

**SENATE BILL 365**

1 **SECTION 80.** 24.145 of the statutes is renumbered 24.145 (1) and amended to
2 read:

3 24.145 (1) It is declared that none of the swamp and overflowed lands
4 ~~heretofore~~ granted to this state pursuant to an act of congress entitled “An Act to
5 enable the state of Arkansas and other states to reclaim the swamp lands within
6 their limits”, approved September 28, 1850, and the proceeds derived from the sale
7 ~~thereof, of those lands which that~~ have not heretofore been actually applied for
8 reclamation of such those lands, are necessary for the purpose of reclaiming any such
9 swamp and overflowed lands by construction of levees and drains or otherwise.

10 **(2)** All such swamp and overflowed lands described in sub. (1) and the proceeds
11 derived from the sale ~~thereof of those lands~~ including those placed and being in the
12 drainage fund pursuant to chapter 537, laws of 1865, ~~which that~~ have not been
13 actually applied for the purpose of reclaiming such those lands, shall be ~~and they are~~
14 ~~made a part of the normal school fund. This section shall be controlling controls~~ over
15 any inconsistent act or statute.

NOTE: Subdivides section, replaces disfavored terms, and deletes unnecessary
verbiage.

16 **SECTION 81.** 24.15 of the statutes is amended to read:

17 **24.15 Private sale.** All public lands, including forfeited lands and mortgaged
18 lands bid in by the state, which ~~shall~~ have once been offered or reoffered at public sale
19 and remain unsold, shall be subject to private sale at the minimum price fixed
20 ~~therefor for the sale of the land~~ by law to the person first making application ~~therefor~~
21 for the purchase of the lands, if the person ~~forthwith~~ immediately complies with the
22 term of sale; ~~but if. If~~ 2 or more persons ~~shall~~ apply at the same time to purchase ~~any~~
23 ~~of such the same~~ lands under this section, the same lands shall be offered to the

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1 highest bidder, and the applicant who will pay the highest price shall be the
2 purchaser.

NOTE: Replaces disfavored terminology with specific references.

3 **SECTION 82.** 24.16 of the statutes is renumbered 24.16 (intro.) and amended to
4 read:

5 **24.16 Applications for private sale.** (intro.) Every person making
6 application under s. 24.15 for the purchase at private sale of any such public lands
7 shall file in the office of the board an application in writing, describing the lot or tract
8 ~~which~~ that the person proposes to purchase by the proper number of the section,
9 township and range, and the subdivision of the section, with the person's name
10 subscribed ~~thereto to the application.~~ to the application. The board shall, if the land applied for may
11 then be sold, ~~enter~~ do all of the following:

12 (1) Enter on books kept for that purpose a note of ~~such~~ the application,
13 specifying the day when made, the name of the applicant, and the description of the
14 land applied for, ~~and shall also give.~~

15 (2) Give to such the applicant a memorandum signed by the executive secretary
16 of the board, stating ~~such~~ the application ~~and,~~ describing the lot or tract applied for,
17 and stating the price at which the same lot or tract may be sold and the amount to
18 be paid at the time of the sale, ~~which memorandum shall be signed by the executive~~
19 ~~secretary of the board.~~

NOTE: Subdivides provision, reorders text, and replaces disfavored terminology
with specific references.

20 **SECTION 83.** 24.17 (1) of the statutes is amended to read:

21 24.17 (1) When the purchaser of any such public lands shall ~~make~~ makes
22 payment to the secretary of administration of the amount required to be paid on such
23 the sale, and, in case of a private sale, shall ~~also produce~~ produces the memorandum

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1 mentioned ~~described~~ in s. 24.16, the secretary of administration shall give a receipt
2 ~~therefor to such~~ the purchaser for the amount paid, and, unless such ~~the~~ sale be made
3 is wholly for cash, the board shall execute and deliver to ~~such person~~ the purchaser
4 a duplicate certificate of sale, in which ~~it~~ the board shall certify all of the following:

5 (a) The description of the land sold~~;~~,

6 (b) The sum paid and the amount remaining due ~~thereon;~~,

7 (c) The times, place~~,~~ and terms of payments~~;~~,

8 (d) That if ~~such~~ the payments shall be duly are made in accordance with the
9 terms stated in the certificate of sale, the purchaser, or the purchaser's assigns or
10 other legal representatives, shall be entitled to a patent for ~~such~~ the land;,

11 (e) ~~And that~~ That in case of the nonpayment into the state treasury of any of
12 the following, the certificate of sale from the time of the nonpayment shall be void
13 and the board may take possession of and resell the land described in the certificate:

14 1. The purchase money as it shall become becomes due, or of the.

15 2. The interest thereon on the purchase money by the first day of February in
16 each year or on or before the next following June 30th thereafter, or of any.

17 3. Any taxes lawfully assessed thereon on the lands described in the certificate
18 and then remaining unpaid by the purchaser or purchasers or by any person
19 claiming under the purchaser or purchasers, then that the said certificate from the
20 time of such failure shall be utterly void and of no effect, and that the board may take
21 possession of the land described in such certificate and resell the same.

NOTE: Conforms punctuation to current style, deletes unnecessary verbiage,
inserts preferred verb form, inserts specific reference, places a list in outline form, and
reorders text for more logical placement.

22 **SECTION 84.** 24.17 (2) of the statutes is amended to read:

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1 24.17 (2) When the sale of public lands under sub. (1) is wholly for cash, upon
2 payment ~~as above provided~~ of the full purchase price to the secretary of
3 administration, the secretary of administration shall ~~thereupon~~ immediately give to
4 ~~such~~ the purchaser a receipt stating the amount paid ~~and~~, giving a description of the
5 lot or tract of land sold, and stating that ~~such~~ the purchaser is entitled to receive a
6 patent according to law.

NOTE: Inserts specific reference, corrects punctuation, and deletes unnecessary verbiage.

7 **SECTION 85.** 24.18 of the statutes is amended to read:

8 **24.18 Entry of sale and patent.** When any sale of public lands is made, the
9 board shall make a note ~~thereof~~ of the sale in the book of entries, ~~and shall enter~~
10 ~~therein~~, entering the day of sale, the name of the purchaser, the number of the
11 certificate or patent, the sum paid, the amount of purchase money unpaid, if any, and
12 a description of the lot or tract sold. If ~~such~~ the sale ~~be made~~ is wholly for cash it,
13 the board shall ~~thereupon~~ immediately execute and deliver to the purchaser a patent
14 for ~~such~~ the lot or tract of land so sold. If the land is sold at public auction it, the board
15 shall note that fact.

NOTE: Inserts specific reference, corrects punctuation, and replaces disfavored terminology.

16 **SECTION 86.** 24.19 of the statutes is amended to read:

17 **24.19 Certificate of sale.** All original and duplicate certificates of sale issued
18 under s. 24.17 shall be properly numbered, and the original shall be filed in the office
19 of the board, ~~and as~~. As many distinct lots or tracts of land hereafter purchased by
20 one person in one section at the same time as that person ~~shall request~~ requests shall
21 be included in one certificate or one patent, as the case may be. ~~All certificates~~
22 Certificates of sale may be acknowledged and recorded in the same manner ~~that~~ as

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1 deeds may be. ~~They.~~ Certificates of sale may also be assigned in writing, ~~which.~~ The
2 assignment may be acknowledged and recorded in ~~like~~ the same manner ~~as deeds,~~
3 and the person to whom the same shall be legally assigned assignee shall have the
4 same rights and remedies ~~thereupon~~ under the certificate as the original purchaser
5 would have had.

NOTE: Inserts specific reference, corrects punctuation, and deletes unnecessary verbiage.

6 **SECTION 87.** 24.20 of the statutes is amended to read:

7 **24.20 Payments and accounts.** All money paid on account of sales of public
8 lands shall be paid to the secretary of administration who shall credit the proper fund
9 therewith with the amount paid, crediting the general fund with the proceeds of sales
10 of Marathon County lands, ~~and the.~~ The secretary of administration or the
11 secretary's designee, upon countersigning the receipt given ~~therefor~~ for the amount
12 paid, shall enter the name of the person ~~paying the same~~ making the payment, the
13 number of the certificate, if any, upon which the amount shall be paid, and the time
14 of the payment.

NOTE: Divides long sentence, inserts specific references, corrects punctuation, and deletes unnecessary verbiage.

15 **SECTION 88.** 24.21 of the statutes is amended to read:

16 **24.21 Accounts with purchasers.** The board shall open and keep an account
17 with each purchaser for every lot or tract of land that ~~shall be~~ is sold, either at public
18 or private sale, in books kept for that purpose, in which ~~it~~ the board shall charge the
19 purchaser with the whole purchase money and give the purchaser credit for all the
20 purchaser's payments, making proper charges for interest as ~~the same shall become~~
21 it becomes due, and for all taxes returned to it as unpaid by the proper officer; ~~and~~

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1 ~~upon.~~ Upon all payments being completed and the patent issued the account shall
2 be balanced.

NOTE: Divides long sentence and inserts specific references.

3 **SECTION 89.** 24.22 of the statutes is renumbered 24.22 (1) and amended to read:

4 24.22 (1) Whenever full payment of the principal due upon any certificate of
5 sale by the state ~~shall be~~ is made subsequent to the payment of the annual interest
6 ~~thereon on the principal~~, the excess of the interest so paid shall be refunded to the
7 person entitled ~~thereto to the excess payment~~, from the proper fund, on the warrant
8 of the department of administration; ~~and in case~~.

9 **(2)** In the event of the double or erroneous payment of interest, charges, or
10 taxes on any certificate of sale or loan by the state, the amount ~~so~~ erroneously paid
11 shall be ~~in like manner~~ refunded in the same manner as excess interest payments
12 under sub. (1).

NOTE: Divides long sentence, and inserts specific references.

13 **SECTION 90.** 24.23 of the statutes is amended to read:

14 **24.23 Title; patents.** The title and fee of all public lands shall remain in the
15 state until patents ~~shall issue for the same; and no such~~ for the land are issued. No
16 patent shall ~~issue~~ be issued except upon full payment of the purchase money and
17 interest and all taxes returned and lawful charges ~~thereon on the lands being~~
18 purchased.

NOTE: Divides long sentence and inserts specific references.

19 **SECTION 91.** 24.24 of the statutes is amended to read:

20 **24.24 Effect of certificate.** (1) The Except when voided by forfeiture under
21 s. 24.28, a certificate of sale, issued pursuant to under s. 24.17, ~~until the same~~
22 ~~becomes void by forfeiture under s. 24.28, shall entitle~~ entitles the purchaser, or the

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1 purchaser's heirs or assigns, to all the rents, benefits, and provisions of any lease
2 existing ~~thereon~~ on the lands described in the certificate at the time of such the land
3 purchase and ~~thereafter~~ accruing, ~~and shall be~~ after the purchase. The certificate
4 of sale is sufficient evidence of title, and ~~shall vest~~ vests in the purchaser, or the
5 purchaser's heirs and assigns, the same rights of possession, enjoyment, descent,
6 transmission, and alienation of the lands ~~therein~~ described, in the certificate and the
7 same remedies for the protection of ~~said those~~ rights, ~~as against all persons, except~~
8 the state, that the purchaser would possess if the purchaser were the owner ~~thereof~~
9 in fee of the described lands.

10 (2) ~~No such~~ Notwithstanding sub. (1), a certificate shall of sale does not confer
11 the right to cut down, destroy ~~or~~, dig up, or carry off any standing wood or timber, or
12 any mineral, located on the lands described in the certificate without the written
13 consent of ~~said the~~ board, ~~except that such wood~~ as follows:

14 (a) Wood or timber may be cut when to be used, and it shall is to be exclusively
15 used, in the erection of fences or buildings on ~~such the~~ described lands, or.

16 (b) Wood or timber may be cut for necessary firewood for the household use of
17 the persons actually occupying ~~the same, or~~ the described lands.

18 (c) Wood or timber may be cut when done in good faith for the actual and fair
19 improvement of ~~such land~~ the described lands for cultivation.

20 (3) ~~But~~ Notwithstanding sub. (2) (c), no such cutting of wood or timber shall
21 be deemed to have been done for the purposes of cultivation unless the entire surface
22 from which ~~such the~~ wood and timber is cut ~~shall have been~~ was at the time further
23 prepared ~~therefor~~ for cultivation by thoroughly clearing it ~~of~~ all brush and growing
24 wood of every kind ~~thereon~~, except that shade or ornamental trees on not more than

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1 10 adjoining acres selected for building purposes, and trees valuable for saw or rail
2 timber, not to exceed 20 upon each acre, may be left standing. ~~Any~~

3 (4) Except as provided in subs. (2) and (3), any wood, timber, or mineral
4 otherwise cut, dug out, or removed from any such land described in a certificate of
5 sale shall be and remain the property of the state.

NOTE: Subdivides provision, reorganizes text, deletes excess verbiage, and inserts specific references.

6 **SECTION 92.** 24.25 (title) of the statutes is amended to read:

7 **24.25 (title) Patent Issuance and record thereof of patent.**

NOTE: Conforms title to current style.

8 **SECTION 93.** 24.25 of the statutes is renumbered 24.25 (1) and amended to read:

9 24.25 (1) Whenever full payment ~~shall have been~~ is made for any such lands
10 described in a certificate of sale issued under s. 24.17, as required by law, and the
11 purchaser, or the purchaser's legal representatives ~~shall produce,~~ produces to the
12 board the duplicate certificate of sale, with the receipt of the secretary of
13 administration endorsed ~~thereon~~ on the duplicate certificate, showing that the whole
14 amount of the principal and interest due ~~thereon~~ on the purchase of the land
15 described in the certificate has been paid and that the holder of ~~such~~ the duplicate
16 certificate is entitled to a patent for the lands described ~~therein~~ in the certificate, the
17 original and duplicate certificates shall be canceled, and the board shall ~~thereupon~~
18 immediately execute and deliver a patent to the person entitled ~~thereto~~ to the patent
19 for the land described in ~~such~~ the certificate.

20 (2) All patents issued by the board shall be recorded in its the board's office;
21 and the. The board's record of patents heretofore issued by it is hereby declared
22 constitutes a legal record.

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1 (3) Purchasers may, at any time before payment is due, pay any part or the
2 whole of ~~such the~~ purchase money for the land and the interest ~~thereon~~. ~~In all cases~~
3 ~~where patents have been or may hereafter be~~ owing on the purchase money.

4 (4) If a patent is issued to a person who ~~may have died or who shall die~~ dies
5 before the date ~~thereof~~ of the patent, the title to the land described ~~therein~~ shall ~~inure~~
6 inures to and become vested vests in the decedent's heirs, devisees, or assignees of
7 ~~such person~~ to the same extent as if the patent had issued to ~~that person~~ the decedent
8 during ~~that person's~~ the decedent's lifetime.

NOTE: Subdivides provision, reorganizes text, replaces the passive voice with the active, deletes excess verbiage, and inserts specific references.

9 **SECTION 94.** 24.251 of the statutes is amended to read:

10 **24.251 Patents, issuance; county may record.** Whenever it ~~shall appear~~
11 appears to the board of commissioners of public lands that all the conditions relating
12 to the issuance of patents have been complied with, the board may issue patents, and
13 the county board of any county may cause ~~such the~~ the patents to be recorded in the
14 county and pay the cost of ~~such the~~ the recording.

NOTE: "Board" is defined in s. 24.01 as the board of commissioners of public lands.

15 **SECTION 95.** 24.26 of the statutes is amended to read:

16 **24.26 Patentee's rights.** Except as provided ~~otherwise by~~ under s. 24.11, any
17 person, or the person's heirs or assigns, who ~~shall receive~~ receives a patent pursuant
18 to law for any public lands ~~shall thereby acquire~~ acquires the right to all timber,
19 lumber, trees, wood, bark, stone, earth, and other materials cut, dug, taken, or
20 removed ~~therefrom~~ from the lands subject to the patent before the issue of ~~such the~~
21 patent, unless the ~~same shall have been~~ materials were cut, dug, taken, or removed
22 by the assent of said the board or were sold by the state, and. The person receiving
23 the patent may maintain any ~~proper~~ an action for the recovery ~~thereof~~ of the

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1 materials that were cut, dug, taken, or removed, or for any injury done to or trespass
2 committed upon said the lands before such the patent shall have been was issued,
3 in the same manner and, with the like same effect, and the person shall be entitled
4 to like with the same entitlement to damages as if such the injury or trespass had
5 been committed after the patent had was issued.

NOTE: Deletes excess verbiage and inserts specific references.

6 **SECTION 96.** 24.28 of the statutes is renumbered 24.28 (1) (a) and amended to
7 read:

8 24.28 (1) (a) ~~In the case of the nonpayment~~ Nonpayment of interest when it is
9 due according to the terms of the certificate of sale, ~~or of~~.

10 (b) Nonpayment of any taxes which that before said the annual interest
11 required by the certificate of sale is paid shall have been are returned to the board
12 ~~of commissioners of public lands~~ by the county treasurer as due and unpaid upon
13 ~~such land, or~~ the lands described in the certificate.

14 (c) Nonpayment of the principal owing on the purchase of the lands described
15 in the certificate of sale when required by the board, ~~such certificate shall become~~
16 ~~void from the time of such failure, and the purchaser, the purchaser's heirs and~~
17 ~~assigns, shall forfeit all right and interest in the lands described in such certificate;~~
18 ~~and.~~

19 (2) In the event of a forfeiture of lands under sub. (1), the board may take
20 immediate possession thereof ~~and may of and~~ resell the same the forfeited lands as
21 hereinafter provided under ss. 24.29 to 24.33.

NOTE: Subdivides provision, reorganizes text, deletes excess verbiage, and inserts specific references. "Board" is defined in s. 24.01 as the board of commissioners of public lands. Language stricken in the new sub. (1) (c) is moved to a new s. 24.28 (1) (intro.) by the next section of this bill for more logical placement.

22 **SECTION 97.** 24.28 (1) (intro.) of the statutes is created to read:

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1 24.28 (1) (intro.) A certificate of sale issued under s. 24.17 becomes void upon
2 the occurrence of any of the following, and the purchaser of the lands described in
3 the certificate, or the purchaser's heirs and assigns, shall forfeit all right and interest
4 in the lands:

NOTE: See the previous section of this bill.

5 **SECTION 98.** 24.29 of the statutes is amended to read:

6 **24.29 Redemption.** At any time before the 5 days next preceding the
7 reoffering of such land at public sale of any land forfeited under s. 24.28, the former
8 purchaser, or the former purchaser's assigns or legal representatives, may, prevent
9 the resale of the forfeited lands and revive the original contract by the payment of
10 paying the principal sum due, with interest, and all taxes returned thereon on the
11 forfeited lands to the secretary of administration ~~which that~~ are still unpaid, and all
12 costs occasioned by the delay, together with ~~3%~~ 3 percent damages on the whole sum
13 owing for such land, ~~prevent such resale and revive the original contract~~ the forfeited
14 lands.

NOTE: Reorganizes text, deletes excess verbiage, inserts specific references, and conforms the expression of "percent" to current style.

15 **SECTION 99.** 24.30 of the statutes is amended to read:

16 **24.30 Liability of former purchaser.** In case of such a forfeiture of lands
17 under s. 24.28, the former purchaser of ~~such land~~ the forfeited lands shall be liable
18 for any waste or unnecessary injury ~~which that~~ the former purchaser may have done
19 to the same, forfeited lands or to the timber or mineral ~~thereon; and any minerals~~
20 located upon the forfeited lands. An action therefor for waste or unnecessary injury
21 under this section may be prosecuted by the board in the name of the state.

NOTE: Divides long sentence and inserts specific references.

22 **SECTION 100.** 24.31 of the statutes is amended to read:

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1 **24.31 Advertisement and resale of forfeited lands.** Whenever any public
2 lands have been forfeited under s. 24.28 for the nonpayment of either principal,
3 interest, or taxes, and the lands have remained forfeited for 3 months, the board shall
4 first cause ~~such~~ the forfeited lands to be appraised as provided by under s. 24.08 ~~and~~
5 ~~shall thereupon.~~ Upon completion of the appraisal, the board shall advertise ~~such~~
6 the forfeited land for sale as provided by under s. 24.09, and shall ~~further~~ state in the
7 notice that the lands have been forfeited and give the names of the former
8 purchasers. ~~Such~~ The sale of the forfeited lands shall be made either in the county
9 where the lands lie or at the capitol on a day not less than 3 months nor more than
10 6 months after the first insertion of the notice. The board shall publish a class 3
11 notice, under ch. 985, of the sale giving the time and place where ~~such~~ the sale will
12 be held and the county in which ~~such~~ the lands being sold are situated, but omitting
13 any description of ~~such~~ the lands; ~~the.~~ The last insertion of the notice shall be at least
14 one week ~~previous~~ prior to the time of ~~commencing~~ such the sale is to commence.

NOTE: Divides long sentence, replaces the passive voice with the active, and inserts
specific references.

15 **SECTION 101.** 24.32 of the statutes is amended to read:

16 **24.32 Resale and redemption.** (1) Unless ~~such~~ the resale ~~be~~ of lands
17 forfeited under s. 24.28 is prevented by payment as ~~hereinbefore~~ provided by under
18 s. 24.29, ~~such~~ the forfeited lands shall be offered for sale at public auction to the
19 highest bidder, in the manner and upon the terms provided, for original sales, and,
20 if the lands are not then sold, the lands shall be subject to private entry thereafter.

21 (2) (a) Every ~~such~~ tract of forfeited lands may be redeemed by the former
22 purchaser thereof, or the former purchaser's assigns or legal representatives, at any

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1 time before the June 30th next following the date of ~~such~~ the resale, ~~upon presenting~~
2 of the forfeited tract, by doing all of the following:

3 1. Presenting to the board satisfactory proof, which shall be filed and preserved
4 by it the board, that such the tract was, at the time of the resale, in whole or in part
5 under cultivation or adjoining a tract partly cultivated, belonging to the former
6 purchaser, or the former purchaser's assigns or legal representatives, and used in
7 connection therewith, and upon depositing with the adjoining tract.

8 2. Depositing with the secretary of administration, for the use of the purchaser
9 at such the resale of the forfeited tract the amount paid by the the resale purchaser
10 for such land the tract, together with 25% of the amount of such the taxes, interest,
11 and costs, in addition thereto; and every to the purchase price.

12 (b) Every certificate of sale issued upon any such resale of forfeited lands shall
13 be subject to the right of redemption under par. (a) whether it be or not the right of
14 redemption is expressed in such the certificate or not. And no. No patent shall be
15 issued on any such resale of a forfeited tract until the expiration of such the
16 redemption period under par. (a).

17 (3) Upon such a redemption under sub. (2), the board shall ~~cancel such~~ do all
18 of the following:

19 (a) Cancel the certificate, and shall make of sale issued to the resale purchaser.

20 (b) Make and deliver to the party so redeeming the forfeited lands a certificate
21 thereof, and shall also record the same of the redemption.

22 (c) Record the certificate of the redemption in a book to be kept in its the board's
23 office for that purpose.

NOTE: Subdivides long provisions and inserts specific references.

24 **SECTION 102.** 24.34 of the statutes is amended to read:

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1 **24.34 Void sales.** ~~In case of the event that~~ the sale of any public lands are made
2 by mistake, or not in accordance with law, or are obtained by fraud, ~~and in cases~~
3 ~~where or in the event that~~ the state had no title to ~~such~~ the lands sold, or ~~its~~ the state's
4 title has failed, ~~such~~ the sale of the lands shall be void and no contract, certificate of
5 purchase, or patent issued ~~thereon~~ on the lands sold shall be of any effect, but the
6 person named as vendee, or that person's successor in interest, ~~as the case may be,~~
7 may furnish to the board ~~such~~ any proof as shall that will satisfy it the board of the
8 facts. ~~Thereupon it~~ Except as provided in s. 24.341, upon receipt of satisfactory proof
9 of the facts asserted by the vendee, the board shall order all amounts, either of
10 principal or interest, paid for the lands described in the contract, certificate, or
11 patent, together with the interest ~~thereon~~ on the amounts so paid from the time of
12 each such payment, at the rate of ~~6%~~ 6 percent per year, simple interest, to be
13 refunded and paid out of the state treasury, from the fund to which it has been
14 credited, to the person entitled ~~thereto;~~ provided that to the refund.
15 Notwithstanding anything contained in this section, no money shall be paid to any
16 person participating in any ~~such~~ fraud in obtaining the land, as provided in this
17 section.

NOTE: Divides long sentence, inserts specific references, and conforms the expression of "percent" to current style.

18 **SECTION 103.** 24.341 of the statutes is amended to read:

19 **24.341 Offset to refund on void sales.** Whenever any claim shall be is made
20 for a refund on a void land sale under s. 24.34, the board of ~~commissioners of public~~
21 ~~lands~~ shall make an investigation and determination, and offset the value of the use
22 of said the land, property removed ~~therefrom~~ from the land, and the damage or injury
23 ~~thereto~~ to the land by ~~such~~ the claimant, together with interest thereon, against the

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1 amounts actually paid to the state and to any other persons on account of the
2 purchase, possession, use, damage, or injury to ~~such~~ the lands by said the claimants.
3 The refund or payment to be made under s. 24.34 shall in no case be more than the
4 excess, if any, of the amounts paid out by ~~such~~ the claimant, with interest, over ~~such~~
5 the offset determined under this section.

NOTE: Inserts specific references. "Board" is defined in s. 24.01 as the board of
commissioners of public lands.

6 **SECTION 104.** 24.35 of the statutes is amended to read:

7 **24.35 Annulment of certificates and patents.** Whenever the board shall
8 ~~have~~ has erroneously or improperly issued any certificate or patent for any public
9 lands, whereby wrong or injustice has been or may be done, including cases ~~where~~
10 in which the state had no title to the lands, or its title has failed, ~~it~~ the board may,
11 upon the written application of the purchaser, or the purchaser's successor in
12 interest, revoke and annul ~~such~~ the certificate or patent by its order, which, with ~~such~~
13 the application, shall be filed and recorded in ~~its~~ the board's office. A certified copy
14 of ~~such~~ the board's order may be recorded in the office of the register of deeds for the
15 county where ~~such~~ the lands lie, and ~~thereupon~~ such upon the recording of the order,
16 the certificate or patent shall be ~~absolutely null and~~ void. When ~~such~~ the board's
17 order is so recorded there shall be paid out of the state treasury, from the fund to
18 which it has been credited, to the purchaser, or the purchaser's successor in interest,
19 the amounts in the manner and as provided in s. 24.34.

NOTE: Inserts specific references.

20 **SECTION 105.** 24.355 of the statutes is amended to read:

21 **24.355 Limitation of actions.** All claims under s. 24.34 or 24.35 shall ~~become~~
22 be barred, unless application ~~therefor~~ therefor be for a payment refund is made within 5 years

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1 from the time of ~~such~~ the payment, or, in cases ~~where~~ in which the state never had
2 title, from the time when the invalidity of the title of the state was established.

NOTE: Inserts specific references.

3 **SECTION 106.** 24.36 of the statutes is amended to read:

4 **24.36 Lost certificates and patents.** Whenever any duplicate certificate of
5 sale ~~shall have~~ has been lost or destroyed before the patent ~~shall issue~~ has been
6 issued, or whenever any patent ~~shall have~~ has been lost or destroyed, the board, upon
7 satisfactory proof of the fact, established by affidavit ~~to be filed with it~~ the board, may
8 issue a certified copy of the original certificate of sale or of the record in ~~its~~ the board's
9 office of ~~such~~ the patent, or a quitclaim deed in place of ~~such~~ the missing patent, to
10 the person entitled ~~thereto~~ to the copy of the certificate or record of the patent, or
11 quitclaim deed, which shall have the same force and effect as the original duplicate
12 certificate or patent. ~~Its~~ The board's certificate to ~~such~~ the copy and quitclaim deed
13 shall recite the loss or destruction of the original.

NOTE: Inserts specific references.

14 **SECTION 107.** 24.37 of the statutes is amended to read:

15 **24.37 Ejectment.** If any person ~~shall hold~~ holds or ~~continue~~ continues in
16 possession of any public lands without written permission from the board, or
17 contrary to the conditions or covenants of any lease or written agreement, or after
18 ~~such~~ the lands have been forfeited to the state, that person shall be liable to an action
19 by the state or any purchaser from the state for an unlawful detainer or other proper
20 action to recover possession of ~~such~~ the lands ~~with~~ and for damages for the detention
21 of the ~~same~~ the lands.

NOTE: Inserts specific references.

22 **SECTION 108.** 24.38 of the statutes is amended to read:

SENATE BILL 365**SECTION 108**

1 **24.38 Boundaries.** The lines, boundaries, and descriptions of the swamp
2 lands as exhibited by the plats and field notes of the United States survey are
3 adopted and shall be deemed conclusively to be the true lines, boundaries, and
4 descriptions ~~thereof~~ of those swamp lands.

NOTE: Inserts specific references.

5 **SECTION 109.** 24.39 (title) of the statutes is amended to read:

6 **24.39 (title) Leases, etc. of public lands.**

NOTE: Deletes disfavored term.

7 **SECTION 110.** 45.014 (title) of the statutes is amended to read:

8 **45.014 (title) Wisconsin veterans museum Veterans Museum.**

NOTE: Changes capitalization consistent with the treatment of this section by 2001
Wis. Act 103 as already reflected in the printed volumes.

9 **SECTION 111.** 48.685 (5) (bm) 4. of the statutes is amended to read:

10 48.685 (5) (bm) 4. A violation of s. 940.19 (3), 1999 stats., or of s. 125.075 (1),
11 125.085 (3) (a) 2., 125.105 (2) (b), 125.66 (3), 125.68 (12), 940.09, 940.19 (2), (4), (5),
12 or (6), 940.20, 940.203, 940.205, 940.207, or 940.25, a violation of s. 346.63 (1), (2),
13 (5), or (6) that is a felony under s. 346.65 (2) (e) (am) 5. or (f), (2j) (d), or (3m), or an
14 offense under ch. 961 that is a felony, if committed not more than 5 years before the
15 date of the investigation under sub. (2) (am).

NOTE: Changes cross-reference to accommodate renumbering by SECTION 136 of
this bill.

16 **SECTION 112.** 59.70 (23) of the statutes is amended to read:

17 **59.70 (23) COUNTY NATURAL BEAUTY COUNCILS.** The board may create a county
18 natural beauty council as a committee of the board, composed of such board
19 members, public members and governmental personnel as the board designates.
20 The council shall advise governmental bodies and citizens in the county on matters
21 affecting the preservation and enhancement of the county's natural beauty, and aid

SENATE BILL 365**SECTION 112**

1 and facilitate the aims and objectives of the natural beauty council described in s.
2 144.76 (3) (intro.), 1973 stats.

NOTE: The phrase “the aims and objectives of the natural beauty council” has no referent in current law. The provision has been clarified by the addition of a cross-reference to the law in which the aims and objectives of the natural beauty council were last stated. Subsequent to the publication of the 1973–74 Wisconsin Statutes, ch. 224, Laws of 1975, changed the name of the natural beauty council (though not its objectives), and ch. 29, Laws of 1977, eliminated the council altogether (by the repeal of s. 15.347 (1)). Neither of these acts made any changes to s. 59.70 (23) (at that time numbered s. 59.07 (59)).

3 **SECTION 113.** 73.10 (2) (b) 1. b. of the statutes is amended to read:

4 73.10 (2) (b) 1. b. That the statements, notes, and schedules under subd. 1. a.
5 conform to generally accepted accounting principles promulgated by the
6 ~~governmental accounting standards board~~ Governmental Accounting Standards
7 Board or its successor bodies.

NOTE: Conforms capitalization to current style.

8 **SECTION 114.** 77.52 (2) (a) 10. of the statutes is amended to read:

9 77.52 (2) (a) 10. Except for services provided by veterinarians and except for
10 installing or applying tangible personal property which ~~that, subject to par. (ag),~~
11 when installed or applied, will constitute an addition or capital improvement of real
12 property, the repair, service, alteration, fitting, cleaning, painting, coating, towing,
13 inspection, and maintenance of all items of tangible personal property unless, at the
14 time of such ~~the~~ repair, service, alteration, fitting, cleaning, painting, coating,
15 towing, inspection, or maintenance, a sale in this state of the type of property
16 repaired, serviced, altered, fitted, cleaned, painted, coated, towed, inspected, or
17 maintained would have been exempt to the customer from sales taxation under this
18 subchapter, other than the exempt sale of a motor vehicle or truck body to a
19 nonresident under s. 77.54 (5) (a) and other than nontaxable sales under s. 77.51
20 (14r). For purposes of this paragraph, the following items shall be considered to have

SENATE BILL 365**SECTION 114**

1 ~~retained their character as tangible personal property, regardless of the extent to~~
2 ~~which any such item is fastened to, connected with, or built into real property:~~
3 ~~furnaces, boilers, stoves, ovens, including associated hoods and exhaust systems,~~
4 ~~heaters, air conditioners, humidifiers, dehumidifiers, refrigerators, coolers, freezers,~~
5 ~~water pumps, water heaters, water conditioners and softeners, clothes washers,~~
6 ~~clothes dryers, dishwashers, garbage disposal units, radios and radio antennas,~~
7 ~~incinerators, television receivers and antennas, record players, tape players,~~
8 ~~jukeboxes, vacuum cleaners, furniture and furnishings, carpeting and rugs,~~
9 ~~bathroom fixtures, sinks, awnings, blinds, gas and electric logs, heat lamps,~~
10 ~~electronic dust collectors, grills and rotisseries, bar equipment, intercoms,~~
11 ~~recreational, sporting, gymnasium and athletic goods and equipment including by~~
12 ~~way of illustration but not of limitation bowling alleys, golf practice equipment, pool~~
13 ~~tables, punching bags, ski tows and swimming pools; equipment in offices, business~~
14 ~~facilities, schools, and hospitals but not in residential facilities including personal~~
15 ~~residences, apartments, long-term care facilities, as defined under s. 16.009 (1) (em),~~
16 ~~state institutions, as defined under s. 101.123 (1) (i), Type 1 secured correctional~~
17 ~~facilities, as defined in s. 938.02 (19), or similar facilities including, by way of~~
18 ~~illustration but not of limitation, lamps, chandeliers, and fans, venetian blinds,~~
19 ~~canvas awnings, office and business machines, ice and milk dispensers,~~
20 ~~beverage-making equipment, vending machines, soda fountains, steam warmers~~
21 ~~and tables, compressors, condensing units and evaporative condensers, pneumatic~~
22 ~~conveying systems; laundry, dry cleaning, and pressing machines, power tools,~~
23 ~~burglar alarm and fire alarm fixtures, electric clocks and electric signs. "Service"~~
24 ~~does not include services performed by veterinarians. The tax imposed under this~~
25 ~~subsection applies to the repair, service, alteration, fitting, cleaning, painting,~~

SENATE BILL 365**SECTION 114**

1 coating, towing, inspection, or maintenance of items listed in ~~this subdivision~~ par.
2 (ag), regardless of whether the installation or application of tangible personal
3 property related to the items is an addition to or a capital improvement of real
4 property, except that the tax imposed under this subsection does not apply to the
5 original installation or the complete replacement of an item listed in ~~this subdivision~~
6 par. (ag), if such the installation or replacement is a real property construction
7 activity under s. 77.51 (2).

NOTE: Subdivides a long provision by deleting a list to be converted to tabular form
in a newly created separate paragraph and otherwise rearranging text for improved
readability and conformity with current style. See the next section of this bill.

8 **SECTION 115.** 77.52 (2) (ag) of the statutes is created to read:

9 77.52 (2) (ag) For purposes of par. (a) 10., the following items shall be
10 considered to have retained their character as tangible personal property, regardless
11 of the extent to which the item is fastened to, connected with, or built into real
12 property:

13 1. Furnaces.

14 2. Boilers.

15 3. Stoves.

16 4. Ovens, including associated hoods and exhaust systems.

17 5. Heaters.

18 6. Air conditioners.

19 7. Humidifiers.

20 8. Dehumidifiers.

21 9. Refrigerators.

22 10. Coolers.

23 11. Freezers.

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- 1 12. Water pumps.
- 2 13. Water heaters.
- 3 14. Water conditioners and softeners.
- 4 15. Clothes washers.
- 5 16. Clothes dryers.
- 6 17. Dishwashers.
- 7 18. Garbage disposal units.
- 8 19. Radios and radio antennas.
- 9 20. Incinerators.
- 10 21. Television receivers and antennas.
- 11 22. Record players.
- 12 23. Tape players.
- 13 24. Jukeboxes.
- 14 25. Vacuum cleaners.
- 15 26. Furniture and furnishings.
- 16 27. Carpeting and rugs.
- 17 28. Bathroom fixtures.
- 18 29. Sinks.
- 19 30. Awnings.
- 20 31. Blinds.
- 21 32. Gas and electric logs.
- 22 33. Heat lamps.
- 23 34. Electronic dust collectors.
- 24 35. Grills and rotisseries.
- 25 36. Bar equipment.

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1 37. Intercoms.

2 38. Recreational, sporting, gymnasium, and athletic goods and equipment
3 including, by way of illustration but not of limitation, all of the following:

4 a. Bowling alleys.

5 b. Golf practice equipment.

6 c. Pool tables.

7 d. Punching bags.

8 e. Ski tows.

9 f. Swimming pools.

10 39. Equipment in offices, business facilities, schools, and hospitals but not in
11 residential facilities including personal residences, apartments, long-term care
12 facilities, as defined under s. 16.009 (1) (em), state institutions, as defined under s.
13 101.123 (1) (i), Type 1 secured correctional facilities, as defined in s. 938.02 (19), or
14 similar facilities including, by way of illustration but not of limitation, all of the
15 following:

16 a. Lamps.

17 b. Chandeliers.

18 c. Fans.

19 d. Venetian blinds.

20 e. Canvas awnings.

21 f. Office and business machines.

22 g. Ice and milk dispensers.

23 f. Beverage-making equipment.

24 g. Vending machines.

25 f. Soda fountains.

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- 1 g. Steam warmers and tables.
- 2 h. Compressors.
- 3 i. Condensing units and evaporative condensers.
- 4 j. Pneumatic conveying systems.
- 5 40. Laundry, dry cleaning, and pressing machines.
- 6 41. Power tools.
- 7 42. Burglar alarm and fire alarm fixtures.
- 8 43. Electric clocks.
- 9 44. Electric signs.

NOTE: List is moved from s. 77.52 (2) (a) 10. and divided into tabular form for improved readability and conformity with current style.

10 **SECTION 116.** 77.54 (14) (f) of the statutes is renumbered 77.54 (14) (f) (intro.)
11 and amended to read:

12 77.54 (14) (f) (intro.) Furnished without charge to ~~a~~ any of the following if the
13 medicine may not be dispensed without a prescription:

- 14 1. A physician_{7,2}.
- 15 2. A surgeon_{7,2}.
- 16 3. A nurse anesthetist_{7,2}.
- 17 4. An advanced practice nurse_{7,2}.
- 18 5. An osteopath_{7,2}.
- 19 6. A dentist who is licensed under ch. 447_{7,2}.
- 20 7. A podiatrist who is licensed under ch. 448, ~~or~~.
- 21 8. An optometrist who is licensed under ch. 449 if the ~~medicine may not be~~
22 ~~dispensed without a prescription.~~

NOTE: Subdivides a long provision by placing a list in tabular form and reorders text to accommodate the numbering of the subdivided list.

SENATE BILL 365**SECTION 117**

1 **SECTION 117.** 77.54 (20) (bg) 1. of the statutes is renumbered 77.54 (20) (bg) 1.

2 a. and amended to read:

3 77.54 (20) (bg) 1. a. “Meal” includes, but is not limited to, a diversified selection
4 of food, food products, or beverages that are customarily consumed as a breakfast,
5 lunch, or dinner, that may not easily be consumed without an article of tableware,
6 and that may not conveniently be consumed while standing or walking; ~~except that~~
7 “meal”.

8 b. “Meal” does not include frozen items that are sold to a consumer, items that
9 are customarily heated or cooked after the retail sale and before they are consumed,
10 or a diversified selection of food, food products, and beverages that is packaged
11 together by a person other than the retailer before the sale to the consumer.

NOTE: Subdivides provision.

12 **SECTION 118.** 77.54 (20) (bg) 2. of the statutes is renumbered 77.54 (20) (bg) 2.

13 a. and amended to read:

14 77.54 (20) (bg) 2. a. “Sandwich” means food that consists of a filling; such as
15 meat, cheese, or a savory mixture; that is placed on a slice, or between 2 slices; of
16 a variety of bread or something that takes the place of bread; such as a roll, croissant,
17 or bagel.

18 b. “Sandwich” includes, but is not limited to, burritos, tacos, enchiladas,
19 chimichangas, pita sandwiches, gyros, and pocket sandwiches.

20 c. “Sandwich” does not include hors d’oeuvres, canapes, egg rolls, cookies,
21 cakes, pies, and similar desserts and pastries, and food that is sold frozen.

NOTE: Subdivides provision, inserts serial commas, and otherwise modifies
punctuation for improved readability and conformity with current style.

22 **SECTION 119.** 84.30 (10m) of the statutes is amended to read:

SENATE BILL 365**SECTION 119**

1 84.30 (10m) ANNUAL PERMIT FEE REQUIREMENT. The department may
2 promulgate a rule requiring persons specified in the rule to pay annual permit fees
3 for signs. The rule shall specify that no permit fee may be charged for an
4 off-premises advertising sign that is owned by a nonprofit organization. If the
5 department establishes an annual permit fee under this subsection, failure to pay
6 the fee within 2 months after the date on which payment is due is evidence that the
7 sign has been abandoned for the purposes of s. ~~TRANS~~ Trans 201.10 (2) (f), Wis. Adm.
8 Code.

NOTE: Corrects capitalization, as already reflected in the printed volumes.

9 **SECTION 120.** 108.02 (15) (k) (intro.), 2., 6., 7., 10., 14., 15., 16. and 19. (intro.)
10 and b. of the statutes are amended to read:

11 108.02 (15) (k) (intro.) “Employment” as applied to work for a given employer
12 other than a government unit or nonprofit organization, except as ~~such~~ the employer
13 ~~duy~~ elects otherwise with the department’s approval, does not include service:

14 2. As a domestic in the employ of an individual in ~~such~~ the individual’s private
15 home, or as a domestic in the employ of a local college club or of a local chapter of a
16 college fraternity or sorority, unless performed for an individual, club, or chapter
17 ~~which~~ that is an employer subject to this chapter under sub. (13) (d) or (i);

18 6. By an individual for a person as an insurance agent or an insurance solicitor,
19 if all ~~such~~ of the service performed as an insurance agent or solicitor by ~~such~~ the
20 individual for ~~such~~ the person is performed for remuneration solely by way of
21 commissions;

22 7. By an individual for a person as a real estate agent or as a real estate
23 salesperson, if all ~~such~~ of the service performed as a real estate agent or sales person

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1 by ~~such~~ the individual for ~~such~~ the person is performed for remuneration solely by
2 way of commission;

3 10. For an employer who would otherwise be subject to this chapter solely
4 because of sub. (13) (f), if and while the employer, with written notice to and approval
5 by the department, ~~duly~~ covers under the unemployment insurance law of another
6 jurisdiction all services for ~~such~~ the employer ~~which~~ that would otherwise be covered
7 under this chapter;

8 14. By an individual for an employer ~~which~~ that is engaged in the processing
9 of fresh perishable fruits or vegetables within a given calendar year if the individual
10 has been employed by the employer solely within the active processing season or
11 seasons, as determined by the department, of the establishment in which the
12 individual has been employed by the employer, and the individual's base period
13 wages with the employer are less than the wages required to start a benefit year
14 under s. 108.04 (4) (a), unless the individual was paid wages of \$200 or more for
15 services performed in employment or other work covered by the unemployment
16 insurance law of any state or the federal government, other than work performed for
17 the processing employer, during the 4 most recently completed quarters preceding
18 the individual's first week of employment by the processing employer within that
19 year;

20 15. By an individual as a court reporter if the individual receives wages on a
21 per diem basis; ~~or~~

22 16. By an individual whose remuneration consists solely of commissions,
23 overrides, bonuses, or differentials directly related to sales or other output derived
24 from in-person sales to or solicitation of orders from ultimate consumers, primarily
25 in the home; ~~or~~

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1 19. (intro.) Performed by an individual for a seasonal employer if the individual
2 received written notice from the seasonal employer prior to performing any service
3 for the employer that ~~such~~ the service is potentially excludable under this
4 subdivision unless:

5 b. The individual has been paid or is treated as having been paid wages or other
6 remuneration of \$500 or more during his or her base period for services performed
7 for at least one employer other than the seasonal employer ~~which~~ that is subject to
8 the unemployment insurance law of any state or the federal government; or

NOTE: Deletes unnecessary “or” in two places, replaces “such” with “the” as appropriate, and deletes “duly” as it has no substantive effect.

9 **SECTION 121.** 118.02 (14) of the statutes is renumbered 118.02 (9g).

NOTE: Places subsection in chronological order within list, consistent with the remainder of the section.

10 **SECTION 122.** 118.02 (15) of the statutes is renumbered 118.02 (7r).

NOTE: Places subsection in chronological order within list, consistent with the remainder of the section.

11 **SECTION 123.** 118.02 (16) of the statutes is renumbered 118.02 (7g).

NOTE: Places subsection in chronological order within list, consistent with the remainder of the section.

12 **SECTION 124.** 118.02 (17) of the statutes is renumbered 118.02 (6m).

NOTE: Places subsection in chronological order within list, consistent with the remainder of the section.

13 **SECTION 125.** 118.02 (17m) of the statutes is renumbered 118.02 (5r).

NOTE: Places subsection in chronological order within list, consistent with the remainder of the section.

14 **SECTION 126.** 118.02 (17r) of the statutes is renumbered 118.02 (9r).

NOTE: Places subsection in chronological order within list, consistent with the remainder of the section.

15 **SECTION 127.** 343.06 (1) (c) of the statutes is amended to read:

16 343.06 (1) (c) To any person under age 18 unless the person is enrolled in a
17 school program or high school equivalency program and is not a habitual truant as

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1 defined in s. 118.16 (1) (a), has graduated from high school or been granted a
2 declaration of high school graduation equivalency, or is enrolled in a home-based
3 private educational program, as defined in s. 115.001 (3g), and has satisfactorily
4 completed a course in driver education in public schools approved by the department
5 of public instruction, or in technical colleges approved by the technical college system
6 board, or in nonpublic and private schools ~~which~~ that meet the minimum standards
7 set by the department of public instruction, or has satisfactorily completed a
8 substantially equivalent course in driver training approved by the department and
9 given by a school licensed by the department under s. 343.61, or has satisfactorily
10 completed a substantially equivalent course in driver education or training approved
11 by another state and has attained the age of 16, except as provided in s. 343.07 (~~1~~)
12 (1g). The department shall not issue a license to any person under the age of 18
13 authorizing the operation of “Class M” vehicles unless the person has successfully
14 completed a basic rider course approved by the department. The department may,
15 by rule, exempt certain persons from the basic rider course requirement of this
16 paragraph. Applicants for a license under s. 343.08 or 343.135 are exempt from the
17 driver education, basic rider or driver training course requirement. The secretary
18 shall prescribe rules for licensing of schools and instructors to qualify under this
19 paragraph. The driver education course shall be made available to every eligible
20 student in the state. Except as provided under s. 343.16 (1) (c) and (2) (cm) to (e), no
21 operator’s license may be issued unless a driver’s examination has been
22 administered by the department.

NOTE: Section 343.07 (1) is renumbered 343.07 (1g) by this bill.

23 **SECTION 128.** 343.06 (1) (cm) of the statutes is amended to read:

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1 343.06 (1) (cm) To operate “Class D” vehicles to any person under 18 years of
2 age, unless the person has accumulated at least 30 hours of behind-the-wheel
3 driving experience, at least 10 hours of which were during hours of darkness. Each
4 hour of behind-the-wheel driving experience while accompanied by a qualified
5 instructor, as defined in s. 343.07 (5) (1c), shall be considered to be 2 hours of
6 behind-the-wheel driving experience, except that no more than 5 hours of
7 behind-the-wheel driving experience while accompanied by a qualified instructor
8 may be counted in this manner. This paragraph does not apply to applicants for a
9 restricted license under s. 343.08 or a special restricted operator’s license under s.
10 343.135. The department may promulgate rules that waive the requirement of
11 accumulating at least 30 hours of behind-the-wheel experience for qualified
12 applicants who are licensed by another jurisdiction to operate “Class D” vehicles.

NOTE: Section 343.07 (5) is renumbered 343.07 (1c) by this bill.

13 **SECTION 129.** 343.07 (1) of the statutes is renumbered 343.07 (1g).

NOTE: Accommodates the renumbering of s. 343.07 (5) by this bill.

14 **SECTION 130.** 343.07 (5) of the statutes is renumbered 343.07 (1c).

NOTE: Moves a definition to the beginning of the section in conformity with current style.

15 **SECTION 131.** 343.085 (2m) (a) 1. b. of the statutes is amended to read:

16 343.085 (2m) (a) 1. b. A person who meets the requirements under s. 343.07
17 (1) (1g) (a).

NOTE: Section 343.07 (1) is renumbered 343.07 (1g) by this bill.

18 **SECTION 132.** 343.085 (2m) (a) 2. of the statutes is amended to read:

19 343.085 (2m) (a) 2. Between the hours of 12 midnight and 5 a.m., unless the
20 licensee’s parent or guardian, or a person who meets the requirements under s.

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1 343.07 ~~(1)~~ (1g) (a), occupies the seat beside the licensee, or unless the licensee is
2 traveling between his or her place of residence, school, and place of employment.

NOTE: Section 343.07 (1) is renumbered 343.07 (1g) by this bill.

3 **SECTION 133.** 344.52 (1) of the statutes is renumbered 344.52 (1r) and amended
4 to read:

5 344.52 (1r) Whenever any motor vehicle rented for compensation outside this
6 state is operated in this state, the lessor of ~~such~~ the motor vehicle is directly liable
7 for all damages to persons or property caused by the negligent operation of ~~such~~ the
8 rented vehicle unless, at the time when ~~such~~ the damage or injury occurs, the
9 operation of the rented vehicle is effectively covered by a policy of insurance ~~which~~
10 that provides coverage at least in the amounts specified in s. 344.01 (2) (d) for
11 property damage, personal injury, or death suffered by any person on account of the
12 negligent operation of ~~such~~ the rented vehicle. The amount of liability imposed upon
13 the lessor by this section in the absence of insurance coverage shall not exceed the
14 limits set forth in s. 344.01 (2) (d) with respect to the acceptable limits of liability
15 when furnishing proof of financial responsibility. The fact that the rented vehicle is
16 operated in this state contrary to any understanding or agreement with the lessor
17 is not a defense to any liability imposed by this section.

NOTE: Renumbers provision to accommodate the renumbering of s. 344.52 (3) by
this bill. Disfavored terms are replaced, specific references added, and serial commas
inserted for improved readability and conformity with current style.

18 **SECTION 134.** 344.52 (3) of the statutes is renumbered 344.52 (1g).

NOTE: Renumbers definition to beginning of section in conformity with current
style.

19 **SECTION 135.** 346.65 (2) (intro.) of the statutes is renumbered 346.65 (2) (am)
20 (intro.).

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NOTE: Renumbers provision to conform with current style that requires each statutory unit that follows an introduction to form a complete sentence when read with the introduction.

1 **SECTION 136.** 346.65 (2) (a) to (e) of the statutes are renumbered 346.65 (2) (am)
2 1. to 5., and 346.65 (2) (am) 1., as renumbered, is amended to read:

3 346.65 (2) (am) 1. Shall forfeit not less than \$150 nor more than \$300, except
4 as provided in ~~pars. (b) to~~ subds. 2. to 5. and par. (f).

NOTE: Renumbers provision to conform with current style that requires each statutory unit that follows an introduction to form a complete sentence when read with the introduction. Changes cross-references to accommodate renumbering.

5 **SECTION 137.** 346.65 (2) (f) of the statutes is amended to read:

6 346.65 (2) (f) If there was a minor passenger under 16 years of age in the motor
7 vehicle at the time of the violation that gave rise to the conviction under s. 346.63 (1),
8 the applicable minimum and maximum forfeitures, fines, or imprisonment under
9 par. ~~(a), (b), (c), (d) or (e)~~ (am) for the conviction are doubled. An offense under s.
10 346.63 (1) that subjects a person to a penalty under par. ~~(c), (d) or (e)~~ (am) 3., 4., or
11 5. when there is a minor passenger under 16 years of age in the motor vehicle is a
12 felony and the place of imprisonment shall be determined under s. 973.02.

NOTE: Changes cross-references to accommodate renumbering by SECTION 136 of this bill.

13 **SECTION 138.** 346.65 (2) (g) of the statutes is amended to read:

14 346.65 (2) (g) 1. If a person convicted had an alcohol concentration of 0.17 to
15 0.199, the applicable minimum and maximum fines under ~~pars. (c) to (e)~~ par. (am)
16 3. to 5. are doubled.

17 2. If a person convicted had an alcohol concentration of 0.20 to 0.249, the
18 applicable minimum and maximum fines under ~~pars. (c) to (e)~~ par. (am) 3. to 5. are
19 tripled.

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1 3. If a person convicted had an alcohol concentration of 0.25 or above, the
2 applicable minimum and maximum fines under ~~pars. (c) to (e)~~ par. (am) 3. to 5. are
3 quadrupled.

NOTE: Changes cross-references to accommodate renumbering by SECTION 136 of
this bill.

4 **SECTION 139.** 346.65 (2c) of the statutes is amended to read:

5 346.65 (2c) In sub. (2) ~~(b) to (e)~~ (am) 2., 3., 4., and 5., the time period shall be
6 measured from the dates of the refusals or violations that resulted in the revocation
7 or convictions. If a person has a suspension, revocation, or conviction for any offense
8 under a local ordinance or a state statute of another state that would be counted
9 under s. 343.307 (1), that suspension, revocation, or conviction shall count as a prior
10 suspension, revocation, or conviction under sub. (2) ~~(b) to (e)~~ (am) 2., 3., 4., and 5.

NOTE: Changes cross-references to accommodate renumbering by SECTION 136 of
this bill.

11 **SECTION 140.** 346.65 (2e) of the statutes is amended to read:

12 346.65 (2e) If the court determines that a person does not have the ability to
13 pay the costs and fine or forfeiture imposed under sub. (2) ~~(a), (b), (c), (d), (e)~~ (am),
14 ~~(f), or (g)~~, the court may reduce the costs, fine, and forfeiture imposed and order the
15 person to pay, toward the cost of the assessment and driver safety plan imposed
16 under s. 343.30 (1q) (c), the difference between the amount of the reduced costs and
17 fine or forfeiture and the amount of costs and fine or forfeiture imposed under sub.
18 (2) ~~(a), (b), (c), (d), (e)~~ (am), ~~(f), or (g)~~.

NOTE: Changes cross-references to accommodate renumbering by SECTION 136 of
this bill.

19 **SECTION 141.** 346.65 (2g) (a) of the statutes is amended to read:

20 346.65 (2g) (a) In addition to the authority of the court under s. 973.05 (3) (a)
21 to provide that a defendant perform community service work for a public agency or

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1 a nonprofit charitable organization in lieu of part or all of a fine imposed under sub.
2 (2) ~~(b)~~ (am) 2., 3., 4., and 5., (f), and (g) and except as provided in par. (ag), the court
3 may provide that a defendant perform community service work for a public agency
4 or a nonprofit charitable organization in lieu of part or all of a forfeiture under sub.
5 (2) ~~(a)~~ (am) 1. or may require a person who is subject to sub. (2) to perform community
6 service work for a public agency or a nonprofit charitable organization in addition
7 to the penalties specified under sub. (2).

NOTE: Changes cross-references to accommodate renumbering by SECTION 136 of
this bill.

8 **SECTION 142.** 346.65 (2g) (ag) of the statutes is amended to read:

9 346.65 (2g) (ag) If the court determines that a person does not have the ability
10 to pay a fine imposed under sub. (2) ~~(b)~~ (am) 2., 3., 4., or 5., (f), or (g), the court shall
11 require the defendant to perform community service work for a public agency or a
12 nonprofit charitable organization in lieu of paying the fine imposed or, if the amount
13 of the fine was reduced under sub. (2e), in lieu of paying the remaining amount of the
14 fine. Each hour of community service performed in compliance with an order under
15 this paragraph shall reduce the amount of the fine owed by an amount determined
16 by the court.

NOTE: Changes cross-references to accommodate renumbering by SECTION 136 of
this bill.

17 **SECTION 143.** 346.65 (2g) (am) of the statutes is amended to read:

18 346.65 (2g) (am) Notwithstanding s. 973.05 (3) (b), an order under par. (a) or
19 (ag) may ~~only~~ apply only if agreed to by the organization or agency. The court shall
20 ensure that the defendant is provided a written statement of the terms of the
21 community service order and that the community service order is monitored. Any
22 organization or agency acting in good faith to which a defendant is assigned pursuant

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1 to an order under this subsection has immunity from any civil liability in excess of
2 \$25,000 for acts or omissions by or impacting on the defendant. The issuance or
3 possibility of the issuance of a community service order under this subsection does
4 not entitle an indigent defendant who is subject to sub. (2) ~~(a)~~ (am) 1. to
5 representation by counsel under ch. 977.

NOTE: Changes cross-reference to accommodate renumbering by SECTION 136 of
this bill. Corrects placement of adverb.

6 **SECTION 144.** 346.65 (2g) (d) of the statutes is amended to read:

7 346.65 **(2g)** (d) With respect to imprisonment under sub. (2) ~~(b)~~ (am) 2., the
8 court shall ensure that the person is imprisoned for not less than 5 days or ordered
9 to perform not less than 30 days of community service work under s. 973.03 (3) (a).

NOTE: Changes cross-reference to accommodate renumbering by SECTION 136 of
this bill.

10 **SECTION 145.** 346.65 (2i) of the statutes is amended to read:

11 346.65 **(2i)** In addition to the authority of the court under sub. (2g) and s. 973.05
12 (3) (a), the court may order a defendant subject to sub. (2), or a defendant subject to
13 s. 973.05 (3) (a) who violated s. 346.63 (2), 940.09 (1), or 940.25, to visit a site that
14 demonstrates the adverse effects of substance abuse or of operating a vehicle while
15 under the influence of an intoxicant or other drug, including an alcoholism treatment
16 facility approved under s. 51.45 or an emergency room of a general hospital in lieu
17 of part or all of any forfeiture imposed or in addition to any penalty imposed. The
18 court may order the defendant to pay a reasonable fee, based on the person's ability
19 to pay, to offset the costs of establishing, maintaining, and monitoring the visits
20 ordered under this subsection. The court may order a visit to the site only if agreed
21 to by the person responsible for the site. If the opportunities available to visit sites
22 under this subsection are fewer than the number of defendants eligible for a visit,

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1 the court shall, when making an order under this subsection, give preference to
2 defendants who were under 21 years of age at the time of the offense. The court shall
3 ensure that the visit is monitored. A visit to a site may be ordered for a specific time
4 and a specific day to allow the defendant to observe victims of vehicle accidents
5 involving intoxicated drivers. If it appears to the court that the defendant has not
6 complied with the court order to visit a site or to pay a reasonable fee, the court may
7 order the defendant to show cause why he or she should not be held in contempt of
8 court. Any organization or agency acting in good faith to which a defendant is
9 assigned pursuant to an order under this subsection has immunity from any civil
10 liability in excess of \$25,000 for acts or omissions by or impacting on the defendant.
11 The issuance or possibility of the issuance of an order under this subsection does not
12 entitle an indigent defendant who is subject to sub. (2) (a) (am) 1. to representation
13 by counsel under ch. 977.

NOTE: Changes cross-reference to accommodate renumbering by SECTION 136 of
this bill.

14 **SECTION 146.** 346.65 (2j) (intro.) of the statutes is renumbered 346.65 (2j) (am)
15 (intro.).

NOTE: Renumbers provision to conform with current style that requires each
statutory unit that follows an introduction to form a complete sentence when read with
the introduction.

16 **SECTION 147.** 346.65 (2j) (a), (b) and (c) of the statutes are renumbered 346.65
17 (2j) (am) 1., 2. and 3., and 346.65 (2j) (am) 1., as renumbered, is amended to read:
18 346.65 (2j) (am) 1. Shall forfeit not less than \$150 nor more than \$300 except
19 as provided in par. ~~(b), (c)~~ subd. 2. or 3. or par. (d).

NOTE: Renumbers provision to conform with current style that requires each
statutory unit that follows an introduction to form a complete sentence when read with
the introduction. Changes cross-references to accommodate renumbering.

20 **SECTION 148.** 346.65 (2j) (d) of the statutes is amended to read:

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1 346.65 (2j) (d) If there was a minor passenger under 16 years of age in the
2 commercial motor vehicle at the time of the violation that gave rise to the conviction
3 under s. 346.63 (5), the applicable minimum and maximum forfeitures, fines, or
4 imprisonment under par. ~~(a), (b) or (e)~~ (am) 1., 2., or 3. for the conviction are doubled.
5 An offense under s. 346.63 (5) that subjects a person to a penalty under par. ~~(e)~~ (am)
6 3. when there is a minor passenger under 16 years of age in the commercial motor
7 vehicle is a felony and the place of imprisonment shall be determined under s. 973.02.

NOTE: Changes cross-references to accommodate renumbering by SECTION 147 of
this bill.

8 **SECTION 149.** 346.65 (7) of the statutes is amended to read:

9 346.65 (7) A person convicted under sub. (2) ~~(b), (c), (d) or (e)~~ (am) 2., 3., 4., or
10 5. or (2j) ~~(b) or (e)~~ (am) 2. or 3. shall be required to remain in the county jail for not
11 less than a 48-consecutive-hour period.

NOTE: Changes cross-references to accommodate renumbering by SECTIONS 136
and 147 of this bill.

12 **SECTION 150.** 441.001 (4) (b) of the statutes is amended to read:

13 441.001 (4) (b) The execution of procedures and techniques in the treatment
14 of the sick under the general or special supervision or direction of a physician,
15 podiatrist licensed under ch. 448, dentist licensed under ch. 447, or optometrist
16 licensed under ch. 449, or under an order of a person who is licensed to practice
17 medicine, podiatry, dentistry, or optometry in another state if the person making the
18 order prepared the order after examining the patient in that other state and directs
19 that the order be carried out in this state.

NOTE: Inserts serial comma consistent with current style.

20 **SECTION 151.** 758.13 (1) of the statutes is renumbered 758.13 (1) (a) (intro.) and
21 amended to read:

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1 758.13 (1) (a) (intro.) There is created a judicial council of 21 members as
2 follows: -a

3 1. One supreme court justice designated by the supreme court; ~~a.~~

4 2. One court of appeals judge designated by the court of appeals; ~~the.~~

5 3. The director of state courts or his or her designee; ~~4.~~

6 4. Four circuit judges designated by the judicial conference; ~~the.~~

7 5. The chairpersons of the senate and the assembly committees dealing with
8 judicial affairs or a member of each such committee designated by the respective
9 chairperson; ~~the.~~

10 6. The attorney general or his or her designee; ~~the.~~

11 7. The revisor of statutes or an assistant designated by the revisor; ~~the.~~

12 8. The deans of the law schools of the University of Wisconsin and Marquette
13 University or a member of the respective law school faculties designated by the
14 deans; ~~the.~~

15 9. The state public defender or his or her designee; ~~the.~~

16 10. The president-elect of the ~~state bar~~ State Bar of Wisconsin or a member of
17 the board of governors of the state bar designated by the president-elect ~~and~~ ~~3.~~

18 11. Three additional members ~~thereof~~ of the state bar selected by the state bar
19 to serve 3-year terms; ~~one.~~

20 12. One district attorney appointed by the governor; ~~and~~ ~~2.~~

21 13. Two citizens at large appointed by the governor to serve 3-year terms.

22 (b) The names of the judicial council members shall be certified to the secretary
23 of state by the executive secretary of the judicial commission. Members shall hold
24 office until their successors have been selected. Members shall receive no

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1 compensation, but shall be reimbursed from the appropriation made by s. 20.665 (1)
2 for expenses necessarily incurred by ~~them~~ members in attending council meetings.

NOTE: Subdivides a long provision by placing a list in tabular form. Inserts specific references and changes capitalization.

3 **SECTION 152.** 895.42 (title) of the statutes is amended to read:

4 **895.42** (title) **Deposit of undistributed money and property by**
5 **administrators personal representatives and others.**

NOTE: Replaces “administrators” in accordance with 2001 Wis. Act 102.

6 **SECTION 153.** 973.05 (2m) of the statutes is renumbered 973.05 (2m) (intro.) and
7 amended to read:

8 973.05 (2m) (intro.) Payments under this section shall be applied ~~first to~~ as
9 applicable in the following order:

10 (a) To payment of the penalty surcharge until paid in full, ~~shall then be applied~~
11 ~~to the.~~

12 (b) To payment of the jail surcharge until paid in full, ~~shall then be applied to~~
13 ~~the.~~

14 (c) To payment of part A of the crime victim and witness assistance surcharge
15 until paid in full, ~~shall then be applied to.~~

16 (d) To payment of part B of the crime victim and witness assistance surcharge
17 until paid in full, ~~shall then be applied to.~~

18 (e) To payment of the crime laboratories and drug law enforcement surcharge
19 until paid in full, ~~shall then be applied to.~~

20 (f) To payment of the deoxyribonucleic acid analysis surcharge until paid in full,
21 ~~shall then be applied to.~~

22 (g) To payment of the drug abuse program improvement surcharge until paid
23 in full, ~~shall then be applied to.~~

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1 (h) To payment of the driver improvement surcharge until paid in full, ~~shall~~
2 then be applied to.

3 (i) To payment of the truck driver education surcharge if ~~applicable~~ until paid
4 in full, ~~shall then be applied to.~~

5 (j) To payment of the domestic abuse surcharge until paid in full, ~~shall then be~~
6 applied to.

7 (k) To payment of the consumer protection surcharge until paid in full, ~~shall~~
8 then be applied to.

9 (L) To payment of the natural resources surcharge if ~~applicable~~ until paid in
10 full, ~~shall then be applied to.~~

11 (m) To payment of the natural resources restitution surcharge until paid in full,
12 shall then be applied to the.

13 (n) To payment of the environmental surcharge if ~~applicable~~ until paid in full,
14 shall then be applied to the.

15 (o) To payment of the wild animal protection surcharge if ~~applicable~~ until paid
16 in full, ~~shall then be applied to.~~

17 (p) To payment of the weapons surcharge until paid in full, ~~shall then be applied~~
18 to.

19 (q) To payment of the uninsured employer surcharge until paid in full, ~~shall~~
20 then be applied to.

21 (r) To payment of the enforcement surcharge under s. 253.06 (4) (c), ~~if~~
22 applicable, until paid in full, ~~and shall then be applied to.~~

23 (s) To payment of the fine and the costs and fees imposed under ch. 814.

NOTE: Subdivides list. Makes “as applicable” applicable to the entire provision for parallel construction.

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SECTION 154

1 **SECTION 154.** 973.09 (1) (d) 1. of the statutes is amended to read:

2 973.09 (1) (d) 1. A violation under s. 346.63 (1) that subjects the person to a
3 mandatory minimum period of imprisonment under s. 346.65 (2) ~~(b) or (c)~~ (am) 2. or
4 3.

NOTE: Changes cross-references to accommodate renumbering by SECTION 136 of
this bill.

5 **SECTION 155.** 973.09 (1) (d) 3. of the statutes is amended to read:

6 973.09 (1) (d) 3. A violation under s. 346.63 (5) that subjects the person to a
7 mandatory minimum period of imprisonment under s. 346.65 (2j) ~~(e)~~ (am) 3., if the
8 person has a total of 3 or fewer convictions, suspensions or revocations counted under
9 s. 343.307 (2).

NOTE: Changes cross-reference to accommodate renumbering by SECTION 147 of
this bill.

10

(END)