

August 12, 1993, for any violation of s. 940.225 (1) or (2), 948.02 (1) or (2), 948.025, or 948.085.

SECTION 147. 165.85 (1) of the statutes is amended to read:

165.85 (1) FINDINGS AND POLICY. The legislature finds that the administration of criminal justice is of statewide concern, and that law enforcement work is of vital importance to the health, safety, and welfare of the people of this state and is of such a nature as to require training, education, and the establishment of standards of a proper professional character. The public interest requires that these standards be established and that this training and education be made available to persons who seek to become law enforcement, tribal law enforcement, jail or secure juvenile detention officers, persons who are serving as these officers in a temporary or probationary capacity, and persons already in regular service.

NOTE: 2003 Wis. Act 344 changed the defined term "secure detention officer" to "juvenile detention officer" for purposes of ss. 165.85 and 165.86, but failed to change various usages of that defined term throughout ss. 165.85 and 165.86. This SECTION and the next (11) SECTIONS change "secure detention officer" to "juvenile detention officer" wherever found in ss. 165.85 and 165.96.

STET:
leave as
typed

other than SECTION 150
CS
↑
use autoref B
from p. 57

SECTION 148. 165.85 (3) (c) of the statutes is amended to read:

165.85 (3) (c) Except as provided under sub. (3m) (a), certify persons as being qualified under this section to be law enforcement, tribal law enforcement, jail or secure juvenile detention officers. Prior to being certified under this paragraph, a tribal law enforcement officer shall agree to accept the duties of law enforcement officers under the laws of this state.

AAAA NOTE:
See my change
to note:
CJS

SECTION 149. 165.85 (3) (cm) of the statutes is amended to read:

165.85 (3) (cm) Decertify law enforcement, tribal law enforcement, jail or secure juvenile detention officers who terminate employment or are terminated, who violate or fail to comply with a rule or order of the board relating to curriculum or training, who fail to pay court-ordered payments of child or family support,

maintenance, birth expenses, medical expenses, or other expenses related to the support of a child or former spouse, or who fail to comply, after appropriate notice, with a subpoena or warrant issued by the department of workforce development or a county child support agency under s. 59.53 (5) and related to paternity or child support proceedings. The board shall establish procedures for decertification in compliance with ch. 227, except that decertification for failure to pay court-ordered payments of child or family support, maintenance, birth expenses, medical expenses, or other expenses related to the support of a child or former spouse or for failure to comply, after appropriate notice, with a subpoena or warrant issued by the department of workforce development or a county child support agency under s. 59.53 (5) and related to paternity or child support proceedings shall be done as provided under sub. (3m) (a).

*create
autore B*

SECTION 150. The treatments of 165.85 (3) (d) of the statutes by 2005 Wisconsin Acts 60 and 344 are not repealed by 2005 Wisconsin Act 414. All treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor s. 165.85 (3) (d) reads:

(d) Establish minimum curriculum requirements for preparatory courses and programs, and recommend minimum curriculum requirements for recertification and advanced courses and programs, in schools operated by or for this state or any political subdivision of the state for the specific purpose of training law enforcement recruits, law enforcement officers, tribal law enforcement recruits, tribal law enforcement officers, jail officer recruits, jail officers, juvenile detention officer recruits, or juvenile detention officers in areas of knowledge and ability necessary to the attainment of effective performance as an officer, and ranging from subjects such as first aid, patrolling, statutory authority, techniques of arrest, protocols for official action by off-duty officers, firearms, and recording custodial interrogations, to subjects designed to provide a better understanding of ever-increasing complex problems in law enforcement such as human relations, civil rights, constitutional law, and supervision, control, and maintenance of a jail or juvenile detention facility. The board shall appoint a 13-member advisory curriculum committee consisting of 6 chiefs of police and 6 sheriffs to be appointed on a geographic basis of not more than one chief of police and one sheriff from any one of the 8 state administrative districts together with the director of training of the Wisconsin state patrol. This committee shall advise the board in the establishment of the curriculum requirements.

SECTION 151. 165.85 (4) (ap) of the statutes is amended to read:

165.85 (4) (ap) Jail officers serving under permanent appointment prior to July 2, 1983, are not required to meet any requirement of pars. (b) and (c) as a condition of tenure or continued employment as either a jail officer or a secure juvenile detention officer. The failure of any such officer to fulfill those requirements does not make that officer ineligible for any promotional examination for which he or she is otherwise eligible. Any such officer may voluntarily participate in programs to fulfill those requirements.

—SECTION 152. 165.85 (4) (at) of the statutes is amended to read:

165.85 (4) (at) Any person certified as a jail officer on July 1, 1994, is certified as a secure juvenile detention officer and remains certified as a secure juvenile detention officer subject to annual recertification requirements under par. (bn) 3. and the board's decertification authority under sub. (3) (cm).

—SECTION 153. 165.85 (4) (b) 3. of the statutes is amended to read:

165.85 (4) (b) 3. No person may be appointed as a secure juvenile detention officer, except on a temporary or probationary basis, unless the person has satisfactorily completed a preparatory program of secure juvenile detention officer training approved by the board and has been certified by the board as being qualified to be a secure juvenile detention officer. The program shall include at least 120 hours of training. The training program shall devote at least 16 hours to methods of supervision of special needs inmates, including inmates who may be emotionally distressed, mentally ill, suicidal, developmentally disabled, or alcohol or drug abusers. The period of temporary or probationary employment established at the time of initial employment shall not be extended by more than one year for an officer lacking the training qualifications required by the board. Secure Juvenile detention

officer training programs including municipal, county, and state programs meeting standards of the board shall be acceptable as meeting these training requirements.

SECTION 154. 165.85 (4) (bn) 3. (intro.) of the statutes is amended to read:

165.85 (4) (bn) 3. (intro.) No person may continue as a secure juvenile detention officer, except on a temporary or probationary basis, unless that person completes annual recertification training. The officer shall complete at least 24 hours each fiscal year beginning in the later of the following:

SECTION 155. 165.85 (4) (c) of the statutes is amended to read:

165.85 (4) (c) In addition to the requirements of pars. (b) and (bn), the board may, by rule, fix such other minimum qualifications for the employment of law enforcement, tribal law enforcement, jail or secure juvenile detention officers as relate to the competence and reliability of persons to assume and discharge the responsibilities of law enforcement, tribal law enforcement, jail or secure juvenile detention officers, and the board shall prescribe the means for presenting evidence of fulfillment of these requirements.

SECTION 156. 165.85 (4) (dm) of the statutes is amended to read:

165.85 (4) (dm) The board may provide, by rule, that parts of the jail officer preparatory training and the secure juvenile detention officer preparatory training are identical and count toward either training requirement.

SECTION 157. 165.85 (5) (a) of the statutes is amended to read:

165.85 (5) (a) The board may authorize and approve law enforcement, jail or secure juvenile detention officer training programs conducted by an agency of a political subdivision or an agency of the state when their programs meet the standards required by the board. No authority granted in this paragraph extends

to the board selecting a site for a state police, jail or secure juvenile detention officer academy and expending funds thereon without further legislation.

—**SECTION 158.** 165.85 (5) (b) of the statutes is amended to read:

165.85 (5) (b) The board shall authorize the reimbursement to each political subdivision of approved expenses incurred by officers who satisfactorily complete training at schools certified by the board. Reimbursement of these expenses for law enforcement officer, jail officer and secure juvenile detention officer preparatory training shall be for approved tuition, living, and travel expenses for the first 400 hours of law enforcement preparatory training and for the first 120 hours of jail or secure juvenile detention officer preparatory training. Reimbursement of approved expenses for completion of annual recertification training under sub. (4) (bn) shall include at least \$160 per officer thereafter. Funds may also be distributed for attendance at other training programs and courses or for training services on a priority basis to be decided by the department of justice.

—**SECTION 159.** 165.86 (2) (a) of the statutes is amended to read:

165.86 (2) (a) Identify and coordinate all preparatory and recertification training activities in law enforcement in the state, and expand the coordinated program to the extent necessary to supply the training required for all recruits in the state under the preparatory training standards and time limits set by the board and for law enforcement officers, jail officers and secure juvenile detention officers in this state.

—**SECTION 160.** 167.31 (2) (d) of the statutes, as affected by 2005 Wisconsin Act 253, is amended to read:

167.31 (2) (d) Except as provided in sub. (4) (a), (bg), (cg), (e), and (g), no person may discharge a firearm or shoot a bolt or an arrow from a bow or crossbow from or across a highway or within 50 feet of the center of a roadway.

NOTE: See the note to the next section of this bill.

CS

SECTION 161. 167.31 (4) (bg) of the statutes is created to read:

167.31 (4) (bg) 1. Subsection (2) (a), (b), (c), and (d) does not apply to a state employee or agent, or to a federal employee or agent, who is acting within the scope of his or her employment or agency, who is authorized by the department of natural resources to take animals in the wild for the purpose of controlling the spread of disease in animals and who is hunting in an area designated by the department of natural resources as a chronic wasting disease eradication zone, except that this subdivision does not authorize the discharge of a firearm or the shooting of a bolt or arrow from a bow or crossbow across a state trunk highway, county trunk highway, or paved town highway.

1g. Subsection (2) (b) and (c) does not apply to a landowner, a family member of the landowner, or an employee of the landowner who is using a firearm, bow, or crossbow to shoot wild animals from a farm tractor or an implement of husbandry on the landowner's land that is located in an area designated by the department of natural resources as a chronic wasting disease eradication zone.

2. This paragraph does not apply after June 30, 2010.

NOTE: 2005 Wis. Act 253 repealed s. 167.31 (4) (bg) due to the fact that the sunset date of June 30, 2004 had passed and the provision was of no effect. However, 2005 Wis. Act 286 amended the sunset date in subd. 2. from June 30, 2004, to June 30, 2010, reviving the provision.

SECTION 162. 167.31 (4) (bt) 3. of the statutes, as created by 2005 Wisconsin Act 345, is amended to read:

167.31 (4) (bt) 3. The vehicle is not an all-terrain vehicle, as defined in s. 340.01 (2) (g) (2g).

NOTE: Corrects cross-reference. "All-terrain vehicle" is defined in s. 340.01 (2g). There is no s. 340.01 (2) (g).

SECTION 163. 220.02 (2) (g) of the statutes, as created by 2005 Wisconsin Act 215, is renumbered 220.02 (2) (i).

NOTE: Confirms renumbering by the Revisor under s. 13.93 (1) (b). 2005 Wis. Act 158 also created a provision numbered s. 220.02 (2) (g).

SECTION 164. 220.02 (2) (h) of the statutes, as created by 2005 Wisconsin Act 215, is renumbered 220.02 (2) (g).

NOTE: Confirms renumbering by the Revisor under s. 13.93 (1) (b). 2005 Wis. Act 158 created an identical provision numbered s. 220.02 (2) (g).

SECTION 165. The treatment of 230.03 (3) of the statutes by 2005 Wisconsin Act 74 is not repealed by 2005 Wisconsin Act 335. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 230.03 (3) reads:

(3) "Agency" means any board, commission, committee, council, or department in state government or a unit thereof created by the constitution or statutes if such board, commission, committee, council, department, unit, or the head thereof, is authorized to appoint subordinate staff by the constitution or statute, except a legislative or judicial board, commission, committee, council, department, or unit thereof or an authority created under subch. II of ch. 114 or subch. III of ch. 149 or under ch. 231, 232, 233, 234, 235, or 237. "Agency" does not mean any local unit of government or body within one or more local units of government that is created by law or by action of one or more local units of government.

SECTION 166. 234.59 (3) (d) of the statutes, as affected by 2005 Wisconsin Act 75, section 24, is renumbered 234.59 (3) (e).

NOTE: Confirms renumbering by the Revisor under s. 13.93 (1) (b). 2005 Wisconsin Act 75, section 24, renumbered s. 234.59 (3) (e) to s. 234.59 (3) (d) and 2005 Wisconsin Act 75, section 23d, created a separate provision numbered s. 234.59 (3) (d).

SECTION 167. 252.05 (4) of the statutes, as affected by 2005 Wisconsin Act 198, is amended to read:

252.05 (4) Reports under subs. (1) and (2) shall state so far as known the name, sex, age, and residence of the person, the communicable disease and other facts the

department or local health officer requires. Report forms, including forms appropriate for reporting under s. 95.22 (1m), may be furnished by the department and distributed by the local health officer.

NOTE: Inserts correct cross-reference. There is no s. 95.22 (1m).

— **SECTION 168.** 252.15 (5) (a) 11. of the statutes, as affected by 2005 Wisconsin Acts 155 and 187, is amended to read:

252.15 (5) (a) 11. To a person, including a person exempted from civil liability under the conditions specified under s. 895.48, 895.4802, or 895.4803, who renders to the victim of an emergency or accident emergency care during the course of which the emergency caregiver is significantly exposed to the emergency or accident victim, if a physician or advanced practice nurse prescriber, based on information provided to the physician or advanced practice nurse prescriber, determines and certifies in writing that the emergency caregiver has been significantly exposed and if the certification accompanies the request for disclosure.

NOTE: Inserts missing comma.

— **SECTION 169.** 252.15 (5m) (a) of the statutes, as affected by 2005 Wisconsin Acts 155 and 187, is amended to read:

252.15 (5m) (a) If a person, including a person exempted from civil liability under the conditions specified under s. 895.48, 895.4802, or 895.4803, who renders to the victim of an emergency or accident emergency care during the course of which the emergency caregiver is significantly exposed to the emergency or accident victim and the emergency or accident victim subsequently dies prior to testing for the presence of HIV, antigen or nonantigenic products of HIV, or an antibody to HIV; if a physician or advanced practice nurse prescriber, based on information provided to the physician or advanced practice nurse prescriber, determines and certifies in

writing that the emergency caregiver has been significantly exposed; and if the certification accompanies the request for testing and disclosure. Testing of a corpse under this paragraph shall be ordered by the coroner, medical examiner, or physician who certifies the victim's cause of death under s. 69.18 (2) (b), (c) or (d).

NOTE: Inserts missing comma.

SECTION 170. 254.61 (3m) (c) of the statutes, as created by 2005 Wisconsin Act 348, is renumbered 254.61 (3m) (c) (intro.) and amended to read:

254.61 (3m) (c) (intro.) The event is sponsored by a any of the following:

- 1. A church;
- 2. A religious, fraternal, youth, or patriotic organization or service club;
- 3. A civic organization;
- 4. A parent-teacher organization;
- 5. A senior citizen center or organization; ~~or~~;
- 6. An adult day care center.

NOTE: Renumbers provision pursuant to s. 13.93 (1) (a) and (b) to place a series in tabular form for consistency with current style and improved readability.

SECTION 171. 281.48 (4g) of the statutes, as affected by 2005 Wisconsin Act 347, is amended to read:

281.48 (4g) RULES ON SERVICING. The department shall promulgate rules relating to servicing septic tanks, soil absorption fields, holding tanks, grease interceptors, privies, and other components of private sewage systems in order to protect the public health against unsanitary and unhealthful practices and conditions, and to protect the surface waters and groundwaters of the state from contamination by septage. The rules shall comply with ch. 160. The rules shall apply to all septage disposal, whether undertaken pursuant to a license or a license exemption exemption under sub. (3). The rules shall require each person with a

LPS: do not fix spelling
exemption

④ AAAAA NOTE: See my change in cited text. CJS

STET: leave as typed

license under sub. (3) to maintain records of the location of private sewage systems serviced and the volume of septage disposed of and location of that disposal.

NOTE: Corrects spelling.

SECTION 172. The treatment of 301.03 (19) of the statutes by 2005 Wisconsin Act 431 is not repealed by 2005 Wisconsin Act 434. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor s. 301.03 (19) reads:

(19) Subject to sub. (20), work to minimize, to the greatest extent possible, the residential population density of sex offenders, as defined in s. 302.116 (1) (b), who are on probation, parole, or extended supervision or placed on supervised release under s. 980.06 (2) (c), 1997 stats., s. 980.08 (5), 2003 stats., or s. 980.08 (4) (g).

SECTION 173. The treatment of 301.26 (4) (d) 2. of the statutes by 2005 Wisconsin Act 25 is not repealed by 2005 Wisconsin Act 344. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the Revisor, s. 301.26 (4) (d) 2. reads:

2. Beginning on July 1, 2005, and ending on June 30, 2006, the per person daily cost assessment to counties shall be \$203 for care in a Type 1 juvenile correctional facility, as defined in s. 938.02 (19), \$203 for care for juveniles transferred from a juvenile correctional institution under s. 51.35 (3), \$234 for care in a residential care center for children and youth, \$157 for care in a group home for children, \$47 for care in a foster home, \$83 for care in a treatment foster home, \$81 for departmental corrective sanctions services, and \$32 for departmental aftercare services.

SECTION 174. The treatment of 301.26 (4) (d) 3. of the statutes by 2005 Wisconsin Act 25 is not repealed by 2005 Wisconsin Act 344. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the Revisor, s. 301.26 (4) (d) 3. reads:

3. Beginning on July 1, 2006, and ending on June 30, 2007, the per person daily cost assessment to counties shall be \$209 for care in a Type 1 juvenile correctional facility, as defined in s. 938.02 (19), \$209 for care for juveniles transferred from a juvenile correctional institution under s. 51.35 (3), \$244 for care in a residential care center for children and youth, \$163 for care in a group home for children, \$50 for care in a foster home, \$87 for care in a treatment foster home, \$82 for departmental corrective sanctions services, and \$33 for departmental aftercare services.

SECTION 175. The treatments of 341.135 (1) of the statutes by 2005 Wisconsin Acts 25 and 260 are not repealed by 2005 Wisconsin Act 472. All treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 341.135 (1) reads:

(1) DESIGN. Every 10th year, the department shall establish new designs of registration plates to be issued under ss. 341.14 (1), (1a), (1m), (1q), (2), (2m), (6m), and

IN SORT
65-4

(6r), 341.25 (1) (a), (c), (h), and (j) and (2) (a), (b), and (c), and 341.26 (2) and (3) (a) 1. and (am). Any design for registration plates issued for automobiles and for vehicles registered on the basis of gross weight shall comply with the applicable design requirements of ss. 341.12 (3), 341.13, and 341.14 (6r) (c) to (e). The designs for registration plates specified in this subsection shall be as similar in appearance as practicable during each 10-year design interval. Except as provided in ss. 341.13 (2r) and 341.14 (1), each registration plate issued under s. 341.14 (1), (1a), (1m), (1q), (2), (2m), (6m), or (6r), 341.25 (1) (a), (c), (h), or (j) or (2) (a), (b), or (c), or 341.26 (2) or (3) (a) 1. or (am) during each 10-year design interval shall be of the design established under this subsection. The department may not redesign registration plates for the special groups under s. 341.14 (6r) (f) 53., 54., or 55. until July 1, 2010. Except for registration plates issued under s. 341.14 (6r) (f) 53., 54., or 55., the first design cycle for registration plates issued under ss. 341.14 (1), (1a), (1m), (1q), (2), (2m), (6m), and (6r), 341.25 (1) (a), (c), (h), and (j) and (2) (a), (b), and (c), and 341.26 (2) and (3) (a) 1. and (am) began July 1, 2000.

SECTION 176. The treatment of 341.135 (2) (a) 2. of the statutes by 2005 Wisconsin Act 25 is not repealed by 2005 Wisconsin Act 472. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 341.135 (2) (a) 2. reads:

2. Notwithstanding s. 341.13 (3), beginning with registrations initially effective on July 1, 2010, upon receipt of a completed application to initially register a vehicle under s. 341.14 (1), (1a), (1m), (1q), (2), (2m), (6m), or (6r), or s. 341.25 (1) (a), (c), (h), or (j) or (2) (a), (b), or (c) or 341.26 (2) or (3) (a) 1. or (am), or to renew the registration of a vehicle under those sections for which a registration plate has not been issued during the previous 10 years, the department shall issue and deliver prepaid to the applicant 2 new registration plates of the design established for that 10-year period under sub. (1).

SECTION 177. The treatment of 341.135 (2) (am) of the statutes by 2005 Wisconsin Act 25 is not repealed by 2005 Wisconsin Act 472. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 341.135 (2) (am) reads:

(am) Notwithstanding s. 341.13 (3) and (3m), beginning with registrations initially effective on July 1, 2000, upon receipt of a completed application to renew the registration of a vehicle registered under s. 341.14 (1), (1a), (1m), (1q), (2), (2m), (6m), or (6r), except s. 341.14 (6r) (f) 53., 54., or 55., or s. 341.25 (1) (a), (c), (h), or (j) or (2) (a), (b), or (c) for which a registration plate of the design established under sub. (1) has not been issued, the department may issue and deliver prepaid to the applicant 2 new registration plates of the design established under sub. (1). This paragraph does not apply to registration plates issued under s. 341.14 (6r) (f) 52., 1997 stats. This paragraph does not apply after June 30, 2010.

SECTION 178. The treatment of 341.135 (2) (e) of the statutes by 2005 Wisconsin Act 25 is not repealed by 2005 Wisconsin Act 472. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 341.135 (2) (e) reads:

(e) The department shall issue new registration plates of the design established under sub. (1) for every vehicle registered under s. 341.14 (1), (1a), (1m), (1q), (2), (2m),

(6m), or (6r), 341.25 (1) (a), (c), (h), or (j) or (2) (a), (b), or (c), or 341.26 (2) or (3) (a) 1. or (am) after July 1, 2010.

SECTION 179. 341.14 (6r) (b) 9. of the statutes, as created by 2005 Wisconsin Act 260, is renumbered 341.14 (6r) (b) 9m., and 341.14 (6r) (b) 9m. (intro.), as renumbered, is amended to read:

341.14 (6r) (b) 9m. (intro.) An additional fee of \$25 that is in addition to the fee under subd. 2. shall be charged for the issuance or renewal of a plate issued on an annual basis for the special group specified under par. (f) ~~56~~ 55m. An additional fee of \$50 that is in addition to the fee under subd. 2. shall be charged for the issuance or renewal of a plate issued on the biennial basis for the special group specified under par. (f) ~~56~~ 55m. if the plate is issued or renewed during the first year of the biennial registration period or \$25 for the issuance or renewal if the plate is issued or renewed during the 2nd year of the biennial registration period. To the extent permitted under ch. 71, the fee under this subdivision is deductible as a charitable contribution for purposes of the taxes under ch. 71. All moneys received under this subdivision, in excess of \$43,600 for the initial costs of production of the special group plate under par. (f) ~~56~~ 55m., shall be deposited in the general fund and credited as follows:

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2005 Wis. Act 25 also created a provision numbered 341.14 (6r) (b) 9. Section 341.14 (6r) (f) 56., as created by 2005 Wis. Act 260, is renumbered s. 341.14 (6r) (f) 55m. by this bill.

SECTION 180. 341.14 (6r) (c) of the statutes, as affected by 2005 Wisconsin Acts 109 and 260, is amended to read:

341.14 (6r) (c) Special group plates shall display the word "Wisconsin", the name of the applicable authorized special group, a symbol representing the special group, not exceeding one position, and identifying letters or numbers or both, not exceeding 6 positions and not less than one position. The department shall specify the design for special group plates, but the department shall consult the president

of the University of Wisconsin System before specifying the word or symbol used to identify the special groups under par. (f) 35. to 47., the secretary of natural resources before specifying the word or symbol used to identify the special group under par. (f) 50., the chief executive officer of the professional football team and an authorized representative of the league of professional football teams described in s. 229.823 to which that team belongs before specifying the design for the applicable special group plate under par. (f) 55. and, the department of veterans affairs before specifying the design for the special group plates under par. (f) 49d., 49h., and 49s., and the department of tourism and chief executive officer of the organization specified in par. (f) ~~56~~ 55m. before specifying the design and word or symbol used to identify the special group name for special group plates under par. (f) ~~56~~ 55m. Special group plates under par. (f) 50. shall be as similar as possible to regular registration plates in color and design.

NOTE: Deletes unnecessary word. Section 341.14 (6r) (f) 56., as created by 2005 Wis. Act 260, is renumbered s. 341.14 (6r) (f) 55m. by this bill.

SECTION 181. 341.14 (6r) (f) 56. of the statutes, as created by 2005 Wisconsin Act 260, is renumbered 341.14 (6r) (f) 55m.

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2005 Wis. Act 25 also created a provision numbered 341.14 (6r) (f) 56.

SECTION 182. 341.14 (6r) (fm) 7. of the statutes, as affected by 2005 Wisconsin Act 25, section 2247r, and 2005 Wisconsin Acts 109, 199 and 260, is amended to read:

341.14 (6r) (fm) 7. After October 1, 1998, additional authorized special groups may only be special groups designated by the department under this paragraph. The authorized special groups enumerated in par. (f) shall be limited solely to those special groups specified under par. (f) on October 1, 1998. This subdivision does not

apply to the special groups specified under par. (f) 3m., 6m., 9g., 9m., 12g., 12m., 19m., 49d., 49h., 49s., 54., 55., 55m., 56 and 57.

NOTE: 2005 Wis. Act 25, s. 2247r inserted "19m." 2005 Wis. Act 109 stated that it amended 341.14 (6r) (fm) 7. as affected by Act 25, s. 2247r., but it did not include "19m.", although 2005 Wis. Act 199 did. Acts 25 and 260 both created provisions numbered 341.14 (6r) (fm) 56. This bill renumbers 341.14 (6r) (fm) 56., as created by 2005 Wis. Act 260, to 341.14 (6r) (fm) 55m.

SECTION 183. 343.06 (1) (L) of the statutes, as created by 2005 Wisconsin Act 387, is renumbered 343.06 (1) (m).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2005 Wis. Act 126 also created a provision numbered s. 343.06 (1) (L).

SECTION 184. 343.07 (7) of the statutes, as created by 2005 Wisconsin Act 294, is amended to read:

343.07 (7) PENALTY FOR RESTRICTION VIOLATIONS. (a) Notwithstanding s. 343.43 (1) (d) and (3m), any person who violates sub. ~~(1)~~ **(1g)** (a), (bm), or (d) or (4) (b) 1. or 2. shall be required to forfeit \$50 for the first offense and not less than \$50 nor more than \$100 for each subsequent offense.

(b) Upon receiving notice of a person's conviction for a violation of sub. ~~(1)~~ **(1g)** (a), (bm), or (d) or (4) (b) 1. or 2., the department shall notify any adult sponsor who has signed for the person under s. 343.15 (1) of the conviction.

NOTE: Section 343.07 (1) was renumbered s. 343.07 (1g) by 2005 Wis. Act 149.

SECTION 185. 343.16 (1) (b) 3. (intro.) and b. of the statutes are amended to read:

343.16 (1) (b) 3. (intro.) At least annually, the department shall conduct an on-site inspection of the 3rd-party tester to determine compliance with the contract and with department and federal standards for testing applicants for commercial driver licenses and with department standards for testing applicants for school bus endorsements. At least annually, the department shall also evaluate testing given by the 3rd-party tester by one of the following means:

b. The department shall retest a sample of drivers who were examined by the 3rd-party tester to compare the pass and fail results.

NOTE: Inserts missing term.

SECTION 186. 343.71 (5) of the statutes, as created by 2005 Wisconsin Act 397, section 62, is renumbered 343.71 (6).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2005 Wis. Act 397 renumbered s. 343.61 (6) to also be s. 343.71 (5).

SECTION 187. 346.65 (2) (bm) and (cm) of the statutes, as created by 2005 Wisconsin Act 389, are amended to read:

346.65 (2) (bm) In Winnebago County, if the number of convictions under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of suspensions, revocations, and other convictions counted under s. 343.307 (1) within a 10-year period, equals 2, except that suspensions, revocations, or convictions arising out of the same incident or occurrence shall be counted as one, the fine shall be the same as under par. ~~(b)~~ (am) 2., but the period of imprisonment shall be not less than 5 days, except that if the person successfully completes a period of probation that includes alcohol and other drug treatment, the period of imprisonment shall be not less than 5 nor more than 7 days. A person may be sentenced under this paragraph or under par. (cm) or sub. (2j) (bm) or (cm) or (3r) once in his or her lifetime.

(cm) In Winnebago County, if the number of convictions under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of suspensions, revocations, and other convictions counted under s. 343.307 (1) within a 10-year period, equals 3, except that suspensions, revocations, or convictions arising out of the same incident or occurrence shall be counted as one, the fine shall be the same as under par. ~~(e)~~ (am) 3., but the period of imprisonment shall be not less than 30 days, except that if the person successfully completes a period of probation that includes alcohol

and other drug treatment, the period of imprisonment shall be not less than 10 days. A person may be sentenced under this paragraph or under par. (bm) or sub. (2j) (bm) or (cm) or (3r) once in his or her lifetime.

NOTE: Inserts correct cross-references. Section 346.65 (2) (a) to (e) was renumbered s. 346.65 (2) (am) 1. to 5. by 2005 Wis. Act 149.

SECTION 188. 346.65 (2j) (bm) and (cm) of the statutes, as created by 2005 Wisconsin Act 389, are amended to read:

346.65 (2j) (bm) In Winnebago County, if the number of convictions under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of suspensions, revocations, and other convictions counted under s. 343.307 (1) within a 10-year period, equals 2, except that suspensions, revocations, or convictions arising out of the same incident or occurrence shall be counted as one, the fine shall be the same as under par. (b) (am) 2., but the period of imprisonment shall be not less than 5 days, except that if the person successfully completes a period of probation that includes alcohol and other drug treatment, the period of imprisonment shall be not less than 5 nor more than 7 days. A person may be sentenced under this paragraph or under par. (cm) or sub. (2) (bm) or (cm) or (3r) once in his or her lifetime.

(cm) In Winnebago County, if the number of convictions under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of suspensions, revocations, and other convictions counted under s. 343.307 (1) within a 10-year period, equals 3 or more, except that suspensions, revocations, or convictions arising out of the same incident or occurrence shall be counted as one, the fine shall be the same as under par. (e) (am) 3., but the period of imprisonment shall be not less than 30 days, except that if the person successfully completes a period of probation that includes alcohol and other drug treatment, the period of imprisonment shall be not less than 10 days.

A person may be sentenced under this paragraph or under par. (bm) or sub. (2) (bm) or (cm) or (3r) once in his or her lifetime.

NOTE: Inserts correct cross-references. Section 346.65 (2j) (a) to (c) was renumbered s. 346.65 (2j) (am) 1. to 3. by 2005 Wis. Act 149.

SECTION 189. The treatment of 347.50 (1) of the statutes by 2005 Wisconsin Act 106 is not repealed by 2005 Wisconsin Act 193. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the Revisor, effective 6-1-2006, s. 347.50 (1) reads:

(1) Any person violating ss. 347.35 to 347.49, except s. 347.385 (5), s. 347.413 (1) or s. 347.415 (1m), (2) and (3) to (5) or s. 347.417 (1) or s. 347.475 or s. 347.48 (2m) or (4) or s. 347.489, may be required to forfeit not less than \$10 nor more than \$200.

SECTION 190. The treatment of 348.21 (3) (intro.) of the statutes by 2005 Wisconsin Act 167 is not repealed by 2005 Wisconsin Act 364. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the Revisor, s. 348.21 (3) (intro.) reads:

(3) Except as provided in sub. (3g), any person violating s. 348.15 or 348.16 or any weight limitation posted as provided in s. 348.17 (1) or in a declaration issued under s. 348.175 or authorized under s. 348.17 (3) or (5) or in an overweight permit issued under s. 348.26 or 348.27 may be penalized as follows:

SECTION 191. 348.21 (3) (b) 1. of the statutes is renumbered 348.21 (3) (b) 1. (intro.) and amended to read:

348.21 (3) (b) 1. (intro.) For the first conviction, a forfeiture of not less than \$50 nor more than \$200 plus an amount equal to: 1 whichever of the following applies:

a. One cent for each pound of total excess load when the total excess is not over 2,000 pounds; 2.

b. Two cents for each pound of total excess load if the excess is over 2,000 pounds and not over 3,000 pounds; 3.

c. Three cents for each pound of total excess load if the excess is over 3,000 pounds and not over 4,000 pounds; 5.

d. Five cents for each pound of total excess load if the excess is over 4,000 pounds and not over 5,000 pounds; 7.

e. Seven cents for each pound of total excess load if the excess is over 5,000 pounds.

NOTE: Renumbers provision pursuant to s. 13.93 (1) (a) and (b) to place a series in tabular form for consistency with current style and improved readability.

SECTION 192. 348.21 (3) (b) 2. of the statutes is renumbered 348.21 (3) (b) 2. (intro.) and amended to read:

348.21 (3) (b) 2. (intro.) For the 2nd and each subsequent conviction within a 12-month period, a forfeiture of not less than \$100 nor more than \$300, plus an amount equal to: ~~2~~ whichever of the following applies:

a. Two cents for each pound of total excess load when the total excess is not over 2,000 pounds; ~~4~~.

b. Four cents for each pound of total excess load if the excess is over 2,000 pounds and not over 3,000 pounds; ~~6~~.

c. Six cents for each pound of total excess load if the excess is over 3,000 and not over 4,000 pounds; ~~8~~.

d. Eight cents for each pound of total excess load if the excess is over 4,000 pounds and not over 5,000 pounds; ~~10~~.

e. Ten cents for each pound of total excess load if the excess is over 5,000 pounds.

NOTE: Renumbers provision pursuant to s. 13.93 (1) (a) and (b) to place a series in tabular form for consistency with current style and improved readability.

SECTION 193. 348.21 (3g) (intro.) of the statutes, as created by 2005 Wisconsin Act 167, is amended to read:

348.21 (3g) (intro.) Any person who, while operating a vehicle combination that has 6 or more axles and that is transporting raw forest products, violates s. 348.15 or 348.16 or any weight limitation posted as provided in s. 348.17 (1) or in a

create
autoref
Q

declaration issued under s. 348.175 or authorized ~~under s. 348.17 (4)~~ or in an overweight permit issued under s. 348.26 or 348.27 may be penalized as follows:

NOTE: 2005 Wis. Act 364 repealed s. 348.17 (4).

SECTION 194. 348.21 (3g) (intro.) of the statutes, as affected by 2005 Wisconsin Act 167, section 7, is amended to read:

348.21 (3g) (intro.) Any person who, while operating a vehicle combination that has 6 or more axles and that is transporting raw forest products, violates s. 348.15 or 348.16 or any weight limitation posted as provided in s. 348.17 (1) or authorized ~~under s. 348.17 (4)~~ or in an overweight permit issued under s. 348.26 or 348.27 may be penalized as follows:

NOTE: 2005 Wis. Act 364 repealed s. 348.17 (4).

SECTION 195. 348.21 (3g) (a) of the statutes, as created by 2005 Wisconsin Act 167, is renumbered 348.21 (3g) (a) (intro.) and amended to read:

348.21 (3g) (a) (intro.) For a first conviction or a 2nd conviction within a 12-month period, a forfeiture of not less than \$150 nor more than \$250 plus an amount equal to: 6 whichever of the following applies:

1. Six cents for each pound of total excess load when the total excess is less than 2,000 pounds; ~~8.~~
2. Eight cents for each pound of total excess load if the excess is 2,000 pounds or more and not over 3,000 pounds; ~~9.~~
3. Nine cents for each pound of total excess load if the excess is over 3,000 pounds and not over 4,000 pounds; ~~10.~~
4. Ten cents for each pound of total excess load if the excess is over 4,000 pounds and not over 5,000 pounds; ~~11.~~

5. Eleven cents for each pound of total excess load if the excess is over 5,000 pounds.

NOTE: Renumbers provision pursuant to s. 13.93 (1) (a) and (b) to place a series in tabular form for consistency with current style and improved readability.

SECTION 196. 348.21 (3g) (b) of the statutes, as created by 2005 Wisconsin Act 167, is renumbered 348.21 (3g) (b) (intro.) and amended to read:

348.21 (3g) (b) (intro.) For the 3rd and each subsequent conviction within a 12-month period, a forfeiture of not less than \$500 nor more than \$550, plus an amount equal to: 20 whichever of the following applies:

1. Twenty cents for each pound of total excess load when the total excess is 3,000 pounds or less; 21.

2. Twenty-one cents for each pound of total excess load if the excess is over 3,000 pounds and not over 4,000 pounds; 22.

3. Twenty-two cents for each pound of total excess load if the excess is over 4,000 pounds and not over 5,000 pounds; 23.

4. Twenty-three cents for each pound of total excess load if the excess is over 5,000 pounds.

NOTE: Renumbers provision pursuant to s. 13.93 (1) (a) and (b) to place a series in tabular form for consistency with current style and improved readability.

SECTION 197. 402.318 (title) of the statutes is amended to read:

402.318 (title) ~~Third party~~ Third-party beneficiaries of warranties, express or implied.

NOTE: Corrects spelling.

SECTION 198. 440.142 (2) of the statutes, as affected by 2005 Wisconsin Act 198, is renumbered 450.145 (1m) and amended to read:

450.145 (1m) Except as provided in s. ~~450.145~~ sub. (2), a pharmacist or pharmacy may not report personally identifying information concerning an individual who is dispensed a prescription or who purchases a nonprescription drug product as specified in sub. (1) (a), (b), or (c).

NOTE: The remainder of s. 440.142 was renumbered to s. 450.145.

SECTION 199. Subchapter XI of chapter 440 [precedes 440.980] of the statutes, as created by 2005 Wisconsin Act 292, is renumbered subchapter XII of chapter 440 [precedes 440.9805].

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). Subchapter VII of chapter 440, as created by 2005 Wis. Act 25, was renumbered subchapter XI of chapter 440 by the revisor under s. 13.93 (1) (b).

SECTION 200. 440.980 of the statutes, as created by 2005 Wisconsin Act 292, is renumbered 440.9805.

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). Section 440.70 as created by 2005 Wis. Act 25, was renumbered 440.98 by the revisor under s. 13.93 (1) (b).

SECTION 201. Subchapter XII of chapter 440 [precedes 440.99] of the statutes is renumbered subchapter XIII of chapter 440 [precedes 440.99].

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). Subchapter XII of chapter 440 is renumbered subchapter XIII of chapter 440 to accommodate the renumbering of subchapter XI of chapter 440 by this bill.

SECTION 202. 441.15 (2) (intro.) of the statutes, as affected by 2005 Wisconsin Acts 96 and 292, is amended to read:

441.15 (2) (intro.) Except as provided in sub. (2m) and s. 250.042 (4) (b), no person may engage in the practice of nurse-midwifery unless each of the following conditions is satisfied:

NOTE: Inserts "and" required by the merger of the treatments of s. 441.15 (2) (intro.) by 2005 Wis. Acts 96 and 292.

SECTION 203. 441.15 (2m) of the statutes, as created by 2005 Wisconsin Act 292, is amended to read:

441.15 (2m) Subsection (2) does not apply to a person granted a license to practice midwifery under subch. ~~XI~~ XII of ch. 440.

NOTE: Subchapter XI of chapter 440, as created by 2005 Wis. Act 477, is renumbered to subchapter XII of chapter 440 by this bill.

SECTION 204. 448.03 (2) (a) of the statutes, as affected by 2005 Wisconsin Act 292, is amended to read:

448.03 (2) (a) Any person lawfully practicing within the scope of a license, permit, registration, certificate or certification granted to practice midwifery under subch. ~~XI~~ XII of ch. 440, to practice professional or practical nursing or nurse-midwifery under ch. 441, to practice chiropractic under ch. 446, to practice dentistry or dental hygiene under ch. 447, to practice optometry under ch. 449, to practice acupuncture under ch. 451 or under any other statutory provision, or as otherwise provided by statute.

NOTE: Subchapter XI of chapter 440, as created by 2005 Wis. Act 292, is renumbered to subchapter XII of chapter 440 by this bill.

SECTION 205. 448.08 (3) of the statutes is amended to read:

448.08 (3) BILLING FOR TESTS PERFORMED BY THE STATE LABORATORY OF HYGIENE. A person other than a state or local government agency who charges a patient, other person or ~~3rd party~~ 3rd-party payer for services performed by the state laboratory of hygiene shall identify the actual amount charged by the state laboratory of hygiene and shall restrict charges for those services to that amount.

NOTE: Corrects spelling.

SECTION 206. 449.18 (8) of the statutes is renumbered 449.18 (6) (cm).

NOTE: Confirms renumbering by the Revisor under s. 13.93 (1) (b). 2005 Wis. Act 297 changed cross-references to s. 449.18 (8) to s. 449.18 (6) (cm), but did not treat s. 449.18 (8).

SECTION 207. 450.11 (4m) of the statutes, as created by 2005 Wisconsin Act 195, is renumbered 450.11 (4g).

NOTE: Confirms renumbering by the Revisor under s. 13.93 (1) (b). 2005 Wis. Act 196 also created a provision numbered s. 450.11 (4m).

SECTION 208. 452.135 (2) (a) (intro.) of the statutes, as affected by 2005 Wisconsin Act 87, is amended to read:

452.135 (2) (a) (intro.) Except as provided in sub. par. (b), a broker shall provide to a client a copy of the following written disclosure statement not later than the time the broker enters into an agency agreement with the client:

NOTE: Corrects cross-reference.

SECTION 209. 560.275 (2) (c) of the statutes, as affected by 2005 Wisconsin Act 97, is amended to read:

560.275 (2) (c) *Bridge grants and loans.* The department may make a grant or loan from the appropriation under s. 20.143 (1) (c) or (ie) to a person who has received early stage financing from 3rd parties or a grant from the federal government to fund early stage research and development and who has sought additional early stage financing from 3rd parties or applied for an additional grant from the federal government to fund early stage research and development. A grant or loan under this paragraph shall be for the purpose of funding professional activities necessary to maintain the project research and management team and funding basic operations until the applicant's additional ~~3rd party~~ 3rd-party financing request or federal grant application is approved or denied.

NOTE: Corrects spelling.

SECTION 210. 560.799 (1) (bm) 1. of the statutes, as created by 2005 Wisconsin Act 361, is amended to read:

560.799 (1) (bm) 1. A business' employees in a ~~economic~~ enterprise zone.

NOTE: Inserts correct term consistent with the remainder of 2005 Wis. Act 361. Inserts correct article after governor's partial veto.

SECTION 211. 560.9811 (1) of the statutes, as affected by 2005 Wisconsin Act 264, is amended to read:

560.9811 (1) In this section, "serious and persistent mental illness ~~serious and persistent~~" has the meaning given in s. 51.01 (14t).

NOTE: The term defined in s. 51.01 (14t) and used in s. 560.9811 (2) is "serious and persistent mental illness."

SECTION 212. 705.04 (2) (intro.) of the statutes, as affected by 2005 Wisconsin Acts 216 and 387, is amended to read:

705.04 (2) (intro.) If the account is a P.O.D. account, on the death of the original payee or the survivor of 2 or more original payees, 54 all of the following apply:

NOTE: Deletes language inserted by 2005 Wis. Act 387 but rendered surplusage by 2005 Wis. Act 216.

SECTION 213. 705.04 (2) (f) of the statutes, as created by 2005 Wisconsin Act 216, is amended to read:

705.04 (2) (f) Payment may be made to a minor P.O.D. beneficiary only in accordance with a procedure approved under ch. 880 54.

NOTE: Chapter 880 is renumbered ch. 54 by 2005 Wis. Act 387.

SECTION 214. 705.20 (4) of the statutes, as created by 2005 Wisconsin Act 216, is renumbered 705.10 (4).

NOTE: Confirms renumbering by the Revisor under s. 13.93 (1) (b). 2005 Wis. Act 206 renumbered s. 705.20 to s. 705.10.

SECTION 215. 752.03 (3) of the statutes is repealed.

NOTE: Repeals obsolete transition provision.

SECTION 216. 752.03 (4) of the statutes is renumbered 752.03 and amended to read:

752.03 Number of judges. ~~Beginning on August 1, 1994, there~~ There shall be 16 court of appeals judges. Three judges shall be elected from the district specified

in s. 752.17, 4 judges shall be elected from each of the 2 districts specified in ss. 752.13 and 752.15 and 5 judges shall be elected from the district specified in s. 752.19.

NOTE: As a result of the repeal of ss. 752.03 (3) by this bill, this provision does not have multiple subsections. Obsolete transition language is deleted.

SECTION 217. The treatment of 757.69 (1) (h) of the statutes by 2005 Wisconsin Act 264 is not repealed by 2005 Wisconsin Act 387. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor s. 757.69 (1) (h) reads:

(h) Hear petitions for commitment and conduct probable cause hearings under ss. 51.20, 51.45, 55.13, and 55.135, conduct reviews of guardianships under ch. 54 and reviews of protective placements and protective services under ch. 55, advise a person alleged to be mentally ill of his or her rights under the United States and Wisconsin constitutions, and, if the person claims or appears to be unable to afford counsel, refer the person to the authority for indigency determinations specified under s. 977.07 (1) or, if the person is a child, refer that child to the state public defender who shall appoint counsel for the child without a determination of indigency, as provided in s. 48.23 (4).

SECTION 218. The treatment of 767.05 (2) of the statutes by 2005 Wisconsin Act 130 is not repealed by 2005 Wisconsin Act 443. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the Revisor, s. 767.41 (1) (a), as renumbered from s. 767.05 (2) by 2005 Wis. Act 443, reads:

(a) Subject to ch. 822, the question of a child's custody may be determined as an incident of any action affecting the family or in an independent action for custody. The effect of any determination of a child's custody is not binding personally against any parent or guardian unless the parent or guardian has been made personally subject to the jurisdiction of the court in the action as provided under ch. 801 or has been notified under s. 822.08, as provided in s. 822.06. Nothing in this chapter may be construed to foreclose a person other than a parent who has physical custody of a child from proceeding under ch. 822.

SECTION 219. The treatment of 767.325 (5m) of the statutes by 2005 Wisconsin Act 101 is not repealed by 2005 Wisconsin Act 443. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the Revisor, s. 767.451 (5m) (a), as renumbered from s. 767.325 (5m) by 2005 Wis. Acts 101 and 443, reads:

(a) Subject to par. (b), in all actions to modify legal custody or physical placement orders, the court shall consider the factors under s. 767.41 (5) (am), subject to s. 767.41 (5) (bm), and shall make its determination in a manner consistent with s. 767.41.

SECTION 220. 767.80 (2) (title) of the statutes, as created by 2005 Wisconsin Act 443, is amended to read:

767.80 (2) (title) CERTAIN AGREEMENTS NOT A BAR TO ACTION.

↑
Score

NOTE: Corrects capitalization.

④ ~~AAAA~~ NOTE: See my change to text. CJS

SECTION 221. 801.14 (3) of the statutes is amended to read:

801.14 (3) In any action in which there are unusually large numbers of defendants, the court, upon motion or on its own initiative, may order that service of the pleadings of the defendants and replies thereto need not be made as between the defendants and that any ~~cross-claim~~ cross claim, counterclaim, or matter constituting an avoidance or affirmative defense contained therein shall be deemed to be denied or avoided by all other parties and that the filing of any such pleading and service thereof upon the plaintiff constitutes due notice of it to the parties. A copy of every such order shall be served upon the parties in such manner and form as the court directs.

NOTE: Corrects spelling.

as affected by 2005 Wisconsin Act 2535

SECTION 222. 802.01 (1) of the statutes is amended to read:

802.01 (1) PLEADINGS. There shall be a complaint and an answer; a reply to a counterclaim denominated as such; an answer to a ~~cross-claim~~ cross claim, if the answer contains a ~~cross-claim~~ cross claim; a ~~third-party~~ 3rd-party ^{PLAIN} complaint, if a person who was not an original party is summoned under s. 803.05, and a ~~third-party~~ 3rd-party ^{PLAIN} answer, if a ~~third-party~~ 3rd-party ^{PLAIN} complaint is served. No other pleading shall be allowed, except that the court may order a further pleading to a reply or to any answer.

NOTE: Corrects spelling.

④ ~~AAAA~~ NOTE: Please review my changes in action phrase and text. CJS

SECTION 223. 802.04 (1) of the statutes is amended to read:

802.04 (1) CAPTION. Every pleading shall contain a caption setting forth the name of the court, the venue, the title of the action, the file number, and a designation as in s. 802.01 (1). If a pleading contains motions, or an answer or reply contains

~~cross-claims~~ cross claims or counterclaims, the designation in the caption shall state their existence. In the complaint the caption of the action shall include the standardized description of the case classification type and associated code number as approved by the director of state courts, and the title of the action shall include the names and addresses of all the parties, indicating the representative capacity, if any, in which they sue or are sued and, in actions by or against a corporation, the corporate existence and its domestic or foreign status shall be indicated. In pleadings other than the complaint, it is sufficient to state the name of the first party on each side with an appropriate indication of other parties. Every pleading commencing an action under s. 814.61 (1) (a) or 814.62 (1) or (2) and every complaint filed under s. 814.61 (3) shall contain in the caption, if the action includes a claim for a money judgment, a statement of whether the amount claimed is greater than the amount under s. 799.01 (1) (d).

NOTE: Corrects spelling.

SECTION 224. 802.06 (1) of the statutes, as affected by Supreme Court Order 03-06 and 2005 Wisconsin Act 442, is amended to read:

802.06 (1) **WHEN PRESENTED.** Except when a court dismisses an action or special proceeding under s. 802.05 (4), a defendant shall serve an answer within 20 days after the service of the complaint upon the defendant. If a guardian ad litem is appointed for a defendant, the guardian ad litem shall have 20 days after appointment to serve the answer. A party served with a pleading stating a ~~cross-claim~~ cross claim against the party shall serve an answer thereto within 20 days after the service upon the party. The plaintiff shall serve a reply to a counterclaim in the answer within 20 days after service of the answer. The state or an agency of the state or an officer, employee, or agent of the state shall serve an

answer to the complaint or to a ~~cross-claim~~ cross claim or a reply to a counterclaim within 45 days after service of the pleading in which the claim is asserted. If any pleading is ordered by the court, it shall be served within 20 days after service of the order, unless the order otherwise directs. If a defendant in the action is an insurance company, or if any cause of action raised in the original pleading, ~~cross-claim~~ cross claim, or counterclaim is founded in tort, the periods of time to serve a reply or answer shall be 45 days. The service of a motion permitted under sub. (2) alters these periods of time as follows, unless a different time is fixed by order of the court: if the court denies the motion or postpones its disposition until the trial on the merits, the responsive pleading shall be served within 10 days after notice of the court's action; or if the court grants a motion for a more definite statement, the responsive pleading shall be served within 10 days after the service of the more definite statement.

NOTE: Corrects spelling.

~~SECTION 225.~~ 802.06 (2) (a) (intro.) of the statutes is amended to read:

802.06 (2) (a) (intro.) Every defense, in law or fact, except the defense of improper venue, to a claim for relief in any pleading, whether a claim, counterclaim, ~~cross-claim~~ cross claim, or 3rd-party claim, shall be asserted in the responsive pleading thereto if one is required, except that the following defenses may at the option of the pleader be made by motion:

NOTE: Corrects spelling.

~~SECTION 226.~~ 802.07 (title) of the statutes is amended to read:

802.07 (title) Counterclaim and ~~cross-claim~~ cross claim.

NOTE: Corrects spelling.

~~SECTION 227.~~ 802.07 (4) and (5) of the statutes are amended to read:

802.07 (4) JOINDER OF ADDITIONAL PARTIES. Persons other than those made parties to the original action may be made parties to a counterclaim or ~~cross-claim~~ cross claim in accordance with ss. 803.03 to 803.05.

(5) SEPARATE TRIALS; SEPARATE JUDGMENTS. If the court orders separate trials as provided in s. 805.05 (2), judgment on a counterclaim or ~~cross-claim~~ cross claim may be rendered in accordance with s. 806.01 (2) when the court has jurisdiction so to do, even if the claims of the opposing party have been dismissed or otherwise disposed of.

NOTE: Corrects spelling.

(use 3x)
↑ as affected by 2005 Wisconsin Act 253 ↑

- SECTION 228. 802.08 (1) of the statutes is amended to read:

802.08 (1) AVAILABILITY. A party may, within 8 months of the filing of a summons and complaint or within the time set in a scheduling order under s. 802.10, move for summary judgment on any claim, counterclaim, ~~cross-claim~~ cross claim, or ~~3rd party~~ ^{PLAIN} 3rd-party claim which is asserted by or against the party. Amendment of pleadings is allowed as in cases where objection or defense is made by motion to dismiss.

NOTE: Corrects spelling.

SECTION 229. 803.02 (1) of the statutes is amended to read:

803.02 (1) A party asserting a claim to relief as an original claim, counterclaim, ~~cross-claim~~ cross claim, or ~~3rd party~~ ^{PLAIN} 3rd-party claim, may join, either as independent or as alternate claims, as many claims, legal or equitable, as the party has against an opposing party.

NOTE: Corrects spelling.

SECTION 230. 803.05 (1) of the statutes is amended to read:

Ⓟ NOTE: Please review my changes to action phrase and text. CJS *(use 2x)*

803.05 (1) At any time after commencement of the action, a defending party, as a third party ^{PLAIN} 3rd-party plaintiff, may cause a summons and complaint to be served upon a person not a party to the action who is or may be liable to the defending party for all or part of the plaintiff's claim against the defending party, or who is a necessary party under s. 803.03. The third party ^{PLAIN} 3rd-party plaintiff need not obtain leave to implead if he or she serves the third party ^{PLAIN} 3rd-party summons and third party ^{PLAIN} 3rd-party complaint not later than 6 months after the summons and complaint are filed or the time set in a scheduling order under s. 802.10; thereafter, the third party ^{PLAIN} 3rd-party plaintiff must obtain leave on motion upon notice to all parties to the action. The person served with the summons and third party ^{PLAIN} 3rd-party complaint, hereinafter called the third party ^{PLAIN} 3rd-party defendant, shall make defenses to the third party ^{PLAIN} 3rd-party plaintiff's claim as provided in s. 802.06 and counterclaims against the third party ^{PLAIN} 3rd-party plaintiff and cross-claims ^{PLAIN} cross claims against any other defendant as provided in s. 802.07. The third party ^{PLAIN} 3rd-party defendant may assert against the plaintiff any defenses which the third party ^{PLAIN} 3rd-party plaintiff has to the plaintiff's claim. The third party ^{PLAIN} 3rd-party defendant may also assert any claim against the plaintiff if the claim is based upon the same transaction, occurrence or series of transactions or occurrences as is the plaintiff's claim against the third party ^{PLAIN} 3rd-party plaintiff. The plaintiff may assert any claim against the third party ^{PLAIN} 3rd-party defendant if the claim is based upon the same transaction, occurrence or series of transactions or occurrences as is the plaintiff's claim against the third party ^{PLAIN} 3rd-party plaintiff, and the third party ^{PLAIN} 3rd-party defendant thereupon shall assert defenses as provided in s. 802.06 and counterclaims and cross-claims ^{PLAIN} cross claims as provided in s. 802.07.

NOTE: Corrects spelling.

→ (A) *** NOTE: ~~PLEASE~~ Please review my changes to action phrase and text. CJS

SECTION 231. 803.07 of the statutes is amended to read:

803.07 Interpleader. Persons having claims against the plaintiff may be joined as defendants and required to interplead when their claims are such that the plaintiff is or may be exposed to double or multiple liability. It is not ground for objection to the joinder that the claims of the several claimants or the titles on which their claims depend do not have a common origin or are not identical but are adverse to and independent of one another, or that the plaintiff avers that the plaintiff is not liable in whole or in part to any or all of the claimants. A defendant exposed to similar liability may obtain such interpleader by way of ~~cross-claim~~ cross claim or counterclaim. The provisions of this section supplement and do not in any way limit the joinder of parties permitted in s. 803.04.

NOTE: Corrects spelling.

as affected by 2005 Wisconsin Act 253 (use 2x)

SECTION 232. 804.05 (3) (b) 5. of the statutes is amended to read:

804.05 (3) (b) 5. In this subsection, the terms "defendant" and "plaintiff" include officers, directors and managing agents of corporate defendants and corporate plaintiffs, or other persons designated under sub. (2) (e), as appropriate. A defendant who asserts a counterclaim or a ~~cross-claim~~ cross claim shall not be considered a plaintiff within the meaning of this subsection, but a 3rd party 3rd-party plaintiff under s. 803.05 (1) shall be so considered with respect to the 3rd party 3rd-party defendant.

NOTE: Corrects spelling.

NOTE: Please review my changes in action phrase and text. CJS

SECTION 233. 805.04 (3) of the statutes is amended to read:

805.04 (3) COUNTERCLAIM, ~~CROSS-CLAIM~~ CROSS CLAIM AND ~~3RD PARTY~~ 3RD-PARTY CLAIM. This section applies to the voluntary dismissal of any counterclaim, ~~cross-claim~~ cross claim, or 3rd party 3rd-party claim. A voluntary dismissal by the

***** NOTE: Please review my changes in action phrase and text: CJS

claimant alone shall be made before a responsive pleading is served, or if there is none, before the introduction of evidence at the trial or hearing.

NOTE: Corrects spelling.

SECTION 234. 805.05 (2) of the statutes is amended to read:

805.05 (2) SEPARATE TRIALS. The court, in furtherance of convenience or to avoid prejudice, or when separate trials will be conducive to expedition or economy, or pursuant to s. 803.04 (2) (b), may order a separate trial of any claim, cross-claim, counterclaim or ~~3rd party~~ ^{PLAIN} 3rd-party claim, or of any number of claims, always preserving inviolate the right of trial in the mode to which the parties are entitled.

as affected by 2005 Wisconsin Act 253

NOTE: Corrects spelling.

SECTION 235. 805.14 (9) of the statutes is amended to read:

805.14 (9) INVOLUNTARY DISMISSAL OF COUNTERCLAIM, ~~CROSS-CLAIM~~ CROSS CLAIM OR ~~3RD PARTY~~ ^{PLAIN} 3RD-PARTY CLAIM. This section applies to counterclaims, ~~cross-claims~~ cross claims and ~~3rd party~~ ^{PLAIN} 3rd-party claims.

PLAIN comma

NOTE: Corrects spelling.

SECTION 236. 812.17 of the statutes is amended to read:

812.17 Impleader. When the answer of the garnishee discloses that any 3rd person claims the debt or property in the garnishee's hands and the name and residence of such claimant the court may order that such claimant be impleaded as a defendant in the garnishment action and that notice thereof, setting forth the facts, with a copy of such order and answer be served upon the 3rd person 3rd-person claimant, and that after such service is made the garnishee may pay or deliver to the officer or the clerk such debt or property and have a receipt therefor, which shall be a complete discharge from all liability for the amount so paid or property so delivered.

Such notice shall be served as required for service of a summons. Upon such service being made such claimant shall be deemed a defendant in the garnishee action, and within 20 days shall answer setting forth the claimant's claim or any defense which that the garnishee might have made.

NOTE: Corrects spelling.

SECTION 237. 813.123 (5) (a) 3. b. of the statutes, as affected by 2005 Wisconsin Acts 264 and 388, is amended to read:

813.123 (5) (a) 3. b. That the respondent has interfered with the delivery to the individual at risk of protective services ~~to~~ or a protective placement of the individual at risk under ch. 55 after the offer of protective services or protective placement has been made and the individual at risk or his or her guardian, if any, has consented to receipt of the protective services or protective placement; or that the respondent has interfered with the delivery of services to an elder adult at risk under s. 46.90 (5m).

NOTE: Inserts language deleted by 2005 Wis. Act 264, but required to complete the phrase, "individual at risk," inserted by 2005 Wis. Act 388. Deletes "to" rendered surplusage by the treatment by Act 388.

SECTION 238. 813.123 (5) (c) 1. of the statutes, as affected by 2005 Wisconsin Act 388, is amended to read:

813.123 (5) (c) 1. An injunction under this subsection is effective according to its terms, but for not more than 4 years.

NOTE: The underscored comma was deleted by 2005 Wis. Act 388 without being stricken. The change was not intended.

SECTION 239. 814.04 (intro.) of the statutes, as affected by Supreme Court Order 03-06 and 2005 Wisconsin Acts 155 and 325, is amended to read:

in 0495
814.04 Items of costs. (intro.) Except as provided in ss. 93.20, 100.30 (5m), 106.50 (6) (i) and (6m) (a), 115.80 (9), 281.36 (2) (b) 1., 767.33 (4) (d), 769.313, 814.025, 802.05, 814.245, 895.035 (4), 895.506, 895.443 (3), 895.444 (2), 895.445 (3), 895.446

(3), ~~895.506~~, 943.212 (2) (b), ~~943.245~~ (2) (d), ~~943.51~~ (2) (b), and 995.10 (3), when allowed costs shall be as follows:

NOTE: 2005 Wis. Act 155 inserted "814.025" without showing it as underscored and deleted "814.245" without showing it as stricken. No change was intended. "895.506" is placed in numerical order.

~~SECTION 240.~~ 814.75 (1g) of the statutes, as created by 2005 Wisconsin Act 433, is renumbered 814.75 (1j).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2005 Wis. Act 288 also created a provision numbered 814.75 (1g).

~~SECTION 241.~~ 814.75 (1r) of the statutes, as affected by 2005 Wisconsin Act 433, is renumbered 814.75 (1m).

NOTE: 2005 Wis. Act 288 renumbered s. 814.75 (1) to 814.75 (1m). 2005 Wis. Act 433 renumbered 814.75 (1) to 814.75 (1r). The revisor under s. 13.93 (1) (b) numbers the provision 814.75 (1m).

~~SECTION 242.~~ 814.75 (13m) of the statutes, as created by 2005 Wisconsin Act 288, is amended to read:

814.75 (13m) The Great Lakes resource surcharge under s. ~~29.99~~ 29.9905.

NOTE: Section 29.99, as created by 2005 Wis. Act 288, is renumbered to s. 29.9905 by this bill.

~~SECTION 243.~~ 814.76 (1g) of the statutes, as created by 2005 Wisconsin Act 433, is renumbered 814.76 (1j).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2005 Wis. Act 288 also created a provision numbered 814.76 (1g).

~~SECTION 244.~~ 814.76 (1r) of the statutes, as affected by 2005 Wisconsin Act 433, section 13, is renumbered 814.76 (1m).

NOTE: 2005 Wis. Act 288 renumbered s. 814.76 (1) to 814.76 (1m). 2005 Wis. Act 433 renumbered 814.76 (1) to 814.76 (1r). The revisor under s. 13.93 (1) (b) numbers the provision 814.76 (1m).

~~SECTION 245.~~ 814.76 (10m) of the statutes, as created by 2005 Wisconsin Act 288, is amended to read:

814.76 (10m) The Great Lakes resource surcharge under s. ~~29.99~~ 29.9905.

NOTE: Section 29.99, as created by 2005 Wis. Act 288, is renumbered to s. 29.9905 by this bill.

~~SECTION 246.~~ 814.77 (6m) of the statutes, as created by 2005 Wisconsin Act 288, is amended to read:

814.77 (6m) The Great Lakes resource surcharge under s. ~~29.99~~ 29.9905.

NOTE: Section 29.99, as created by 2005 Wis. Act 288, is renumbered to s. 29.9905 by this bill.

~~SECTION 247.~~ 822.31 (1) of the statutes, as affected by 2005 Wisconsin Act 130, is amended to read:

822.31 (1) "Judicial day" means each day except Saturday, Sunday, or a legal holiday under s. ~~895.20~~ 995.20.

NOTE: Corrects cross-reference. Section 895.20 was renumbered to s. 995.20 by 2005 Wis. Act 155.

~~SECTION 248.~~ 854.17 of the statutes, as affected by 2005 Wisconsin Acts 216 and 387, is amended to read:

854.17 Marital property classification; ownership and division of marital property at death. ~~54~~ and Classification of the property of a decedent spouse and surviving spouse, and ownership and division of that property at the death of a spouse, are determined under ch. 766 and s. 861.01.

NOTE: The stricken language was inserted by 2005 Wis. Act 387, but rendered surplusage by 2005 Wis. Act 216.

~~SECTION 249.~~ 867.046 (1m) of the statutes, as affected by 2005 Wisconsin Acts 206 and 216, is amended to read:

867.046 (1m) UPON DEATH; GENERALLY. If a domiciliary of this state dies who immediately prior to death had an interest in property in this state, including an interest in survivorship marital property or an interest in property passing under s. ~~705.20~~ 705.10 (1), or if a person not domiciled in this state dies having an interest in property in this state, including an interest in survivorship marital property or an

interest in property passing under s. ~~705.20~~ 705.10 (1), upon petition of the decedent's spouse, a beneficiary of a marital property agreement or, a TOD beneficiary, or a beneficiary of a transfer under s. ~~705.20~~ 705.10 (1) to the court of the county of domicile of the decedent or, if the decedent was not domiciled in this state, of any county where the property is situated, the court shall issue a certificate under the seal of the court. The certificate shall set forth the fact of the death of the decedent, the termination or transfer of the decedent's interest in the property, the interest of the petitioner in the property and any other facts essential to a determination of the rights of persons interested. The certificate is prima facie evidence of the facts recited, and if the certificate relates to an interest in real property or to a debt secured by an interest in real property, the petitioner shall record a certified copy or duplicate original of the certificate in the office of the register of deeds in each county in this state in which the real property is located.

NOTE: Section 705.20 was renumbered to s. 705.10 by 2005 Wis. Act 206. Corrects punctuation.

SECTION 250. 867.046 (2) (intro.) of the statutes, as affected by 2005 Wisconsin Acts 206 and 216, is amended to read:

867.046 (2) UPON DEATH; INTEREST IN PROPERTY. (intro.) As an alternative to sub. (1m), upon the death of any person having an interest in any real property, a vendor's interest in a land contract, an interest in a savings or checking account, an interest in a security, a mortgagee's interest in a mortgage, or an interest in property passing under s. ~~705.20~~ 705.10 (1), including an interest in survivorship marital property, the decedent's spouse, a beneficiary of a marital property agreement or, a TOD beneficiary, or a beneficiary of a transfer under s. ~~705.20~~ 705.10 (1) may obtain evidence of the termination of that interest of the decedent and confirmation of the

petitioner's interest in the property by providing to the register of deeds of the county in which the property is located the certified death certificate for the decedent and, on applications supplied by the register of deeds for that purpose, all of the following information:

NOTE: Section 705.20 was renumbered to s. 705.10 by 2005 Wis. Act 206. Corrects punctuation.

~~SECTION 251.~~ 867.046 (2) (k) of the statutes, as created by 2005 Wisconsin Act 216, is amended to read:

867.046 (2) (k) In the case of a transfer under s. ~~705.20~~ 705.10 (1), except as described in par. (i) or (j), a copy of the document described in s. ~~705.20~~ 705.10 (1).

NOTE: Section 705.20 was renumbered to s. 705.10 by 2005 Wis. Act 206.

~~SECTION 252.~~ 879.09 of the statutes, as affected by 2005 Wisconsin Acts 216 and 387, is amended to read:

879.09 Notice requirement satisfied by waiver of notice. Persons who are not minors or individuals adjudicated incompetent, on behalf of themselves, and appointed guardians ad litem and guardians of the estate on behalf of themselves and those whom they represent, may in writing waive the service of notice upon them and consent to the hearing of any matter without notice~~7~~. An attorney, or attorney-in-fact, for a person in the military service may waive notice on behalf of himself or herself but cannot waive notice on behalf of the person in the military service. Waiver of notice by any person is equivalent to timely service of notice.

NOTE: Deletes unnecessary comma.

~~SECTION 253.~~ 880.01 (8m) of the statutes, as created by 2005 Wisconsin Act 264, is renumbered 54.01 (28).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2005 Wis. Act 387 created the same provision as s. 54.01 (28) and renumbered the remainder of s. 880.01 to s. 54.01.

~~SECTION 254.~~ 880.07 (2m) of the statutes, as created by 2005 Wisconsin Act 264, is renumbered 54.34 (2m).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2005 Wis. Act 387 renumbers the remainder of s. 880.07 to s. 54.34.

Fix component →

~~SECTION 255.~~ 880.33 (2) (f) of the statutes, as created by 2005 Wisconsin Act 264, is renumbered 54.44 (5m) and amended to read:

54.44 (5m) PARTICIPATION BY INTERESTED PERSON. An interested person may participate in the hearing on the petition at the court's discretion.

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2005 Wis. Act 387 renumbered s. 880.33 to multiple locations in ch. 54 but did not take into account the creation of s. 880.33 (2) (f) by 2005 Wis. Act 264. It is moved to s. 54.44 (5) for proximity to provisions relating to who may be present at a guardianship hearing.

~~SECTION 256.~~ The treatment of 880.331 (5) (intro.) of the statutes by 2005 Wisconsin Act 264 is not repealed by 2005 Wisconsin Act 387. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor s. 55.195 (intro.), as renumbered from s. 880.331 (5) (intro.) by 2005 Wis. Act 387, reads:

55.195 Duties of guardian ad litem for protective services reviews. In any review of a protective services order made under s. 55.12, except as provided in s. 55.19 (2), the guardian ad litem shall do all of the following:

~~SECTION 257.~~ The treatment of 880.38 (3) of the statutes by 2005 Wisconsin Act 264 is not repealed by 2005 Wisconsin Act 387. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor s. 54.25 (1) (a), as renumbered from s. 880.38 (3) by 2005 Wis. Act 387, reads:

(a) Make an annual report on the condition of the ward to the court that ordered the guardianship and to the county department designated under s. 55.02 (2). That county department shall develop reporting requirements for the guardian of the person. The report shall include the location of the ward, the health condition of the ward, any recommendations regarding the ward, and a statement as to whether or not the ward is living in the least restrictive environment consistent with the needs of the ward.

~~SECTION 258.~~ 880.38 (4) of the statutes, as created by 2005 Wisconsin Act 264, is repealed.

NOTE: 2005 Wis. Act 387 created a substantively identical provision to s. 880.38 (4) in s. 54.25 (2) (d) 2. a. without taking Act 264 into account. As result of Act 387, ch. 880 is effectively replaced by ch. 54, rendering s. 880.38 (4) surplusage.

SECTION 259. 880.76 (1) of the statutes is renumbered 880.76 (1) (a) and amended to read:

880.76 (1) (a) All definitions in s. 880.75 (1) (a) to (e) and (g) shall apply in this section, unless the context otherwise requires. ~~“Third~~

(b) In this section, “3rd party” is means a person other than a bank, broker, transfer agent, or issuer who with respect to a security held by an incompetent or spendthrift effects a transaction otherwise than directly with the incompetent or spendthrift.

NOTE: Conforms word and definition form to current style. Deletes unnecessary “shall.”

SECTION 260. The treatment of 893.587 of the statutes by 2005 Wisconsin Act 155 is not repealed by 2005 Wisconsin Act 277. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the Revisor, s. 893.587 reads:

893.587 Sexual assault of a child; limitation. An action to recover damages for injury caused by an act that would constitute a violation of s. 948.02, 948.025, 948.06, 948.085, or 948.095 or would create a cause of action under s. 895.442 shall be commenced before the injured party reaches the age of 35 years or be barred.

SECTION 261. 895.07 (7) (i) of the statutes, as created by 2005 Wisconsin Act 201, is amended to read:

895.07 (7) (i) If the contractor rejects the supplemental offer made by the supplier to remedy the construction defect or to settle the claim by monetary payment or a combination of each, the contractor shall, within 15 working days after receiving the offer, serve written notice of the contractor’s rejection on the supplier. The notice shall include the reasons for the contractor’s rejection of the supplier’s supplemental settlement offer. If the contractor believes the supplier’s supplemental settlement offer is unreasonable, the contractor shall set forth the reasons why the contractor believes the supplemental settlement offer is unreasonable. If the supplier declines to make a supplemental offer, or if the

contractor rejects the supplemental offer, the contractor may bring an action against the supplier for the claim described in the notice of claim without further notice.

NOTE: Inserts missing article.

~~SECTION 262.~~ 895.497 (title) of the statutes, as created by 2005 Wisconsin Act 322, is amended to read:

895.497 (title) Liability Civil liability exemption: furnishing safety services relating to child safety restraint systems.

NOTE: Conforms form of title to the other titles in ch. 895 relating to civil liability exemptions, as affected by 2005 Wis. Act 155.

~~SECTION 263.~~ 895.506 (title) of the statutes, as created by 2005 Wisconsin Act 325, is amended to read:

895.506 (title) Liability Civil liability exemption: weight gain and obesity claims.

NOTE: Conforms form of title to the other titles in ch. 895 relating to civil liability exemptions, as affected by 2005 Wis. Act 155.

~~SECTION 264.~~ 895.507 of the statutes, as created by 2005 Wisconsin Act 138, is renumbered 134.98.

NOTE: 2005 Wis. Act 155 revises ch. 895 to include only provisions related to limits on liability and miscellaneous court provisions and renumbers s. 895.505, relating to disposal of records containing personal information, to s. 134.97. Section 895.507 relating to notice of unauthorized acquisition of personal information, is renumbered 134.98 so the section continues to be located with the former s. 895.505 in the statutes.

~~SECTION 265.~~ 895.81 of the statutes, as created by 2005 Wisconsin Act 212, is renumbered 895.472.

NOTE: 2005 Wis. Act 155 revises ch. 895 to create 2 subchapters and to reorganize the chapter accordingly. Section 895.81, Indemnification of a financial institution, is moved so it is not located in subchapter II, Exemptions From Liability, and is located in subchapter I, Damages, Liability, and Miscellaneous Provisions Regarding Actions in Courts.

~~SECTION 266.~~ The treatment of 905.04 (4) (a) of the statutes by 2005 Wisconsin Act 387 is not repealed by 2005 Wisconsin Act 434. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor s. 905.04 (4) (a) reads:

(a) *Proceedings for hospitalization, guardianship, protective services, or protective placement or for control, care, or treatment of a sexually violent person.* There is no privilege under this rule as to communications and information relevant to an issue in proceedings to hospitalize the patient for mental illness, to appoint a guardian in this state, for court-ordered protective services or protective placement, for review of guardianship, protective services, or protective placement orders, or for control, care, or treatment of a sexually violent person under ch. 980, if the physician, registered nurse, chiropractor, psychologist, social worker, marriage and family therapist, or professional counselor in the course of diagnosis or treatment has determined that the patient is in need of hospitalization, guardianship, protective services, or protective placement or control, care, and treatment as a sexually violent person.

~~SECTION 267.~~ 938.08 (3) (a) (intro.) of the statutes, as affected by 2005 Wisconsin Act 344, is amended to read:

938.08 (3) (a) (intro.) In addition to the law enforcement authority under sub. (2), department personnel designated by the department, and personnel of an agency contracted with under s. 301.08 (1) (b) 3. and designated by agreement between the agency and the department, ~~and personnel of a county contracted with under s. 301.08 (1) (b) 4. and designated by agreement between the county and the department~~ have the power of law enforcement authorities to take a juvenile into physical custody under the following conditions:

NOTE: Section 301.08 (1) (b) 4. was repealed by 2005 Wis. Act 344, leaving the stricken language without effect.

INSERT
96-9

~~SECTION 268.~~ The treatment of 938.17 (2) (a) 3. (intro.) of the statutes by 2005 Wisconsin Act 190 is not repealed by 2005 Wisconsin Act 344. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the Revisor, s. 938.17 (2) (a) 3. (intro.) reads:

3. Except as provided in subd. 1m., when a juvenile is alleged to have violated a municipal ordinance, one of the following may occur:

~~SECTION 269.~~ The treatment of 938.18 (1) (a) 1. of the statutes by 2005 Wisconsin Act 212 is not repealed by 2005 Wisconsin Act 344. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the Revisor, s. 938.18 (1) (a), as renumbered from s. 938.18 (1) (a) 1. by 2005 Wisconsin Act 344, reads:

(a) The juvenile is alleged to have violated s. 940.03, 940.06, 940.225 (1) or (2), 940.305, 940.31, 943.10 (2), 943.32 (2), 943.87, or 961.41 (1) on or after the juvenile's 14th birthday.

Insert
97-1

SECTION 270. 938.195 (1) (title) of the statutes is created to read:

938.195 (1) (title) DEFINITIONS.

NOTE: Section 938.195 was created by 2005 Wis. Act 60 without subsection titles. As a result of 2005 Wis. Act 344, all other subsections in ch. 938 have titles.

SECTION 271. 938.195 (2) (title) of the statutes is created to read:

938.195 (2) (title) WHEN REQUIRED.

NOTE: Section 938.195 was created by 2005 Wis. Act 60 without subsection titles. As a result of 2005 Wis. Act 344, all other subsections in ch. 938 have titles.

SECTION 272. 938.195 (3) (title) of the statutes is created to read:

938.195 (3) (title) NOTICE NOT REQUIRED.

NOTE: Section 938.195 was created by 2005 Wis. Act 60 without subsection titles. As a result of 2005 Wis. Act 344, all other subsections in ch. 938 have titles.

SECTION 273. 938.225 of the statutes is amended to read:

938.225 Statewide plan for secure juvenile detention facilities. The department shall assist counties in establishing secure juvenile detention facilities under s. 938.22 by developing and promulgating a statewide plan for the establishment and maintenance of suitable secure juvenile detention facilities reasonably accessible to each court.

NOTE: 2005 Wis. Act 344 changed "secure detention facility" to "juvenile detention facility" in all other sections of the statutes.

SECTION 274. The treatment of 938.27 (5) of the statutes by 2005 Wisconsin Act 293 is not repealed by 2005 Wisconsin Act 344. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the Revisor, effective July 1, 2006, s. 938.27 (5) reads:

(5) NOTICE TO BIOLOGICAL FATHERS. Subject to sub. (3) (b), the court shall make reasonable efforts to identify and notify any person who has filed a declaration of paternal interest under s. 48.025, any person who has acknowledged paternity of the child under s. 767.62 (1), and any person who has been adjudged to be the father of the juvenile in a judicial proceeding unless the person's parental rights have been terminated.

Insert
97-6

SECTION 275. 938.293 (3) of the statutes, as affected by 2005 Wisconsin Acts 42 and 344, is amended to read:

938.293 (3) ~~VIDEOTAPED~~ AUDIOVISUAL RECORDING OF ORAL STATEMENT. Upon request prior to the fact-finding hearing, the district attorney shall disclose to the juvenile, and to the juvenile's counsel or guardian ad litem, the existence of any audiovisual recording of an oral statement of a child under s. 908.08 that is within the possession, custody, or control of the state and shall make reasonable arrangements for the requesting person to view the statement. If, after compliance with this subsection, the state obtains possession, custody, or control of the audiovisual recording of the oral statement, the district attorney shall promptly notify the requesting person of that fact and make reasonable arrangements for the requesting person to view the statement.

NOTE: "Oral" replaced "such" in 2005 Wis. Act 344, requiring the insertion of the specific reference for clarity. Also, the title created by 2005 Wis. Act 344 for this provision references a "videotaped" oral statement, but that term was replaced with "audiovisual recording" by 2005 Wis. Act 42. This SECTION conforms the title to the new terminology enacted by 2005 Wis. Act 42.

~~SECTION 276.~~ The treatment of 938.299 (4) (b) of the statutes by 2005 Wisconsin Act 277 is not repealed by 2005 Wisconsin Act 344. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the Revisor, s. 938.299 (4) (b) reads:

(b) Except as provided in s. 901.05, common law and statutory rules of evidence are not binding at a waiver hearing under s. 938.18, a hearing for a juvenile held in custody under s. 938.21, a hearing under s. 938.296 (4) for a juvenile who is alleged to have violated s. 940.225, 948.02, 948.025, 948.05, 948.06, or 948.085 (2), a hearing under s. 938.296 (5) for a juvenile who is alleged to have violated s. 946.43 (2m), a dispositional hearing, or any postdispositional hearing under this chapter. At those hearings, the court shall admit all testimony having reasonable probative value, but shall exclude immaterial, irrelevant, or unduly repetitious testimony, or evidence that is inadmissible under s. 901.05. Hearsay evidence may be admitted if it has demonstrable circumstantial guarantees of trustworthiness. The court shall give effect to the rules of privilege recognized by law. The court shall apply the basic principles of relevancy, materiality, and probative value to proof of all questions of fact. Objections to evidentiary offers and offers of proof of evidence not admitted may be made and shall be noted in the record.

~~SECTION 277.~~ 938.31 (3) (title) of the statutes is created to read:

★
l.c.
←

938.31 (3) (title) ADMISSIBILITY OF CUSTODIAL INTERROGATIONS.

NOTE: The other subsections of s. 938.31 have titles.

Insert 99-1

~~SECTION 278.~~ The treatment of 938.34 (4h) (a) of the statutes by 2005 Wisconsin Act 253 is not repealed by 2005 Wisconsin Act 344. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the Revisor, s. 938.34 (4h) (a) reads:

(a) The juvenile is 14 years of age or over and has been adjudicated delinquent for committing or conspiring to commit a violation of s. 939.32 (1) (a), 940.03, 940.06, 940.21, 940.225 (1), 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g), 943.32 (2), 948.02 (1), 948.025 (1), or 948.30 (2) or attempting a violation of s. 943.32 (2) or the juvenile is 10 years of age or over and has been adjudicated delinquent for attempting or committing a violation of s. 940.01 or for committing a violation of s. 940.02 or 940.05.

~~SECTION 279.~~ 938.345 (4) (title) of the statutes is created to read:

938.345 (4) (title) UNCONTROLLABLE JUVENILES.

NOTE: The other subsections of s. 938.345 have titles.

Insert 99-5

~~SECTION 280.~~ The treatment of 938.371 (1) (intro.) of the statutes by 2005 Wisconsin Act 232 is not repealed by 2005 Wisconsin Act 344. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the Revisor, s. 938.371 (1) (intro.) reads:

(1) MEDICAL INFORMATION. If a juvenile is placed in a foster home, treatment foster home, group home, residential care center for children and youth, or juvenile correctional facility or in the home of a relative other than a parent, including a placement under s. 938.205 or 938.21, the agency, as defined in s. 938.38 (1) (a), that placed the juvenile or arranged for the placement of the juvenile shall provide the following information to the foster parent, treatment foster parent, relative, or operator of the group home, residential care center for children and youth, or juvenile correctional facility at the time of placement or, if the information has not been provided to the agency by that time, as soon as possible after the date on which the agency receives that information, but not more than 2 working days after that date:

~~SECTION 281.~~ The treatment of 938.371 (1) (a) of the statutes by 2005 Wisconsin Act 232 is not repealed by 2005 Wisconsin Act 344. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the Revisor, s. 938.371 (1) (a) reads:

(a) Results of a test or a series of tests of the juvenile to determine the presence of HIV, as defined in s. 968.38 (1) (b), antigen or nonantigenic products of HIV, or an antibody to HIV, under s. 252.15 (5) (a) 19., including results included in a court report or permanency plan. At the time that the test results are provided, the agency shall notify the foster parent, treatment foster parent, relative, or operator of the group home, residential care center for children and youth, or juvenile correctional facility of the confidentiality requirements under s. 252.15 (6).