



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-0926/P2

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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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1 **AN ACT relating to:** repealing, consolidating, renumbering, amending and  
2 revising various provisions of the statutes for the purpose of correcting errors,  
3 supplying omissions, correcting and clarifying references, eliminating defects,  
4 anachronisms, conflicts, ambiguities and obsolete provisions, reconciling  
5 conflicts and repealing unintended repeals (Revisor's Correction Bill).

***Analysis by the Legislative Reference Bureau***

This revisor's correction bill is explained in the NOTES provided by the revisor of statutes in the body of the bill.

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

6 **SECTION 1.** 6.875 (1) (b) of the statutes, as affected by 1997 Wisconsin Act 188,  
7 is amended to read:

8 6.875 (1) (b) "Relative" means a spouse or individual related within the 1st, 2nd  
9 or 3rd degree of kinship under s. ~~852.03 (2), 1995 stats~~ 990.001 (16).

1           **SECTION 24.** 20.435 (5) (kz) of the statutes, as affected by 1997 Wisconsin Act  
2 27, is amended to read:

3           20.435 (5) (kz) *Interagency and intra-agency local assistance.* All moneys  
4 received from other state agencies and all moneys received by the department from  
5 the department not directed to be deposited under par. sub. (1) (km) or (6) (k) for local  
6 assistance.

NOTE: The stricken word was rendered surplusage by the treatment of this provision by 1997 Wis. Act 27.

7           **SECTION 25.** The treatment of 20.445 (3) (dz) of the statutes by 1997 Wisconsin  
8 Act 27, section 627b, is not repealed by 1997 Wisconsin Act 236. Both treatments  
9 stand.

NOTE: There is no conflict of substance.

10           **SECTION 26.** 20.445 (3) (r) of the statutes, as affected by 1997 Wisconsin Act 191,  
11 is amended to read:

12           20.445 (3) (r) *Support receipt and disbursement program; payments.* From the  
13 support collections trust fund, all moneys received under s. 49.854, except for moneys  
14 received under s. 49.854 (11) (b), all moneys received under ss. 767.265 and 767.29  
15 for child or family support, maintenance, spousal support, health care expenses or  
16 birth expenses, and all other moneys received under judgments or orders in actions  
17 affecting the family, as defined in s. 767.02 (1), for disbursement to the persons for  
18 whom the payments are awarded, for returning seized funds under s. 49.854 (5) (f)  
19 and, if assigned under s. 46.261, 48.57 (3m) (b) 2. or (3n) (b) 2. 49.145 (2) (s), 49.19  
20 (4) (h) 1. b. or 49.775 (2) (bm), for transfer to the appropriation account under par.  
21 (k). Estimated disbursements under this paragraph shall not be included in the  
22 schedule under s. 20.005.

1 partnership, association, corporation or limited liability company any of whose stock,  
2 boats, nets and fishing equipment has been owned by a nonresident at any time  
3 during the 2 years immediately prior to the application for a license.

NOTE: The defined term only appears in sub. (2) of s. 29.519. This paragraph is  
renumbered to ensure its correct position as a definition in accordance with current style.

4 **SECTION 71.** 29.519 (2) (d) of the statutes, as affected by 1997 Wisconsin Act 237,  
5 section 67, and 1997 Wisconsin Act 248, section 465, is amended to read:

6 29.519 (2) (d) *Transfer of license.* The department may, upon application,  
7 permit the transfer of a license to any similar boat during the time a licensed boat  
8 is disabled or undergoing repairs or upon the sale of a licensed boat. The department  
9 shall promulgate rules governing the transfer of commercial fishing licenses  
10 between individuals equally qualified to hold the licenses and to members of a  
11 licensee's immediate family provided the rules assure the wise use and conservation  
12 of the fish resources being harvested under the license. The rules shall relate only  
13 to those waters in which the number of licenses is limited. The commercial fishing  
14 boards, under sub. (7), shall approve or deny transfers of commercial fishing licenses  
15 in accordance with the rules promulgated under this section. For purposes of s. ~~29.09~~  
16 ~~(11m) and (11r)~~ 29.024 (2g) and (2r), a transfer of a license under this section shall  
17 be considered an issuance of a license to the transferee.

NOTE: This bill rennumbers s. 29.09 (11m) and (11r) to be s. 29.024 (2g) and (2r).

18 **SECTION 72.** 29.522 of the statutes, as created by 1997 Wisconsin Act 237, is  
19 renumbered 29.734.

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b) to locate the  
provision in the proper subchapter after the renumbering of ch. 29 by 1997 Wis. Act 248.

20 **SECTION 73.** 29.563 (3) (a) 7. and 9. of the statutes, as created by 1997 Wisconsin  
21 Act 248, are amended to read:

1           29.563 (3) (a) 7. Annual fishing issued to a disabled person under s. 29.193 (3)  
2           ~~XXX~~ <sup>(a) or (b)</sup> \$6.25.

3           9. Annual fishing license issued to a disabled veteran under s. ~~29.219 (2)~~ 29.193  
4           (3) (c): \$4.25.

NOTE: Inserts correct cross-reference.

5           **SECTION 74.** 29.563 (7) (c) 1. of the statutes, as created by 1997 Wisconsin Act  
6           248, is amended to read:

7           29.563 (7) (c) 1. Outlying waters license transfers under s. 29.519 ~~(3)~~ (2) (d):  
8           \$25.

NOTE: Corrects cross-reference. There is no s. 29.519 (3). Outlying waters license transfers are under s. 29.519 (2) (d).

9           **SECTION 75.** The treatment of 29.585 (3) of the statutes by 1997 Wisconsin Act  
10          191 is not repealed by 1997 Wisconsin Act 248. Both treatments stand.

NOTE: There is no conflict of substance. 1997 Wis. Act 248 amended s. 29.585 (3) and renumbered it to s. 29.877 (3).

11          **SECTION 76.** 29.591 (2) of the statutes, as affected by 1997 Wisconsin Act 197,  
12          section 7, and 1997 Wisconsin Act 248, section 420, is amended to read:

13          29.591 (2) ADMINISTRATION. ~~program and bow hunter education program~~ The  
14          department may appoint county, regional and statewide directors and categories of  
15          hunter education instructors necessary for the hunter education program and the  
16          bow hunter education program. These appointees are responsible to the department  
17          and shall serve on a voluntary basis without compensation.

NOTE: The stricken language was inserted by 1997 Wis. Act 197, but rendered surplusage by the treatment of this provision by 1997 Wis. Act 248.

18          **SECTION 77.** 29.593 (2) of the statutes, as affected by 1997 Wisconsin Act 197,  
19          section 14, and 1997 Wisconsin Act 248, section 427, is amended to read:

1 provide for payment to such official such sum as it sees fit, to reimburse the official  
2 for the expenses reasonably incurred for costs and attorney fees.

NOTE: Inserts necessary word for proper grammar.

3 **SECTION 149.** 66.076 (1) (a) of the statutes, as affected by 1997 Wisconsin Acts  
4 53 and 213, is amended to read:

5 66.076 (1) (a) In addition to all other methods provided by law, any  
6 municipality may construct, acquire or lease, extend or improve any plant and  
7 equipment within or without its corporate limits for the collection, transportation,  
8 storage, treatment and disposal of sewage or storm water and surface water,  
9 including the lateral, main and interceptor sewers necessary in connection  
10 therewith, and any town, village or city may arrange for the service to be furnished  
11 by a metropolitan sewerage district or joint sewerage system. Except as provided in  
12 s. 66.60 (6m), payment for a sewerage project or service described in this paragraph,  
13 or any part of the ~~such~~ project or service, may be provided from the general fund, from  
14 taxation, special assessments, sewerage service charges, or from the proceeds of  
15 either municipal obligations, revenue bonds or from any combination of these  
16 enumerated methods of financing.

NOTE: Each "or" is added to correct grammar. The interaction of the treatments by  
1997 Wis. Acts 53 and 213 renders "such" surplusage.

17 **SECTION 150.** 66.91 (5) (d) 2. of the statutes is amended to read:

18 66.91 (5) (d) 2. Any city, town or village may collect and tax charges made by  
19 it to users in the same manner as water rates are taxed and collected under s. 66.069  
20 (1) or 66.071 (1) (e). Charges taxed under this subdivision are a lien upon the  
21 property served, as provided in s. ~~66.091~~ 66.069 (1) or 66.071 (1) (e).

NOTE: Inserts correct cross-reference added by the Laws of 1981, chapter 282. The  
reference to s. 66.069 (1) was preexisting. Section 66.069 (1) relates to municipal utility

charges and provides for liens for delinquent payments. Section 66.091 (1) relates to county liability for mob damage and makes no provision for liens. ~~Section 66~~

1           **SECTION 151.** 70.11 (12) (a) of the statutes, as affected by 1997 Wisconsin Act  
2 27, is amended to read:

3           70.11 (12) (a) Property owned by units which are organized in this state of the  
4 following organizations: the Salvation Army, the Boy Scouts of America, the Boys'  
5 Clubs of America, the Girl Scouts or Camp Fire Girls or any person as trustee for  
6 them of property used for the purposes of those organizations, provided no pecuniary  
7 profit results to any individual owner or member. ~~(a) Property owned by units which  
8 are organized in this state of the following organizations: the Boy Scouts of America,  
9 the Boys' Clubs of America, the Girl Scouts or Camp Fire Girls or any person as  
10 trustee for them of property used for the purposes of those organizations, provided  
11 no pecuniary profit results to any individual owner or member.~~

NOTE: The prior version of this provision was inadvertently not deleted from the printed statutes.

12           **SECTION 152.** 70.395 (2) (dg) of the statutes, as affected by 1997 Wisconsin Act  
13 27, is amended to read:

14           70.395 (2) (dg) Each person constructing a metalliferous mining site shall pay  
15 to the department of revenue for deposit in the investment and local impact fund, as  
16 a construction fee, an amount sufficient to make the construction period payments  
17 under par. (d) 5. in respect to that site. Any person paying a construction fee under  
18 this paragraph may credit against taxes due under s. 70.375 an amount equal to the  
19 payments that the taxpayer has made under this paragraph, provided that the credit  
20 does not reduce the taxpayer's liability under s. 70.375 below the amount needed to  
21 make the first-dollar payments under ~~subds.~~ par. (d) 1., 2. and 2m. for that year in

1 finds that exterior accessibility is impractical as to all dwelling units at a site, it may  
2 grant a waiver from the requirements under par. (a) 1. or (b).

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

3 **SECTION 172.** The treatment of 104.07 (2) of the statutes by 1997 Wisconsin Act  
4 112 is not repealed by 1997 Wisconsin Act 237. Both treatments stand.

NOTE: There is no conflict of substance.

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

NOTE: There is no conflict of substance.

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

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

8 **SECTION 175.** 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 176.** 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 177.** 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 178.** 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 179.** 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.

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SECTION 1. 115.28 (24) of the statutes is amended to read:

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

NOTE: See the previous section of this bill.

(END OF INSERT)



1           **SECTION 185.** 121.15 (3m) (b) of the statutes, as affected by 1997 Wisconsin Acts  
2 113 and 237, is amended to read:

3           121.15 (3m) (b) ~~May 15, 1999~~ Annually by May 15, the department, the  
4 department of administration and the legislative fiscal bureau shall jointly certify  
5 to the joint committee on finance an estimate of the amount necessary to appropriate  
6 under s. 20.255 (2) (ac) in the following school year to ensure that the sum of state  
7 school aids and the school levy tax credit under s. 79.10 (4) equals two-thirds of  
8 partial school revenues.

NOTE: The stricken language was inserted by 1997 Wis. Act 237, but rendered surplusage by the treatment of this provision by 1997 Wis. Act 113.

9           **SECTION 186.** 121.90 (2) (intro) and (a) of the statutes, as affected by 1997  
10 Wisconsin Acts <sup>237 and 286</sup> ~~237~~ are amended to read:

11           121.90 (2) "State aid" means aid under ss. 121.08, 121.09 and 121.105 and  
12 subch. VI, as calculated for the current school year on October 15 under s. 121.15 (4),  
13 and payments made to the school district in the current school year under s. 79.095  
14 (4), except that "state aid" excludes all of the following:

15           (a) Any additional aid that a school district receives as a result of ss. 121.07 (6)  
16 (e) 1. and (7) (e) 1. and 121.105 (3) for school district consolidations that are effective  
17 on or after July 1, 1995, as determined by the department. "State aid" also includes  
18 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. "(A)mounts" is changed to "payments" for the purpose of making the cross-reference more specific by using the same term used in s. 79.095. "(S)chool district" is added to clarify that this provision does not refer to those payments to other local governmental units under s. 79.094 (4). ~~Section~~ "79.095" is changed to ~~X~~ "79.095 (4)" to specify the part within that statute <sup>that</sup> which relates to payments.

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

NOTE: There is no conflict of substance.

1 SECTION 291. 346.65 (6) (d) of the statutes, as affected by 1997 Wisconsin Acts  
2 237 and 295, is amended to read:

3 346.65 (6) (d) At the hearing set under par. (c), the state has the burden of  
4 proving to a reasonable certainty by the greater weight of the credible evidence that  
5 the motor vehicle is a motor vehicle owned by a person who committed a violation of  
6 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),  
7 (b), (c) or (d) and, if the seizure is under par. (a) 1., that the person had 2 prior  
8 convictions, suspensions or revocations, as counted under s. 343.307 (1) or, if the  
9 seizure is under par. (a) 2., 3 or more prior convictions, suspensions or revocations,  
10 as counted under s. 343.307 (1). If the,, (e) or (d),, (e) or (d) state fails to meet the  
11 burden of proof required under this paragraph, the motor vehicle shall be returned  
12 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.

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

NOTE: There is no conflict of substance.

15 SECTION 293. 423.201 of the statutes, as affected by 1997 Wisconsin Act 302,  
16 is renumbered 423.201 (1) and amended to read:

17 423.201 (1) ~~"Consumer~~ Except as provided in sub. (2) ~~In this subchapter,~~  
18 ~~"consumer approval transaction"~~ means a consumer transaction other than a sale or  
19 lease or listing for sale of real property or a sale of goods at auction 1) which ~~that is~~  
20 (a) ~~is~~ initiated by face-to-face solicitation away from a regular place of business of the  
21 merchant or by mail or telephone solicitation directed to the particular customer and  
22 2) ~~which that is~~ consummated or in which the customer's offer to contract or other

INSERT - 86-15

Insert after Section 293. 423.201 (Intro) is created to read: of the statutes

423.201 (Intro.)

Note: Accommodates renumbering by the previous section of this bill. The term

"consumer approval transaction" only appears in Subch. of ch. 423.

1 writing evidencing the transaction is received by the merchant away from a regular  
 2 place of business of the merchant and involves the extension of credit or is a cash  
 3 transaction in which the amount the customer pays exceeds \$25,  
 4 (2) “Consumer approval transaction” ~~shall in no event~~ <sup>does not</sup> include a catalog sale  
 5 ~~which~~ that is not accompanied by any other solicitation or a consumer loan conducted  
 6 and consummated entirely by mail.

NOTE: Removes numbering that is inconsistent with current style, replaces  
 improperly used word, and subdivides provision for greater readability. ~~The consumer~~

7 **SECTION 294.** 440.03 (11m) (c) of the statutes, as affected by 1997 Wisconsin Act  
<sup>and pass. verb</sup>

8 191, section 318, is amended to read:

9 440.03 (11m) (c) The department of regulation and licensing may not disclose  
 10 a social security number obtained under par. (a) to any person except to the  
 11 department of workforce development for purposes of administering s. 49.22 and, for  
 12 a social security number obtained under par. (a) 1., the department of revenue for the  
 13 sole purpose of ~~making the determination required under s. 440.08 (2r)~~ requesting  
 14 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.

15 **SECTION 295.** 440.042 (1) of the statutes, as affected by 1997 Wisconsin Act 156,  
 16 is amended to read:

17 440.042 (1) The secretary may appoint persons or advisory committees to  
 18 advise the department and the boards, examining boards and affiliated  
 19 credentialing boards in the department on matters relating to the regulation of  
 20 credential holders. The secretary shall appoint an advisory committee to advise the  
 21 department on matters relating to carrying out the duties specified in s. 440.972  
 22 440.982 and making investigations, conducting hearings and taking disciplinary

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Section #. 423.201 of the statutes, as affected by 1997 Wisconsin Act 302, is renumbered 423.201 (1) and amended to read:

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

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

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

(2) "Consumer approval transaction" ~~shall in no event~~ does not include a catalog sale ~~which that~~ is not accompanied by any other solicitation or a consumer 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.

Section #. 423.201 (intro.) of the statutes is created to read:

423.201 (intro.) In this subchapter:

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

(END OF INSERT)

1 action under s. ~~440.976~~ 440.986. A person or an advisory committee member  
2 appointed under this subsection shall serve without compensation, but may be  
3 reimbursed for his or her actual and necessary expenses incurred in the performance  
4 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.

5 **SECTION 296.** 440.08 (2) (a) 67q. of the statutes, as created by 1997 Wisconsin  
6 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.

7 **SECTION 297.** 440.26 (1) (a) 11. of the statutes is amended to read:  
8 **440.26 (1) (a) 11.** Receive any fees or compensation for acting as any person,  
9 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.

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10 **SECTION 298.** 440.97 of the statutes, as created by 1997 Wisconsin Act 156, is  
11 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.

12 **SECTION 299.** 440.9705 of the statutes, as created by 1997 Wisconsin Act 156,  
13 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.

14 **SECTION 300.** 440.971 of the statutes, as created by 1997 Wisconsin Act 156, is  
15 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.

16 **SECTION 301.** 440.972 of the statutes, as created by 1997 Wisconsin Act 156, is  
17 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.

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*(title)*

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1           **SECTION 309.** Subchapter X of chapter 440 [~~precedes 440.9696~~] of the statutes,  
2           as created by 1997 Wisconsin Act 156, is renumbered subchapter XI of chapter 440  
3           [~~precedes 440.9789~~]. *(title)*

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

4           **SECTION 310.** 440.999 of the statutes, as created by 1997 Wisconsin Act 81, is  
5           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.

6           **SECTION 311.** 443.11 (6) of the statutes, as affected by 1997 Wisconsin Acts 237  
7           and 300, is amended to read:

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

NOTE: The underscored comma is added for clarity.

17          **SECTION 312.** The treatment of 448.01 (6) of the statutes by 1997 Wisconsin Act  
18          67 is not repealed by 1997 Wisconsin Act 175. Both treatments stand.

NOTE: There is no conflict of substance.

19          **SECTION 313.** 448.015 (4) of the statutes, as affected by 1997 Wisconsin Act 67,  
20          section 13, and 1997 Wisconsin Act 175, section 25, is amended to read:

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 348.** 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 349.** 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.

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19           **SECTION 350.** 853.04 (1) (form) of the statutes, as created by 1997 Wisconsin Act  
 20 188, is amended to read:  
 21           853.04 (1) (form)  
 22           State of ....

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in RSB to LRB  
cabinet.





1 (c) Subscribed and sworn to before me by ....., the testator, and by ....., and .....,  
 2 witnesses, this .... day of ....., .....

3 (Seal) ....

4 (Signed): ....

5 (Official capacity of officer): ....

NOTE: Confirms renumbering by the revisor under s. 13.93 (1)(b). Moves "State of ..."  
 and "County of ..." to the beginning of sub. (1) (form) for consistency with sub. (2)  
 (form) and more logical placement.

6 **SECTION 351.** 853.04 (2) of the statutes, as created by 1997 Wisconsin Act 188,  
 7 is amended to read:

8 853.04 (2) TWO-STEP PROCEDURE. An attested will may be made self-proved at  
 9 any time after its execution by the affidavit of the testator and witnesses. The  
 10 affidavit must be made before an officer authorized to administer oaths under the  
 11 laws of the state in which the affidavit occurs and must be evidenced by the officer's  
 12 certificate, under official seal, attached or annexed to the will in substantially the  
 13 following form:

14 State of ....  
 15 County of ....

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

- 19 1. The testator executed the instrument as his or her will.
- 20 2. The testator signed willingly, or willingly directed another to sign for him or
- 21 her.
- 22 3. The testator executed the will as a free and voluntary act.

*Same as prior section*

1           4. Each of the witnesses, in the conscious presence of the testator, signed the  
2 will as witness.

3           5. To the best of the knowledge of each witness, the testator was, at the time  
4 of execution, 18 years of age or older, of sound mind and under no constraint or undue  
5 influence.

6 Testator: ....

7 Witness: ....

8 Witness: ....

9           (b) Subscribed and sworn to before me by ...., the testator, and by ...., and ....,  
10 witnesses, this .... day of ...., .....

11 (Seal) ....

12 (Signed): ....

13 (Official capacity of officer): ....

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). Deletes paragraph numbering to clarify that each form is a single unit and that letters are not a necessary part of the affidavits.

14           **SECTION 352.** 895.035 (2m) (a) of the statutes, as affected by 1997 Wisconsin  
15 Acts 35 and 205, is amended to read:

16           895.035 (2m) (a) If a juvenile or a parent with custody of a ~~child~~ juvenile fails  
17 to pay restitution under s. 938.245, 938.32, 938.34 (5), 938.343 (4), 938.345 or 938.45  
18 (1r) (a) as ordered by a court assigned to exercise jurisdiction under chs. 48 and 938,  
19 a court of criminal jurisdiction or a municipal court or as agreed to in a deferred  
20 prosecution agreement or if it appears likely that the juvenile or parent will not pay  
21 restitution as ordered or agreed to, the victim, the victim's insurer, the  
22 representative of the public interest under s. 938.09 or the agency, as defined in s.  
23 938.38 (1) (a), supervising the juvenile may petition the court assigned to exercise

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LRB-0926/P3-INS

.....

**INSERT 853.04A**

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

853.04 (1) (form)

State of ....

County of ....

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

1. I execute this instrument as my will.
2. I sign this will willingly, or willingly direct another to sign for me.
3. I execute this will as my free and voluntary act for the purposes expressed therein.
4. I am 18 years of age or older, of sound mind and under no constraint or undue influence.

Testator: ....

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

1. The testator executes this instrument as his or her will.
2. The testator signs it willingly, or willingly directs another to sign for him or her.
3. Each of us, in the conscious presence of the testator, signs this will as a witness.

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

Witness: ....

Witness: ....

State of ....

County of ....

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

(Seal) ....

(Signed): ....

(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.

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

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

State of ....

County of ....

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

- 1. The testator executed the instrument as his or her will.
- 2. The testator signed willingly, or willingly directed another to sign for him or her.
- 3. The testator executed the will as a free and voluntary act.
- 4. Each of the witnesses, in the conscious presence of the testator, signed the will as witness.
- 5. To the best of the knowledge of each witness, the testator was, at the time of execution, 18 years of age or older, of sound mind and under no constraint or undue influence.

Testator: ....

Witness: ....

Witness: ....

(b) Subscribed and sworn to before me by ....., the testator, and by ....., and ....., witnesses, this .... day of ....., .....

(Seal) ....

(Signed): ....

(Official capacity of officer): ....

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). Deletes paragraph numbering to clarify that each form is a single unit and that letters are not a necessary part of the affidavits.

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

14 **SECTION 353.** The treatment of 895.035 (3) of the statutes by 1997 Wisconsin  
15 Act 35 is not repealed by 1997 Wisconsin Act 205. Both treatments stand.

NOTE: There is no conflict of substance.

16 **SECTION 354.** 895.48 (1m) (intro.) of the statutes, as affected by 1997 Wisconsin  
17 Acts 67 and 156, is amended to read:

18 895.48 (1m) (intro.) Any physician licensed under ch. 448, chiropractor  
19 licensed under ch. 446, dentist licensed under ch. 447, emergency medical technician  
20 licensed under s. 146.50, physician assistant licensed under ch. 448, registered nurse  
21 licensed under ch. 441 or massage therapist or bodyworker issued a license of  
22 registration under subch. ~~X~~ XI of ch. 440 who renders voluntary health care to a

NOTE: There is no conflict of substance.

1           **SECTION 384.** 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 385.** The treatment of 939.62 (2m) (a) 2. of the statutes by 1997  
8 Wisconsin Act 219 is not repealed by 1997 Wisconsin Act 295. 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.

9           **SECTION 386.** The treatment of 939.62 (2m) (b) of the statutes by 1997  
10 Wisconsin Act 283 is not repealed by 1997 Wisconsin Act 326. Both treatments stand.

NOTE: There is no conflict of substance.

11           **SECTION 387.** The treatment of 940.09 (1d) of the statutes by 1997 Wisconsin  
12 Act 237 is not repealed by 1997 Wisconsin Act 295. Both treatments stand.

NOTE: There is no conflict of substance.

13           **SECTION 388.** 940.25 (1b) of the statutes, as affected by <sup>1997</sup>~~1995~~ Wisconsin Act 295,  
14 is amended to read:

15           940.25 (1b) If there was a minor passenger under 16 years of age or an unborn  
16 child in the motor vehicle at the time of the violation that gave rise to the conviction  
17 under sub. (1), any applicable maximum fine or imprisonment specified for the  
18 conviction is doubled.

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

1           **SECTION 389.** 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 390.** 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 "r".

10           **SECTION 391.** 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 392.** 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 ~~device~~ 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 393.** 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



