

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

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July 21, 1999

I made a number of changes in this draft to make the model proposed statute comply with Wisconsin requirements, although none of the changes made should, or are intended to, change the substance of the model proposed statute. The changes fit within the "particularized state procedural or technical requirements" allowed by the agreement to meet the definition of a model statute. The changes are:

1. The Wisconsin constitution requires that the proceeds of fines go into the school fund, so the model language requiring the proceeds to go to the general fund was removed.

2. The model statute uses the term "funds" as another word for "money", but in Wisconsin the term "funds" refers to the various accounts where certain moneys are deposited, such as the veterans trust fund, the general fund, the transportation fund and the lottery fund. Chapter 25 of the statutes is devoted to defining and managing those funds. To avoid confusion, I substituted "money" for "funds".

3. I moved the requirement to promulgate rules, not regulations, in a separate subsection (3) of section 895.10, rather than in a definition. In this state, definitions are not to include substantive authority, such as to create rules. I also added language as a nonstatutory section putting a time limit on producing the rules and allowing the department of revenue to promulgate emergency rules before the final rules are promulgated.

4. Section 990.001 (1) of the statutes provides that the singular includes the plural and the plural includes the singular, so I removed the phrase "or intermediaries" used with "intermediary or intermediaries" as unnecessary.

5. I renumbered the units of the model to be consistent with the Wisconsin statutory numbering system, which requires every statutory unit to be numbered.

6. Throughout the draft I replaced the word "such" when it was used instead of "the", "that" or "those" and instead used those words.

Robert P. Nelson  
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