

1       —**SECTION 201.** 165.40 (1) (d) of the statutes, as created by 1997 Wisconsin Act  
2       93, is amended to read:

3             165.40 (1) (d) “Nonprofit corporation” has the meaning given in s. ~~181.02 (8)~~  
4       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 Act 79 repealed and recreated ch. 181.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).

5       —**SECTION 202.** The treatment of 167.31 (4) (c) of the statutes by 1997 Wisconsin  
6       Act 248 is not repealed by 1997 Wisconsin Act 249. Both treatments stand.

NOTE: There is no conflict of substance.

7       —**SECTION 203.** The treatment of 167.31 (4) (cg) (intro.) of the statutes by 1997  
8       Wisconsin Act 248 is not repealed by 1997 Wisconsin Act 249. Both treatments stand.

NOTE: There is no conflict of substance.

9       —**SECTION 204.** The treatment of 167.31 (4) (cm) of the statutes by 1997 Wisconsin  
10       Act 248 is not repealed by 1997 Wisconsin Act 249. Both treatments stand.

NOTE: There is no conflict of substance.

11       —**SECTION 205.** The treatment of 167.31 (4m) of the statutes by 1997 Wisconsin  
12       Act 248 is not repealed by 1997 Wisconsin Act 249. Both treatments stand.

NOTE: There is no conflict of substance.

13       —**SECTION 206.** 172.52 of the statutes, as affected by 1997 Wisconsin Act 192,  
14       section 12, and 1997 Wisconsin Act 254, section 32, is amended to read:

15             **172.52 Appraisal.** The freeholders appointed as appraisers under s. ~~173.01~~  
16       172.51 shall be immediately notified and shall immediately repair to the place  
17       damaged by the animals and view the damages done. The appraisers may take  
18       evidence of any witnesses of the facts and circumstances necessary to enable them  
19       to ascertain the extent of the damages and the sufficiency of any line fence on the  
20       premises where the damage was done, if any dispute arises regarding the damages  
21       or line fence. The appraisers may administer oaths to the witnesses. The appraisers

1 shall certify under their hands the amount of damages, the cost of keeping the beasts  
2 to that time, their fees for services as appraisers not exceeding \$1 per day each, and  
3 their determination as to the sufficiency of the line fence, if in dispute. The  
4 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.

5 ~~SECTION 207.~~ 172.53 (1) (intro.) of the statutes, as affected by 1997 Wisconsin  
6 Act 192, section 12, and 1997 Wisconsin Act 254, section 33, is amended to read:

7 172.53 (1) (intro.) Unless the damages determined under s. ~~173.02~~ 172.52,  
8 together with the fees of the appraisers and chairperson, president or mayor, have  
9 been paid within 24 hours after the appraisal, the person distraining the beasts shall  
10 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.

11 ~~SECTION 208.~~ 172.53 (2) of the statutes, as affected by 1997 Wisconsin Act 192,  
12 section 12, and 1997 Wisconsin Act 254, section 33, is amended to read:

13 172.53 (2) The beasts shall remain confined until sold under ss. ~~173.04~~ 172.54  
14 to ~~173.06~~ 172.56, until the damages, fees and costs of keeping the beasts after  
15 appraisal are paid or until they are otherwise seized or discharged according to law.  
16 The confined beasts shall be furnished with suitable food from the time of seizure  
17 until they are discharged or sold. The expense of feeding the beasts, after the  
18 appraisal, shall be added to the amount determined under s. ~~173.02~~ 172.52 and paid  
19 as additional costs. If the beasts are put in a pound, the certificate of appraisal shall  
20 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.

21 ~~SECTION 209.~~ 172.54 of the statutes, as affected by 1997 Wisconsin Act 192,  
22 section 12, and 1997 Wisconsin Act 254, section 34, is amended to read:

1           **172.54 Time and notice of sale.** The poundmaster of any pound shall receive  
2 and keep any beasts delivered to the poundmaster under s. ~~173.03~~ 172.53. Unless  
3 the beasts are seized or discharged according to law within 6 days, from the time of  
4 their delivery to the pound, the poundmaster shall sell at public auction the beasts  
5 or so many of them as is necessary to pay the damages, fees and costs enumerated  
6 under ss. ~~173.02~~ 172.52 and ~~173.03~~ 172.53. The poundmaster shall give 2 days' notice  
7 of the sale by notice posted upon the pound and at 3 public places in the town, city  
8 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.

9           —**SECTION 210.** 172.55 of the statutes, as affected by 1997 Wisconsin Act 192,  
10 section 12, and 1997 Wisconsin Act 254, section 35, is amended to read:

11           **172.55 Sale of animal not impounded.** If in consequence of there being no  
12 pound within the distraining person's city, town or village of residence the beasts  
13 distrained under s. ~~173.01~~ 172.51 are kept in some other enclosure and the beasts  
14 are not discharged in the manner provided under this chapter within 6 days after  
15 being placed in the enclosure, the sheriff or any constable of the county shall sell the  
16 beasts or so many of them as shall be necessary to pay the damages, fees and costs  
17 of keeping, upon the same notice as is required in case of a constable's sale of personal  
18 property taken by execution.

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

19           —**SECTION 211.** 172.56 (1) of the statutes, as affected by 1997 Wisconsin Act 192,  
20 section 12, and 1997 Wisconsin Act 254, section 36, is amended to read:

21           172.56 (1) From the proceeds of the sale under s. ~~173.04~~ 172.54 or ~~173.05~~  
22 172.55, the person making the sale shall retain his or her fees, which shall be the  
23 same as are allowed to constables upon sales of personal property on execution, and

1 the cost of keeping the beasts. The person making the sale shall pay to the person  
2 who distrained the beasts the damages certified under s. ~~173.02~~ 172.52, with the fees  
3 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.

4 ~~SECTION 212.~~ 173.13 (1) (a) (intro.) of the statutes is amended to read:

5 173.13 (1) (a) (intro.) A humane officer, on behalf of a political subdivision in  
6 which the humane officer has jurisdiction under s. ~~173.01~~ 173.03 (3), or a law  
7 enforcement officer, on behalf of a political subdivision, may take custody of an  
8 animal if the humane officer or law enforcement officer has reasonable grounds to  
9 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".

10 ~~SECTION 213.~~ The treatment of 174.01 (2) of the statutes by 1997 Wisconsin Act  
11 192 is not repealed by 1997 Wisconsin Act 248. Both treatments stand.

NOTE: There is no conflict of substance.

12 ~~SECTION 214.~~ 180.1901 (1m) (ag) of the statutes, as created by 1997 Wisconsin  
13 Act 156, is amended to read:

14 180.1901 (1m) (ag) The department of regulation and licensing under subch.  
15 ~~X XI~~ of ch. 440.

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

16 ~~SECTION 215.~~ The treatment of 180.1901 (1m) (br) of the statutes by 1997  
17 Wisconsin Act 75 is not repealed by 1997 Wisconsin Act 175. Both treatments stand.

NOTE: There is no conflict of substance.

18 ~~SECTION 216.~~ 181.1703 (3) of the statutes, as affected by 1997 Wisconsin Act 79,  
19 is amended to read:

1 181.1703 (3) REINSTATEMENT OF DISSOLVED CORPORATION. Section 181.1422  
2 applies to any involuntary or administrative dissolution, even if the dissolution  
3 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).

4 ~~SECTION 217.~~ The treatment of 182.031 (2) of the statutes by 1997 Wisconsin  
5 Act 79 is not repealed by 1997 Wisconsin Act 140. Both treatments stand.

NOTE: There is no conflict of substance.

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X7

~~SECTION 218.~~ The treatment of ~~182.031 (2)~~ <sup>200.09 (2)</sup> of the statutes by 1997 Wisconsin Act  
254 <sup>3543,</sup> is not repealed by 1997 Wisconsin Act 283, section 129. Both treatments stand.  
<sub>ection</sub>

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

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~~SECTION 219.~~ The treatment of ~~184.12~~ <sup>200.12</sup> of the statutes by 1997 Wisconsin Act 140,  
is not repealed by 1997 Wisconsin Act 254. Both treatments stand.  
<sub>ection</sub>

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

10 ~~SECTION 220.~~ 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 221.~~ 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 222.~~ 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

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

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

7 ~~SECTION 223.~~ 196.01 (5) (a) 2. of the statutes, as affected by 1997 Wisconsin Acts  
8 184 and 218, is amended to read:

9 196.01 (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.

10 ~~SECTION 224.~~ 196.01 (5) (b) 4. of the statutes, as affected by 1997 Wisconsin Act  
11 184, is amended to read:

12 196.01 (5) (b) 4. A ~~cellular commercial~~ mobile radio ~~telecommunications utility~~  
13 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.

14 ~~SECTION 225.~~ The treatment of 196.202 (2) of the statutes by 1997 Wisconsin  
15 Act 140 is not repealed by 1997 Wisconsin Act 218. Both treatments stand.

NOTE: There is no conflict of substance.

16 ~~SECTION 226.~~ 196.205 (2) of the statutes, ~~as created by 1997 Wisconsin Act 218,~~  
17 is amended to read:

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

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

X1  
X2 ~~SECTION 227.~~ 196.215 (2d) of the statutes, as created by 1997 Wisconsin Act 218, is amended to read:

3 196.215 (2d) Notwithstanding sub. (2), a small telecommunications utility  
4 shall be subject to s. 196.26 if it is a party in a proceeding on a complaint specified  
5 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.

X6  
X7 ~~SECTION 228.~~ 196.215 (2m) (e) of the statutes, as created by 1997 Wisconsin Act 218, is amended to read:

8 196.215 (2m) (e) Notwithstanding pars. (a) to (d), a small telecommunications  
9 utility is subject to s. 196.26 if it is a party in a proceeding on a complaint specified  
10 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.

X11  
X12 ~~SECTION 229.~~ 196.26 (1) (intro.) and (a) (intro.) of the statutes, as affected by 1997 Wisconsin Act 218, are consolidated, renumbered 196.26 (1) (intro.) and  
13 amended to read:

14 196.26 (1) COMPLAINT. (intro.) In this section: (a) "Complaint", "complaint"  
15 means any of the following:

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

16 ~~SECTION 230.~~ 196.26 (1) (a) 1. to 3. of the statutes are renumbered 196.26 (1)  
17 (a) to (c).

NOTE: See the previous section of this bill.

18 ~~SECTION 231.~~ The treatment of 196.26 (1) of the statutes by 1997 Wisconsin Act  
19 218 is not repealed by 1997 Wisconsin Act 229. Both treatments stand.

NOTE: There is no conflict of substance.

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1        ~~SECTION 232.~~ 196.26 (1m) of the statutes, as affected by 1997 Wisconsin Acts  
2 218 and 229, is amended to read:

3        196.26 (1m) ~~COMPLAINT AND INVESTIGATION~~ INVESTIGATION OF COMPLAINT. If any  
4 mercantile, agricultural or manufacturing society, body politic, municipal  
5 organization or 25 persons file a complaint specified in sub. (1) (a) ~~1.~~ against a public  
6 utility, or if the commission terminates a proceeding on a complaint under s. 196.199  
7 (3) (a) 1m. b., or if a person files a complaint specified in sub. (1) (a) ~~3.~~ (c), the  
8 commission, with or without notice, may investigate the complaint under this section  
9 as it ~~deems~~ considers necessary. If the mobile home park occupants of 25% of the total  
10 number of manufactured homes or mobile homes in a mobile home park or the mobile  
11 home park occupants of 25 manufactured homes or mobile homes in a mobile home  
12 park, whichever is less, files a complaint specified in sub. (1) (a) against a mobile  
13 home park contractor or mobile home park operator, the commission, with or without  
14 notice, may investigate the complaint as it ~~deems~~ considers necessary. The  
15 commission may not issue an order based on an investigation under this subsection  
16 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.

17        ~~SECTION 233.~~ 196.26 (2) (a) of the statutes, as affected by 1997 Wisconsin Acts  
18 218 and 229, is amended to read:

19        196.26 (2) (a) Prior to a hearing under this section, the commission shall notify  
20 the public utility, mobile home park contractor ~~or~~, mobile home park operator or  
21 party to an interconnection agreement complained of that a complaint has been  
22 made, and 10 days after the notice has been given the commission may proceed to



1 set a time and place for a hearing and an investigation. This paragraph does not  
2 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.

3 **SECTION 234.** 196.26 (2) (b) of the statutes, as affected by 1997 Wisconsin Acts  
4 218 and 229, is amended to read:

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

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**SECTION 235.** 196.26 (4) (c) of the statutes, as created by 1997 Wisconsin Act  
218, is amended to read:

18 196.26 (4) (c) Paragraphs (a) and (b) do not apply to a complaint specified in  
19 sub. (1) ~~(a)-2.~~ or ~~3.~~ (b) or (c).

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

20 **SECTION 236.** 196.28 (3) of the statutes, as affected by 1997 Wisconsin Acts 218  
21 and 229, is amended to read:

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**SECTION 236**

1           196.28 (3) Notice of the time and place for a hearing under sub. (2) shall be  
2 given to the public utility, mobile home park contractor or mobile home park  
3 operator, and to such other interested persons as the commission ~~deems~~ considers  
4 necessary. After the notice has been given, proceedings shall be had and conducted  
5 in reference to the matter investigated as if a complaint specified in s. 196.26 (1) (a)  
6 ~~1.~~ had been filed with the commission (~~1m~~) relative to the matter investigated. The  
7 same order or orders may be made in reference to the matter as if the investigation  
8 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.

9           — **SECTION 237.** 196.85 (3) of the statutes, as affected by 1997 Wisconsin Acts 184  
10 and 229, is amended to read:

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

1 levy by distress and sale shall be governed by s. 74.10, 1985 stats., except that it shall  
2 be made by the state treasurer and that goods and chattels anywhere within the state  
3 may be levied upon.

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

4 ~~SECTION 238.~~ 196.85 (4) (a) of the statutes, as affected by 1997 Wisconsin Acts  
5 184 and 229, is amended to read:

6 196.85 (4) (a) Within 30 days after the date of the mailing of any bill under sub.  
7 (1), (2) ~~and~~, (2e) or (2g), the public utility, sewerage system, joint local water  
8 authority, mobile home park operator or power district that has been billed may file  
9 with the commission objections setting out in detail the grounds upon which the  
10 objector regards the bill to be excessive, erroneous, unlawful or invalid. The  
11 commission, after notice to the objector, shall hold a hearing upon the objections,  
12 from 5 to 10 days after providing the notice. If after the hearing the commission finds  
13 any part of the bill to be excessive, erroneous, unlawful or invalid it shall record its  
14 findings upon its minutes and transmit to the objector by registered mail an  
15 amended bill, in accordance with the findings. The amended bill shall have the same  
16 force and effect under this section as an original bill rendered under sub. (1), (2) ~~and~~,  
17 (2e) or (2g).

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

18 ~~SECTION 239.~~ 196.85 (5) of the statutes, as affected by 1997 Wisconsin Acts 184  
19 and 229, is amended to read:

20 196.85 (5) No suit or proceeding may be maintained in any court to restrain or  
21 delay the collection or payment of any bill rendered under sub. (1), (2) ~~and~~, (2e) or  
22 (2g). Every public utility, sewerage system, joint local water authority, mobile home  
23 park operator or power district that is billed shall pay the amount of the bill, and after

1 payment may in the manner provided under this section, at any time within 2 years  
2 from the date the payment was made, sue the state to recover the amount paid plus  
3 interest from the date of payment, upon the ground that the assessment was  
4 excessive, erroneous, unlawful or invalid in whole or in part. If the court finds that  
5 any part of the bill for which payment was made was excessive, erroneous, unlawful  
6 or invalid, the state treasurer shall make a refund to the claimant as directed by the  
7 court. The refund shall be charged to the appropriations to the commission.

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


X 8 SECTION 240. 198.13 (3) (a) of the statutes, ~~as affected by 1997 Wisconsin Act~~  
X 9 ~~254~~ is amended to read:

10 198.13 (3) (a) If within 2 years of its creation a district has not become the owner  
11 or operator, or commenced construction, of a public utility. Any time consumed in any  
12 proceeding or contest before any commission or court shall not be included as part  
13 of the 2-year period.

NOTE: Inserts missing word.

X 14 SECTION 241. 198.17 (3) (b) of the statutes, ~~as affected by 1997 Wisconsin Act~~  
X 15 ~~255~~ is amended to read:

16 198.17 (3) (b) The defendant ~~or~~ owner shall answer in the action commenced  
17 under par. (a) within 10 days after service of the summons and complaint on the  
18 owner and the action shall be at issue and stand ready for trial upon 10 days' notice  
19 by either party. Unless the parties waive a jury, the question as to the necessity of  
20 the taking of the utility by the district shall be as speedily as possible submitted to  
21 a jury. If the jury or the court, in case a jury is waived, finds that a necessity exists  
22 for the taking by the district of the utility, to which the owner shall not have  
23 consented, the directors shall cause speedy notice of the finding of necessity to be



1 certified to the commission and the owner. The commission and the parties shall  
2 then proceed to the ascertainment of the just compensation to be paid by the district  
3 to the owner for the utility. The consummation of the transfer of the utility to the  
4 district and the payment of the compensation to the owner shall be in the manner  
5 provided in sub. (2).

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

X6 SECTION 242. 217.05 (1m) (b) 2. of the statutes, as affected by 1997 Wisconsin  
X7 Act 237, 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.

X11 SECTION 243. 218.01 (2) (ie) 1. of the statutes, as affected by 1997 Wisconsin Act  
X12 237, is amended to read:

13 218.01 (2) (ie) 1. In addition to any other information required under this  
14 subsection, an application by an individual for the issuance or renewal of a license  
15 described in par. (d) shall include the individual's social security number and an  
16 application by a person who is not an individual for the issuance or renewal of a  
17 license described in par. (d) 1., 2., 3. or 5. shall include the person's federal employer  
18 identification number. The licensor may not disclose any information received under  
19 this subdivision to any person except the department of ~~industry, labor and job~~  
20 workforce development for purposes of administering s. 49.22 or the department of  
21 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 244**

X1

~~SECTION 244. 218.01 (2) (ig) 2. b. of the statutes, as affected by 1997 Wisconsin~~

X2

~~Act 237~~ is amended to read:

3           218.01 (2) (ig) 2. b. The licensor may disclose information under subd. 1. a. to  
4 the department of ~~industry, labor and job~~ workforce development in accordance with  
5 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.

X6

~~SECTION 245. 218.01 (3) (ag) 2. of the statutes, as affected by 1997 Wisconsin~~

X7

~~Act 237~~ is amended to read:

8           218.01 (3) (ag) 2. A license described in ~~par. sub. (2)~~ (d) 1., 2., 3. or 5. shall be  
9 suspended or revoked if the department of revenue certifies under s. 73.0301 that the  
10 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).

11

~~SECTION 246. 218.02 (2) (a) 2. b. of the statutes, as affected by 1997 Wisconsin~~

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~~Act 237~~ is amended to read:

13           218.02 (2) (a) 2. b. The division may disclose information under subd. 1. a. to  
14 the department of ~~industry, labor and job~~ workforce development in accordance with  
15 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.

X16

~~SECTION 247. 218.02 (6) (b) of the statutes, as created by 1997 Wisconsin Act~~

X17

~~(19)~~ is amended to read:

18           218.02 (6) (b) In accordance with a memorandum of understanding entered  
19 into under s. ~~49.587~~ 49.857, the division shall restrict or suspend a license if the  
20 licensee is an individual who fails to comply, after appropriate notice, with a  
21 subpoena or warrant issued by the department of workforce development or a county

X

1 child support agency under s. 59.53 (5) and related to paternity or child support  
2 proceedings or who is delinquent in making court-ordered payments of child or  
3 family support, maintenance, birth expenses, medical expenses or other expenses  
4 related to the support of a child or former spouse.

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

X5 ~~SECTION 248.~~ 218.04 (3) (a) 2. b. of the statutes, as affected by 1997 Wisconsin  
X6 ~~Act 237,~~ is amended to read:

7 218.04 (3) (a) 2. b. The division may disclose information under subd. 1. a. to  
8 the department of industry, labor and job workforce development in accordance with  
9 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.

X10 ~~SECTION 249.~~ 218.05 (3) (am) 2. b. of the statutes, as affected by 1997 Wisconsin  
X11 ~~Act 237,~~ is amended to read:

12 218.05 (3) (am) 2. b. The division may disclose information under subd. 1. a.  
13 to the department of industry, labor and job workforce development in accordance  
14 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.

X15 ~~SECTION 250.~~ 218.11 (2) (am) 3. of the statutes, as affected by 1997 Wisconsin  
X16 ~~Act 237,~~ is amended to read:

17 218.11 (2) (am) 3. The licenser may not disclose any information received under  
18 subd. 1. to any person except to the department of industry, labor and job workforce  
19 development for purposes of administering s. 49.22 or to the department of revenue  
20 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.

X

**SECTION 251**

X1

**SECTION 251.** 218.21 (2m) (b) of the statutes, ~~as affected by 1997 Wisconsin Act~~

X2

~~237~~ is amended to read:

3           218.21 (2m) (b) The department of transportation may not disclose any  
4 information received under sub. (2) (ag) or (am) to any person except to the  
5 department of ~~industry, labor and job~~ workforce development for purposes of  
6 administering s. 49.22 or the department of revenue for the sole purpose of  
7 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.

X8

**SECTION 252.** 218.31 (1m) (b) of the statutes, ~~as affected by 1997 Wisconsin Act~~

X9

~~237~~ is amended to read:

10           218.31 (1m) (b) The department of transportation may not disclose any  
11 information received under sub. (1) (ag) or (am) to any person except to the  
12 department of ~~industry, labor and job~~ workforce development for purposes of  
13 administering s. 49.22 or the department of revenue for the sole purpose of  
14 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.

X15

**SECTION 253.** 224.72 (2) (c) 2. b. of the statutes, ~~as affected by 1997 Wisconsin~~

X16

~~Act 237~~ is amended to read:

17           224.72 (2) (c) 2. b. The department may disclose information under subd. 1. a.  
18 to the department of ~~industry, labor and job~~ workforce development in accordance  
19 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.

20

**SECTION 254.** 224.72 (4r) of the statutes is amended to read:

X



1           224.72 (4r) INSUFFICIENT SECURITY; DIVISION ORDER; SUSPENSION OF REGISTRATION.  
2           If the division finds that the surety bond, security or insurance policy filed by a  
3           mortgage banker or mortgage broker has been ~~canceled~~ canceled without the  
4           required notice to the division, the division may summarily suspend the mortgage  
5           banker's or mortgage broker's registration.


NOTE: Inserts preferred spelling.

6           ~~SECTION 255.~~ The treatment of 224.72 (5) (a) of the statutes by 1997 Wisconsin  
7           Act 145 is not repealed by 1997 Wisconsin Act 191. Both treatments stand.

NOTE: There is no conflict of substance.

X8           ~~SECTION 256.~~ 224.77 (6) of the statutes ~~is created by 1997 Wisconsin Act 191~~  
9           is amended to read:

10           224.77 (6) RESTRICTION OR SUSPENSION OF REGISTRATION. The department shall  
11           restrict or suspend the registration of a mortgage banker, loan originator or ~~loan~~  
12           ~~solicitor~~ mortgage broker if the registrant is an individual who fails to comply, after  
13           appropriate notice, with a subpoena or warrant issued by the department of  
14           workforce development or a county child support agency under s. 59.53 (5) and  
15           related to paternity or child support proceedings or who is delinquent in making  
16           court-ordered payments of child or family support, maintenance, birth expenses,  
17           medical expenses or other expenses related to the support of a child or former spouse,  
18           as provided in a memorandum of understanding entered into under s. 49.857. A  
19           registrant whose registration is restricted or suspended under this subsection is  
20           entitled to a notice and hearing only as provided in a memorandum of understanding  
21           entered into under s. 49.857 and is not entitled to any other notice or hearing under  
22           this section.



**SECTION 256**

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.

1       —**SECTION 257.** 224.77 (6m) of the statutes, as affected by 1997 Wisconsin Act 237,  
2 section 449s, is renumbered 224.77 (8).

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

3       —**SECTION 258.** 224.77 (7) of the statutes, as created by 1997 Wisconsin Act 237,  
4 is amended to read:

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

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.

12       —**SECTION 259.** 229.70 (4) of the statutes is amended to read:

13           229.70 (4) It shall be a goal of a district, with regard to each of the contracts  
14 described under sub. (3) (a), (b) and (c), to award at least 25% of the dollar value of  
15 such contracts to minority businesses and at least 5% of the dollar value of such  
16 contracts to women’s businesses.

NOTE: Inserts “and” for correct grammar.

17       —**SECTION 260.** 242.01 (11) of the statutes, as affected by 1997 Wisconsin Act 188,  
18 is amended to read:

19           242.01 (11) “Relative” means an individual related by consanguinity within the  
20 3rd degree of kinship as computed under s. 852.03 (2), ~~1995 stats. 990.001 (16)~~, a

1 spouse or an individual related to a spouse within the 3rd degree as so computed, and  
2 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.

3 **SECTION 261.** 252.10 (7) of the statutes, as affected by 1997 Wisconsin Acts 75,  
4 156 and 175, is amended to read:

5 252.10 (7) Drugs necessary for the treatment of mycobacterium tuberculosis  
6 shall be purchased by the department from the appropriation under s. 20.435 (5) (e)  
7 and dispensed to patients through the public health dispensaries or through health  
8 care providers, as defined in s. 146.81 (1), other than massage therapists or  
9 bodyworkers issued a license of registration under subch. ~~X~~ XI of ch. 440, social  
10 workers, marriage and family therapists or professional counselors certified under  
11 ch. 457, speech-language pathologists or audiologists licensed under subch. II of ch.  
12 459, speech and language pathologists licensed by the department of public  
13 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.

14 **SECTION 262.** The treatment of 252.14 (1) (ar) 4m. of the statutes by 1997  
15 Wisconsin Act 75 is not repealed by 1997 Wisconsin Act 175. Both treatments stand.

NOTE: There is no conflict of substance.

16 **SECTION 263.** 252.15 (1)(ar) 1. of the statutes, ~~as affected by 1997 Wisconsin Act,~~  
17 ~~156,~~ is amended to read:

18 252.15 (1) (ar) 1. A person or entity that is specified in s. 146.81 (1), but does  
19 not include a massage therapist or bodyworker issued a license of registration under  
20 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.

## SECTION 264

X1 ~~SECTION 264.~~ 252.15 (1) (eg) of the statutes, ~~as affected by 1997 Wisconsin Act~~  
X2 ~~188,~~ is amended to read:

3           252.15 (1) (eg) "Relative" means a spouse, parent, grandparent, stepparent,  
4 brother, sister, first cousin, nephew or niece; or uncle or aunt within the 3rd degree  
5 of kinship as computed under s. ~~852.03 (2), 1995 stats. 990.001 (16).~~ This  
6 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.

7 ~~SECTION 265.~~ 252.24 (2) of the statutes, ~~as affected by 1997 Wisconsin Act 237,~~  
8 is amended to read:

9           252.24 (2) DEPARTMENT; DUTY. Except as provided in ss. 250.041 and ~~254.241~~  
10 ~~252.241~~, the department shall provide uniform, statewide licensing and regulation  
11 of body piercers and uniform, statewide licensing and regulation of body-piercing  
12 establishments under this section. The department shall inspect a body-piercing  
13 establishment once before issuing a license for the body-piercing establishment  
14 under this section and may make additional inspections that the department  
15 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.

16 ~~SECTION 266.~~ 253.12 (3) (intro.) of the statutes is amended to read:

17           253.12 (3) DEPARTMENTAL POWERS AND DUTIES. (intro.) From the appropriations  
18 under s. 20.435 (1) ~~(5)~~ (md) and (8) (n), the department shall perform all of the  
19 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.

20 ~~SECTION 267.~~ The treatment of 281.19 (2) (a) of the statutes by 1997 Wisconsin  
21 Act 27 is not repealed by 1997 Wisconsin Act 193. Both treatments stand.

NOTE: There is no conflict of substance.

1        ~~SECTION 268.~~ 289.62 (2) (a), (b), (c) and (g) (intro.) of the statutes are amended  
2 to read:

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

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

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

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

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

X17        ~~SECTION 269.~~ 299.07 (1) (b) 2. of the statutes, as affected by 1997 Wisconsin Act  
X18 237, is amended to read:

19            299.07 (1) (b) 2. If the department is required to obtain the information under  
20 s. 299.08 (1) (a), to the department of ~~industry, labor and job~~ workforce development  
21 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.

X

**SECTION 270**

X1  
X2

**SECTION 270.** 299.08 (1) (b) 1. of the statutes, ~~as affected by 1997 Wisconsin Act~~

~~237~~ is amended to read:

299.08 (1) (b) 1. To the department of ~~industry, labor and job~~ workforce 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.

**SECTION 271.** 301.03 (14) of the statutes, as created by 1997 Wisconsin Act 283, 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).

**SECTION 272.** The treatment of 301.26 (7) (h) of the statutes by 1997 Wisconsin Act 27 is not repealed by 1997 Wisconsin Act 35. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 273.** 302.372 (6) (d) of the statutes is amended to read:

302.372 (6) (d) Before entering a judgment for the county, the court shall consider any legal obligations of the defendant for support or maintenance under ch. 767 and any moral obligation of the defendant to support ~~dependants~~ dependents and may reduce the amount of the judgment entered for the county based on those obligations.

NOTE: Corrects spelling.

**SECTION 274.** 302.425 (2) of the statutes is amended to read:

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

X

NOTE: Inserts correct word.

1        ~~SECTION 275.~~ The treatment of 303.01 (2) (em) of the statutes by 1997  
2        Wisconsin Act 27 is not repealed by 1997 Wisconsin Act 36. Both treatments stand.

NOTE: There is no conflict of substance.

3        ~~SECTION 276.~~ The treatment of 303.065 (1) (b) 2. of the statutes by 1997  
4        Wisconsin Act 283 is not repealed by 1997 Wisconsin Act 326. Both treatments stand.

NOTE: There is no conflict of substance.

5        ~~SECTION 277.~~ The treatment of 304.02 (5) of the statutes by 1997 Wisconsin Act  
6        283 is not repealed by 1997 Wisconsin Act 326. Both treatments stand.

NOTE: There is no conflict of substance.

7        ~~SECTION 278.~~ The treatments of 304.06 (1) (b) of the statutes by 1997 Wisconsin  
8        Act 283 are not repealed by 1997 Wisconsin Act 326. All treatments stand.

NOTE: There is no conflict of substance.

9        ~~SECTION 279.~~ The treatments of 304.071 (2) of the statutes by 1997 Wisconsin  
10       Act 283 are not repealed by 1997 Wisconsin Act 326. All treatments stand.

NOTE: There is no conflict of substance.

11       ~~SECTION 280.~~ The treatments of 341.14 (6r) (b) 3. of the statutes by 1997  
12       Wisconsin Act 27 are not repealed by 1997 Wisconsin Act 255. All treatments stand.

NOTE: There is no conflict of substance.

13       ~~SECTION 281.~~ 343.16 (6) (title) of the statutes is amended to read:

14        343.16 (6) (title) SPECIAL RETESTING OF LICENSED OPERATIONS OPERATORS.

NOTE: Conforms title to statute subject matter.

15       ~~SECTION 282.~~ 343.23 (2) (b) of the statutes, as affected by 1997 Wisconsin Acts  
16       84 and 237, is amended to read:

17        343.23 (2) (b) The information specified in par. (a) must be filed by the  
18       department so that the complete operator's record is available for the use of the  
19       secretary in determining whether operating privileges of such person shall be

**SECTION 282**

1 suspended, revoked, canceled or withheld in the interest of public safety. The record  
 2 of suspensions, revocations and convictions that would be counted under s. 343.307  
 3 (2) shall be maintained for 10 years, except that if there are 2 or more suspensions,  
 4 revocations or convictions within any 10-year period, the record shall be maintained  
 5 permanently. The record of convictions for disqualifying offenses under s. 343.315  
 6 (2) (h) shall be maintained for at least 10 years. The record of convictions for  
 7 disqualifying offenses under s. 343.315 (2) (f) shall be maintained for at least 3 years.  
 8 The record of convictions for disqualifying offenses under s. 343.315 (2) (a) to (e) shall  
 9 be maintained permanently, except that 5 years after a licensee transfers residency  
 10 to another state such record may be transferred to another state of licensure of the  
 11 licensee if that state accepts responsibility for maintaining a permanent record of  
 12 convictions for disqualifying offenses. Such reports and records may be cumulative  
 13 beyond the period for which a license is granted, but the secretary, in exercising the  
 14 power of suspension granted under s. 343.32 (2) may consider only those reports and  
 15 records entered during the 4-year period immediately preceding the exercise of such  
 16 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.

17 ~~SECTION 283.~~ The treatment of 343.30 (2d) of the statutes by 1997 Wisconsin  
 18 Act 84 is not repealed by 1997 Wisconsin Act 283. Both treatments stand.

NOTE: There is no conflict of substance.

X19 SECTION 284. 343.305 (6) (e) 3. b. of the statutes, as affected by 1997 Wisconsin  
 X20 Act 237 is amended to read:

21 343.305 (6) (e) 3. b. The licensor may not disclose any information received  
 22 under subd. 2. a. or b. except to the department of industry, labor and job workforce





1 development for purposes of administering s. 49.22 or the department of revenue for  
2 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.

3 ~~SECTION 285.~~ 343.44 (2s) (title) of the statutes is created to read:

4 343.44 (2s) (title) CITATIONS.

NOTE: All other s. 344.44 subsections have titles.

5 ~~SECTION 286.~~ The treatment of 343.50 (8) (b) of the statutes by 1997 Wisconsin  
6 Act 119 is not repealed by 1997 Wisconsin Act 191. Both treatments stand.

NOTE: There is no conflict of substance.

7 ~~SECTION 287.~~ 343.61 (2) (b) of the statutes, ~~as affected by 1997 Wisconsin Act~~

8 ~~237.~~ is amended to read:

9 343.61 (2) (b) The department of transportation may not disclose any  
10 information received under par. (a) 1. or 2. to any person except to the department  
11 of industry, labor and job workforce development for purposes of administering s.  
12 49.22 or the department of revenue for the sole purpose of requesting certifications  
13 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 288.~~ The treatment of 345.47 (1) (b) of the statutes by 1997 Wisconsin  
15 Act 84 is not repealed by 1997 Wisconsin Act 237. Both treatments stand.

NOTE: There is no conflict of substance.

16 ~~SECTION 289.~~ The treatment of 346.65 (5m) of the statutes by 1997 Wisconsin  
17 Act 135 is not repealed by 1997 Wisconsin Act 277. Both treatments stand.

NOTE: There is no conflict of substance.

18 ~~SECTION 290.~~ The treatment of 346.65 (6) (a) 1. of the statutes by 1997  
19 Wisconsin Act 237 is not repealed by 1997 Wisconsin Act 295. Both treatments stand.

NOTE: There is no conflict of substance.

X

**SECTION 291**

1       —**SECTION 291.** The treatment of 346.65 (6) (a) 2. of the statutes by 1997  
2       Wisconsin Act 237 is not repealed by 1997 Wisconsin Act 295. Both treatments stand.

NOTE: There is no conflict of substance.

3       —**SECTION 292.** 346.65 (6) (d) of the statutes, as affected by 1997 Wisconsin Acts  
4       237 and 295, is amended to read:

5             346.65 (6) (d) At the hearing set under par. (c), the state has the burden of  
6       proving to a reasonable certainty by the greater weight of the credible evidence that  
7       the motor vehicle is a motor vehicle owned by a person who committed a violation of  
8       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),  
9       (b), (c) or (d) and, if the seizure is under par. (a) 1., that the person had 2 prior  
10      convictions, suspensions or revocations, as counted under s. 343.307 (1) or, if the  
11      seizure is under par. (a) 2., 3 or more prior convictions, suspensions or revocations,  
12      as counted under s. 343.307 (1). If the, (e) or (d), (e) or (d) state fails to meet the  
13      burden of proof required under this paragraph, the motor vehicle shall be returned  
14      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.

15      —**SECTION 293.** The treatment of 409.203 (1) (a) of the statutes by 1997 Wisconsin  
16      Act 265 is not repealed by 1997 Wisconsin Act 297. Both treatments stand.

NOTE: There is no conflict of substance.

X17       **SECTION 294.** 423.201 of the statutes, as affected by 1997 Wisconsin Act 302,  
X18      is renumbered <sup>423.201 (1)</sup> ~~423.201 (1)~~ and amended to read:

X19      <sup>423.201 (1) (b)</sup> ~~423.201 (1)~~ **Definition:** "Consumer approval transaction" means a consumer  
20      transaction other than a sale or lease or listing for sale of real property or a sale of  
21      goods at auction 1) which is that:

*Cathleen: We don't want the title renumbered so  
it becomes part of the Intro. on next page. Can  
you ~~set the~~ change the action phrases as necessary to do that.*

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

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

8 (2) "Consumer approval transaction" shall in no event does not include a  
9 catalog sale ~~which~~ that is not accompanied by any other solicitation or a consumer  
10 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.

11 ~~SECTION 295.~~ 423.201 (intro.) of the statutes is created to read:

12 423.201 (intro.) ~~In this subchapter:~~

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

13 ~~SECTION 296.~~ 440.03 (11m) (c) of the statutes, ~~as affected by 1997 Wisconsin Act~~

14 ~~191,~~ section 318, is amended to read:

15 440.03 (11m) (c) The department of regulation and licensing may not disclose  
16 a social security number obtained under par. (a) to any person except to the  
17 department of workforce development for purposes of administering s. 49.22 and, for  
18 a social security number obtained under par. (a) 1., the department of revenue for the  
19 sole purpose of ~~making the determination required under s. 440.08 (2r)~~ requesting  
20 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.



1       —SECTION 301. 440.97 of the statutes, as created by 1997 Wisconsin Act 156, is  
2       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.

3       —SECTION 302. 440.9705 of the statutes, as created by 1997 Wisconsin Act 156,  
4       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.

5       —SECTION 303. 440.971 of the statutes, as created by 1997 Wisconsin Act 156, is  
6       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.

7       —SECTION 304. 440.972 of the statutes, as created by 1997 Wisconsin Act 156, is  
8       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.

9       —SECTION 305. 440.973 of the statutes, as created by 1997 Wisconsin Act 156, is  
10       renumbered 440.983, and 440.983 (4), as renumbered, is amended to read:

11       440.983 (4) Submits evidence satisfactory to the department that he or she  
12       satisfies the requirements established in rules promulgated under s. ~~440.972~~  
13       440.982 (1) (b).

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.

14       —SECTION 306. 440.974 of the statutes, as created by 1997 Wisconsin Act 156, is  
15       renumbered 440.984, and 440.984 (6), as renumbered, is amended to read:

16       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.

**SECTION 307**

1       —**SECTION 307.** 440.975 of the statutes, as created by 1997 Wisconsin Act 156, is  
2 renumbered 440.985, and 440.985 (2), as renumbered, is amended to read:

3           440.985 (2) Evidence satisfactory to the department that the applicant has  
4 completed any continuing education requirements specified in rules promulgated  
5 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.

6       —**SECTION 308.** 440.976 of the statutes, as created by 1997 Wisconsin Act 156, is  
7 renumbered 440.986, and 440.986 (2) (g) and (3) (intro.), as renumbered, are  
8 amended to read:

9           440.986 (2) (g) Violated any standard relating to the practice of massage  
10 therapy or bodywork established by the department in the rules promulgated under  
11 s. ~~440.972~~ 440.982 (1) (a).

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

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.

18       —**SECTION 309.** 440.977 of the statutes, as created by 1997 Wisconsin Act 156, is  
19 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.

1       ~~SECTION 310.~~ 440.978 of the statutes, as created by 1997 Wisconsin Act 156, is  
2 renumbered 440.988, and 440.988 (2), as renumbered, is amended to read:

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

9       ~~SECTION 311.~~ 440.979 of the statutes, as created by 1997 Wisconsin Act 156, is  
10 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.

11       ~~SECTION 312.~~ 440.999 of the statutes, as created by 1997 Wisconsin Act 81, is  
12 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.

13       ~~SECTION 313.~~ 443.11 (6) of the statutes, as affected by 1997 Wisconsin Acts 237  
14 and 300, is amended to read:

15           443.11 (6) The examining board, for reasons the appropriate section of the  
16 examining board considers sufficient, may reissue a certificate of registration or a  
17 certificate of record to any person, or a certificate of authorization to any firm,  
18 partnership or corporation, whose certificate has been revoked, except for a  
19 certificate revoked under s. 440.12, if 3 members of the section vote in favor of such  
20 reissuance. Subject to the rules of the examining board, the examining board, the

1 examining board may, upon payment of the required fee, issue a new certificate of  
2 registration, certificate of record or certificate of authorization, to replace any  
3 certificate that is revoked, lost, destroyed or mutilated.

NOTE: The underscored comma is added for clarity.

4 ~~SECTION 314.~~ The treatment of 448.01 (6) of the statutes by 1997 Wisconsin Act  
5 67 is not repealed by 1997 Wisconsin Act 175. Both treatments stand.

NOTE: There is no conflict of substance.

6 ~~SECTION 315.~~ 448.015 (4) of the statutes, as affected by 1997 Wisconsin Act 67,  
7 section 13, and 1997 Wisconsin Act 175, section 25, is amended to read:

8 448.015 (4) “Unprofessional conduct” means those acts or attempted acts of  
9 commission or omission defined as unprofessional conduct by the board under the  
10 authority delegated to the board by s. 15.08 (5) (b) and any act by a physician, or  
11 physician assistant in violation of ch. 450 or 961.

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

12 ~~SECTION 316.~~ 448.02 (1) of the statutes, as affected by 1997 Wisconsin Acts 67  
13 and 175, is amended to read:

14 448.02 (1) LICENSE. The board may grant licenses, including various classes  
15 of temporary licenses, to practice medicine and surgery, and to practice as a  
16 physician assistant.

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

17 ~~SECTION 317.~~ The treatment of 448.03 (1) 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 318.~~ 448.03 (1) (c) of the statutes, as created by 1997 Wisconsin Act 67,  
20 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.

1        ~~SECTION 319.~~ The treatment of 448.03 (2) (e) of the statutes by 1997 Wisconsin  
2 Act 67 is not repealed by 1997 Wisconsin Act 175. Both treatments stand.

NOTE: There is no conflict of substance.

3        ~~SECTION 320.~~ The treatment of 448.09 (1) of the statutes by 1997 Wisconsin Act  
4 175 is not repealed by 1997 Wisconsin Act 311. Both treatments stand.

NOTE: There is no conflict of substance.

5        ~~SECTION 321.~~ 448.40 (2) (f) of the statutes, as created by 1997 Wisconsin Act 311,  
6 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).

7        ~~SECTION 322.~~ The treatment of 450.10 (3) (a) 5m. 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.

X9        ~~SECTION 323.~~ 470.04 (2) (b) of the statutes, ~~as affected by 1997 Wisconsin Act~~  
X10 ~~300, section 20,~~ is amended to read:

11           470.04 (2) (b) Subject to sub. (7), that he or she has a bachelor's degree, and at  
12 least ~~30 semester hours or 45 quarter hours of~~ with course credits in geology of a  
13 variety and nature sufficient to constitute a geology major from a college or  
14 university approved by the examining board.

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.

X15        ~~SECTION 324.~~ 470.04 (4) (intro.) of the statutes, ~~as created by 1997 Wisconsin~~  
X16 ~~Act 300,~~ is amended to read:

17           470.04 (4) (intro.) The professional soil scientist section shall grant a  
18 professional soil scientist license to a person who satisfies the requirements under

1 sub. (1) and who ~~who~~ submits evidence satisfactory to the section of all of the  
2 following:

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

X<sub>3</sub> —SECTION 325. 551.29 (3) of the statutes, as created by 1997 Wisconsin Act 316,  
X<sub>4</sub> is amended to read:

5 551.29 (3) With respect to a federal covered security that is a covered security  
6 under section 18 (b) (3) or (4) of the Securities Act of 1933, the division may, by rule  
7 or order, require the filing, for purpose of providing notice to the division, of any  
8 document filed with the federal securities and exchange commission under the ~~the~~  
9 Securities Act of 1933, together with a fee prescribed in the rule or order. The filing  
10 is effective upon receipt by the division of the documents and fee required under the  
11 rule or order.

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

X<sub>12</sub> —SECTION 326. 551.32 (1) (bm) 2. b. of the statutes, as affected by 1997 Wisconsin  
X<sub>13</sub> Act 237, is amended to read:

14 551.32 (1) (bm) 2. b. The division may disclose information under subd. 1. a.  
15 to the department of ~~industry, labor and job~~ workforce development in accordance  
16 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.

17 —SECTION 327. 551.32 (9) (a) of the statutes, as affected by 1997 Wisconsin Act  
18 316, section 60, is amended to read:

19 551.32 (9) (a) Withdrawal from the status of a licensed broker-dealer, agent,  
20 investment adviser or investment adviser representative becomes effective 30 days  
21 after receipt by the division or by an organization designated by rule of the division  
22 under s. ~~551.32~~ sub. (1) (a) of an application to withdraw or within such shorter

X

1 period as the division determines, unless a revocation or suspension proceeding is  
2 pending when the application is filed or a proceeding to revoke or suspend or to  
3 impose conditions upon the withdrawal is instituted within 30 days after the  
4 application is filed. If a proceeding is pending or instituted, withdrawal becomes  
5 effective at such time and upon such conditions as the division by order determines.  
6 If no proceeding is pending or instituted and withdrawal automatically becomes  
7 effective, the division may institute a revocation or suspension proceeding for the  
8 grounds specified under ~~sub. s. 551.34~~ (1) (b), (g), (m) or (n) within one year after  
9 withdrawal became effective and enter a revocation or suspension order as of the last  
10 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.

X11 **SECTION 328.** 551.65 (1) of the statutes as affected by 1997 Wisconsin Act 316,  
12 is amended to read:  
13 551.65 (1) Every applicant for license or registration under this chapter, every  
14 person filing a ~~filing~~ notice filing under this chapter and every issuer ~~which that~~  
15 proposes to offer a security in this state through any person acting as agent shall file  
16 with the division or, if applying for a license, with the organization designated by the  
17 division under s. 551.32 (1) (a), an irrevocable consent appointing the division to be  
18 his or her attorney to receive service of any lawful process in any noncriminal suit,  
19 action or proceeding against him or her or a successor, executor or administrator  
20 ~~which that~~ arises under this chapter or any rule or order under this chapter after the  
21 consent has been filed, with the same validity as if served personally on the person  
22 filing the consent. The consent shall be in the form the division by rule prescribes.  
23 The consent need not be filed by a person who has filed a consent in connection with

X

1 a previous registration or notice filing or license ~~which~~ that is then in effect. Service  
2 may be made by leaving a copy of the process at the office of the division, but it is not  
3 effective unless the plaintiff, who may be the division in a suit, action or proceeding  
4 instituted by the division, promptly sends notice of the service and a copy of the  
5 process by registered or certified mail to the defendant or respondent at the person's  
6 last address on file with the division, and the plaintiff's affidavit of compliance with  
7 this subsection is filed in the case on or before the return day of the process, or within  
8 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".

9 ~~SECTION 329.~~ 552.05 (2) (intro.) of the statutes is amended to read:

10 552.05 (2) (intro.) The registration statement shall be filed on forms prescribed  
11 by the division, and shall be accompanied by a consent by the offeror to service of  
12 process specified in s. 551.65 (1) and the filing fee specified in s. 552.15 (1), and shall  
13 contain the following information and such additional information as the  
14 ~~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.

15 ~~SECTION 330.~~ 560.745 (2) (b) and (c) 1. of the statutes are amended to read:

16 560.745 (2) (b) Annually the department shall estimate the amount of ~~foregone~~  
17 forgone state revenue because of tax benefits claimed by persons in each  
18 development zone.

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

NOTE: Inserts preferred spelling.

22 ~~SECTION 331.~~ 560.795 (2) (c) and (d) 1. of the statutes are amended to read:

1           560.795 (2) (c) Annually, the department shall estimate the amount of ~~foregone~~  
2 forgone state revenue because of tax benefits claimed by corporations in each  
3 development opportunity zone.

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

NOTE: Inserts preferred spelling.

8       —SECTION 332. 560.797 (5) (c) and (d) 1. of the statutes are amended to read:

9           560.797 (5) (c) Annually, the department shall estimate the amount of ~~foregone~~  
10 forgone state revenue because of tax benefits claimed by persons in each enterprise  
11 development zone.

12           (d) 1. Notwithstanding the length of time specified by the department under  
13 par. (a), the designation of an area as an enterprise development zone shall expire  
14 90 days after the day on which the department determines that the ~~foregone~~ forgone  
15 tax revenues under par. (c) will equal or exceed the limit established for the  
16 enterprise development zone.

NOTE: Inserts preferred spelling.

X17       SECTION 333. 615.03 (1) (c) of the statutes, as affected by 1997 Wisconsin Act

X18       ~~(86)~~ is amended to read:

19           615.03 (1) (c) A natural person who issues such an annuity to a relative by blood  
20 or marriage within the 3rd degree of kinship as computed according to s. ~~852.03 (2),~~  
21 ~~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.



**SECTION 334**

1        ~~SECTION 334.~~ The treatment of 632.895 (1) (b) 5. b. 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 335.~~ 632.895 (12) (a) of the statutes is amended to read:

4            632.895 (12) (a) In this subsection, "ambulatory surgery center" has the  
5        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.

6        ~~SECTION 336.~~ 751.15 (title) of the statutes, as created by 1997 Wisconsin Act  
7        191, is amended to read:

8            **751.15 (title) Rules regarding the practice of law; delinquent support**  
9        **obligors.**

NOTE: 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". 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.

10       ~~SECTION 337.~~ 751.15 of the statutes, as created by 1997 Wisconsin Act 237, is  
11       renumbered 751.155, and 751.155 (title), as renumbered, is amended to read:

12           **751.155 (title) Rules regarding the practice of law; delinquent**  
13        **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.

14       ~~SECTION 338.~~ 757.69 (1) (n) of the statutes, as created by 1997 Wisconsin Act  
15       192, is renumbered 757.69 (1) (o).

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).

16       ~~SECTION 339.~~ 767.25 (6) (a) of the statutes, as affected by 1997 Wisconsin Acts  
17       27 and 191, is amended to read:

INSERT

1999-2000 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB  
.....

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

767.303 (1) If a person fails to pay a payment ordered for support under s. 767.077, support under s. 767.08, child support or family support under s. 767.23, child support under s. 767.25, family support under s. 767.261, revised child or family support under s. 767.32, child support under s. 767.458 (3), child support under s. ~~767.458 (3)~~ 767.477, child support under s. 767.51, child support under s. 767.62 (4) (a), child support under ch. 769 or child support under s. 948.22 (7), the payment is 90 or more days past due and the court finds that the person has the ability to pay the amount ordered, the court may suspend the person's operating privilege, as defined in s. 340.01 (40), until the person pays all arrearages in full or makes payment arrangements that are satisfactory to the court, except that the suspension period may not exceed 5 years. If otherwise eligible, the person is eligible for an occupational license under s. 343.10 at any time.

Revised language added to note

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

CATHCART USE BOTH TREATMENTS  
OF 767.303 (1)  
OK

X

1           767.25 (6) (a) First, to payment of child support ~~department or its~~ due within  
2 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.

3           ~~SECTION 340.~~ 767.261 (1) of the statutes, as affected by 1997 Wisconsin Acts 27  
4 and 191, is amended to read:

5           767.261 (1) First, to payment of family support ~~department or its~~ due within  
6 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.

*INSERT*

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

NOTE: There is no conflict of substance.

9           ~~SECTION 342.~~ 767.51 (5p) (a) of the statutes, as affected by 1997 Wisconsin Acts  
10 27 and 191, is amended to read:

11           767.51 (5p) (a) First, to payment of child support ~~department or its~~ due within  
12 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.

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

NOTE: There is no conflict of substance.

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

17           801.095 (2) (form)

18           STATE OF WISCONSIN           CIRCUIT COURT: ....           COUNTY

19  
20           A. B.



1 Address

2 City, State Zip Code File No. ....

3 , Plaintiff

4 vs. S U M M O N S

5 C. D.

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

7 City, State Zip Code

8 , Defendant

9

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

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

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

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

23 Dated: ....., .... (year)

24

Signed: .... ..

25

A. B., Plaintiff

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or

E. F., Plaintiff's Attorney

State Bar Number No.: ....

Address: ....

City, State Zip Code: ....

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.

~~SECTION 345.~~ 801.095 (3) of the statutes, as affected by 1997 Wisconsin Acts 187 and 250, is amended to read:

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

STATE OF WISCONSIN                      CIRCUIT COURT: ....                      COUNTY

A. B.

Address

City, State Zip Code                      File No. ....

, Plaintiff

vs.

S U M M O N S

C. D.

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

City, State Zip Code

, Defendant

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



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.

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

3             801.095 (4) NO PERSONAL SERVICE; COMPLAINT NOT SERVED AT THE SAME TIME.

4     STATE OF WISCONSIN                    CIRCUIT COURT: ....                    COUNTY

5     \_\_\_\_\_

6     A. B.

7     Address

8     City, State Zip Code            File No. ....

9                             , Plaintiff

10            vs.                            S U M M O N S

11     C. D.

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

13     City, State Zip Code

14                             , Defendant

15     \_\_\_\_\_

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

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

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



1        ~~SECTION 348.~~ The treatment of 802.06 (1) of the statutes by 1997 Wisconsin Act  
2 133 is not repealed by 1997 Wisconsin Act 187. Both treatments stand.

NOTE: There is no conflict of substance.

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

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

NOTE: Replaces parentheses with commas consistent with current style.

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

NOTE: There is no conflict of substance.

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

NOTE: There is no conflict of substance.



1

Witness: ....

2

Witness: ....

3

State of ....

4

County of ....

5

(e) Subscribed and sworn to before me by ...., the testator, and by ...., and ....,

6

witnesses, this .... day of ....., .....

7

(Seal) ....

(Signed): ....

8

9

(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.

10

~~SECTION 353.~~ 853.04 (2) of the statutes, as created by 1997 Wisconsin Act 188,

11

is amended to read:

12

853.04 (2) TWO-STEP PROCEDURE. An attested will may be made self-proved at

13

any time after its execution by the affidavit of the testator and witnesses. The

14

affidavit must be made before an officer authorized to administer oaths under the

15

laws of the state in which the affidavit occurs and must be evidenced by the officer's

16

certificate, under official seal, attached or annexed to the will in substantially the

17

following form:

18

State of ....

19

County of ....

20

(a) We, ....., ....., and ....., the testator and the witnesses whose names are signed

21

to the foregoing instrument, being first duly sworn, do declare to the undersigned

22

authority all of the following:



**SECTION 353**

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

Testator: ....

Witness: ....

Witness: ....

10  
11  
12  
13  
14  
15  
16  
17

(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.

18        ~~SECTION 354.~~ 895.035 (2m) (a) of the statutes, as affected by 1997 Wisconsin  
19 Acts 35 and 205, is amended to read:

20           895.035 (2m) (a) If a juvenile or a parent with custody of a ~~child~~ juvenile fails  
21 to pay restitution under s. 938.245, 938.32, 938.34 (5), 938.343 (4), 938.345 or 938.45  
22 (1r) (a) as ordered by a court assigned to exercise jurisdiction under chs. 48 and 938,  
23 a court of criminal jurisdiction or a municipal court or as agreed to in a deferred

1 prosecution agreement or if it appears likely that the juvenile or parent will not pay  
2 restitution as ordered or agreed to, the victim, the victim's insurer, the  
3 representative of the public interest under s. 938.09 or the agency, as defined in s.  
4 938.38 (1) (a), supervising the juvenile may petition the court assigned to exercise  
5 jurisdiction under chs. 48 and 938 to order that the amount of restitution unpaid by  
6 the juvenile or parent be entered and docketed as a judgment against the juvenile  
7 and the parent with custody of the juvenile and in favor of the victim or the victim's  
8 insurer, or both. A petition under this paragraph may be filed after the expiration  
9 of the deferred prosecution agreement, consent decree, dispositional order or  
10 sentence under which the restitution is payable, but no later than one year after the  
11 expiration of the deferred prosecution agreement, consent decree, dispositional order  
12 or sentence or any extension of the consent decree, dispositional order or sentence.  
13 A judgment rendered under this paragraph does not bar the victim or the victim's  
14 insurer, or both, from commencing another action seeking compensation from the  
15 child juvenile or the parent, or both, if the amount of restitution ordered under this  
16 paragraph is less than the total amount of damages claimed by the victim or the  
17 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.

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

NOTE: There is no conflict of substance.

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

**SECTION 356**

1           895.48 (1m) (intro.) Any physician licensed under ch. 448, chiropractor  
2 licensed under ch. 446, dentist licensed under ch. 447, emergency medical technician  
3 licensed under s. 146.50, physician assistant licensed under ch. 448, registered nurse  
4 licensed under ch. 441 or massage therapist or bodyworker issued a license of  
5 registration under subch. ~~X~~ XI of ch. 440 who renders voluntary health care to a  
6 participant in an athletic event or contest sponsored by a nonprofit corporation, as  
7 defined in s. 46.93 (1m) (c), a private school, as defined in s. 115.001 (3r), a public  
8 agency, as defined in s. 46.93 (1m) (e), or a school, as defined in s. 609.655 (1) (c), is  
9 immune from civil liability for his or her acts or omissions in rendering that care if  
10 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.

11       —**SECTION 357.** 908.03 (6m) (a) of the statutes, as affected by 1997 Wisconsin Acts  
12 67 and 156, is amended to read:

13           908.03 (6m) (a) *Definition.* In this subsection, “health care provider” means  
14 a massage therapist or bodyworker issued a license of registration under subch. ~~X~~  
15 XI of ch. 440, a chiropractor licensed under ch. 446, a dentist licensed under ch. 447,  
16 a physician assistant licensed under ch. 448 or a health care provider as defined in  
17 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.

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

20           938.183 (2) Notwithstanding ss. 938.12 (1) and 938.18, courts of criminal  
21 jurisdiction have exclusive original jurisdiction over a juvenile who is alleged to have  
22 attempted or committed a violation of s. 940.01 or to have committed a violation of

1 s. 940.02 or 940.05 on or after the juvenile's 15th birthday. Notwithstanding ss.  
2 938.12 (1) and 938.18, courts of criminal jurisdiction also have exclusive original  
3 jurisdiction over a juvenile specified in the preceding sentence who is alleged to have  
4 attempted or committed a violation of any state law in addition to the violation  
5 alleged under the preceding sentence if the violation alleged under this sentence and  
6 the violation alleged under the preceding sentence may be joined under s. ~~972.12~~  
7 971.12 (1). Notwithstanding subchs. IV to VI, a juvenile who is alleged to have  
8 attempted or committed a violation of s. 940.01 or to have committed a violation of  
9 s. 940.02 or 940.05 on or after the juvenile's 15th birthday and a juvenile who is  
10 alleged to have attempted or committed a violation of any state criminal law, if that  
11 violation and an attempt to commit a violation of s. 940.01 or the commission of a  
12 violation of s. 940.01, 940.02 or 940.05 may be joined under s. 971.12 (1), is subject  
13 to the procedures specified in chs. 967 to 979 and the criminal penalties provided for  
14 the crime that the juvenile is alleged to have committed, except that the court of  
15 criminal jurisdiction shall, in lieu of convicting the juvenile, adjudge the juvenile to  
16 be delinquent and impose a disposition specified in s. 938.34 if the court of criminal  
17 jurisdiction finds that the juvenile has committed a lesser offense than the offense  
18 alleged under this subsection or has committed an offense that is joined under s.  
19 971.12 (1) to an attempt to commit a violation of s. 940.01 or to the commission of a  
20 violation of s. 940.01, 940.02 or 940.05, but has not attempted to commit a violation  
21 of s. 940.01 or committed a violation of s. 940.01, 940.02 or 940.05, and the court of  
22 criminal jurisdiction, after considering the criteria specified in s. 938.18 (5),  
23 determines that the juvenile has proved by clear and convincing evidence that it  
24 would be in the best interests of the juvenile and of the public to adjudge the juvenile  
25 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.

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

NOTE: There is no conflict of substance.

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

NOTE: There is no conflict of substance.

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

NOTE: There is no conflict of substance.

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

NOTE: There is no conflict of substance.

9       —**SECTION 363.** The treatment of 938.30 (6) 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 364.** The treatment of 938.31 (7) of the statutes by 1997 Wisconsin Act  
12       237 is not repealed by 1997 Wisconsin Act 252. Both treatments stand.

NOTE: There is no conflict of substance.

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

NOTE: There is no conflict of substance.

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

NOTE: There is no conflict of substance.

17       —**SECTION 367.** The treatment of 938.34 (8) of the statutes by 1997 Wisconsin Act  
18       84 is not repealed by 1997 Wisconsin Act 205.

NOTE: There is no conflict of substance.

1        ~~SECTION 368.~~ <sup>183</sup> The treatment of 938.343 (4) of the statutes by 1997 Wisconsin  
2 Act ~~21~~ is not repealed by 1997 Wisconsin Act 205. Both treatments stand.

NOTE: There is no conflict of substance.

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

NOTE: There is no conflict of substance.

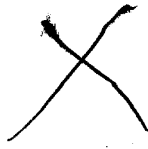
5        ~~SECTION 370.~~ 938.35 (1) (d) of the statutes is amended to read:  
6            938.35 (1) (d) The fact that a juvenile has been adjudged delinquent on the  
7 basis of unlawfully and intentionally killing a person is admissible for the purpose  
8 of s. ~~852.01 (2m) (bg)~~ 854.14 (5) (b).

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.

9        ~~SECTION 371.~~ 938.355 (2d) (b) 3. of the statutes as created by 1997 Wisconsin  
10 Act 237 is amended to read:

11            938.355 (2d) (b) 3. That the parent has committed a violation of s. 940.19 (2),  
12 (3), (4) or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025 or 948.03 (2) (a) or (3) (a)  
13 or a violation of the law of any other state or federal law, if that violation would be  
14 a violation of s. 940.19 (2), (3), (4) or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025  
15 or 948.03 (2) (a) or (3) (a) if committed in this state, and that the violation resulted  
16 in great bodily harm, as defined in s. ~~938.22~~ 939.22 (14), or in substantial bodily  
17 harm, as defined in s. ~~938.22~~ 939.22 (38), to the juvenile or another child of the  
18 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).



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

NOTE: There is no conflict of substance.

3        ~~SECTION 373.~~ 938.371 (1) of the statutes is reenacted to read:

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

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

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

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

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

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

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



**SECTION 374**

1 subsection shall keep the information confidential as required under ss. 48.78 and  
2 938.78.

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

3 ~~SECTION 375.~~ The treatment of 938.396 (1t) 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 376.~~ 938.396 (2) (g) of the statutes, as created by 1997 Wisconsin Act  
6 205, 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).

7 ~~SECTION 377.~~ 938.396 (2) (i) of the statutes ~~as created by 1997 Wisconsin Act~~  
8 ~~205~~ is amended to read:

9 938.396 (2) (i) Upon request of the court assigned to exercise probate  
10 jurisdiction, the attorney general, the personal representative or special  
11 administrator of, or an attorney performing services for, the estate of a decedent in  
12 any proceeding under chs. 851 to 879, a person interested, ~~a~~ as defined in s. 851.21,  
13 or an attorney, attorney-in-fact, guardian ad litem or guardian of the estate of a  
14 person interested to review court records for the purpose of s. ~~852.01 (2m) (bg)~~ 854.14  
15 (5)(b), the court assigned to exercise jurisdiction under this chapter and ch. 48 shall  
16 open for inspection by any authorized representative of the requester the records of  
17 the court relating to any juvenile who has been adjudged delinquent on the basis of  
18 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.

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

X

NOTE: There is no conflict of substance.

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

NOTE: There is no conflict of substance.

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

NOTE: There is no conflict of substance.

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

NOTE: There is no conflict of substance.

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

9            938.51 (1) (c) (intro.) Subject to par. (cm), notify an adult relative of the victim  
10        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.

11        ~~SECTION 383.~~ 938.51 (1m) of the statutes, as affected by 1997 Wisconsin Acts  
12        181 and 207, is amended to read:

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

**SECTION 383**

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.

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

NOTE: There is no conflict of substance.

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

NOTE: There is no conflict of substance.

5 ~~SECTION 386.~~ 938.51 (4) (a) of the statutes, as affected by 1997 Wisconsin Acts  
6 181 and 207, is amended to read:

7 938.51 (4) (a) Any known victim of the act for which the juvenile was found  
8 delinquent or to be in need of protection or services, if the criteria under sub. (1) (b)  
9 are met; an adult relative of the victim, if the criteria under sub. (1) (c) are met; or  
10 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.

X1  
X12

~~SECTION 387.~~ The treatment of 939.62 (2m) (a) <sup>ection</sup> of the statutes by 1997  
Wisconsin Act 219 <sup>2m. b.</sup> is not repealed by 1997 Wisconsin Act 295. <sup>section</sup> 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.

X13  
X14

~~SECTION 388.~~ The treatment of 939.62 (2m) <sup>section</sup> of the statutes by 1997  
Wisconsin Act 283 <sup>section</sup> is not repealed by 1997 Wisconsin Act 326. <sup>section</sup> Both treatments stand.

NOTE: There is no conflict of substance.

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

NOTE: There is no conflict of substance.

17 ~~SECTION 390.~~ 940.25 (1b) of the statutes, as affected by 1997 Wisconsin Act 295,  
18 is amended to read:

X

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

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

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

NOTE: There is no conflict of substance.

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

9           940.25 (2) The defendant has a defense if he or she proves by a preponderance  
10 of the evidence that the great bodily harm would have occurred even if he or she had  
11 been exercising due care and he or she had not been under the influence of an  
12 intoxicant or did not have an alcohol concentration described under sub. (1), ~~or (b)~~,  
13 (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.

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

NOTE: There is no conflict of substance.

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

17           941.31 (2) (c) This subsection does not apply to the transportation, possession,  
18 use or transfer of any improvised explosive devise device by any armed forces or  
19 national guard personnel or to any peace officer in the line of duty or as part of a

**SECTION 394**

1 duty-related function or exercise. The restriction on transportation in this  
2 subsection does not apply to common carriers.

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

3 —**SECTION 395.** 950.02 (1m) of the statutes, as affected by 1997 Wisconsin Acts  
4 35 and 181, is amended to read:

5 950.02 (1m) "Crime" means an act committed in this state which, if committed  
6 by a competent adult, would constitute a crime, as defined in s. 939.12. ~~juvenile~~

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.

7 —**SECTION 396.** 950.04 (2w) (g) of the statutes, as affected by 1997 Wisconsin Act  
8 181, is amended to read:

9 950.04 (2w) (g) To be provided with appropriate ~~employer~~ intercession services  
10 to ensure that employers of witnesses will cooperate with the criminal justice process  
11 and the juvenile justice process in order to minimize an employe's loss of pay and  
12 other benefits resulting from court appearances.

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

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

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

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

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

NOTE: There is no conflict of substance.

3        ~~SECTION 399.~~ 969.08 (1) of the statutes is amended to read:

4            969.08 (1) Upon petition by the state or the defendant, the court before which  
5 the action is pending may increase or reduce the amount of bail or may alter other  
6 conditions of release or the bail bond or grant bail if it has been previously revoked.  
7 Except as provided in sub. (5), a defendant for whom conditions of release are  
8 imposed and who after 72 hours from the time of initial appearance before a judge  
9 continues to be detained in custody as a result of the defendant's inability to meet the  
10 conditions of release, upon application, is entitled to have the conditions reviewed by  
11 the judge of the court before whom the action against the defendant is pending. ~~s~~  
12 Unless the conditions of release are amended and the defendant is thereupon  
13 released, the judge shall set forth on the record the reasons for requiring the  
14 continuation of the conditions imposed. A defendant who is ordered released on a  
15 condition which requires that he or she return to custody after specified hours, upon  
16 application, is entitled to a review by the judge of the court before whom the action  
17 is pending. Unless the requirement is removed and the defendant thereupon  
18 released on another condition, the judge shall set forth on the record the reasons for  
19 continuing the requirement.

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

20        ~~SECTION 400.~~ The treatments of 969.08 (10) (b) of the statutes by 1997  
21 Wisconsin Acts 143 and 180 are not repealed by 1997 Wisconsin Act 295. All  
22 treatments stand.

NOTE: There is no conflict of substance.

**SECTION 401**

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

NOTE: There is no conflict of substance.

3       —**SECTION 402.** The treatment of 972.14 (2) of the statutes by 1997 Wisconsin Act  
4 73 is not repealed by 1997 Wisconsin Act 205. Both treatments stand.

NOTE: There is no conflict of substance.

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

NOTE: There is no conflict of substance.

7       —**SECTION 404.** The treatment of 973.0135 (1) (b) 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.

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

NOTE: There is no conflict of substance.

11       —**SECTION 406.** The treatments of 973.05 (1) of the statutes by 1997 Wisconsin  
12 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.

13       —**SECTION 407.** 980.06 (2) (b) of the statutes, as affected by 1997 Wisconsin Acts  
14 27 and 284, is amended to read:

15       980.06 (2) (b) An order for commitment under this section shall specify either  
16 institutional care or supervised release. In determining whether commitment shall  
17 be for institutional care or for supervised release, the court may consider, without  
18 limitation because of enumeration, the nature and circumstances of the behavior  
19 that was the basis of the allegation in the petition under s. 980.02 (2) (a), the person's  
20 mental history and present mental condition, where the person will live, how the

1 person will support himself or herself, and what arrangements are available to  
2 ensure that the person has access to and will participate in necessary treatment,  
3 including pharmacological treatment using an antiandrogen or the chemical  
4 equivalent of an antiandrogen if the person is a serious child sex offender. In deciding  
5 whether to order supervised release of a person who is a serious child sex offender,  
6 the court may not consider, as a factor in making its decision, that the person is a  
7 proper subject for pharmacological treatment using an antiandrogen or the chemical  
8 equivalent of an antiandrogen or that the person is willing to participate in  
9 pharmacological treatment using an antiandrogen or the chemical equivalent of an  
10 antiandrogen. The department shall arrange for control, care and treatment of the  
11 person in the least restrictive manner consistent with the requirements of the person  
12 and in accordance with the court's commitment order.

NOTE: Inserts missing "a".

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

NOTE: There is no conflict of substance.

15 — **SECTION 409.** The treatment of 980.08 (4) of the statutes by 1997 Wisconsin Act  
16 27 is not repealed by 1997 Wisconsin Act 284. Both treatments stand.

NOTE: There is no conflict of substance.

17 — **SECTION 410.** The treatment of 980.08 (5) of the statutes by 1997 Wisconsin Act  
18 275 is not repealed by 1997 Wisconsin Act 284. Both treatments stand.

NOTE: There is no conflict of substance.

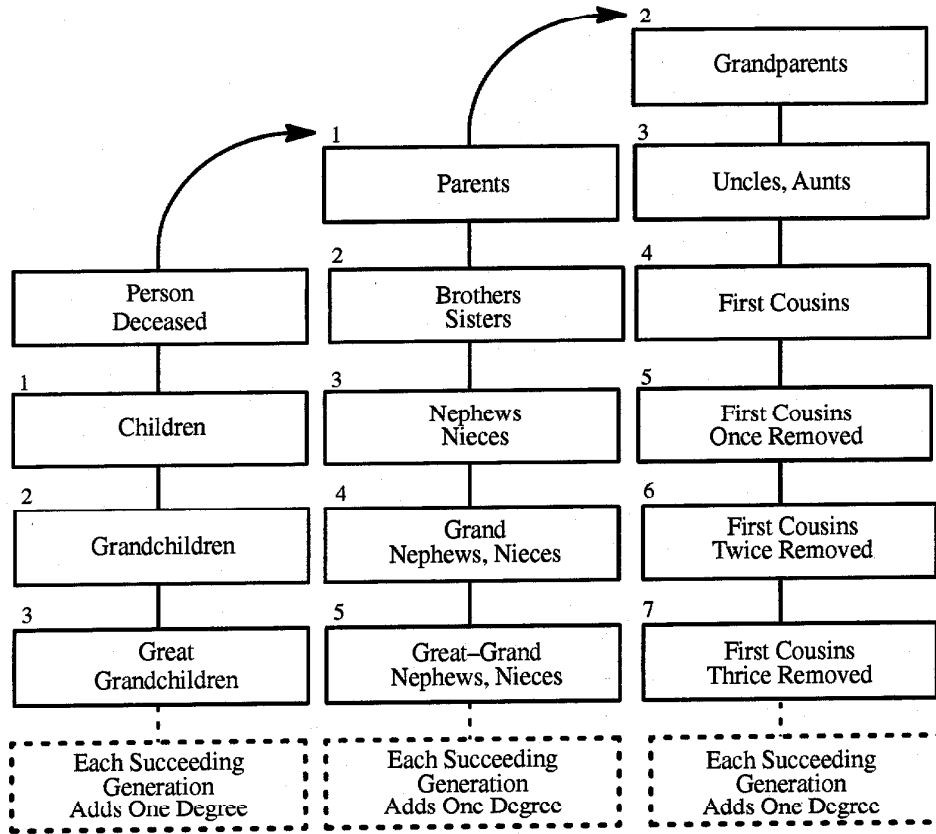
19 — **SECTION 411.** 990.001 (16) of the statutes is created to read:

20 990.001 (16) DEGREES OF KINSHIP. The degree of kinship is computed according  
21 to the rules of the civil law, as follows: [See Figure 990.001 (16) following]



1  
2  
3

**Figure: 990.001 (16)**



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  
6

**SECTION 412.** 1997 Wisconsin Act 156, section 16 (1) (intro.) and (2) are amended to read:

7  
8

[1997 Wisconsin Act 156] Section 16 (1) (intro.) Notwithstanding section 440.973 440.983 of the statutes, as created by this act and as renumbered by 1999

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.

X8 ~~SECTION 413. 1997 Wisconsin Act <sup>240</sup> ~~156~~, section <sup>14</sup> ~~25~~ is amended by replacing "for which the department has given prior review and approval as to the content of such classes or laboratory periods so as to assure that such classes and laboratory periods are only" with "for which the state superintendent has given prior review and approval as to the content of such classes or laboratory periods so as to assure that 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.

X17 ~~SECTION 415. 1997 Wisconsin Act <sup>218</sup> ~~201~~, section <sup>41</sup> ~~21~~ is amended by replacing "filed under and the complainant specified in sub. (1) (a) 1. or 3. or, for a complaint specified in sub. (1) (a) 2., a party to an interconnection agreement who is identified in a notice under s. 196.199 (3) (b) 1. b., 10 days" with "filed under specified in sub. (1) and the complainant (a) 1. or 3. or, for a complaint specified in sub. (1) (a) 2., a party to an~~

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

NOTE: 1997 Wis. Act ~~231~~<sup>218</sup>, section ~~21~~<sup>41</sup>, 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 ~~251b~~<sup>251i</sup>, 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.

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.

X 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.

X 13       **SECTION 426.** 1997 Wisconsin Act 254, section 11 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 “F” in the stricken material.

X

