 pharmacological treatment using an antiandrogen or the chemical equivalent of an
5 antiandrogen. The department shall arrange for control, care and treatment of the
6 person in the least restrictive manner consistent with the requirements of the person
7 and in accordance with the court's commitment order.

NOTE: Inserts missing "a".

8 **SECTION 408.** The treatment of 980.06 (2) (c) of the statutes by 1997 Wisconsin
9 Act 275 is not repealed by 1997 Wisconsin Act 284. Both treatments stand.

NOTE: There is no conflict of substance.

10 **SECTION 409.** The treatment of 980.08 (4) of the statutes by 1997 Wisconsin Act
11 27 is not repealed by 1997 Wisconsin Act 284. Both treatments stand.

NOTE: There is no conflict of substance.

12 **SECTION 410.** The treatment of 980.08 (5) of the statutes by 1997 Wisconsin Act
13 275 is not repealed by 1997 Wisconsin Act 284. Both treatments stand.

NOTE: There is no conflict of substance.

14 **SECTION 411.** 990.001 (16) of the statutes is created to read:

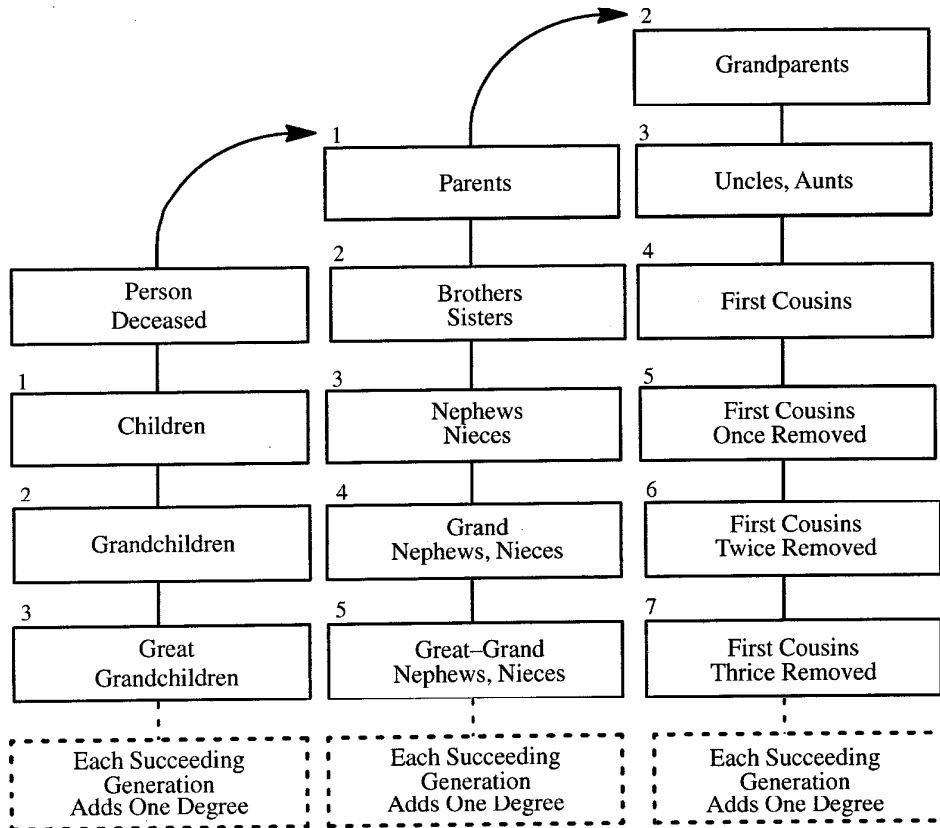
15 990.001 (16) DEGREES OF KINSHIP. The degree of kinship is computed according
16 to the rules of the civil law, as follows: [See Figure 990.001 (16) following]

1

2

Figure: 990.001 (16)

3



4

NOTE: Recreates s. 852.03 (2), 1995 stats., which was repealed by 1997 Wis. Act 188. Degrees of kinship are no longer used in the probate code. However, several previously existing statutes continue to use the degrees of kinship as determined under s. 852.03 (2), 1995 stats. This table is reinserted into the statutes for user convenience.

5

SECTION 412. 1997 Wisconsin Act 156, section 16 (1) (intro.) and (2) are

6

amended to read:

7

[1997 Wisconsin Act 156] Section 16 (1) (intro.) Notwithstanding section

8

440.973 440.983 of the statutes, as created by this act and as renumbered by 1999

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1 Wisconsin Act (this act), the department of regulation and licensing shall do each
2 of the following:

3 (2) A license of registration issued under subsection (1) (a) may be renewed
4 under section 440.975 440.985 of the statutes, as created by this act and as
5 renumbered by 1999 Wisconsin Act (this act). A license of registration issued
6 under subsection (1) (b) is valid until 3 years after that date that it is issued and may
7 not be renewed.

NOTE: Sections 440.973 and 440.975, as created by 1997 Wis. Act 156, are
renumbered subch. XI of ch. 440 by this bill.

8 **SECTION 413.** 1997 Wisconsin Act 240, section 14 is amended by replacing “for
9 ~~which the department has given prior review and approval as to the content of such~~
10 ~~classes or laboratory periods so as to assure that such classes and laboratory periods~~
11 ~~are only”~~ with “for which the state superintendent has given prior review and
12 approval as to the content of such classes or laboratory periods so as to assure that
13 such classes and laboratory periods are only”.

NOTE: Inserts the treatment by 1997 Wis. Act 27 which was indicated by 1997 Wis.
Act 240 to be included, but was not.

14 **SECTION 414.** 1997 Wisconsin Act 197, section 3 is amended by replacing
15 “29.093 (2) (f) of the statutes is amended” with “29.093 (2) (f) 1. of the statutes is
16 amended”.

NOTE: Clarifies that 1997 Wisconsin Act 197, section 3, affects only s. 29.093 (2) (f)
1. and not all of s. 29.093 (2) (f) as stated in the act.

17 **SECTION 415.** 1997 Wisconsin Act 218, section 41 is amended by replacing “filed
18 under and the complainant specified in sub. (1) (a) 1. or 3. or, for a complaint specified
19 in sub. (1) (a) 2., a party to an interconnection agreement who is identified in a notice
20 under s. 196.199 (3) (b) 1. b., 10 days” with “filed under specified in sub. (1) and the
21 complainant (a) 1. or 3. or, for a complaint specified in sub. (1) (a) 2., a party to an

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1 interconnection agreement who is identified in a notice under s. 196.199 (3) (b) 1. b.,
2 10 days”.

NOTE: 1997 Wis. Act 218, section 41, showed “~~and the complainant~~” in the wrong location within s. 196.26 (2) (b). The deletion of the phrase was intended. This amendment clarifies the intended change.

3 **SECTION 416.** 1997 Wisconsin Act 231, section 21 is amended by replacing
4 “153.05 (7) of the statutes, as affected by 1997 Wisconsin Act, is repealed.” with
5 “153.05 (7) of the statutes, as affected by 1997 Wisconsin Act 27, is repealed.”.

NOTE: Inserts missing act number for clarification.

6 **SECTION 417.** 1997 Wisconsin Act 237, section 83no, is amended by replacing
7 “39.41 (2) (a) of the statutes is amended to read:” with “39.41 (2) (a) of the statutes,
8 as affected by 1997 Wisconsin Act 27, is amended to read:”.

NOTE: 1997 Wis. Act 237, section 83no, treated s. 39.41 (2) (a) as affected by 1997 Wis. Act 27, but did not indicate that fact.

9 **SECTION 418.** 1997 Wisconsin Act 237, section 251i, is amended by replacing
10 “50.095 (3) (am) of the statutes, as affected by 1997 Wisconsin Act 114, is created to
11 read:” with “50.095 (3) (am) of the statutes is created to read:”.

NOTE: Section 50.095 (3) (am) was not affected by 1997 Wis. Act 114.

12 **SECTION 419.** 1997 Wisconsin Act 237, section 251L is amended by replacing
13 “50.095 (3m) of the statutes, as affected by 1997 Wisconsin Act 114, is created to
14 read:” with “50.095 (3m) of the statutes is created to read:”.

NOTE: Section 50.095 (3m) was not affected by 1997 Wis. Act 114.

15 **SECTION 420.** 1997 Wisconsin Act 237, section 382g is amended by replacing
16 “138.12 (4) (a) of the statutes, as created by 1997 Wisconsin Act (Senate Bill 494),
17 is renumbered” with “138.12 (4) (a) of the statutes, as affected by 1997 Wisconsin Act
18 191, is renumbered”.

NOTE: Section 138.12 (4) (a) was affected by 1997 Wis. Act 191 (SB-494), but was not created by it.

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1 **SECTION 421.** 1997 Wisconsin Act 240, section 5 is amended by replacing
2 “118.145 (1) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to
3 read:” with “118.145 (1) of the statutes is amended to read:”.

 NOTE: 1997 Wis. Act 240 indicated that it treated this provision as affected by 1997
 Wis. Act 27, but did not.

4 **SECTION 422.** 1997 Wisconsin Act 240, section 8 is amended by replacing
5 “119.04 (1) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:”
6 with “119.04 (1) of the statutes is amended to read:”.

 NOTE: 1997 Wis. Act 240 indicated that it treated this provision as affected by 1997
 Wis. Act 27, but did not.

7 **SECTION 423.** 1997 Wisconsin Act 248, section 754 is repealed.

 NOTE: 1997 Wis. Act 248, section 754, states that it amends s. 167.31 (4) (cm)
 (intro.). There is no s. 167.31 (4) (cm) (intro.). The treatment shown is actually of s. 167.31
 (4) (cm). That treatment is correctly shown at section 755 of Act 248.

8 **SECTION 424.** 1997 Wisconsin Act 248, section 780 is amended by replacing
9 “973.05 (1) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:”
10 with “973.05 (1) of the statutes is amended to read:”.

 NOTE: The treatment of s. 973.05 (1) by 1997 Wisconsin Act 27 was not included in
 the treatment of that provision by 1997 Wis. Act 248.

11 **SECTION 425.** 1997 Wisconsin Act 253, section 9 is amended by replacing “If, by
12 contractual agreement” with “If, by contractual agreement”.

 NOTE: The underscored “by” was preexisting. Only the comma was added.

13 **SECTION 426.** 1997 Wisconsin Act 254, section 111 is amended by replacing
14 “~~following the filing under par. (a) with the commission~~” with “following the filing
15 with the commission”.

 NOTE: 1997 Wis. Act 254 erroneously included “under par. (a)” in the stricken
 material shown here.

16 **SECTION 427.** 1997 Wisconsin Act 292, section 203g is amended by replacing
17 “with the hearing. F” with “with the hearing.”.

 NOTE: 1997 Wis. Act 254 erroneously included “I” in the stricken material.

