

1999 ASSEMBLY BILL 610

December 1, 1999 – Introduced by Representatives HUNDERTMARK, WARD, PLALE, KESTELL, MUSSER, RHOADES, RYBA, NASS, PETTIS, ALBERS, F. LASEE, AINSWORTH, OWENS, LADWIG, GOETSCH, OLSEN, KELSO, BALOW, SYKORA, JESKEWITZ, UNDERHEIM and WAUKAU, cosponsored by Senators GROBSCHMIDT, WIRCH, PLACHE, HUELSMAN, LAZICH, ROSENZWEIG and DARLING. Referred to Committee on Family Law.

1 **AN ACT to amend** 40.08 (9), 46.95 (1) (b), 48.57 (3m) (a), 48.57 (3n) (a), 51.20 (9)
2 (a), 77.25 (15), 77.25 (15m), 77.25 (15s), 102.07 (5) (c), 102.51 (2) (a), 103.90 (3)
3 (a) 2., 106.04 (1m) (q), 146.34 (1) (j), 182.001 (1) (a), 196.52 (1) (g), 242.01 (11),
4 243.10 (1), 252.15 (1) (eg), 421.301 (32) (c), 421.301 (32) (d), 421.301 (33) (d),
5 615.03 (1) (c), 631.07 (3) (a) 5., 632.32 (6) (b) 1., 767.08 (1) (b), 805.08 (1), 813.12
6 (1) (b), 815.18 (3) (j) 6. b., 889.19, 908.03 (11), 938.02 (15) and 946.47 (3); and
7 **to repeal and recreate** 979.05 (3) of the statutes; **relating to:** including
8 relatives by adoption on the same basis as relatives by blood in certain
9 definitions and references in the statutes.

Analysis by the Legislative Reference Bureau

Under current law, “relative” is defined or referenced in the statutes for certain purposes. Currently, some definitions of and references to “relative” include relatives by blood, by marriage or by adoption, and other definitions of and references to “relative” include relatives by blood or by marriage, but do not include relatives by adoption. This bill includes relatives by adoption in all of the following:

1. The definitions of “relative” for purposes of the Juvenile Justice Code, the fair housing law, filing a petition to prohibit a bone marrow donation by a minor,

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consenting to a human immunodeficiency virus (HIV) test for a person who is unable to consent due to his or her medical condition and compelling a nonlegally responsible relative (NLRR) to provide support for a child.

2. The definition of “person related to” for purposes of the Wisconsin consumer act, which among other things prohibits a debt collector from threatening or harassing a customer or a person related to a customer.

3. The definition of “family member” for purposes of granting a domestic abuse restraining order.

4. The exception for certain relatives to the law prohibiting the harboring of a felon.

5. The prohibition against the examiner of the subject of a mental commitment being related to that subject.

6. The prohibition against a witness to a power of attorney for finances and property being related to the person granting the power of attorney.

7. The requirement that a juror not be related to a party or an attorney for a party.

8. The hearsay exception for statements of relationship contained in the records of a religious organization.

9. The law permitting benefits under the public employe trust fund to be paid to a relative who is providing care for a person who has been adjudged mentally incompetent.

10. The exception to the law prohibiting a person from issuing a gift annuity that permits a gift annuity to be issued to certain relatives.

11. The exception to the law requiring the consent of the insured for the issuance of an individual life or disability insurance policy that permits a close relative to purchase such a policy on the life or health of a person serving outside of the United States in the public service of the United States.

12. The prohibition against an automobile insurance policy excluding from coverage a relative of the insured.

13. The exclusion from the law regulating migrant labor camp living quarters for the relatives of the employer.

14. The definition of “affiliated interests” of a public utility for purposes of the requirement that the public service commission approve a contract between a public utility and an affiliated interest of the public utility.

Under current law, certain statutes contain references to a person’s lineal descendants, that is, the person’s children, grandchildren and other direct descendants, and to a person’s lineal ascendants or lineal ancestors, that is, the person’s parents, grandparents and other direct ascendants. Current law does not specify whether those descendants and ascendants include a descendant or ascendant by adoption. This bill specifies that the descendants and ascendants referenced in all of the following include descendants and ascendants by blood or by adoption:

1. The exemption from the real estate transfer fee for a conveyance between a corporation and its shareholders, between a partnership and one of its partners or between a limited liability company and one of its members, if all of the shareholders,

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partners or members are related to each other and if the transfer is for no consideration or for the assumption of debt or an interest in the corporation, partnership or limited liability company.

2. The definition of “family farm corporation”, that is, a corporation engaged in farming all of whose shareholders are related, for purposes of excluding those shareholders from the definition of “employee” under the worker’s compensation law.

3. The law stating who may be considered a dependent of a deceased employee for purposes of entitlement to death benefits under the worker’s compensation law.

4. The prohibition against a corporation or trust engaging in farming unless certain standards are met, including a standard that the number of shareholders or beneficiaries may not exceed 15, with certain relatives collectively being counted as only one shareholder or beneficiary.

5. The definition of “person related to” for purposes of the Wisconsin consumer act, which among other things prohibits a debt collector from threatening or harassing a customer or a person related to a customer.

6. The definition of “owner–dominated plan”, that is, a retirement plan under which 90% or more of the accrued benefits are for the benefit of the owner–employee or certain relatives of the owner–employee, for purposes of exempting retirement benefits from execution.

Under current law, certain definitions of and references to “relative” include relatives by “consanguinity”, which means by blood, and relatives by “affinity”, which means by marriage. This bill substitutes “blood” for “consanguinity” and “marriage” for affinity” in all of the following:

1. The definitions of “relative” for purposes of the Juvenile Justice Code, the kinship care and long–term kinship care programs, the fair housing law, filing a petition to prohibit a bone marrow transplant by a minor, consenting to an HIV test for a person who is unable to consent due to his or her medical condition and compelling a NLRB to provide support for a child.

2. The exception for certain relatives to the law prohibiting the harboring of a felon.

Finally, the bill substitutes “blood” for “consanguinity” in the definition of “relative” for purposes of the Uniform Fraudulent Transfer Act and substitutes “blood relationship” for “consanguinity” in the rule of evidence permitting a pedigree recital in a deed or a will to be admitted as evidence that the recital is true.

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

1 **SECTION 1.** 40.08 (9) of the statutes is amended to read:
 2 **40.08 (9) PAYMENTS OF BENEFITS TO MINORS AND INCOMPETENTS.** In any case in
 3 which a benefit amount becomes payable to a minor or to a person adjudged mentally
 4 incompetent, the department may waive guardianship proceedings, and pay the

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1 benefit to the person providing for or caring for the minor, or to the spouse, or the
2 parent or ~~blood~~ other relative by blood or adoption providing for or caring for the
3 incompetent person.

4 **SECTION 2.** 46.95 (1) (b) of the statutes is amended to read:

5 46.95 (1) (b) “Family member” means a spouse, a parent, a child or a person
6 related by ~~consanguinity~~ blood or adoption to another person.

7 **SECTION 3.** 48.57 (3m) (a) of the statutes is amended to read:

8 48.57 (3m) (a) In this subsection, “kinship care relative” means a stepparent,
9 brother, sister, stepbrother, stepsister, first cousin, nephew, niece, aunt, uncle or any
10 person of a preceding generation as denoted by the prefix of grand, great or
11 great–great, whether by ~~consanguinity, direct affinity~~ blood, marriage or legal
12 adoption, or the spouse of any person named in this paragraph, even if the marriage
13 is terminated by death or divorce.

14 **SECTION 4.** 48.57 (3n) (a) of the statutes is amended to read:

15 48.57 (3n) (a) In this subsection, “long–term kinship care relative” means a
16 stepparent, brother, sister, stepbrother, stepsister, first cousin, nephew, niece, aunt,
17 uncle or any person of a preceding generation as denoted by the prefix of grand, great
18 or great–great, whether by ~~consanguinity, direct affinity~~ blood, marriage or legal
19 adoption, or the spouse of any person named in this paragraph, even if the marriage
20 is terminated by death or divorce.

21 **SECTION 5.** 51.20 (9) (a) of the statutes is amended to read:

22 51.20 (9) (a) If the court finds after the hearing that there is probable cause to
23 believe the allegations under sub. (1), it shall appoint 2 licensed physicians
24 specializing in psychiatry, or one licensed physician and one licensed psychologist,
25 or 2 licensed physicians one of whom shall have specialized training in psychiatry,

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1 if available, or 2 physicians, to personally examine the subject individual. Such
2 examiners shall have the specialized knowledge determined by the court to be
3 appropriate to the needs of the subject individual. One of the examiners may be
4 selected by the subject individual if such person makes his or her selection known
5 to the court within 24 hours after completion of the hearing to determine probable
6 cause for commitment. The court may deny the subject individual's selection if the
7 examiner does not meet the requirements of this paragraph or such person is not
8 available. If requested by the subject individual, the individual's attorney or any
9 other interested party with court permission, the individual has a right at his or her
10 own expense or if indigent with approval of the court hearing the petition, at the
11 reasonable expense of the individual's county of legal residence, to secure an
12 additional medical or psychological examination, and to offer the evaluator's
13 personal testimony, as evidence at the hearing. The examiners may not be related
14 to the subject individual by blood ~~or~~, marriage or adoption, and may have no interest
15 in his or her property. Prior to the examination the subject individual shall be
16 informed that his or her statements can be used as a basis for commitment and that
17 he or she has the right to remain silent, and that the examiner is required to make
18 a report to the court even if the subject individual remains silent. A written report
19 shall be made of all such examinations and filed with the court. The issuance of such
20 a warning to the subject individual prior to each examination establishes a
21 presumption that the individual understands that he or she need not speak to the
22 examiner. The examiners shall personally observe and examine the subject
23 individual at any suitable place and satisfy themselves, if reasonably possible, as to
24 the individual's mental condition, and shall make independent reports to the court.
25 The subject individual's treatment records shall be available to the examiners. If the

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1 subject individual is not detained pending the hearing, the court shall designate the
2 time and place where the examination is to be held and shall require the individual's
3 appearance. The report and testimony, if any, by the examiners shall be based on
4 beliefs to a reasonable degree of medical certainty, or professional certainty if an
5 examiner is a psychologist, in regard to the existence of the conditions described in
6 sub. (1), and the appropriateness of various treatment modalities or facilities. If the
7 examiners are unable to make conclusions to a reasonable degree of medical or
8 professional certainty, the examiners shall so state in their report and testimony, if
9 any.

10 **SECTION 6.** 77.25 (15) of the statutes is amended to read:

11 77.25 (15) Between a corporation and its shareholders if all of the stock is
12 owned by persons who are related to each other as spouses, as lineal ascendants,
13 lineal descendants, or siblings, whether by blood or by adoption, or as spouses of
14 siblings, if the transfer is for no consideration except the assumption of debt or stock
15 of the corporation and if the corporation owned the property for at least 3 years.

16 **SECTION 7.** 77.25 (15m) of the statutes is amended to read:

17 77.25 (15m) Between a partnership and one or more of its partners if all of the
18 partners are related to each other as spouses, as lineal ascendants, lineal
19 descendants, or siblings, whether by blood or by adoption, or as spouses of siblings
20 and if the transfer is for no consideration other than the assumption of debt or an
21 interest in the partnership.

22 **SECTION 8.** 77.25 (15s) of the statutes is amended to read:

23 77.25 (15s) Between a limited liability company and one or more of its members
24 if all of the members are related to each other as spouses, as lineal ascendants, lineal
25 descendants, or siblings, whether by blood or by adoption, or as spouses of siblings

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1 and if the transfer is for no consideration other than the assumption of debt or an
2 interest in the limited liability company.

3 **SECTION 9.** 102.07 (5) (c) of the statutes is amended to read:

4 102.07 (5) (c) A shareholder–employee of a family farm corporation shall be
5 deemed a “farmer” for purposes of this chapter and shall not be deemed an employe
6 of a farmer. A “family farm corporation” means a corporation engaged in farming all
7 of whose shareholders are related as lineal ancestors or lineal descendants, whether
8 by blood or by adoption, or as spouses, brothers, sisters, uncles, aunts, cousins,
9 sons–in–law, daughters–in–law, fathers–in–law, mothers–in–law, brothers–in–law
10 or sisters–in–law of such lineal ancestors or lineal descendants.

11 **SECTION 10.** 102.51 (2) (a) of the statutes is amended to read:

12 102.51 (2) (a) No person shall be considered a dependent unless ~~a member of~~
13 ~~the family or~~ that person is a spouse, ~~or~~ a divorced spouse who has not remarried,
14 or a lineal descendant or, lineal ancestor, ~~or~~ brother ~~or,~~ sister or other member of the
15 family, whether by blood or by adoption, of the deceased employe.

16 **SECTION 11.** 103.90 (3) (a) 2. of the statutes is amended to read:

17 103.90 (3) (a) 2. Any other person who is not related by blood ~~or,~~ marriage or
18 adoption to his or her employer and who occasionally or habitually leaves an
19 established place of residence to travel to another locality to accept seasonal
20 employment in the planting, cultivating, raising, harvesting, handling, drying,
21 packing, packaging, processing, freezing, grading or storing of any agricultural or
22 horticultural commodity in its unmanufactured state.

23 **SECTION 12.** 106.04 (1m) (q) of the statutes is amended to read:

24 106.04 (1m) (q) “Relative” means a parent, grandparent, greatgrandparent,
25 stepparent, step grandparent, brother, sister, child, stepchild, grandchild, step

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1 grandchild, greatgrandchild, first cousin, 2nd cousin, nephew, niece, uncle, aunt,
2 stepbrother, stepsister, half brother or half sister or any other person related by
3 blood, marriage, consanguinity or affinity or adoption.

4 **SECTION 13.** 146.34 (1) (j) of the statutes is amended to read:

5 146.34 (1) (j) “Relative” means a parent, grandparent, stepparent, brother,
6 sister, first cousin, nephew or niece; or uncle or aunt within the 3rd degree of kinship
7 as computed under s. 852.03 (2), 1995 stats. This relationship may be by
8 ~~consanguinity or direct affinity~~ blood, marriage or adoption.

9 **SECTION 14.** 182.001 (1) (a) of the statutes is amended to read:

10 182.001 (1) (a) Its shareholders or beneficiaries do not exceed 15 in number.
11 Lineal ancestors and lineal descendants, ~~whether by blood or by adoption,~~ and aunts,
12 uncles and 1st cousins thereof count collectively as one shareholder or beneficiary for
13 purposes of this paragraph, but this collective authorization shall not be used for
14 more than one family in a single corporation or trust.

15 **SECTION 15.** 196.52 (1) (g) of the statutes is amended to read:

16 196.52 (1) (g) Any other person whom the commission determines as a matter
17 of fact after investigation and hearing to be actually exercising substantial influence
18 over the policies and actions of the public utility in conjunction with one or more other
19 persons with whom they are related by ownership ~~or, by blood relationship or~~
20 adoption or by action in concert that together they are affiliated with such public
21 utility for the purpose of this section, even though no one of them alone is so affiliated
22 under pars. (a) to (f).

23 **SECTION 16.** 242.01 (11) of the statutes is amended to read:

24 242.01 (11) “Relative” means an individual related by ~~consanguinity~~ blood
25 within the 3rd degree of kinship as computed under s. 852.03 (2), 1995 stats., a

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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.

3 **SECTION 17.** 243.10 (1) of the statutes is amended to read:

4 243.10 (1) FORM. The following is the form for the Wisconsin basic power of
5 attorney for finances and property:

6 **WISCONSIN BASIC POWER OF ATTORNEY**

7 **FOR FINANCES AND PROPERTY**

8 NOTICE: THIS IS AN IMPORTANT DOCUMENT. BEFORE SIGNING THIS
9 DOCUMENT, YOU SHOULD KNOW THESE IMPORTANT FACTS. BY SIGNING
10 THIS DOCUMENT, YOU ARE NOT GIVING UP ANY POWERS OR RIGHTS TO
11 CONTROL YOUR FINANCES AND PROPERTY YOURSELF. IN ADDITION TO
12 YOUR OWN POWERS AND RIGHTS, YOU ARE GIVING ANOTHER PERSON,
13 YOUR AGENT, BROAD POWERS TO HANDLE YOUR FINANCES AND
14 PROPERTY. THIS BASIC POWER OF ATTORNEY FOR FINANCES AND
15 PROPERTY MAY GIVE THE PERSON WHOM YOU DESIGNATE (YOUR
16 “AGENT”) BROAD POWERS TO HANDLE YOUR FINANCES AND PROPERTY,
17 WHICH MAY INCLUDE POWERS TO ENCUMBER, SELL OR OTHERWISE
18 DISPOSE OF ANY REAL OR PERSONAL PROPERTY WITHOUT ADVANCE
19 NOTICE TO YOU OR APPROVAL BY YOU. THE POWERS WILL EXIST AFTER
20 YOU BECOME DISABLED, OR INCAPACITATED, IF YOU CHOOSE THAT
21 PROVISION. THIS DOCUMENT DOES NOT AUTHORIZE ANYONE TO MAKE
22 MEDICAL OR OTHER HEALTH CARE DECISIONS FOR YOU. IF YOU OWN
23 COMPLEX OR SPECIAL ASSETS SUCH AS A BUSINESS, OR IF THERE IS
24 ANYTHING ABOUT THIS FORM THAT YOU DO NOT UNDERSTAND, YOU

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1 SHOULD ASK A LAWYER TO EXPLAIN THIS FORM TO YOU BEFORE YOU
2 SIGN IT.

3 IF YOU WISH TO CHANGE YOUR BASIC POWER OF ATTORNEY FOR
4 FINANCES AND PROPERTY, YOU MUST COMPLETE A NEW DOCUMENT
5 AND REVOKE THIS ONE. YOU MAY REVOKE THIS DOCUMENT AT ANY TIME
6 BY DESTROYING IT, BY DIRECTING ANOTHER PERSON TO DESTROY IT IN
7 YOUR PRESENCE OR BY SIGNING A WRITTEN AND DATED STATEMENT
8 EXPRESSING YOUR INTENT TO REVOKE THIS DOCUMENT. IF YOU
9 REVOKE THIS DOCUMENT, YOU SHOULD NOTIFY YOUR AGENT AND ANY
10 OTHER PERSON TO WHOM YOU HAVE GIVEN A COPY OF THE FORM. YOU
11 ALSO SHOULD NOTIFY ALL PARTIES HAVING CUSTODY OF YOUR ASSETS.
12 THESE PARTIES HAVE NO RESPONSIBILITY TO YOU UNLESS YOU
13 ACTUALLY NOTIFY THEM OF THE REVOCATION. IF YOUR AGENT IS YOUR
14 SPOUSE AND YOUR MARRIAGE IS ANNULLED, OR YOU ARE DIVORCED
15 AFTER SIGNING THIS DOCUMENT, THIS DOCUMENT IS INVALID.

16 SINCE SOME 3RD PARTIES OR SOME TRANSACTIONS MAY NOT
17 PERMIT USE OF THIS DOCUMENT, IT IS ADVISABLE TO CHECK IN
18 ADVANCE, IF POSSIBLE, FOR ANY SPECIAL REQUIREMENTS THAT MAY BE
19 IMPOSED.

20 YOU SHOULD SIGN THIS FORM ONLY IF THE AGENT YOU NAME IS
21 RELIABLE, TRUSTWORTHY AND COMPETENT TO MANAGE YOUR AFFAIRS.

22 I (insert your name and address) appoint (insert the name and address
23 of the person appointed) as my agent to act for me in any lawful way with respect to
24 the powers initialed below. If the person appointed is unable or unwilling to act as

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1 my agent, I appoint (insert name and address of alternate person appointed) to
2 act for me in any lawful way with respect to the powers initialed below.

3 TO GRANT ONE OR MORE OF THE FOLLOWING POWERS, INITIAL THE
4 LINE IN FRONT OF EACH POWER YOU ARE GRANTING.

5 TO WITHHOLD A POWER, DO NOT INITIAL THE LINE IN FRONT OF IT.
6 YOU MAY, BUT NEED NOT, CROSS OUT EACH POWER WITHHELD.

7 **HANDLING MY MONEY AND PROPERTY**

8 *Initials*

9 _____ 1. *PAYMENTS OF BILLS:* My agent may make payments that are
10 necessary or appropriate in connection with the administration of my affairs.

11 _____ 2. *BANKING:* My agent may conduct business with financial
12 institutions, including endorsing all checks and drafts made payable to my order and
13 collecting the proceeds; signing in my name checks or orders on all accounts in my
14 name or for my benefit; withdrawing funds from accounts in my name; opening
15 accounts in my name; and entering into and removing articles from my safe deposit
16 box.

17 _____ 3. *INSURANCE:* My agent may obtain insurance of all types, as
18 considered necessary or appropriate, settle and adjust insurance claims and borrow
19 from insurers and 3rd parties using insurance policies as collateral.

20 _____ 4. *ACCOUNTS:* My agent may ask for, collect and receive money,
21 dividends, interest, legacies and property due or that may become due and owing to
22 me and give receipt for those payments.

23 _____ 5. *REAL ESTATE:* My agent may manage real property; sell, convey and
24 mortgage realty for prices and on terms as considered advisable; foreclose mortgages

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1 and take title to property in my name; and execute deeds, mortgages, releases,
2 satisfactions and other instruments relating to realty.

3 _____ 6. *BORROWING*: My agent may borrow money and encumber my assets
4 for loans as considered necessary.

5 _____ 7. *SECURITIES*: My agent may buy, sell, pledge and exchange securities
6 of all kinds in my name; sign and deliver in my name transfers and assignments of
7 securities; and consent in my name to reorganizations, mergers or exchange of
8 securities for new securities.

9 _____ 8. *INCOME TAXES*: My agent may make and sign tax returns; represent
10 me in all income tax matters before any federal, state, or local tax collecting agency;
11 and receive confidential information and perform any acts that I may perform,
12 including receiving refund checks and the signing of returns.

13 _____ 9. *TRUSTS*: My agent may transfer at any time any of my property to
14 a living trust that has been established by me before the execution of this document.

PROFESSIONAL AND TECHNICAL ASSISTANCE

15
16 *Initials*

17 _____ 10. *LEGAL ACTIONS*: My agent may retain attorneys on my behalf;
18 appear for me in all actions and proceedings to which I may be a party; commence
19 actions and proceedings in my name; and sign in my name all documents or pleadings
20 of every description.

21 _____ 11. *PROFESSIONAL ASSISTANCE*: My agent may hire accountants,
22 attorneys, clerks, workers and others for the management, preservation and
23 protection of my property and estate.

GENERAL AUTHORITY

24
25 *Initials*

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1 ____ 12. *GENERAL*: My agent may do any act or thing that I could do in my
2 own proper person if personally present, including managing or selling tangible
3 assets, disclaiming a probate or nonprobate inheritance and providing support for
4 a minor child or dependent adult. The specifically enumerated powers of the basic
5 power of attorney for finances and property are not a limitation of this intended
6 broad general power except that my agent may not take any action prohibited by law
7 and my agent under this document may not:

8 a. Make medical or health care decisions for me.

9 b. Make, modify or revoke a will for me.

10 c. Other than a burial trust agreement under section 445.125, Wisconsin
11 Statutes, enter into a trust agreement on my behalf or amend or revoke a trust
12 agreement, entered into by me.

13 d. Change any beneficiary designation of any life insurance policy, qualified
14 retirement plan, individual retirement account or payable on death account or the
15 like whether directly or by canceling and replacing the policy or roll over to another
16 plan or account.

17 e. Forgive debts owed to me or disclaim or waive benefits payable to me, except
18 a probate or nonprobate inheritance.

19 f. Appoint a substitute or successor agent for me.

20 g. Make gifts.

COMPENSATION TO AGENT FROM PRINCIPAL'S FUNDS*Initials*

23 ____ 13. *COMPENSATION*. My agent may receive compensation only in an
24 amount not greater than that usual for the services to be performed if expressly
25 authorized in the special instructions portion of this document.

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ACCOUNTING

Initials

____ 14. *ACCOUNTING.* My agent shall render an accounting (monthly) (quarterly) (annually) (CIRCLE ONE) to me or to ... (insert name and address) during my lifetime and a final accounting to the personal representative of my estate, if any is appointed, after my death.

NOMINATION OF GUARDIAN

Initials

____ 15. *GUARDIAN:* If necessary, I nominate (name) of (address) as guardian of my person and I nominate (name) of (address) as guardian of my estate.

SPECIAL INSTRUCTIONS

Initials

____ 16. *SPECIAL INSTRUCTIONS:*
ON THE FOLLOWING LINES YOU MAY GIVE SPECIAL INSTRUCTIONS REGARDING THE POWERS GRANTED TO YOUR AGENT.
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3 TO ESTABLISH WHEN, AND FOR HOW LONG, THE BASIC POWER OF
4 ATTORNEY FOR FINANCES AND PROPERTY IS IN EFFECT, YOU MUST
5 INITIAL ONLY ONE OF THE FOLLOWING 3 OPTIONS. IF YOU DO NOT
6 INITIAL ONE, OR IF YOU INITIAL MORE THAN ONE, THIS BASIC POWER OF
7 ATTORNEY FOR FINANCES AND PROPERTY WILL NOT TAKE EFFECT.

8 *Initials*

9 _____ This basic power of attorney for finances and property becomes effective
10 when I sign it and will continue in effect as a durable power of attorney under section
11 243.07, Wisconsin Statutes, if I become disabled or incapacitated.

12 _____ This basic power of attorney for finances and property becomes effective
13 only when both of the following apply:

- 14 a. I have signed it; and
- 15 b. I become disabled or incapacitated.

16 _____ This basic power of attorney for finances and property becomes effective
17 when I sign it BUT WILL CEASE TO BE EFFECTIVE IF I BECOME DISABLED
18 OR INCAPACITATED.

19 I agree that any 3rd party who receives a copy of this document may act under
20 it. Revocation of this basic power of attorney is not effective as to a 3rd party until
21 the 3rd party learns of the revocation. I agree to reimburse the 3rd party for any loss
22 resulting from claims that arise against the 3rd party because of reliance on this
23 basic power of attorney.

24 Signed this day of, (year)

....

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1 (Your Signature)

2

3 (Your Social Security Number)

4 By signing as a witness, I am acknowledging the signature of the principal who
5 signed in my presence and the presence of the other witness, and the fact that he or
6 she has stated that this power of attorney reflects his or her wishes and is being
7 executed voluntarily. I believe him or her to be of sound mind and capable of creating
8 this power of attorney. I am not related to him or her by blood or marriage or
9 adoption, and, to the best of my knowledge, I am not entitled to any portion of his or
10 her estate under his or her will.

11 Witness:

12 Dated:

13 By:

14 Print Name:

15 Address:

16 Witness:

17 Dated:

18 By:

19 Print Name:

20 Address:

21 State of

22 County of

23 This document was acknowledged before me on (date) by (name of
24 principal).

25

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1 (Signature of Notarial Officer)

2 (Seal, if any)

3 (Title)

4 [My commission is permanent or expires:]

5 BY ACCEPTING OR ACTING UNDER THE APPOINTMENT, THE AGENT
6 ASSUMES THE FIDUCIARY AND OTHER LEGAL RESPONSIBILITIES AND
7 LIABILITIES OF AN AGENT.

8

9 (Name of Agent)

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11 (Signature of Agent)

12 This document was drafted by (signature of person preparing the
13 document).

14 **SECTION 18.** 252.15 (1) (eg) of the statutes is amended to read:

15 252.15 (1) (eg) "Relative" means a spouse, parent, grandparent, stepparent,
16 brother, sister, first cousin, nephew or niece; or uncle or aunt within the 3rd degree
17 of kinship as computed under s. 852.03 (2), 1995 stats. This relationship may be by
18 consanguinity or ~~direct affinity~~ blood, marriage or adoption.

19 **SECTION 19.** 421.301 (32) (c) of the statutes is amended to read:

20 421.301 (32) (c) An ancestor or lineal descendant, by blood or adoption, of the
21 natural person or that person's spouse; and

22 **SECTION 20.** 421.301 (32) (d) of the statutes is amended to read:

23 421.301 (32) (d) Any other relative, by blood ~~or~~, marriage or adoption, of the
24 natural person or that person's spouse who shares the same home with the natural
25 person.

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1 **SECTION 21.** 421.301 (33) (d) of the statutes is amended to read:

2 421.301 **(33)** (d) A relative by blood ~~or~~, marriage or adoption of a person related
3 to the organization who shares the same home with that person.

4 **SECTION 22.** 615.03 (1) (c) of the statutes is amended to read:

5 615.03 **(1)** (c) A natural person who issues such an annuity to a relative by blood
6 ~~or~~, marriage or adoption within the 3rd degree of kinship as computed according to
7 s. 852.03 (2), 1995 stats.

8 **SECTION 23.** 631.07 (3) (a) 5. of the statutes is amended to read:

9 631.07 **(3)** (a) 5. The commissioner may promulgate rules permitting issuance
10 of insurance for a limited term on the life or health of a person serving outside the
11 continental United States in the public service of the United States, provided the
12 policyholder is closely related by blood ~~or by~~, marriage or adoption to the person
13 whose life or health is insured.

14 **SECTION 24.** 632.32 (6) (b) 1. of the statutes is amended to read:

15 632.32 **(6)** (b) 1. Persons related by blood ~~or~~, marriage or adoption to the
16 insured.

17 **SECTION 25.** 767.08 (1) (b) of the statutes is amended to read:

18 767.08 **(1)** (b) “Relative” means any person connected with a child by
19 ~~consanguinity or direct affinity~~ blood, marriage or adoption.

20 **SECTION 26.** 805.08 (1) of the statutes is amended to read:

21 805.08 **(1)** QUALIFICATIONS, EXAMINATION. The court shall examine on oath each
22 person who is called as a juror to discover whether the juror is related by blood ~~or~~,
23 marriage or adoption to any party or to any attorney appearing in the case, or has
24 any financial interest in the case, or has expressed or formed any opinion, or is aware
25 of any bias or prejudice in the case. If a juror is not indifferent in the case, the juror

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1 shall be excused. Any party objecting for cause to a juror may introduce evidence in
2 support of the objection. This section shall not be construed as abridging in any
3 manner the right of either party to supplement the court's examination of any person
4 as to qualifications, but such examination shall not be repetitious or based upon
5 hypothetical questions.

6 **SECTION 27.** 813.12 (1) (b) of the statutes is amended to read:

7 813.12 (1) (b) "Family member" means a spouse, a parent, a child or a person
8 related by ~~consanguinity~~ blood or adoption to another person.

9 **SECTION 28.** 815.18 (3) (j) 6. b. of the statutes is amended to read:

10 815.18 (3) (j) 6. b. "Owner-dominated plan" means any plan or contract that
11 meets the requirements of subd. 2. and under which 90% or more of the present value
12 of the accrued benefits or 90% or more of the aggregate of the account is for the benefit
13 of one or more individuals who are owner-employees. For purposes of this definition,
14 the accrued benefits or account of an owner-employee under a plan or contract shall
15 include the accrued benefits or account of the spouse and, any ancestor, or lineal
16 descendant, whether by blood or by adoption, or the spouse of such a lineal
17 descendant, of the owner-employee under the same plan or contract.

18 **SECTION 29.** 889.19 of the statutes is amended to read:

19 **889.19 Pedigree recitals in deeds and wills.** Any deed, mortgage, land
20 contract or other conveyance that has been duly recorded in the proper register's
21 office for 20 years, and any will that has been admitted to probate, containing a
22 recital in respect to pedigree, ~~consanguinity~~ blood relationship, marriage, celibacy,
23 adoption or descent, and being in other respects admissible in evidence, shall be
24 admitted as prima facie evidence that the recital is true.

25 **SECTION 30.** 908.03 (11) of the statutes is amended to read:

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1 908.03 (11) RECORDS OF RELIGIOUS ORGANIZATIONS. Statements of births,
2 marriages, divorces, deaths, whether a child is marital or nonmarital, ancestry,
3 relationship by blood ~~or~~, marriage or adoption, or other similar facts of personal or
4 family history, contained in a regularly kept record of a religious organization.

5 **SECTION 31.** 938.02 (15) of the statutes is amended to read:

6 938.02 (15) “Relative” means a parent, grandparent, stepparent, brother,
7 sister, first cousin, nephew, niece, uncle or aunt.—~~This relationship may be by~~
8 consanguinity or direct affinity, whether by blood, marriage or adoption.

9 **SECTION 32.** 946.47 (3) of the statutes is amended to read:

10 946.47 (3) This section does not apply to the felon ~~or~~, to the felon’s spouse, or
11 to a parent, grandparent, child, grandchild, brother or sister ~~by consanguinity or~~
12 affinity of such felon of the felon, whether by blood, marriage or adoption.

13 **SECTION 33.** 979.05 (3) of the statutes, as affected by 1996 Supreme Court
14 Order 8, is repealed and recreated to read:

15 979.05 (3) The judge or court commissioner shall examine on oath or
16 affirmation each person who is called as a juror to discover whether the juror is
17 related by blood, marriage or adoption to the decedent, any member of the decedent’s
18 family, the district attorney, any other attorney appearing in the case or any
19 members of the office of the district attorney or of the office of any other attorney
20 appearing in the case, has expressed or formed any opinion regarding the matters
21 being inquired into in the inquest or is aware of or has any bias or prejudice
22 concerning the matters being inquired into in the inquest. If any prospective juror
23 is found to be not indifferent or is found to have formed an opinion which cannot be
24 laid aside, that juror shall be excused. The judge or court commissioner may select
25 one or more alternate jurors if the inquest is likely to be protracted. This subsection

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1 does not limit the right of the district attorney to supplement the judge's or court
2 commissioner's examination of any prospective jurors as to qualifications.

SECTION 34. Initial applicability.

3
4 (1) MENTAL EXAMINATIONS. The treatment of section 51.20 (9) (a) of the statutes
5 first applies to mental examiners appointed on the effective date of this subsection.

6 (2) CONSUMER CREDIT TRANSACTIONS. The treatment of section 421.301 (32) (c)
7 and (d) and (33) (d) of the statutes first applies to consumer credit transactions, as
8 defined in section 421.301 (10) of the statutes, and to residential mortgage loans, as
9 defined in section 138.052 (1) (b) of the statutes, that are entered into, or that are
10 modified, extended or renewed on the effective date of this subsection and to
11 prohibited practices under section 427.104 (1) (g), (h) or (i) of the statutes that are
12 committed on the effective date of this subsection.

13 (3) POWER OF ATTORNEY FOR FINANCES AND PROPERTY. The treatment of section
14 243.10 (1) of the statutes first applies to powers of attorney for finances and property
15 granted on the effective date of this subsection.

16 (4) PAYMENT OF PUBLIC EMPLOYEE TRUST FUND BENEFITS. The treatment of section
17 40.08 (9) of the statutes first applies to payments of public employee trust fund
18 benefits made on the effective date of this subsection.

19 (5) ANNUITIES AND INSURANCE POLICIES.

20 (a) *Gift annuities.* The treatment of section 615.03 (1) (c) of the statutes first
21 applies to gift annuities that are issued on the effective date of this paragraph.

22 (b) *Motor vehicle insurance policies.* The treatment of section 632.32 (6) (b) 1.
23 of the statutes first applies to motor vehicle insurance policies that are issued, or that
24 are extended, modified or renewed, on the effective date of this paragraph.

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1 (6) EXAMINATIONS OF JURORS. The treatment of sections 805.08 (1) and 979.05
2 (3) of the statutes first applies to jurors examined on the effective date of this
3 subsection.

4 (7) ADMISSIBILITY INTO EVIDENCE. The treatment of sections 889.19 and 908.03
5 (11) of the statutes first applies to records admitted in evidence on the effective date
6 of this subsection.

7 (8) HARBORING A FELON. The treatment of section 946.47 (3) of the statutes first
8 applies to violations of section 946.47 (1) of the statutes committed on the effective
9 date of this subsection.

10 (9) PUBLIC UTILITY CONTRACTS. The treatment of section 196.52 (1) (g) of the
11 statutes first applies to contracts or arrangements that are entered into, or that are
12 extended, modified or renewed, on the effective date of this subsection.

13 (10) REAL ESTATE TRANSFER FEES. The treatment of section 77.25 (15), (15m) and
14 (15s) of the statutes first applies to conveyances of real estate made on the effective
15 date of this subsection.

16 (11) WORKER'S COMPENSATION. The treatment of sections 102.07 (5) and 102.51
17 (2) (a) of the statutes first applies to injuries or deaths occurring on the effective date
18 of this subsection.

19 (12) ENGAGING IN FARMING OPERATIONS. The treatment of section 182.001 (1) (a)
20 of the statutes first applies to farming operations engaged in on the effective date of
21 this subsection.

22 (13) EXECUTIONS ON RETIREMENT PLANS. The treatment of section 815.18 (3) (j)
23 6. b. of the statutes first applies to executions issued on the effective date of this
24 subsection.

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1 (14) DONATION OF BONE MARROW BY MINOR. The treatment of section 146.34 (1)
2 (j) of the statutes first applies to petitions filed under section 146.34 (5) (a) of the
3 statutes on the effective date of this subsection.

4 (15) ACTIONS TO COMPEL SUPPORT. The treatment of section 767.08 (1) (b) of the
5 statutes first applies to actions to compel support commenced on the effective date
6 of this subsection. This subsection does not preclude commencing an action to compel
7 support that was legally required prior to the effective date of this subsection.

8 (16) DOMESTIC ABUSE RESTRAINING ORDERS AND INJUNCTIONS. The treatment of
9 section 813.12 (1) (b) of the statutes first applies to actions commenced under section
10 813.12 of the statutes on the effective date of this subsection. This subsection does
11 not preclude the commencement of an action based on domestic abuse, as defined in
12 section 813.12 (1) (a) of the statutes, occurring prior to the effective date of this
13 subsection.

14 (17) JUVENILE JUSTICE. The treatment of section 938.02 (15) of the statutes first
15 applies as follows:

16 (a) With respect to sections 938.13 (7), 938.25 (1) and 938.255 (1) (b) of the
17 statutes, to petitions filed with the juvenile court on the effective date of this
18 paragraph.

19 (b) With respect to sections 938.207 (1) (b) and 938.52 (1) (f) of the statutes, to
20 a juvenile who is placed in the home of a relative on the effective date of this
21 paragraph.

22 (c) With respect to section 938.235 (2) of the statutes, to a guardian ad litem
23 who is appointed on the effective date of this paragraph.

24 (d) With respect to section 938.34 (3) (a) and (4) (a) of the statutes, to a
25 dispositional order that is entered on the effective date of this paragraph.

