

CHAPTER 89, Laws of 1979

AN ACT to repeal Title I (title), Title II (title), Title III (title), Title IV (title), Title V (title), Title VI (title), Title VI-A (title), Title VI-B (title), Title VII (title), Title VIII (title), Title IX (title), Title X (title), Title XI (title), Title XII (title), Title XIII (title), Title XIV (title), Title XIV-A (title), Title XV (title), Title XVI (title), Title XVII (title), Title XVIII (title), Title XIX (title), Title XIX-A (title), Title XX (title), Title XXI (title), Title XXII (title), Title XXIII (title), Title XXVII (title), Title XXVII-A (title), Title XXVIII (title), Title XXXII (title), Title XXXV (title), Title XL (title), Title XL-A (title), Title XL-B (title), Title XLI (title), Title XLI-D (title), Title XLI-N (title), Title XLII-A (title), Title XLII-B (title), Title XLIII (title), Title XLIV (title), Title XLIV-A (title), Title XLV (title), Title XLVII (title), Title XLVIII (title) and Title L (title); to renumber 990.001 (5); to amend 1.026 (1) (a), 1.11 (1) and (3), chapter 5 (title), 5.01 (1) and (2), 5.02 (intro.), 5.05 (1) (intro.) and (6), 5.10, 5.25 (intro.), 6.22 (1) (intro.), 7.03, 7.08 (1) (a), 7.21 (1), 7.24, 7.30 (1), 7.50 (2) (intro.), chapter 10 (title), 10.04 (3), 12.01 (2), 12.03 (1), 12.13 (2) (a) and (b) 6 and 7 and (3) (g), 13.54 (3) (b) 4, 15.131 (intro.), 15.371 (intro.), 15.401 (intro.), 15.431 (intro.), 15.611 (intro.), 20.435 (1) (kk) (title), 20.923 (16) (a), 23.09 (title), (2) (h) and (11) (f), 30.32 (9), 46.02, 48.52 (3), 49.49 (2) (c) 1, 50.39 (3), 51.20 (2), 51.67 (title), 51.79, 57.13 (title), 59.03 (3) (d), 59.91 (1) and (13), 60.45 (20), 60.49 (4) and (10), 60.81 (9), 63.18, 63.19, 63.21, 63.22, 63.24, 63.25 (1) (intro.) and (b) and (2), 63.33, 63.36 (1), 63.39, 63.40 (2), 63.42, 63.43, 63.44, 63.45, 63.98, 66.01 (16), 66.024 (8), 66.191 (title), 66.40 (9) (q), 66.416 (2), 66.431 (title) and (12), 66.435 (title), 66.51 (4), 67.25 (title), 70.03, 70.04 (intro.) and (2), 70.41 (5), 70.42 (5), 70.421 (6), 71.11 (7) (a), 71.13 (5), 74.66, 74.76 (title), (3) (a) 1 and (b) and (7) (title), 75.13 (title), 75.521 (16) (title), 77.03, 77.61 (3), 83.17, 97.02 (14) (c), 97.46 (1), 100.18 (10) (b), 100.38 (3) (c), 101.61 (1), 101.71 (2), 102.01 (1), 102.18 (2), 102.38, 103.73 (3), 103.75 (1), 103.76, 107.02, subchapter I (title) of chapter 111, 111.02 (6), subchapter IV (title) of chapter 111, subchapter V (title) of chapter 111, 112.01 (13) (title), 115.01 (intro.), 116.08 (4), 118.12 (2) and (3), 118.23 (1), 120.15 (4), 134.33 (10), 134.38 (title), 139.34 (1) (c) 1, 139.37 (1) (c) 1, 140.67 (3) (intro.), (d) and (e), 140.70, 140.74, 140.76, 144.025 (1), 144.60 (title), 146.38 (3) (e), 146.80 (title), 161.01 (intro.), 175.05 (6), 176.23 (2), 176.62 (4), subchapter I of chapter 177 (title), 177.09, 185.983 (1) (intro.), 185.992 (intro.), 187.14 (4) (c) and (6), 187.16 (4), 193.22, chapter 194 (title), 195.35, 198.12 (3) (title), 198.17 (2a), 221.08 (4), 221.12, 221.13 (title), 223.055 (title), 227.014 (title), 227.031 (title), 230.047 (4) (c), 230.35 (1) (g) 1, 243.02, 243.02, 243.03, 243.05, 245.002 (3), 245.05, 289.80 (6), 299.02 (1), 299.04 (1) and (2), 299.12 (1), chapter 340 (title), 343.17 (3) (b), chapter 344 (title), chapter 345 (title), 345.43 (3) (a), 347.76 (1) (c), chapter 348 (title), chapter 349 (title), chapter 401 (title), the unnumbered subchapter title preceding 401.101, 401.102 (1), (2) (intro.), (3), (4) and (5) (intro.), 401.103, 401.104, 401.105 (title), (1) and (2) (intro.), 401.106, 401.108, 401.109, 401.110 (1) (intro.) and (b) 3 and (3) to (6), 401.201 (intro.), (3), (11), (17), (25a) and (29), 401.203, 401.204 (1), chapter 402 (title), the unnumbered subchapter title preceding 402.101, 402.207 (3), 402.401 (1), 402.719 (2), 402.725 (4), chapter 403 (title), the unnumbered subchapter title preceding 403.101, 403.104 (3), 403.408, 403.419 (3), chapter 404 (title), 404.108, chapter 405 (title), 405.102 (3), chapter 406 (title), chapter 407 (title), 407.202 (3), chapter 408 (title), the unnumbered subchapter title preceding 408.101, chapter

409 (title), the unnumbered subchapter title preceding 409.101, 409.201, 409.405 (2), 409.901, 409.902, 409.903, 409.904, 409.905, chapter 421 (title), subchapter I (title) of chapter 421, 421.102 (1), (2) (intro.) and (3), 421.103, 421.104, 421.106 (1), (2) and (4), 421.107 (title), (1) to (3) and (4) (intro.), 421.108, 421.201 (1), (2) (intro.), (3), (8), (9) (a) and (b) and (10) (intro.), 421.202 (intro.), 421.301 (intro.), (3) and (17), 422.202 (3), 422.207 (1), 422.209 (1), 422.302 (1) (c) and (4), 422.303 (2), 422.407 (3), 422.410, 422.414 (1), chapter 424 (title), 424.205 (2) (intro.), 424.209 (1) and (4) (c), 424.401, chapter 425 (title), 425.106 (1) (intro.), 425.107 (4), 425.108 (2), 425.208 (5), 425.301, 425.306, 425.307, 425.310, 425.311, 425.401, chapter 426 (title), 426.104 (1), (2) (intro.) and (b) to (e) and (4), 426.105, 426.107, 426.109 (1) and (2), 426.110 (1), (3) and (14), 426.111, 426.201 (2) (g), 426.301, chapter 427 (title), subchapter I (title) of chapter 551, subchapter I (title) of chapter 553, chapter 600 (title), 600.01 (title), (1) (a) and (b) (intro.) and 5 and (2), 600.02 (intro.), 600.03 (intro.) and (42) (a), 600.13, chapter 601 (title), 601.01 (2) and (3) (intro.), (d) and (k), 601.12 (2), 601.13 (4), 601.41 (1), 601.42 (1) (intro.) and (4), 601.43 (1) (a), 601.46 (3) (m), 601.48 (1), 601.62 (1) and (2), 601.64 (5), 610.47, 610.49 (3), 611.23 (2), 611.54 (3), 612.01 (title) and (2) (d), 612.15 (3), 612.24 (3), chapter 614 (title), 614.05 (2) (intro.), chapter 615 (title), 615.03 (title) and (5), 616.82 (title), 618.41 (11), 618.42 (2) and (3) (a), 618.44, chapter 620 (title), 620.05, 620.31, chapter 623 (title), chapter 625 (title), 627.18 (3), 628.01 (5), 628.02 (intro.), 628.34 (1) (a) and (4), 631.05, 631.08 (1), 631.27, 631.83 (1) (d) and (2), 632.45 (1), 632.60, chapter 636 (title), 636.04 (3), 645.01 (title), 645.41 (7), 757.69 (3) (e), chapter 801 (title), 801.01 (title) and (1), 801.04 (1), 801.11 (5) (d), 801.15 (1), chapter 802 (title), 802.10 (1), chapter 803 (title), chapter 804 (title), chapter 805 (title), chapter 806 (title), 806.04 (title), chapter 807 (title), 808.04 (2) (a), 813.22 (title), 822.01 (title), (1) (intro.) and (2), 822.02 (intro.), 822.04, 822.06 (1), 822.07 (1) and (6), 822.12, 822.13, 822.14 (1), 822.23, 822.24, 840.02, chapter 851 (title), 851.001 (title), 851.002, chapter 858 (title), chapter 859 (title), chapter 860 (title), chapter 861 (title), chapter 862 (title), chapter 865 (title), chapter 867 (title), chapter 868 (title), chapter 879 (title), 879.27 (2), 879.43 (2), 880.60 (21) (title), 880.64 (5), subchapter IV (title) of chapter 880, chapter 901 (title), chapter 902 (title), 902.02 (title), chapter 903 (title), chapter 904 (title), chapter 905 (title), chapter 906 (title), chapter 907 (title), chapter 908 (title), chapter 909 (title), 909.02 (9), chapter 910 (title), chapter 911 (title), chapter 939 (title), 939.01, 939.10, 939.20, 939.22 (intro.), 939.23 (1), 939.70, 943.395 (4), chapter 967 (title), 967.01, 967.02 (intro.), 967.03, chapter 970 (title), chapter 971 (title), 972.11 (1), 972.13 (7), chapter 976 (title), 976.01 (5) and (9), 976.05 (7), 990.02 (1) and 992.03 (title); and to create 990.001 (5) (b) of the statutes; and to repeal chapter 404, laws of 1975, section 12, relating to construction of cross references in the statutes, and eliminating references to acts, titles and codes from the statutes for the purpose of clarifying references.

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

Prefatory note by legislative council

Construction of cross references

This bill sets out as a rule of statutory construction that a numeric reference — in one decimal-numbered statute to another decimal-numbered statute — incorporates the current text of the adopted statute, including all changes in the adopted statute enacted after the incorporation. This bill seeks to clarify a problem of differing interpretations of statutes. Incorporation into a statute of the provisions of a second statute, by reference to the second statute, is a common occurrence in Wisconsin and in all states. The adopting statute, simply by referring to the provisions of the adopted statute, incorporates a law that has a

well-defined meaning because it is currently in effect and may already have been construed by courts, without the unnecessary repetition of a verbatim transcription. The adopting statute is thus more clear because of the incorporation by reference of the adopted statute.

The legislature and the courts, however, differ in the interpretation to be placed on incorporation by reference. Bills have always been drafted and the legislature has always considered that subsequent changes in the adopted statute also affect the adopting statute, unless a specific exception is provided. An example of an exception is when the adopting statute refers to “s. 113.05, 1973 stats.” In litigation, the courts have sometimes interpreted the adopting statute in the opposite manner. If the matter comes to the attention of a court, the court may assume that no subsequent change of the adopted statute affects the adopting statute. Thus, even if the statute adopted by reference is repealed, it would retain its vitality through the reference in the adopting statute. A court that interpreted the adopting statute would look at the language of the adopted statute at the time it was adopted and would not consider subsequent changes, or even repeal, unless the legislature specifically required that construction.

A court will presume that the 2 statutes should be treated separately unless legislative intent contrary to this presumption can be proven. Determination of legislative intent by a reviewing court is often difficult, which leads to conflicting court opinions on the interpretation of incorporation by reference. The rules of construction, developed for determining legislative intent in this area, hinge on whether the reference was general or specific, or in other states whether the reference was to substantive or procedural matters. These rules are vague and difficult to apply, and often collapse if the legislative intent is not clear. See Union Cemetery v. Milwaukee, 13 Wis. 2d 64 (1961); Gilson Bros. Co. v. Worden-Allen Co., 220 Wis. 347 (1936); George Williams College v. Williams Bay, 242 Wis. 311 (1943).

This issue of construing an adoption by reference frequently is not raised in court. Unless the court is advised of the potential problem, it may fail to consider whether subsequent changes to the adopted statute should be incorporated into the adopting statute and will simply read the statutes in their current form. This leads to the incorporation of all subsequent changes in a de facto manner, regardless of legislative intent.

To ensure that both the legislature and the courts construe legislation by reference similarly, this bill sets out a rule of statutory construction on which courts can rely and which conforms to current legislative practice. The rule will eliminate the present difficulty in correctly construing legislative intent when adopting decimal-numbered statutes by reference. The rule states that:

(1) Unless specifically provided otherwise, all changes in the adopted statute are incorporated into the adopting statute.

(2) If the adopting statute specifically refers to a statute from a named prior edition of the Wisconsin Statutes, such as “s. 113.05, 1973 stats.”, the reference is limited to the wording of the adopted statute at that time, without including subsequent changes.

Eliminating references to act

In the statutes, a reference to “act” may be referring to one or more chapters or sections. For example, the Wisconsin consumer act consists of chapters 421 to 427, the worker’s compensation act is chapter 102, the Milwaukee city civil service act is sections 63.18 to 63.53 and the hazardous substances labeling act is section 100.37. In several instances, the use of the reference “act” reflects statutory usage prior to the time the Wisconsin statutes were converted to the

decimal coding of chapters and sections. Most references in the statutes are to chapters and sections rather than to "act". This bill standardizes references by substituting references to chapter or section for the reference to "act".

Eliminating references to title

The basic divisions in the statutes are designated "Title". For example Title II, consisting of chapters 5 to 12, is Elections and Title XIV, consisting of chapters 115 to 121, relates to public instruction. The bill eliminates titles as the basic division, thereby making chapters the basic divisions in the statutes. Also, most references in the statutes are to chapters rather than to titles. This bill standardizes references by substituting references to the chapters which make up the titles for the references to the titles.

Eliminating references to code

In the statutes, a "code" consists of several chapters. For example, the uniform commercial code consists of chapters 401 to 409 and the criminal code consists of chapters 939 to 948. Most references in the statutes are to chapters and sections rather than to codes. This bill eliminates codes as a division of the statutes, thereby leaving chapters as a division of the statutes. Also, this bill standardizes references by substituting references to the chapters which make up the codes for the references to the codes.

The purpose of eliminating statutory references to "act", "title" and "code" is twofold. First, to make the statutes more easily understandable, users of the statutes must check the table of contents to determine which statutes are included within a reference to a title or code, and must research the history of a statute in order to determine which of perhaps numerous session laws is meant by a statutory reference to "this act". Substitution of a reference to a numbered section, chapter or session law will eliminate the need for this research by users of the statutes. Secondly, the use of numbered cross references will expedite and improve the process of bill drafting. Whenever a bill is drafted to amend or repeal a statute, the legislative reference bureau attempts to determine the effect of the proposed change on other statutes which cross-reference the affected statute. Since these other statutes are identified through a computer search, those which cross-reference an act, title or code rather than a numbered section or chapter of the statutes cannot always be identified or are sometimes overlooked. Substitution of numeric cross-references will improve the bureau's cross-referencing capabilities and avoid unintentional results when legislative changes are made.

SECTION 1. Title I (title) of the statutes is repealed.

SECTION 2. 1.026 (1) (a) of the statutes is amended to read:

1.026 (1) (a) The legislature concurs with the stated purpose of Congress in authorizing the establishment of the Apostle Islands national lakeshore. It is therefor the purpose of this ~~aet~~ section to conserve and develop for the benefit, inspiration, education, recreational use, and enjoyment of the public certain significant islands and shorelands of this state and their related geographic, scenic and scientific values.

SECTION 3. 1.11 (1) and (3) of the statutes are amended to read:

1.11 (1) The policies and regulations shall be interpreted and administered in accordance with the policies set forth in this ~~aet~~, section and chapter 274, laws of 1971, section 1; and

(3) All state agencies shall review their present statutory authority, administrative regulations, and current policies and procedures for the purpose of determining whether there are any deficiencies or inconsistencies therein which prohibit full compliance with the purposes and provisions of this ~~aet~~ section and chapter 274, laws of 1971, section 1 and

shall propose to the governor not later than July 1, 1972, such measures as may be necessary to bring their authority and policies into conformity with the intent, purposes, and procedures set forth in this act section and chapter 274, laws of 1971, section 1.

SECTION 4. Title II (title) of the statutes is repealed.

SECTION 5. Chapter 5 (title) of the statutes is amended to read:

CHAPTER 5
ELECTIONS — GENERAL
PROVISIONS; BALLOT FORM

SECTION 6. 5.01 (1) and (2) of the statutes are amended to read:

5.01 (1) (title) CONSTRUCTION OF CHAPTERS 5 TO 12. ~~Title II~~ Chapters 5 to 12 shall give effect to the will of the electors, if that can be ascertained from the proceedings, notwithstanding informality or failure to fully comply with some of its provisions.

(2) GENERAL PROVISIONS OF ELECTION LAWS APPLY. The general provisions of ~~Title II~~ chs. 5 to 12 apply to all elections.

SECTION 7. 5.02 (intro.) of the statutes is amended to read:

5.02 Definitions. (intro.) In ~~Title II~~ chs. 5 to 12, unless the context requires otherwise:

SECTION 8. 5.05 (1) (intro.) and (6) of the statutes are amended to read:

5.05 (1) (intro.) GENERAL AUTHORITY. The elections board shall have the responsibility for the administration of ~~this title~~ chs. 5 to 12 and other laws relating to elections and election campaigns. Pursuant to such responsibility, the board may:

(6) FORMAL OPINIONS. Any interested person may make written request to the board to issue a formal opinion with respect to the person's authority or responsibilities under ~~this title~~ chs. 5 to 12. The board shall within 15 days advise the person requesting an opinion whether or not a formal opinion will be issued. If a formal opinion will be issued, it shall be issued within 30 days of the request. No person acting in good faith upon a formal opinion issued to the person by the board shall be subject to civil or criminal prosecution for so acting, if the material facts are as stated in the opinion request. Nothing in this subsection requires the issuance of an opinion by the board, nor precludes it from issuing an opinion or ruling in any other manner.

SECTION 9. 5.10 of the statutes is amended to read:

5.10 Presidential electors. Although the names of the electors do not appear on the ballot and no reference is made to them, a vote for the president and vice president named on the ballot is a vote for the electors of the candidates by whose names the mark appears. Under ~~Title II~~ chs. 5 to 12, all references to the presidential election, the marking of the ballot and the canvassing of votes for president, or for president and vice president, mean a vote for them through their pledged presidential electors.

SECTION 10. 5.25 (intro.) of the statutes is amended to read:

5.25 Polling places. (intro.) All elections under ~~Title II~~ chs. 5 to 12 shall be held at the polling places provided in this section. So far as practicable, the places chosen shall be public buildings.

SECTION 11. 6.22 (1) (intro.) of the statutes is amended to read:

6.22 (1) (intro.) DEFINITION. In ~~Title II~~ chs. 5 to 12, "military elector" means:

SECTION 12. 7.03 of the statutes is amended to read:

7.03 Compensation of election officials. A reasonable compensation of not less than \$5 per day shall be paid to each election clerk, ballot clerk, inspector, voting machine custodian, member of a board of canvassers, messenger and tabulator who is employed and performing duties under ~~this title~~ chs. 5 to 12. Alternatively, such officials may be paid by the hour at a proportionate rate for each hour actually worked. Special registration

deputies appointed under s. 6.55 (6) may be paid or unpaid at the option of the municipality. The amount of compensation, when authorized or required, shall be fixed by the appropriate county board of supervisors or municipal governing body. The board shall fix the amount to be paid any person employed to perform duties for the state. Where such employment is necessitated to perform duties which are the responsibility of a county or municipality, the board shall charge the expense to such unit of government.

SECTION 13. 7.08 (1) (a) of the statutes is amended to read:

7.08 (1) (a) Prepare all official ballot forms necessary under ~~this title~~ chs. 5 to 12 and revise the official ballot forms to harmonize with legislation and the current official status of the political parties whenever necessary. Samples of the official ballots shall be published with ~~this title~~ chs. 5 to 12 for public use and distribution and the prescribed forms shall be substantially followed in all elections under this title.

SECTION 14. 7.21 (1) of the statutes is amended to read:

7.21 (1) All duties and provisions of ~~Title II~~ chs. 5 to 12 for elections assigned to the municipal or county clerk, the municipal or county board of canvassers, or the municipal or county governing body shall be carried out by the proper local election board or its executive secretary, unless specially retained or assigned in this section or s. 7.22.

SECTION 15. 7.24 of the statutes is amended to read:

7.24 Title to election materials. The filing of a nomination paper, ballot application, financial report, affidavit, or other form or statement with the appropriate official or agency responsible for accepting such materials under ~~this title~~ chs. 5 to 12 irrevocably transfers the legal title to such official or agency, regardless of the sufficiency of the filing. The official or agency shall retain all election materials until destruction or other disposition is authorized under s. 7.23.

SECTION 16. 7.30 (1) of the statutes is amended to read:

7.30 (1) NUMBER. There shall be 3 inspectors, 2 election clerks, and 2 ballot clerks for each polling place at each election held under ~~Title II~~ chs. 5 to 12. Where voting machines are used, the ballot clerks shall be dispensed with, and, if more than one voting machine is used, additional inspectors may be appointed. Additional inspectors shall be appointed in such a manner that the total number of inspectors is an odd number and the predominant party under sub. (2) is represented by one more inspector than the other party. Election clerks shall not be appointed in cities over 500,000 population.

SECTION 17. 7.50 (2) (intro.) of the statutes is amended to read:

7.50 (2) (intro.) ASCERTAINMENT OF INTENT. All ballots cast at an election which bear the initials of 2 ballot clerks shall be counted for the person or referendum question for whom or for which they were intended, so far as the electors' intent can be ascertained from the ballots notwithstanding informality or failure to fully comply with other provisions of ~~this title~~ chs. 5 to 12. To determine intent:

SECTION 18. Chapter 10 (title) of the statutes is amended to read:

CHAPTER 10

ELECTION DATES AND NOTICES

SECTION 19. 10.04 (3) of the statutes is amended to read:

10.04 (3) (a) Whenever, in ~~Title II~~ chs. 5 to 12, provision is made for the publication of a notice on a specific date and a weekly newspaper is chosen, the notice shall appear in that newspaper's closest preceding issue.

(b) Whenever, in ~~Title II~~ chs. 5 to 12, provision is made for publication of an election notice by more than one insertion, this may be done (in counties over 200,000 population) by publication in one or more newspapers on the dates prescribed or in different newspapers at least equal in number to the number of insertions required. When different

newspapers are used, the publications shall always be in each newspaper's latest issue preceding the last given date for publishing that notice.

SECTION 20. 12.01 (2) of the statutes is amended to read:

12.01 (2) In this chapter, "election official" means any person charged with any duties relating to the conduct of elections under ~~this title~~ chs. 5 to 12.

SECTION 21. 12.03 (1) of the statutes is amended to read:

12.03 (1) No election official under ~~this title~~ chs. 5 to 12 may engage in electioneering on election day.

SECTION 22. 12.13 (2) (a) and (b) 6 and 7 and (3) (g) of the statutes are amended to read:

12.13 (2) (a) The wilful neglect or refusal by an election official to perform any of the duties prescribed under ~~this title~~ chs. 5 to 12 is a violation of this chapter.

(b) 6. Intentionally permit or cause a voting machine to fail to correctly register or record a vote cast thereon, or tamper with or disarrange the machine or any part or appliance thereof; cause or consent to the machine being used for voting at an election with knowledge that it is out of order or is not perfectly set and adjusted so that it will correctly register or record all votes cast thereon; with the purpose of defrauding or deceiving any elector, cause doubt for what party, candidate or proposition a vote will be cast or cause the vote for one party, candidate or proposition to be cast so it appears to be cast for another; or remove, change or mutilate a ballot on the machine or do any similar act contrary to ~~this title~~ chs. 5 to 12.

7. In the course of the person's official duties or on account of the person's official position, intentionally violate or intentionally cause any other person to violate any provision of ~~this title~~ chs. 5 to 12 for which no other penalty is expressly prescribed.

(3) (g) Falsify any affidavit or other statement relating to voter registration under ~~this title~~ chs. 5 to 12.

SECTION 23. Title III (title) of the statutes is repealed.

SECTION 24. 13.54 (3) (b) 4 of the statutes is amended to read:

13.54 (3) (b) 4. The commission shall make the list maintained by it pursuant to this ~~act subsection~~ and any information contained therein available to any person on request but shall not be required to furnish copies of any compact unless so required by law or administrative rule other than this ~~act subsection~~.

SECTION 25. 15.131 (intro.) of the statutes is amended to read:

15.131 Same; program responsibilities. (intro.) The department of agriculture, trade and consumer protection shall have the program responsibilities specified for the department under ~~title XII~~, chs. 91, 93 to 100, 126 and 136 and ss. 14.06, 15.195, 26.30 (2), 27.015, 32.035, 59.871, 61.72, 66.075, 69.66, 70.425, 134.70 (15), 174.07, 174.08 and 174.11.

SECTION 26. 15.371 (intro.) of the statutes is amended to read:

15.371 Same; program responsibilities. (intro.) The department of public instruction shall have the program responsibilities specified for the department under ~~title XIV~~ chs. 115 to 121 and ss. 17.26 (4), 20.255, 20.920, 25.09, 35.85 (6), 35.86, 42.39, 43.03, 51.06 (2), 66.73, 143.17 and 887.23. In addition:

SECTION 27. 15.401 (intro.) of the statutes is amended to read:

15.401 Same; program responsibilities. (intro.) The department of regulation and licensing shall have the program responsibilities specified for the department under ~~Title XL-A~~ chs. 440 to 459. In addition:

SECTION 28. 15.431 (intro.) of the statutes is amended to read:

15.431 Same; program responsibilities. (intro.) The department of revenue shall have the program responsibilities specified for the department under ~~title X~~, chs. 70 to 79, 139 and 176 and ss. 13.49 (7), 18.05 (2), 19.50 (5), 25.06, 25.08, 25.09, 25.12, 36.25 (6), 66.054, 66.057 (3), (4) and (5), 67.03, 69.61 to 69.65, ~~79.25~~, 121.06, 128.14 (1), 865.11 (1) and 867.01. In addition:

SECTION 29. 15.611 (intro.) of the statutes is amended to read:

15.611 Same; program responsibilities. (intro.) The elections board shall have the program responsibilities specified for the board under ~~Title II~~ chs. 5 to 12 and ss. 13.23, 16.79 (2) (b), 17.17 (1), 19.43 (4) and 198.08 (10). In addition:

SECTION 30. 20.435 (1) (kk) (title) of the statutes is amended to read:

20.435 (1) (kk) (title) *Radiation protection.*

SECTION 32. 20.923 (16) (a) of the statutes is amended to read:

20.923 (16) (a) An incumbent of a position that has been assigned to an executive salary group of the compensation plan under this ~~aet section~~, whose current salary exceeds the maximum of the salary range to which his or her position's group is assigned, shall remain at his or her current rate of pay while he or she remains employed in that position until the maximum of the salary range to which his or her executive salary group is assigned equals or exceeds his or her current rate of pay.

SECTION 34. Title IV (title) of the statutes is repealed.

SECTION 35. 23.09 (title), (2) (h) and (11) (f) of the statutes are amended to read:

23.09 (title) Conservation.

(2) (h) *Cooperation.* Enter into cooperative agreements with persons or governmental agencies for purposes consistent with the purposes and provisions of this ~~aet section~~, including agreements with the highway authorities with regard to planting trees or other vegetation in or along highways, or furnishing stock for such planting.

(11) (f) Recreation facilities developed under the assistance of this ~~aet section~~ shall not be converted to uses which are inconsistent with the purposes of this ~~aet section~~ without the approval of the department. The department shall not issue such approval unless there is evidence that such other uses are essential to and in accordance with an official comprehensive plan for the area. The department shall require that the proceeds from the disposal of facilities developed under this ~~aet section~~ shall be used to further the objectives of this ~~aet section~~.

SECTION 37. 30.32 (9) of the statutes is amended to read:

30.32 (9) **OPTIONAL CONTRACT PROVISIONS.** The officer or agency in charge of negotiating the contract may insert in the specifications of the work reasonable and lawful conditions as to hours of labor and the residence and character of ~~workmen~~ workers to be employed by the contractor and especially, so far as is practicable in the judgment of such officer or agency, such reasonable and lawful conditions as will tend to confine employment on such work, in whole or in part, to permanent and bona fide residents of this state. The officer or agency may do any part of such work by day labor under such conditions as it prescribes. The officer or agency may demand of such bidders and contractors that all contracts shall be let subject to chs. 101, 102 and 105, ~~and all acts amendatory thereof and supplemental thereto~~, to the end that the officer or agency and municipality shall be held harmless. The officer or agency may reject any or all bids or parts thereof for any such work or supplies or materials.

SECTION 38. Title V (title) of the statutes is repealed.

SECTION 39. Title VI (title) of the statutes is repealed.

SECTION 40. Title VI-A (title) of the statutes is repealed.

SECTION 42. Title VI-B (title) of the statutes is repealed.

SECTION 43. Title VII (title) of the statutes is repealed.

SECTION 44. 46.02 of the statutes is amended to read:

46.02 Agency powers and duties. Any institution which is subject to ~~this title chs. 46 to 58~~ and to regulation under ch. 150 shall, in cases of conflict between ~~this title chs. 46 to 58~~ and ch. 150, be governed by ch. 150. The department shall establish rules and procedures for resolving any such controversy.

SECTION 47. 48.52 (3) of the statutes is amended to read:

48.52 (3) **PLACEMENT.** Nothing in this section ~~shall preclude~~ precludes the placement of a child in any of the above facilities so long as ~~he~~ the child is under the age of 18, ~~provided he and is~~ legally under sentence to the department under ~~a provision of the criminal code chs. 939 to 948.~~

SECTION 48. 49.49 (2) (c) 1 of the statutes is amended to read:

49.49 (2) (c) 1. A discount or other reduction in price obtained by a provider of services or other entity under ~~this title chs. 46 to 58~~ if the reduction in price is properly disclosed and appropriately reflected in the costs claimed or charges made by the provider or entity under a medical assistance program.

SECTION 51. 50.39 (3) of the statutes is amended to read:

50.39 (3) Facilities now governed by ss. 45.365, 48.62, 49.14, 49.171, 50.02, 51.08, 51.09, 58.06, 149.01, 149.02, 149.06 and the offices and clinics of persons licensed to treat the sick under chs. 446, 447 and 448 are exempt from ss. 50.32 to 50.39 ~~and nothing.~~ Nothing in this act ss. 50.32 to 50.39 shall abridge the rights of the medical examining board, dentistry examining board, pharmacy examining board and board of nursing in carrying out their statutory duties and responsibilities.

SECTION 53. 51.20 (2) of the statutes is amended to read:

51.20 (2) **NOTICE OF HEARING AND DETENTION.** Upon filing of a petition for examination, the court shall review the petition to determine whether an order of detention should be issued. The subject individual shall be detained only if there is cause to believe that the individual is mentally ill, drug dependent or developmentally disabled and the individual evidences the conditions specified in sub. (1) (a) and (am) based upon specific recent overt acts, attempts or threats to act or on a pattern of recent acts or omissions made by the individual. If the subject individual is to be detained, a law enforcement officer shall present the subject individual with a notice of hearing, a copy of the petition and detention order and a written statement of the individual's right to an attorney, a jury trial if requested more than 48 hours prior to the final hearing, the standard upon which he or she may be committed under this section and the right to a hearing to determine probable cause for commitment within the period specified in s. 51.15 (4) or (5) for the county of detention, and shall orally inform the individual that he or she is being taken into custody as the result of a petition and detention order issued under ~~the mental health act this chapter.~~ If the individual is not to be detained, the law enforcement officer shall serve these documents on the subject individual and shall also orally inform the individual of these rights. The individual who is the subject of the petition, his or her counsel and if the individual is a minor, his or her parent or guardian, if known, shall receive notice of all proceedings under this section. The court may also designate other persons to receive notices of hearings and rights under this chapter. The notice of time and place of a hearing shall be served personally on the subject of the petition, and his or her attorney, within a reasonable time prior to the hearing to determine probable cause for commitment. If the law enforcement officer has a detention order issued by a court, or if the law enforcement officer has cause to believe that the subject individual is mentally ill, drug dependent or developmentally disabled, and evidences the conditions specified in sub. (1) (a) and (am), based upon specific recent overt acts, attempts or threats to act or on a pattern of

omissions made by the individual, the law enforcement officer shall take the subject individual into custody. If the individual is detained by a law enforcement officer, the individual shall be orally informed of his or her rights under this section on arrival at the detention facility by the facility staff, who shall also serve all documents required by this section on the individual. Placement shall be made in a hospital which is approved by the department as a detention facility or under contract with a board established under s. 51.42 or 51.437, approved public treatment facility, mental health institute, center for the developmentally disabled, state treatment facility, or in an approved private treatment facility if the facility agrees to detain the subject individual. Upon arrival at the facility, the individual is deemed to be in the custody of the facility.

SECTION 55. 51.67 (title) of the statutes is amended to read:

51.67 (title) Alternate procedure; protective services.

SECTION 56. 51.79 of the statutes is amended to read:

51.79 Transmittal of copies. Duly authorized copies of ~~this act~~ ss. 51.75 to 51.80 shall, upon its approval, be transmitted by the secretary of state to the governor of each state, the attorney general and the administrator of general services of the United States and the council of state governments.

SECTION 59. 57.13 (title) of the statutes is amended to read:

57.13 (title) Uniform act for out-of-state parolee supervision; state compacts.

SECTION 61. Title VIII (title) of the statutes is repealed.

SECTION 62. 59.03 (3) (d) of the statutes is amended to read:

59.03 (3) (d) *Election and term of supervisors.* Supervisors are county officers and shall be elected for 2-year terms at the election to be held on the first Tuesday in April in even-numbered years and shall take office on the 3rd Tuesday in April of that year. A candidate for the office of supervisor shall be a qualified elector and resident of his or her supervisory district at least 10 days prior to the earliest time for the commencement of the circulation of nomination papers. ~~The supervisors holding office on April 21, 1965 or their successors shall continue in office until the supervisors established under this act are duly elected and qualified.~~

SECTION 64. 59.91 (1) and (13) of the statutes are amended to read:

59.91 (1) **SPECIAL COUNTIES MAY CONSTRUCT.** The county board of supervisors of any county within this state which ~~now has or may hereafter have according to any state or national census taken~~ a population of 150,000 or more, ~~is hereby authorized and empowered to~~ may erect, construct and maintain any viaduct or bridge over and across any gully, river or valley, or railroad track or tracks agreeable to the conditions and provisions of this ~~act~~ section and subsisting laws applicable thereto, when in the opinion of ~~such~~ the county board the erection of ~~such~~ the viaduct or bridge ~~shall be~~ is for the best interests of the county and inhabitants thereof, which opinion shall be rendered by resolution duly adopted by the county board of supervisors of ~~such~~ the county, at any legal meeting thereof. ~~Such~~ The viaduct or bridge shall be constructed of such length, width and height as the ~~said~~ county board of supervisors may by resolution determine.

(13) **POWERS OF COUNTY BOARD.** All legislative and administrative powers necessary to carry the powers conferred by this ~~act~~ section into full force and effect, are hereby conferred upon the county board of supervisors of any county within this state, which shall avail itself of ~~the provisions of this act~~ section, agreeably to the conditions thereof.

SECTION 65. 60.45 (20) of the statutes is amended to read:

60.45 (20) To perform the duties required in ~~Title II~~ chs. 5 to 12 respecting elections; in ~~Title XIV~~ chs. 115 to 121, respecting public instruction; and ~~Title XI~~ chs. 80 to 92, respecting highways, bridges and drains, and such other duties as may be required by law.

SECTION 66. 60.49 (4) and (10) of the statutes are amended to read:

60.49 (4) To collect and pay over taxes, making return of delinquents, and to perform all the duties appertaining thereto required of ~~him~~ the town treasurer by Title X chs. 70 to 79.

(10) To perform all the duties required of ~~him in Title XIV~~ the town treasurer under chs. 115 to 121, relating to public instruction.

SECTION 67. 60.81 (9) of the statutes is amended to read:

60.81 (9) FIRST CITY ELECTION. Within 10 days after incorporation of the city, the board with the clerk of which the petition was filed shall fix a time for the first city election, designate the polling place or places, and name 3 inspectors of election for each place. Ten days' previous notice of the election shall be given by the clerk by publication in the newspapers selected under sub. (3) and by posting notices in 3 public places in ~~such the city; but failure.~~ Failure to give such notice shall does not invalidate the election. The election shall be conducted as is prescribed by ~~Title II chs. 5 to 12,~~ except that no registration of voters shall be required. The inspectors shall make returns to ~~such the~~ board which shall, within one week after ~~such the~~ election, canvass the returns and declare the result. The clerk shall notify the officers-elect and issue certificates of election. If the first election ~~shall be~~ is on the first Tuesday in April the officers so elected shall commence and hold their offices as for a regular term, as shall also their appointees. Otherwise they shall commence within 10 days and hold until the regular city election and the qualification of their successors, and the term of their appointees shall expire as soon as successors qualify.

SECTION 68. 63.18 of the statutes is amended to read:

63.18 Milwaukee city commission; appointment; terms. The mayor of each 1st class ~~city of the first class, in this state,~~ whether ~~such the city be is~~ incorporated by special act of the legislature or under the general laws of the state, shall, before ~~the fifteenth day of June following the passage of this act, or the fifteenth day of June 15~~ in the year next following the first state or national census, showing such the city to belong to said first the 1st class, appoint 5 persons, citizens and residents of ~~said the~~ city, who shall constitute and be known as the board of city service commissioners of ~~such the~~ city, and shall designate one of the persons so appointed to serve for a term of 5 years, one for a term of 4 years, one for a term of 3 years, one for a term of 2 years, and one for a term of one year, from the first Monday of July in the year of their appointment and until their respective successors are appointed and qualified; ~~provided, however, that in.~~ In cities having a board of city service commissioners the members of such board shall hold office and continue to be a member of such commission until the expiration of the term or terms of such member or members, and in each and every year after such first appointment, the mayor shall, in like manner, in the month of June, appoint one person as the successor of the commissioner whose term shall expire in that year, to serve as such commissioner for 5 years from the first Monday of July then next ensuing, and until ~~his~~ a successor is appointed and qualified. The commission shall, at a meeting in July of each year, elect one member to act as president and one member to act as vice president, each for a term of one year, and until a successor is duly elected. Three commissioners shall constitute a quorum necessary for the transaction of business. Any vacancy in the office of commissioner occurring during the term shall be filled for the unexpired term by appointment by the mayor and all appointments, both original and to fill vacancies, shall be so made that not more than 2 commissioners shall at the time of the appointment be members of the same political party. Said The commissioners shall hold no other lucrative office or employment under the United States, ~~the this state of Wisconsin,~~ or any municipal corporation or political division thereof, and each commissioner shall before entering upon the discharge of the duties of ~~his~~ office and within 10 days after receiving notice of ~~his~~ appointment, take and subscribe the oath of office prescribed by the constitution of this state, and file the ~~same~~ oath, duly certified by the officer administering it with the clerk of his or her city.

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SECTION 69. 63.19 of the statutes is amended to read:

63.19 Duties and powers of board. ~~It shall be the duty of every~~ Every board of city service commissioners appointed under ~~and in pursuance of the provisions of this act to ss. 63.18 to 63.53 shall~~ investigate the enforcement of ~~said act ss. 63.18 to 63.53~~ and of its rules, adopted in accordance with ~~its provisions ss. 63.18 to 63.53~~ to carry out the purposes of ~~said act ss. 63.18 to 63.53~~ and the action of the examiners ~~in said act~~ provided for in ~~ss. 63.18 to 63.53,~~ and the conduct and action of the appointees in the official service in its city, and may inquire as to the nature, tenure and compensation of all offices and places in the public service thereof. In the course of such investigation each commissioner ~~shall have power to~~ may administer oaths, and ~~said the board shall have power to~~ may secure by its subpoena both the attendance and testimony of witnesses and the production of books and papers relevant to ~~such the~~ investigation. ~~Said The~~ The commission ~~shall have power to~~ may investigate the character and standing in the community of all applicants for examination and appointment in the city service under ~~the provisions of this act ss. 63.18 to 63.53.~~

SECTION 70. 63.21 of the statutes is amended to read:

63.21 Annual report. ~~Said The~~ board of commissioners shall, on or before ~~the fifteenth day of March 15~~ in each year, make to the mayor for transmission to the common council of such city, a report showing its own action, the rules in force, the practical effects thereof, and any suggestions it may approve for the more effectual accomplishment of the purposes of ~~this act ss. 63.18 to 63.53.~~ The mayor may require a report from ~~said the~~ board at any other time.

SECTION 71. 63.22 of the statutes is amended to read:

63.22 (title) City and its officers to cooperate in carrying out the law. All officers of any such city shall aid ~~said the~~ board in all proper ways in carrying out ~~the provisions of this act ss. 63.18 to 63.53,~~ and at any place where examinations are to be held, shall allow the reasonable use of the public buildings for holding such examinations. The mayor of each city shall cause suitable rooms to be provided for ~~said the~~ board at the expense of ~~such the~~ city, and a sufficient sum of money shall be appropriated each year by each city to carry out ~~the provisions of this act ss. 63.18 to 63.53~~ in ~~such the~~ city.

SECTION 72. 63.24 of the statutes is amended to read:

63.24 Commission to make rules. The ~~said~~ commissioners shall make such rules adapted to carry out the purposes of ~~the act ss. 63.18 to 63.53~~ and not inconsistent with ~~its provisions ss. 63.18 to 63.53,~~ as in their judgment shall be adapted to secure the best service for the city in each department affected by ~~said act ss. 63.18 to 63.53,~~ and as shall tend to promote expedition and speed the elimination of all unnecessary formalities in making appointments. All rules so made shall be subject to the approval of the mayor of the city, and they may with like approval be from time to time altered or rescinded by ~~said the~~ commissioners; ~~however, if.~~ If the mayor takes no action on a rule or an amendment to the rules, submitted to ~~him the~~ mayor, within a period of 10 days from the date of its submission, then the rule or amendment to the rules shall become effective as though approved by the mayor. The ~~said~~ commissioners shall supervise the administration of rules so established.

SECTION 73. 63.25 (1) (intro.) and (b) and (2) of the statutes are amended to read:

63.25 (1) (intro.) The rules mentioned in ~~this act ss. 63.18 to 63.53~~ shall provide among other things for the following:

(b) For the filling of vacancies in offices and places of employment in accordance with the results of such examinations, and for the selection of persons for public employment in accordance with such results, or otherwise, as may seem most desirable to carry out ~~the provisions of this act ss. 63.18 to 63.53.~~

(2) All rules made as provided in ~~this act~~ ss. 63.18 to 63.53 and all changes therein shall forthwith be printed for distribution by ~~said~~ the board.

SECTION 74. 63.33 of the statutes is amended to read:

63.33 Examinations reasonable. The examinations held under ~~this act~~ ss. 63.18 to 63.53 shall consist of any reasonable and impartial method of ascertaining the fitness or relative merit of candidates. To ~~insure~~ ensure competitive equality between the blind and persons not so handicapped in connection with the taking of civil service examinations, the applicant may request from the civil service commission the furnishing of an amanuensis or a reader when necessary, and the furnishing of a place to take ~~such~~ the examination, or other similar prerequisites to ~~insure~~ ensure equality in ~~such~~ the examination.

SECTION 75. 63.36 (1) of the statutes is amended to read:

63.36 (1) The board shall control all examinations, and may, whenever an examination is to take place, designate a suitable number of persons, either in or not in the official service of the city, to be examiners, and ~~it shall be the duty of such examiners to~~ shall make return or report thereof to ~~such~~ the board. The board may, at any time, substitute any other person, whether or not in such service, in the place of any one so selected; ~~and the.~~ The board may themselves, at any time, act as such examiners, and without appointing examiners. The examiners, at any examination, shall not all be members of the same political party, and no person shall serve in an examination of candidates for office under ~~the provisions of this act~~ ss. 63.18 to 63.53 in case of a relative or connection by marriage within the degree of first cousin.

SECTION 76. 63.39 of the statutes is amended to read:

63.39 Vacancies, how filled. Whenever a position classified and graded under ~~the provisions of this act~~ ss. 63.18 to 63.53 becomes vacant, the appointing officer ~~shall have the discretion to~~ may fill the position or ~~to~~ let it remain vacant. If the appointing officer chooses to fill the vacant position, the appointing officer may, with the approval of the commission, fill it through reinstatement, promotion, reduction or open competitive examination. If the appointing officer chooses not to or does not fill the vacant position by reinstatement, promotion, or reduction, the commission shall thereupon certify to the appointing officer from the list of eligibles the names and addresses of the 3 persons standing highest thereon, in accordance with requirements established by the commission. When there are less than 3 names upon an eligible list, certification shall be made and, unless objection is made by the appointing officer to the person or persons so certified and the objection sustained by the commission, appointment shall be made under the rules. In case of more than one vacancy, an additional name shall be certified for each such vacancy. The appointing officer shall select, solely with reference to merit and fitness, the number of persons for which the appointing officer has made requisition. In case the commission cannot certify eligibles for appointment, it may grant to the appointing officer authority to make appointment for a period not to exceed 2 months, or until regular appointment can be made.

SECTION 77. 63.40 (2) of the statutes is amended to read:

63.40 (2) The provisions of ~~the city civil service act~~ ss. 63.18 to 63.53 now governing selections, appointments, promotions, reinstatements, removals, transfers or other changes, shall apply to the special expert class, except as may be otherwise provided in this section.

SECTION 78. 63.42 of the statutes is amended to read:

63.42 Notice to commissioners of all appointments, and of all offices abandoned. Immediate notice in writing shall be given by the appointing power to ~~said~~ the board of city service commissioners of all appointments, permanent or temporary, made ~~pursuant to this act~~ under ss. 63.18 to 63.53 and the rules made and established under ~~the same~~ ss. 63.18 to 63.53, in those branches or departments of the civil service of such city which are

subject to ~~this act~~ ss. 63.18 to 63.53 and the rules of ~~said~~ the board, and of all transfers, promotions, resignations, other changes or vacancies from any cause in such branches or departments of the city service, and of the date thereof, and a record of the same shall be kept by ~~said~~ the board. When any office or place of employment, subject to such rules, is created or abolished, or the compensation attached thereto is altered, the officer or board making such change shall immediately report the same in writing to ~~said~~ the board of commissioners.

SECTION 79. 63.43 of the statutes is amended to read:

63.43 Removals for just cause only; reasons to be furnished in writing; hearings; decisions. (1) No person or employe holding an office or position classified and graded under ~~the provisions of this act~~ ss. 63.18 to 63.53 shall be removed, discharged or reduced, except for just cause which shall not be political or religious. A person removed, discharged or reduced shall be furnished, by the officer making the removal, with the reasons in writing, for such action when demanded by ~~said~~ the removed, discharged or reduced person. When reasons are given by the officer making the removal, a copy of the same shall be immediately forwarded to the commission. Within 3 days after such removal, discharge or reduction an appeal may be made to the commission in writing, by the employe so removed, discharged or reduced. The commission, on receiving ~~such~~ the notice of appeal, shall set a date for a hearing on or investigation of the reasons for the removal, discharge or reduction, which date shall not be more than 30 days after the date of removal, discharge or reduction. Notice of the time and place of ~~such~~ the hearing or investigation shall be served upon the employe appealing, in the same manner that a summons is served in this state. Notice shall also be given the officer making the removal. The city service commission, or board or committee of ~~such~~ the board or boards appointed by ~~said~~ the commission, shall conduct the hearing or investigation. The employe appealing shall have full opportunity to be heard and may, at the discretion of the commission, be represented by counsel. When the employe is represented by counsel, the officer making the removal, discharge or reduction may be represented by the city attorney. If, however, ~~such~~ the officer chooses to be represented by counsel other than the city attorney, ~~he~~ the officer may so do, but any expense so incurred shall not be paid by the city. In the course of a hearing or investigation as ~~herein~~ provided for in this section, any member of the commission and of any board or committee appointed by it, ~~shall have the power to~~ may administer oaths and ~~shall have power to~~ may secure by its subpoena both the attendance and testimony of witnesses and the production of books and papers relevant to ~~such~~ the hearing or investigation. All evidence may, on the order of the board, be taken by a competent reporter.

(2) The decision and findings of the commission, or of the investigating board or committee, when approved by the commission, shall be final and shall be filed, in writing, with the secretary of the board and shall be forthwith certified to and enforced by the head of the department or appointing officer. Nothing in ~~this act~~ ss. 63.18 to 63.53 shall limit the power of an officer to suspend a subordinate for a reasonable period not exceeding 15 days. In case an employe is again suspended within 6 months for any period whatever, the employe so suspended shall have the right of hearing or investigation by the commission on the second suspension or any subsequent suspension within ~~said~~ the period, the same as ~~herein~~ provided in this section.

SECTION 80. 63.44 of the statutes is amended to read:

63.44 Provisions for removals not to apply to certain departments. ~~The provisions of the above section~~ Section 63.43 shall not apply to removals of persons in any department of the city where ~~such~~ the department is under the supervision and control of a board or commission of ~~three~~ 3 or more members, but every such board or commission shall establish rules relating to the removal, discharge or reduction of employes in its department; ~~provided, however, that no~~ No such employe shall be removed, discharged or reduced for religious or political reasons and any removed, discharged or reduced employe shall have

the right to a trial and determination by ~~such~~ the board or commission, or by a committee duly appointed by ~~said~~ the board or commission as to whether there existed sufficient grounds for ~~his~~ removal, discharge or reduction and the determination of ~~such~~ the board or commission, or of the committee when approved by the board or commission, shall be final in the matter. The right of suspension is granted boards and commissions included under this section the same as is elsewhere provided for in ~~this act~~ ss. 63.18 to 63.53.

SECTION 81. 63.45 of the statutes is amended to read:

63.45 No payments approved or made of salary in the classified service except as provided. No treasurer, auditor, comptroller, or other officer or employe of the city in which ~~this act is~~ ss. 63.18 to 63.53 are effective shall approve the payment of or be in any manner concerned in paying, auditing or approving any salary, wage or other compensation for services, to any person in the classified service unless a payroll, estimate, or account for such salary, wage or other compensation, containing the names of persons to be paid, a statement of the amount to be paid each such person, the services on account of which the same is paid, bears the certificate of the commission that the persons named in such payroll, estimate, or account have been appointed or employed in pursuance of and have complied with ~~the terms of this act~~ ss. 63.18 to 63.53 and with the rules of the commission, and that the rate of salary or wage is in accordance with the rate established by the proper authorities. The commission shall refuse to certify the pay of any public officer or employe who shall wilfully or through culpable negligence violate or fail to comply with ~~this act~~ ss. 63.18 to 63.53 or the rules of the commission. The city service commission shall certify to the city comptroller all appointments to offices and places in the office of the city service commission and all changes or vacancies that may occur therein.

SECTION 82. 63.98 of the statutes is amended to read:

63.98 Fund abolished; assets, obligations and participants transferred. On July 9, 1969, the sheriff's annuity and benefit fund created under ~~this act~~ chapter 201, laws of 1937, is abolished in accordance with chapter 201, laws of 1937, section 23.

SECTION 83. 66.01 (16) of the statutes is amended to read:

66.01 (16) Any village having a population of 1,000 or more may proceed under this section to organize as a city of the appropriate class. ~~Such~~ The village may by charter or charter ordinance adopted ~~hereunder~~ under this section elect not to be governed by ch. 62 or ~~66 this chapter~~ in whole or in part or may create such system of government as is deemed by the village to be most appropriate for its situation. ~~Such~~ The charter or charter ordinance may include provision for the following, without limitation because of enumeration: method of election of members of the council by districts, at-large or by a combination of methods, procedure for election of the first common council, creation and selection of all administrative officers, departments, boards and commissions, powers and duties of all officers, boards and commissions and terms of office. ~~Such~~ The charter or charter ordinance shall not alter those provisions of ch. 62 dealing with police and fire departments or ~~Title XIV~~ chs. 115 to 121 dealing with education. Any village incorporated after August 12, 1959, may not become a city under this subsection unless it meets the standards for incorporation in ss. 66.015 and 66.016.

SECTION 84. 66.024 (8) of the statutes is amended to read:

66.024 (8) **TERRITORY EXCEPTED.** ~~The provisions of this act~~ This section shall not apply to any territory located in an area for which a certificate of incorporation was issued prior to February 24, 1959, by the secretary of state, even if the incorporation of ~~such~~ the territory is later held to be invalid by a court.

SECTION 86. 66.191 (title) of the statutes is amended to read:

66.191 (title) Special death and disability benefits for certain public employes.

SECTION 89. 66.40 (9) (q) of the statutes is amended to read:

66.40 (9) (q) The bonds, notes, debentures or other evidences of indebtedness executed by a housing authority shall not be a debt or charge against any city, county, state or any other governmental authority, other than against said the housing authority itself and its available property, income or other assets in accordance with the terms thereof and of this ~~act~~ section, and no individual liability shall attach for any official act done by any member of ~~such~~ the authority. No such authority shall have any power whatsoever to levy any tax or assessment.

SECTION 91. 66.416 (2) of the statutes is amended to read:

66.416 (2) Certificates, bonds and notes, or part interests therein, or any part of an issue thereof, which are issued by a redevelopment corporation and secured by a first mortgage on the real property of the redevelopment corporation, or any part thereof, shall be securities in which all the following persons, partnerships or corporations and public bodies or public officers may legally invest the funds within their control, ~~provided that~~ but the principal amount thereof shall not exceed the limits, if any, imposed by law for such investments by the person, partnership, corporation, public body or public officer making the same investment: Every executor, administrator, trustee, guardian, committee or other person or corporation holding trust funds or acting in a fiduciary capacity; the state, its subdivisions, cities, all other public bodies, all public officers; persons, partnerships and corporations organized under or subject to the provisions of the banking law (including savings banks, savings and loan associations, trust companies, bankers and private banking corporations); the commissioner of banking as conservator, liquidator or rehabilitator of any such person, partnership or corporation; persons, partnerships or corporations organized under or subject to ~~the provisions of the insurance code chs. 600 to 646~~; and the commissioner of insurance as conservator, liquidator or rehabilitator of any such person, partnership or corporation.

SECTION 93. 66.431 (title) and (12) of the statutes are amended to read:

66.431 (title) Blight elimination and slum clearance.

(12) LIMITATION UPON TAX EXEMPTION. The real and personal property of the authority is declared to be public property used for essential public and governmental purposes, and such property and an authority shall be exempt from all taxes of the state or any state public body; but the city in which a redevelopment or urban renewal project is located may fix a sum to be paid annually in lieu of such taxes by the authority for the services, improvements or facilities furnished to ~~such the~~ project by such the city provided that if the authority is financially able to do so, but such sum shall not exceed the amount which would be levied as the annual tax of the city upon such project. However, no real property acquired ~~pursuant to~~ under this act section by a private company, corporation, individual or partnership, either by lease or purchase, shall be exempt from taxation by reason of such acquisition.

SECTION 96. 66.435 (title) of the statutes is amended to read:

66.435 (title) Urban renewal.

SECTION 99. 66.51 (4) of the statutes is amended to read:

66.51 (4) All actions of any county or city, including all contracts, agreements, obligations and undertakings entered into pursuant to such actions, before December 4, 1955, in connection with the construction or other acquisition, equipment, furnishing, operation and maintenance of a joint county-city safety building, which would have been valid if ~~this act (1955) sub. (1) and s. 66.508~~ had been in effect when such actions were taken, are hereby validated.

SECTION 100. 67.25 (title) of the statutes is amended to read:

67.25 (title) Redevelopment bonds.

SECTION 101. Title IX (title) of the statutes is repealed.

SECTION 102. Title X (title) of the statutes is repealed.

SECTION 103. 70.03 of the statutes is amended to read:

70.03 Definition real property. The terms “real property;”, “real estate” and “land;”, when used in ~~this title~~ chs. 70 to 79, shall include not only the land itself but all buildings and improvements thereon, and all fixtures and rights and privileges appertaining thereto.

SECTION 104. 70.04 (intro.) and (2) of the statutes are amended to read:

70.04 Definition personal property. (intro.) The term “personal property;”, as used in ~~this title~~ chs. 70 to 79, shall include all goods, wares, merchandise, chattels, and effects, of any nature or description, having any real or marketable value, and not included in the term “real property;”, as ~~above~~ defined in s. 70.03.

(2) The term “personal property;”, as used in ~~this title~~ chs. 70 to 79, shall also include irrigation implements used by a farmer, including pumps, power units to drive the pumps, transmission units, sprinkler devices and sectional piping.

SECTION 105. 70.41 (5) of the statutes is amended to read:

70.41 (5) ~~TAXATION STATUTES APPLICABLE TO GRAIN STORAGE TAXATION.~~ All laws not in conflict with ~~the provisions of this act~~ section relating to the assessment, collection and payment of personal property taxes, the correction of errors in assessment and tax rolls, shall apply to the tax ~~herein~~ imposed under this section.

SECTION 106. 70.42 (5) of the statutes is amended to read:

70.42 (5) All laws not in conflict with ~~the provisions of this act~~ section relating to the assessment, collection and payment of personal property taxes, the correction of errors in assessment and tax rolls, shall apply to the tax ~~herein~~ imposed under this section.

SECTION 107. 70.421 (6) of the statutes is amended to read:

70.421 (6) This ~~act~~ section shall apply to the year ending April 30, 1957, and subsequent years.

SECTION 108. 71.11 (7) (a) of the statutes is amended to read:

71.11 (7) (a) When any corporation liable to taxation under this ~~act~~ chapter conducts its business in such a manner as either directly or indirectly to benefit the members or stockholders thereof or any person interested in such business, by selling its products or the goods or commodities in which it deals at less than the fair price which might be obtained therefor, or where a corporation, a substantial portion of whose capital stock is owned either directly or indirectly by another corporation, acquires and disposes of the products of the corporation so owning a substantial portion of its stock in such a manner as to create a loss or improper net income, the department may determine the amount of taxable income to such corporation for the calendar or fiscal year, having due regard to the reasonable profits which but for such arrangement or understanding might or could have been obtained from dealing in such products, goods or commodities.

SECTION 109. 71.13 (5) of the statutes is amended to read:

71.13 (5) All laws not in conflict with ~~the provisions of this act~~ chapter, relating to the assessment, collection and payment of taxes on personal property, the correction of errors in assessment and tax rolls, and for the collection of delinquent personal property taxes except the provisions for the compromise or cancellation of illegal taxes and the refunds of moneys paid thereon, shall be applicable to the income tax ~~herein~~ provided in this chapter.

SECTION 110. 74.66 of the statutes is amended to read:

74.66 Loss by officers. All losses that may be sustained by the default of any officer of any town, city or village in the discharge of the duties imposed by ~~this title~~ chs. 70 to 79 shall be chargeable to such town, city or village; and all losses sustained by the default of any county officer in the discharge of such duties shall be chargeable to such county; and the county board shall add all such losses to the next year's taxes of such town, city or village, or county, as the case may require.

SECTION 111. 74.76 (title) of the statutes is amended to read:

74.76 (title) Uniform federal tax lien registration act.

SECTION 112. 74.76 (3) (a) 1 and (b) of the statutes are amended to read:

74.76 (3) (a) 1. He or she is the secretary of state, he or she shall cause the notice to be marked, held and indexed in accordance with s. 409.403 (4) as if the notice were a financing statement within the meaning of ~~the uniform commercial code~~ chs. 401 to 409; or

(b) 1. If a refiling of a notice of tax lien is presented to the secretary of state for filing, the secretary shall cause the refiled notice of federal tax lien to be marked, held and indexed in accordance with s. 409.403 as if the refiling were a continuation statement within the meaning of ~~the uniform commercial code~~ chs. 401 to 409, except that the time period in par. (d) shall apply instead of the uniform commercial code time period in s. 409.403 (2) and (3).

2. If a certificate of release is presented to the secretary of state for filing, the secretary shall cause the certificate to be marked, held and indexed in accordance with s. 409.404 as if the certificate were a termination statement within the meaning of ~~the uniform commercial code~~ chs. 401 to 409, and the secretary may remove the notice of federal tax lien and any related refiling of a notice of tax lien, certificate of nonattachment, discharge or subordination from the files at any time after receipt of the certificate of release, ~~provided that~~ but the secretary of state shall keep the certificate of release or a microfilm or other photographic record of the certificate of release in a file, separate from those containing currently effective notices of tax liens, for a period of 30 years after the date of filing of the certificate of release.

3. If a certificate of discharge is presented to the secretary of state for filing, the secretary shall cause the certificate to be marked, held and indexed as if the certificate were a release of collateral within the meaning of ~~the uniform commercial code~~ chs. 401 to 409.

4. If a certificate of nonattachment or subordination of any tax lien is presented to the secretary of state for filing, the secretary shall cause the certificate to be marked, held and indexed as if the certificate were an amendment within the meaning of ~~the uniform commercial code~~ chs. 401 to 409.

SECTION 114. 74.76 (7) (title) of the statutes is amended to read:

74.76 (7) (title) TAX LIENS AND NOTICES FILED ON OR BEFORE FEBRUARY 1, 1968.

SECTION 115. 75.13 (title) of the statutes is amended to read:

75.13 (title) Filing affidavit.

SECTION 116. 75.521 (16) (title) of the statutes is amended to read:

75.521 (16) (title) RETROACTIVE.

SECTION 117. 77.03 of the statutes is amended to read:

77.03 Taxation of forest croplands. After the filing of the order with the officers under s. 77.02 (3) the lands described therein shall be "Forest Croplands", on which taxes shall thereafter be payable only as provided under this subchapter. ~~The passage enactment of this act~~ ss. 77.01 to 77.16, petition by the owner and the making of the order under s. 77.02 (3) shall constitute a contract between the state and the owner, running with ~~said~~ the lands, for a period of 25 or 50 years at the election of the applicant at the time the petition is filed, unless terminated as ~~hereinafter~~ provided in ss. 77.01 to 77.16, with privilege of renewal by mutual agreement between the owner and the state, whereby the state as an inducement to owners and prospective purchasers of forest croplands to come under ~~this chapter~~ ss. 77.01 to 77.16 agrees that until terminated as ~~hereinafter~~ provided in ss. 77.01 to 77.16, no change in or repeal of ~~this chapter~~ ss. 77.01 to 77.16 shall apply to any land then accepted as forest croplands, except as the department of natural resources and

the owner may expressly agree in writing. If at the end of the contract period the contract is not renewed by mutual consent, then the merchantable timber on the land shall be estimated by an estimator jointly agreed upon by the department of natural resources and the owner, and if the department and the owner fail to agree on an estimator, the judge of the circuit court of the district in which the lands lie shall appoint a qualified forester, whose estimate shall be final, and the cost thereof shall be borne jointly by the department of natural resources and the owner; and the 10% severance tax paid on the stumpage thereon in the same manner as if said stumpage had been cut. The owners by such contract consent that the public may hunt and fish on the lands, subject to such rules as the department of natural resources prescribes regulating hunting and fishing.

SECTION 118. 77.61 (3) of the statutes is amended to read:

77.61 (3) The department shall provide a bracket system to be used by retailers in collecting the amount of the tax from their customers, but the use of such brackets shall not relieve the retailer from liability for payment of the full amount of the tax levied by ~~this act~~ ss. 77.51 to 77.621.

SECTION 119. Title XI (title) of the statutes is repealed.

SECTION 120. 83.17 of the statutes is amended to read:

83.17 County may assume compensation liability; agreements with localities. Whenever a county contributes funds to a highway project undertaken by a town, village or city in the county or a city, town or village has its highways maintained by the county with local funds, the county through its county highway committee may assume the liability under ~~the worker's compensation act ch. 102~~ of the town, village or city to any employe on such project, and may by agreement with the governing body of the town, village or city provide for the amount the town, village or city shall pay to the county for the assumption of such liability. ~~Such~~ The action of the county highway committee shall remain in effect until the county board by resolution disapproves of ~~such~~ the action.

SECTION 121. Title XII (title) of the statutes is repealed.

SECTION 124. 97.02 (14) (c) of the statutes is amended to read:

97.02 (14) (c) Bears or contains any nonnutritive substance; ~~provided, that but~~ but this clause shall not apply to a safe nonnutritive substance which is in or on confectionary by reason of its use for some practical functional purpose in the manufacture, packaging, or storing of ~~such the~~ the confectionary if the use of the substance does not promote deception of the consumer or otherwise result in adulteration or misbranding in violation of ~~this act; and provided further, that the~~ chapter. The department may, for the purpose of avoiding or resolving uncertainty as to the application of this clause, ~~issue~~ promulgate rules allowing or prohibiting the use of particular nonnutritive substances.

SECTION 125. 97.46 (1) of the statutes is amended to read:

97.46 (1) No person, ~~firm or corporation shall~~ may, by himself or herself, or by his or her agents or servants, manufacture, sell, ship, consign, offer for sale, expose for sale or have in his or her possession with intent to sell for use or consumption within ~~the~~ this state, any article of food within the meaning of s. 97.01, which contains formaldehyde, sulphurous acid or sulphites, boric acid or borates, salicylic acid or salicylates, saccharin, dulcin, glucin, beta naphthol, abristol, asaprol, fluorides, fluoborates, fluosilicates or other fluorine compounds, or any other preservatives injurious to health; ~~provided, however, that nothing.~~ Nothing contained in this section shall ~~prohibit~~ prohibits the use of common salt, saltpeter, wood smoke, sugar, vinegar and condimental preservatives, such as turmeric, mustard, pepper and other spices. ~~Nor shall any~~ No person, ~~firm or corporation,~~ by himself or herself, or by his agents or servants, may manufacture, sell, ship, consign, offer for sale, expose for sale or have in his or her possession with intent to sell for use or consumption within ~~the~~ this state, any article of food within the meaning of s. 97.01, containing any added substance, article or ingredient possessing a preservative character or action

other than the ~~articles named in the proviso of this act~~ common salt, saltpeter, wood smoke, sugar, vinegar and condimental preservatives such as tumeric, mustard, pepper and other spices, unless the presence, name and proportionate amount of ~~said the~~ added substance, article or ingredient shall be ~~is~~ plainly disclosed to the purchaser.

SECTION 126. 100.18 (10) (b) of the statutes is amended to read:

100.18 (10) (b) It is deceptive to represent the price of any merchandise as a manufacturer's or wholesaler's price, or a price equal thereto, unless ~~such the~~ price is not more than the price which retailers regularly pay for such the merchandise. The effective date of this ~~act~~ subsection shall be January 1, 1962.

SECTION 129. 100.38 (3) (c) of the statutes is amended to read:

100.38 (3) (c) It does not bear a statement warning of any hazard of substantial injury to human beings which may result from the intended use or reasonably foreseeable misuse of the antifreeze, and which complies with the requirements of ~~the hazardous substances labeling act under s. 100.37.~~

SECTION 131. Title XIII (title) of the statutes is repealed.

SECTION 132. 101.61 (1) of the statutes is amended to read:

101.61 (1) "Dwelling" means any building the initial construction of which was commenced on or after ~~the effective date of this act~~ December 1, 1978, which contains one or 2 dwelling units. "Dwelling unit" means a structure or that part of a structure which is used or intended to be used as a home, residence or sleeping place by one person or by 2 or more persons maintaining a common household, to the exclusion of all others.

SECTION 133. 101.71 (2) of the statutes is amended to read:

101.71 (2) "Dwelling" means any building the initial construction of which was commenced on or after ~~the effective date of this act~~ December 1, 1978, which contains one or more dwelling units. "Dwelling unit" means a structure or that part of a structure which is used or intended to be used as a home, residence or sleeping place by one person or by 2 or more persons maintaining a common household, to the exclusion of all others.

SECTION 134. 102.01 (1) of the statutes is amended to read:

102.01 (1) ~~The provisions of this~~ This chapter may be known, cited and referred to as the "Worker's Compensation Act" and allowances, recoveries and liabilities under or pursuant to this act ~~chapter~~ constitute and may be known, designated and referred to as "Worker's Compensation".

SECTION 135. 102.18 (2) of the statutes is amended to read:

102.18 (2) The department shall have and maintain on its staff such examiners as are necessary to hear and decide disputed claims and to assist in the effective administration ~~of the worker's compensation act. Such~~ this chapter. The examiners may make findings and orders, and approve, review, set aside, modify or confirm stipulations of settlement or compromises of claims for compensation. Any party who is dissatisfied with the findings and order of an examiner may file a written petition with the department for review by the commission of the findings or order.

SECTION 136. 102.38 of the statutes is amended to read:

102.38 Records of payments; reports thereon. Every insurance company which transacts the business of compensation insurance, and every employer who is subject to ~~the worker's compensation act~~ this chapter, but who has not insured the employer's liability, shall keep a record of all payments made under ~~ch. 102~~ this chapter and of the time and manner of making ~~such the~~ payments, and shall furnish such reports based upon these records to the department as it may require by general order, upon forms to be procured from the department.

SECTION 137. 103.73 (3) of the statutes is amended to read:

103.73 (3) A child labor permit duly issued shall be conclusive evidence of the age of the minor for whom it was issued in any proceeding under any of the labor laws and under ~~the worker's compensation act of this state~~ ch. 102, as to any act or thing occurring subsequent to the date such permit was issued.

SECTION 138. 103.75 (1) of the statutes is amended to read:

103.75 (1) The department or persons designated by it may issue certificates of age for minors under rules the department deems necessary. The certificate is conclusive evidence of the age of the minor to whom issued in any proceeding under any of the labor laws and under ~~the worker's compensation act of this state~~ ch. 102 as to any act or thing occurring subsequent to the date the certificate was issued.

SECTION 139. 103.76 of the statutes is amended to read:

103.76 Proof of age in court. Whenever in any proceeding in any court under any of the labor laws or under ~~the worker's compensation act of this state~~ ch. 102 there is any doubt of the age of a minor a duly issued child labor permit or age certificate shall be conclusive evidence. In the absence of such permit or certificate a duly attested birth certificate or a verified baptismal certificate shall be produced and filed with the court. Upon proof that ~~such~~ the birth or baptismal certificate cannot be secured, the record of age stated in the first school enrollment of ~~such~~ the child shall be admissible as evidence thereof.

SECTION 140. 107.02 of the statutes is amended to read:

107.02 Mining statement; penalty. When there ~~shall be~~ is no agreement between the parties to any mining lease, license or permit, to mine or remove ore from any lands in this state, regulating the method of reporting the amount of ore taken, ~~it shall be the duty of~~ the person, ~~firm or corporation~~ mining and removing ~~such~~ the ore or ores, ~~to~~ shall keep proper and correct books, and therefrom to make and deliver by or before the fifteenth day of each month to the lessor, owner or person entitled thereto, a detailed statement covering the operations of the preceding month. ~~Such~~ The statement shall show the total amount of tons or pounds of each kind of ore produced; if sold, then to whom sold, giving the date of sale, date of delivery to any railroad company, naming ~~such~~ the company, and the station where delivered or billed for shipment; the name and address of the purchaser; the price per ton at which sold and the total value of each kind of ore so sold. ~~Such~~ The books shall be always open to any owner, lessor, licensor or stockholder, if ~~such~~ the owner, lessor, or licensor is a corporation, and to any person or stockholder interested in any such mining operations, for the purpose of inspection and taking copies thereof or abstracts therefrom. Any person, ~~firm, joint stock company or corporation~~, and every officer, agent or employe of any thereof, who ~~shall violate any of the provisions of this act~~ violates this section, or who ~~shall make~~ makes any false or incomplete entries on any such books or statements, ~~shall, upon conviction, thereof, be punished by a fine of~~ be fined not less than ~~one hundred dollars, \$100 or by imprisonment imprisoned~~ in the county jail for not more than ~~three~~ 3 months; or by both ~~such fine and imprisonment~~.

SECTION 141. Subchapter I (title) of chapter 111 of the statutes is amended to read:

CHAPTER 111

SUBCHAPTER I

EMPLOYMENT PEACE

SECTION 142. 111.02 (6) of the statutes is amended to read:

111.02 (6) ~~The term "collective~~ "Collective bargaining unit" ~~shall mean~~ means all of the employes of one employer (employed within the state), except that where a majority of ~~such~~ the employes engaged in a single craft, division, department or plant ~~shall~~ have voted by secret ballot as provided in section s. 111.05 (2) to constitute such group a separate bargaining unit they shall be so considered, ~~provided but, that in appropriate cases, and to aid in the more efficient administration of the employment peace act~~ ss.

111.01 to 111.19, the commission may find, where agreeable to all parties affected in any way thereby, an industry, trade or business comprising more than one employer in an association in any geographical area to be a "collective bargaining unit". A collective bargaining unit thus established by the commission shall be subject to all rights by termination or modification given by ~~this subchapter I of chapter 111 ss. 111.01 to 111.19~~ in reference to collective bargaining units otherwise established under ~~said subchapter ss. 111.01 to 111.19~~. Two or more collective bargaining units may bargain collectively through the same representative where a majority of the employes in each separate unit shall have voted by secret ballot as provided in ~~section s.~~ 111.05 (2) so to do.

SECTION 144. Subchapter IV (title) of chapter 111 of the statutes is amended to read:

CHAPTER 111

SUBCHAPTER IV

MUNICIPAL EMPLOYMENT RELATIONS

SECTION 147. Subchapter V (title) of chapter 111 of the statutes is amended to read:

CHAPTER 111

SUBCHAPTER V

STATE EMPLOYMENT LABOR RELATIONS

SECTION 149. 112.01 (13) (title) of the statutes is amended to read:

112.01 (13) (title) CASES NOT PROVIDED FOR IN SECTION.

SECTION 154. Title XIV (title) of the statutes is repealed.

SECTION 155. 115.01 (intro.) of the statutes is amended to read:

115.01 Classifications and definitions. (intro.) In ~~this title chs. 115 to 121~~:

SECTION 156. 116.08 (4) of the statutes is amended to read:

116.08 (4) Whenever an agency performs any service or function under ~~this title chs. 115 to 121~~ by contract with a county board or any agency thereof, with a school board or with a county handicapped children's education board, the contract may authorize the agency to make claim for and receive the state aid for performing the service or function. The agency shall transmit a certified copy of the contract containing the authority to collect state aid to the department. When an agency receives ~~such the~~ state aid, it shall pay over or credit the amount of state aid received to the proper county or agency thereof, school district or county handicapped children's education board for which the service or function was performed according to the contract therefor.

SECTION 157. 118.12 (2) and (3) of the statutes are amended to read:

118.12 (2) Any officer or teacher who fails or neglects to make the reports or who fails to keep the records required by ~~this title chs. 115 to 121~~ shall forfeit not less than \$5 nor more than \$25 for each such failure or neglect.

(3) If any person designated in ~~this title chs. 115 to 121~~ to prosecute an action for a forfeiture or neglect of duty fails to prosecute the action within 10 days after being requested in writing by an elector of the school district to do so, any elector of the school district may prosecute the action.

SECTION 158. 118.23 (1) of the statutes is amended to read:

118.23 (1) In this section "teacher" means any person who holds a teacher's certificate or license and whose legal employment requires such certificate or license, who is employed full time and meets the minimum requirements prescribed by the governing body employing such person and who is employed by a school board, board of trustees or governing body of any school operating under ~~this title chs. 115 to 121~~ and lying entirely and exclusively in a county having a population of 500,000 or more. "Teacher" does not

include any superintendent or assistant superintendent; any teacher having civil service status under ss. 63.01 to 63.17; any teacher in a public school in a city of the 1st class; or any person who is employed by a school board during time of war as a substitute for a teacher on leave while on full-time duty in the U.S. armed forces or any reserve or auxiliary thereof and who is notified in writing at the time of employment that the position is of a temporary nature. This section does not apply to any teacher after the close of the school year during which the teacher has attained the age of 65 years, nor to any subsequent employment of such teacher.

SECTION 159. 120.15 (4) of the statutes is amended to read:

120.15 (4) Prosecute an action for the recovery of any forfeiture incurred under ~~this title chs. 115 to 121~~ in which the school district is interested. If the school district president has incurred the forfeiture, such action shall be prosecuted by the school district treasurer. Of the net sum recovered under such action, one-half shall be paid into the school district treasury and one-half to the county treasury for the benefit of the school fund.

SECTION 160. Title XIV-A (title) of the statutes is repealed.

SECTION 162. 134.33 (10) of the statutes is amended to read:

134.33 (10) EFFECTIVE DATE. This ~~act~~ section shall take effect July 1, 1937, and shall not apply to any article manufactured prior thereto.

SECTION 163. 134.38 (title) of the statutes is amended to read:

134.38 (title) Companies to post copies of s. 134.37.

SECTION 166. 139.34 (1) (c) 1 of the statutes is amended to read:

139.34 (1) (c) 1. Has been convicted of a misdemeanor, not involving ~~the motor vehicle code~~ chs. 340 to 349, at least 3 times;

SECTION 167. 139.37 (1) (c) 1 of the statutes is amended to read:

139.37 (1) (c) 1. Has been convicted of a misdemeanor not involving ~~the motor vehicle code~~ chs. 340 to 349, at least 3 times;

SECTION 167m. Title XV (title) of the statutes is repealed.

SECTION 172. 140.67 (3) (intro.), (d) and (e) of the statutes are amended to read:

140.67 (3) (intro.) The department, in carrying out the purposes of ~~this act~~, is ~~authorized to~~ ss. 140.65 to 140.76, may:

(d) ~~The~~ To the extent that it considers desirable to effectuate the purposes of ~~this act~~ ss. 140.65 to 140.76, enter into agreements for the utilization of facilities and services of other departments, agencies and institutions, public or private;

(e) Accept on behalf of the state and deposit with the state treasurer any grant, gift or contribution made to assist in meeting the cost of carrying out the purposes of ~~this act~~ ss. 140.65 to 140.76, and to expend the same for such purposes;

SECTION 173. 140.70 of the statutes is amended to read:

140.70 State plans. The department shall prepare and submit to the secretary, state plans which shall include the programs for construction of facilities developed under ~~this act~~ ss. 140.65 to 140.76 and which shall provide for the establishment, administration and operation of such construction activities in accordance with the requirements of the federal act and regulations thereunder. The department shall from time to time, but not less often than annually, review the state plans and submit to the secretary any modifications thereof which it considers necessary and may submit to the secretary such modifications of the state plan not inconsistent with the requirements of the federal act, as it deems advisable.

SECTION 174. 140.74 of the statutes is amended to read:

140.74 Hearing; forwarding of applications. The department shall afford to every applicant for a construction project an opportunity for a fair hearing. If the department, after affording reasonable opportunity for development and submission of applications, finds that a project application complies with the requirements of ~~this act ss. 140.65 to 140.76~~ and is otherwise in conformity with the state plan, it shall approve such application and shall recommend and forward it to the secretary.

SECTION 175. 140.76 of the statutes is amended to read:

140.76 Mental retardation facilities and community mental health centers construction funds. The department may receive federal funds in behalf of, and transmit them to, such applicants. In the general fund there is hereby established, separate and apart from all public moneys of this state, a mental retardation facilities construction fund and a community mental health centers construction fund. Money received from the federal government for a construction project under ~~this act ss. 140.65 to 140.76~~ approved by the secretary shall be deposited to the credit of the appropriate fund and shall be used solely for payments to applicants for work performed, or purchases made, in carrying out approved project.

SECTION 176. 144.025 (1) of the statutes is amended to read:

144.025 (1) STATEMENT OF POLICY AND PURPOSE. The department of natural resources shall serve as the central unit of state government to protect, maintain and improve the quality and management of the waters of the state, ground and surface, public and private. Continued pollution of the waters of the state has aroused widespread public concern. It endangers public health and threatens the general welfare. A comprehensive action program directed at all present and potential sources of water pollution whether home, farm, recreational, municipal, industrial or commercial is needed to protect human life and health, fish and aquatic life, scenic and ecological values and domestic, municipal, recreational, industrial, agricultural and other uses of water. The purpose of this act section is to grant necessary powers and to organize a comprehensive program under a single state agency for the enhancement of the quality management and protection of all waters of the state, ground and surface, public and private. To the end that these vital purposes may be accomplished, this act section and all rules and orders promulgated ~~pursuant thereto under this section~~ shall be liberally construed in favor of the policy objectives set forth in this act section. In order to achieve the policy objectives of this act section, it is the express policy of the state to mobilize governmental effort and resources at all levels, state, federal and local, allocating such effort and resources to accomplish the greatest result for the people of the state as a whole. Because of the importance of Lakes Superior and Michigan and Green Bay as vast water resource reservoirs, water quality standards for those rivers emptying into Lakes Superior and Michigan and Green Bay shall be as high as is practicable.

SECTION 177. 144.60 (title) of the statutes is amended to read:

144.60 (title) Hazardous waste management.

SECTION 181. 146.38 (3) (e) of the statutes is amended to read:

146.38 (3) (e) With regard to any criminal matter, to a court of record, in accordance with ~~the provisions of Title XLIII chs. 885 to 895~~ and after issuance of a subpoena; and

SECTION 182. 146.80 (title) of the statutes is amended to read:

146.80 (title) Family planning.

SECTION 184. 161.01 (intro.) of the statutes is amended to read:

161.01 Definitions. (intro.) As used in this act chapter:

SECTION 186. Title XVI (title) of the statutes is repealed.

SECTION 190. 175.05 (6) of the statutes is amended to read:

175.05 (6) RIGHTS OF LABOR. Nothing in this section shall be construed to impair, curtail or destroy the rights of employes and their representatives to self-organization, to form, join or assist labor organization, to strike, to bargain collectively through representatives of their own choosing, and to engage in concerted activities, for the purpose of collective bargaining or other mutual aid or protection, under either the federal labor relations act or ~~the Wisconsin employment peace act ss. 111.01 to 111.19.~~

SECTION 191. 176.23 (2) of the statutes is amended to read:

176.23 (2) If a registration of voters ~~be is~~ required in any territory included in a residence district as ~~herein provided for in this chapter,~~ the number of names which appear in the last registration had in any such territory and residing in such district shall determine the number of electors residing therein. ~~And only~~ Only such electors can sign the remonstrance, counter petition or consent provided for in this ~~act~~ chapter. If there ~~be is~~ no registration of voters, then the last enumeration of the number of electors therein made pursuant to law may be used to determine the number of electors therein at the time of filing ~~such the~~ remonstrance, counter petition or consent.

SECTION 192. 176.62 (4) of the statutes is amended to read:

176.62 (4) ~~“Lienor.”~~ In this section “lienor” or “lien claimant” as ~~herein used~~ includes the vendor under a conditional sales agreement, the mortgagee under a chattel mortgage and the holder of equivalent security interests under ~~the commercial code chs. 401 to 409.~~

SECTION 193. Subchapter I (title) of chapter 177 of the statutes is amended to read:

CHAPTER 177

SUBCHAPTER I

UNIFORM DISPOSITION OF

UNCLAIMED PROPERTY ACT

SECTION 194. 177.09 of the statutes is amended to read:

177.09 Miscellaneous personal property held for another person. All intangible personal property, not otherwise covered by ~~this act ss. 177.01 to 177.30.~~ including any income or increment thereon and deducting any lawful charges, that is held or owing in this state in the ordinary course of the holder's business and has remained unclaimed by the owner for more than 10 years after it became payable or distributable is presumed abandoned.

SECTION 196. Title XVII (title) of the statutes is repealed.

SECTION 213. 185.983 (1) (intro.) of the statutes is amended to read:

185.983 (1) (intro.) Every such voluntary nonprofit sickness care plan shall be exempt from ~~the state insurance code chs. 600 to 646,~~ with the exception of ss. 601.04, 601.31, 632.79 and 632.91 but the sponsoring association shall:

SECTION 214. 185.992 (intro.) of the statutes is amended to read:

185.992 Requirements of plans. (intro.) Every such interscholastic benefit plan shall be exempted from ~~the state insurance code chs. 600 to 646,~~ with the exception of ss. 601.04 and 601.31 but the sponsoring association shall:

SECTION 215. 187.14 (4) (c) and (6) of the statutes are amended to read:

187.14 (4) (c) ~~Said~~ The certificate, together with a certified copy of the resolution from each society authorizing the consolidation, shall be recorded in the office of the register of deeds of the county in which the newly consolidated society is located; ~~and when.~~ When so recorded, ~~said the~~ consolidated society shall be an incorporated religious society under and by virtue of the laws of ~~the this state of Wisconsin~~ and shall have all the powers and be subject to all the obligations of religious societies as prescribed by this chapter 187, ~~and all acts amendatory thereof or supplementary thereto.~~

(6) ~~Said~~ The consolidated society, when the incorporation thereof ~~shall be~~ is completed as herein provided in this section, shall be vested with all the temporalities and property, real or personal, of ~~said the~~ constituent societies, and any gifts, grants, devises or bequests thereafter accruing to either of ~~said the~~ former societies, or to the consolidated society, by whatever name designated, shall be valid and the same shall pass to and vest in the ~~said~~ consolidated society, — it being the declared intent of this ~~aet~~ section that no gift, grant, devise or bequest shall fail by reason of the fact that the same may have been given to either one of the former societies, but that the consolidated society shall take any such as would otherwise have passed to either of the former societies.

SECTION 216. 187.16 (4) of the statutes is amended to read:

187.16 (4) POWERS AND DUTIES OF TRUSTEES. The trustees of a corporation, incorporated under ~~the provisions of this act~~ this section, shall have the custody and control of all the temporalities and property, real and personal, belonging to ~~said the~~ corporation in Wisconsin in this state and the revenues therefrom, and shall administer the same in accordance with the discipline, rules and usages of the Salvation Army or the governing body thereof and the provisions of law relating thereto. The board of trustees of ~~said the~~ corporation shall have power to may adopt by-laws bylaws for the calling and conduct of the meetings of its members, the government and regulations of ~~said the~~ corporation, the management of its property, and the regulation of its affairs. ~~But this~~ This section does not give to said the trustees any control over the policy or control of the religious or ecclesiastical membership of the Salvation Army, or power to dismiss or remove any of its officers or members, or power over any of the spiritual officers of ~~said the~~ association, who shall be subject to the rules and discipline of ~~said the~~ association laid down by the general of the Salvation Army or his or her successor in said office.

SECTION 217. 193.22 of the statutes is amended to read:

193.22 May borrow money; mortgages. Any street railway corporation organized under any law may, by a vote of the stockholders owning ~~three-fourths~~ 75% of the capital stock, borrow money and execute any mortgage or deed of trust, under ss. 190.02 (9) and 190.11, embracing therein any and all of its property; and may therein provide for the disposal and replacing or substitution of its cars, motor vehicles or other property which becomes old, worn or unfit for use; and such substituted or after-acquired property shall then be subject to the terms of such instrument. Any such corporation having heretofore executed any such mortgage or deed of trust embracing any or all of its property, and having since the execution of such mortgage or deed of trust engaged in the operation of motor vehicles for the transportation of passengers or property for hire as a part of its business, may, at its option, execute a supplemental mortgage or deed of trust providing for the inclusion of any or all of the motor vehicles owned and operated by such corporation within the terms of the original mortgage or deed of trust, with the same effect as though such motor vehicle had been specifically therein described in the first instance. Any such instrument or supplemental instrument may be recorded in the office of the register of deeds of the county wherein ~~such the~~ such the corporation has its principal office in this state, and such record shall be as valid and effectual as if filed in the proper office as a chattel mortgage or equivalent security interest under ~~the commercial code chs. 401 to 409~~, and so remain until satisfied or discharged without any further affidavit or proceeding whatever on the part of the mortgagee or any holder of the bonds or evidences of debt thereby secured. No such corporation shall be allowed to make the defense of usury against the holder of any indebtedness so secured.

SECTION 218. Chapter 194 (title) of the statutes is amended to read:

CHAPTER 194

MOTOR VEHICLE TRANSPORTATION ACT

SECTION 219. 195.35 of the statutes is amended to read:

195.35 Treble damages. If any railroad shall do or cause to be done or permit to be done any matter, act or thing in this ~~act~~ chapter prohibited or declared to be unlawful, or shall omit to do any act, matter or thing required to be done by it, ~~such this chapter, the~~ railroad shall be liable to the person, ~~firm or corporation~~ injured thereby in treble the amount of damages sustained in consequence of ~~such the violation, provided, that any.~~ No recovery as in this section provided shall ~~in no manner~~ affect a recovery by the state of the penalty prescribed for such violation.

SECTION 220. 198.12 (3) (title) of the statutes is amended to read:

198.12 (3) (title) SUBJECT TO CHAPTER 102.

SECTION 221. 198.17 (2a) of the statutes is amended to read:

198.17 (2a) ALTERNATIVE MODE OF ACQUIRING. Upon the initiation of steps for the formation of a district, or later, any municipality within a district or a proposed district may, in lieu of the other procedure provided by this section, determine, as provided by ~~section s.~~ section s. 197.02, upon the acquisition of any utility operating within ~~such the~~ municipality under the terms of an indeterminate permit as defined in ~~section s.~~ section s. 196.01, on behalf of and for the benefit of ~~such the~~ district, subject to the conditions and by the procedure set forth and described in ~~chapter ch.~~ chapter ch. 197, and any ~~two 2~~ or more municipalities within such a district or proposed district may determine in the same manner upon the joint acquisition in the same manner of such utilities operating within such municipalities, on behalf of and for the benefit of such district. ~~Such The~~ municipalities and districts ~~shall have power to~~ may enter into contracts for the transfer and conveyance of such utilities to such districts immediately upon the acquisition thereof by such municipalities, and for the simultaneous payment of the purchase price therefor by such districts; and to join in such conveyances, and do all such acts as are necessary to execute such contracts; subject to the provisions of ~~this act~~ [this] chapter governing the powers of districts to enter into transactions, and incur indebtedness, generally.

SECTION 223. 221.08 (4) of the statutes is amended to read:

221.08 (4) Every director shall take and subscribe an oath that he or she will diligently and honestly perform his or her duty in such office, and will not knowingly violate or permit a violation of ~~any provision of this act chapter;~~ and that he or she is the owner in good faith of capital stock of the bank having a par value of not less than \$500 standing in his or her name on the books of the bank; and that such shares are not pledged as collateral security; ~~provided, that any.~~ Any person serving as a director of any bank on the ~~effective date of this subsection July 17, 1935,~~ shall be eligible for reelection annually thereafter if ~~he the director~~ meets the requirements in force prior to that date. Any such oath shall be transmitted to the commissioner and filed in ~~his the~~ the commissioner's office.

SECTION 224. 221.12 of the statutes is amended to read:

221.12 Articles may be amended. A bank may amend its articles of association in any manner not inconsistent with ~~the provisions of law,~~ at any time, by a vote of its stockholders representing two-thirds of the capital stock, such vote to be taken at a meeting called for that purpose. ~~Such The~~ amendment may provide for a change of location of ~~such the~~ bank, subject to the approval of the commissioner of banking. ~~Such The~~ amendment may provide for a change of the location of a parent bank to the location of a branch thereof and a change of the location of a branch thereof to the location of a parent bank ~~when~~ such if the change is first approved by the commissioner of banking upon application. ~~Such The~~ amendment, certified by the president and cashier, and setting forth the volume and page of recording in the office of the register of deeds of the original articles of association, shall be recorded as required for articles of incorporation. No increase of the capital shall be valid until the amount thereof has been subscribed and actually paid in. The entire surplus fund of a bank, or as much thereof as may be required, may be declared and paid out as a stock dividend to apply on, and be converted into, such increase of capital. No reduction of capital shall be made to a less amount than is required under this ~~act~~

~~chapter~~ for capital, nor be valid or warrant the cancellation of stock certificates or diminish the personal liability of stockholders, until such reduction has been approved by the commissioner; ~~nor shall any.~~ No reduction may be effected in any other way than by a pro rata reduction of all outstanding shares unless approved by the commissioner. ~~Such~~ The approval ~~shall~~ may be given only when the commissioner is satisfied that ~~such a~~ the reduction of the capital is in the best interests of the depositors.

SECTION 225. 221.13 (title) of the statutes is amended to read:

221.13 (title) Extension of corporate existence of state bank.

SECTION 226. 223.055 (title) of the statutes is amended to read:

223.055 (title) Uniform common trust fund act.

SECTION 228. Title XVIII (title) of the statutes is repealed.

SECTION 229. 227.014 (title) of the statutes is amended to read:

227.014 (title) Extent to which chapter confers rule-making authority.

SECTION 230. 227.031 (title) of the statutes is amended to read:

227.031 (title) Effect of chapter on procedures prescribed by other statutes.

SECTION 232. Title XIX (title) of the statutes is repealed.

SECTION 233. Title XIX-A (title) of the statutes is repealed.

SECTION 234. 230.047 (4) (c) of the statutes is amended to read:

230.047 (4) (c) Any employe who participates in an exchange under the terms of this section who suffers disability or death as a result of personal injury arising out of and in the course of an exchange, or sustained in performance of duties in connection therewith, for the purposes of ~~the worker's compensation act ch. 102~~, is an employe of the sending agency.

SECTION 235. 230.35 (1) (g) 1 of the statutes is amended to read:

230.35 (1) (g) 1. Was on an approved leave of absence, including but not limited to military leave, leave to serve in the unclassified service, leave for absence due to injury or illness arising out of state employment and covered by ~~the worker's compensation act ch. 102~~; or

SECTION 236. Title XX (title) of the statutes is repealed.

SECTION 237. Title XXI (title) of the statutes is repealed.

SECTION 238. Title XXII (title) of the statutes is repealed.

SECTION 240. 243.02 of the statutes is amended to read:

243.02 Conveyances void as to creditors void as to their heirs, etc. Every conveyance, charge, instrument or proceeding declared to be void by ~~the provisions of this title chs. 240 to 243~~ as against creditors or purchasers shall be equally void against the heirs, successors, personal representatives or assignees of such creditors or purchasers.

SECTION 241. 243.03 of the statutes is amended to read:

243.03 "Lands" defined. The term "lands," as used in ~~this title chs. 240 to 243~~, shall be construed as coextensive in meaning with "lands, tenements and hereditaments;" and the term "estate and interest in lands" shall be construed to embrace every estate and interest, freehold and chattel, legal and equitable, present and future, vested and contingent, in lands as above defined.

SECTION 242. 243.05 of the statutes is amended to read:

243.05 Instruments signed by agents. Every instrument required under ~~any of the provisions of this title chs. 240 to 243~~ to be subscribed by any party may be subscribed by the agent of such party lawfully authorized thereto.

SECTION 243. Title XXIII (title) of the statutes is repealed.

SECTION 246. 245.002 (3) of the statutes is amended to read:

245.002 (3) In ~~this title~~ chs. 245 to 248 “void” means null and void and not voidable.

SECTION 247. 245.05 of the statutes is amended to read:

245.05 Marriage license; by whom issued. No person ~~shall~~ may be joined in marriage within this state until a license has been obtained for that purpose from the county clerk of the county in which one of the parties has resided for at least 30 days immediately prior to making application therefor. If both parties ~~be~~ are nonresidents of the state, ~~such~~ the license may be obtained from the county clerk of the county where the marriage ceremony is to be performed. If one of such persons is a nonresident of the county where ~~such~~ the license is to issue, his ~~or her~~ part of the application may be completed and sworn to (or affirmed) before the person authorized to accept such applications in the county and state in which he ~~or she~~ resides. At the time of application for ~~such~~ the license, the clerk shall give to each of the applicants (or mail to an applicant who completes his ~~or her~~ part of the application outside of the state) a card with the language of s. 245.001 (2) printed thereon. Such cards shall be procured by the county clerk at the expense of the county and shall be in form substantially as follows:

MARITAL INFORMATION

Your marriage license will be issued to you under the provisions of chapter 245 of the Wisconsin statutes, ~~which is part of “The Family Code”~~. For your information and advice, section 245.001 ~~of that chapter~~ includes the following provision:

INTENT. It is the intent of chapters 245 to 248 to promote the stability and best interest of marriage and the family. Marriage is the institution that is the foundation of the family and of society. Its stability is basic to morality and civilization, and of vital interest to society and the state. The consequences of the marriage contract are more significant to society than those of other contracts, and the public interest must be taken into account always. The seriousness of marriage makes adequate premarital counseling and education for family living highly desirable, and courses thereon are urged upon all persons contemplating marriage. The impairment or dissolution of the marriage relation generally results in injury to the public wholly apart from the effect upon the parties immediately concerned.

SECTION 249. 289.80 (6) of the statutes is amended to read:

289.80 (6) No hospital ~~shall be~~ is entitled to any lien ~~hereunder~~ under this section if the person injured is eligible for compensation under ch. 102 or any other worker’s compensation act.

SECTION 250. Title XXVII (title) of the statutes is repealed.

SECTION 252. Title XXVII-A (title) of the statutes is repealed.

SECTION 253. 299.02 (1) of the statutes is amended to read:

299.02 (1) If a counterclaim or cross complaint is filed, which arises out of the transaction or occurrence that is the subject matter of the plaintiff’s claim and which is beyond the limitations of s. 299.01, the person filing the same shall pay the additional clerks’ fee required by s. 59.42 (2) and an additional \$4 suit tax, and the entire matter shall be tried under ~~Title XLIIA~~ chs. 801 to 847 procedure.

SECTION 254. 299.04 (1) and (2) of the statutes are amended to read:

299.04 (1) GENERAL. Except as otherwise provided in this chapter, the general rules of practice and procedure in ~~Title XXIV and Title XLIIA~~ chs. 750 to 758 and 801 to 847 shall apply to actions and proceedings under this chapter.

(2) FORMS. Except as otherwise provided in this subsection and this chapter, the forms specified in ~~Title XLIIA~~ chs. 801 to 847 shall be used. Forms shall be uniform, concisely written and readily understandable by members of the public. Summons and complaint forms shall be made available to the public by the clerk of court and, in counties having a

population of 500,000 or more, the summons shall have all provisions printed in both English and Spanish.

SECTION 255. 299.12 (1) of the statutes is amended to read:

299.12 (1) Except as otherwise provided in this chapter, all provisions of ~~Title XLIIA chs. 801 to 847~~ with respect to jurisdiction of the persons of defendants, the procedure of commencing civil actions, and the mode and manner of service of process, shall apply to actions and proceedings under this chapter.

SECTION 256. Title XXVIII (title) of the statutes is repealed.

SECTION 257. Title XXXII (title) of the statutes is repealed.

SECTION 258. Chapter 340 (title) of the statutes is amended to read:

CHAPTER 340

VEHICLES — GENERAL PROVISIONS

SECTION 259. 343.17 (3) (b) of the statutes is amended to read:

343.17 (3) (b) The use of the decal on the motor vehicle operator's license is proper or authorized only if the bearer has indicated his or her intent to make body organs or parts available by filling out the backside of the license or by carrying a duly signed and witnessed donor card other than the backside of the license as authorized by ~~the uniform anatomical gift act s. 155.06.~~

SECTION 260. Chapter 344 (title) of the statutes is amended to read:

CHAPTER 344

VEHICLES — FINANCIAL RESPONSIBILITY

SECTION 262. Chapter 345 (title) of the statutes is amended to read:

CHAPTER 345

VEHICLES — CIVIL AND CRIMINAL LIABILITY

SECTION 263. 345.43 (3) (a) of the statutes is amended to read:

345.43 (3) (a) If a jury of less than 12 persons is demanded, in counties having a population of 500,000 or more, the jury shall be drawn from the circuit court jury panel and selected as set forth under ~~Title XLIIA chs. 801 to 847.~~ ~~in~~ In all other counties, such juries shall be selected as provided in pars. (b) and (c), except that any party may demand trial by a countywide jury and that the clerk shall select, by lot, the names of sufficient persons qualified to serve as jurors as will provide to each party entitled to peremptory challenges the number of challenges specified in par. (b).

SECTION 264. 347.76 (1) (c) of the statutes is amended to read:

347.76 (1) (c) The department, acting upon recommendations of the vehicle equipment safety commission and pursuant to the vehicle equipment safety compact provides a just, equitable and orderly means of promoting the public safety in the manner and within the scope contemplated by this ~~act~~ section and s. 347.75.

SECTION 265. Chapter 348 (title) of the statutes is amended to read:

CHAPTER 348

VEHICLES — SIZE, WEIGHT AND LOAD

SECTION 266. Chapter 349 (title) of the statutes is amended to read:

CHAPTER 349

VEHICLES — POWERS OF STATE AND LOCAL AUTHORITIES

SECTION 267. Title XXXV (title) of the statutes is repealed.

SECTION 268. Chapter 401 (title) of the statutes is amended to read:

CHAPTER 401
UNIFORM COMMERCIAL CODE —

GENERAL PROVISIONS

SECTION 269. The unnumbered subchapter title preceding 401.101 of the statutes is amended to read:

CONSTRUCTION, APPLICATION AND SUBJECT MATTER

SECTION 271. 401.102 (1), (2) (intro.), (3), (4) and (5) (intro.) of the statutes are amended to read:

401.102 (1) ~~This code~~ Chapters 401 to 409 shall be liberally construed and applied to promote its underlying purposes and policies.

(2) (intro.) Underlying purposes and policies of ~~this code~~ chs. 401 to 409 are:

(3) The effect of ~~provisions of this code~~ chs. 401 to 409 may be varied by agreement, except as otherwise provided in ~~this code~~ chs. 401 to 409 and except that the obligations of good faith, diligence, reasonableness and care prescribed by ~~this code~~ chs. 401 to 409 may not be disclaimed by agreement but the parties may by agreement determine the standards by which the performance of such obligations is to be measured if such standards are not manifestly unreasonable.

(4) The presence in certain provisions of ~~this code~~ chs. 401 to 409 of the words "unless otherwise agreed" or words of similar import does not imply that the effect of other provisions may not be varied by agreement under sub. (3).

(5) (intro.) In ~~this code~~ chs. 401 to 409 unless the context otherwise requires:

SECTION 272. 401.103 of the statutes is amended to read:

401.103 Supplementary general principles of law applicable. Unless displaced by the particular provisions of ~~this code~~ chs. 401 to 409 the principles of law and equity, including the law merchant and the law relative to capacity to contract, principal and agent, estoppel, fraud, misrepresentation, duress, coercion, mistake, bankruptcy, or other validating or invalidating cause shall supplement its provisions.

SECTION 273. 401.104 of the statutes is amended to read:

401.104 Construction against implicit repeal. ~~This code~~ Chapters 401 to 409 being a general act intended as a unified coverage of its subject matter, no part of it shall be deemed to be impliedly repealed by subsequent legislation if such construction can reasonably be avoided.

SECTION 274. 401.105 (title), (1) and (2) (intro.) of the statutes are amended to read:

401.105 (title) Territorial application of chapters 401 to 409; parties' power to choose applicable law. (1) Except as provided hereafter in this section, when a transaction bears a reasonable relation to this state and also to another state or nation the parties may agree that the law either of this state or of such other state or nation shall govern their rights and duties. Failing such agreement ~~this code applies~~ chs. 401 to 409 apply to transactions bearing an appropriate relation to this state.

(2) (intro.) Where one of the following provisions of ~~this code~~ chs. 401 to 409 specifies the applicable law, that provision governs and a contrary agreement is effective only to the extent permitted by the law (including the conflict of laws rules) so specified:

SECTION 275. 401.106 of the statutes is amended to read:

401.106 Remedies to be liberally administered. (1) The remedies provided by ~~this code~~ chs. 401 to 409 shall be liberally administered to the end that the aggrieved party may be put in as good a position as if the other party had fully performed but neither consequent-

ial or special nor penal damages may be had except as specifically provided in ~~this code chs. 401 to 409~~ or by other rule of law.

(2) Any right or obligation declared by ~~this code chs. 401 to 409~~ is enforceable by action unless the provision declaring it specifies a different and limited effect.

SECTION 276. 401.108 of the statutes is amended to read:

401.108 Severability. If any provision or clause of ~~this code chs. 401 to 409~~ or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of ~~the code chs. 401 to 409~~ which can be given effect without the invalid provision or application, and to this end the provisions of ~~this code chs. 401 to 409~~ are declared to be severable.

SECTION 277. 401.109 of the statutes is amended to read:

401.109 Section captions. Section captions are parts of ~~this code chs. 401 to 409~~, notwithstanding s. 990.001 (6).

SECTION 278. 401.110 (1) (intro.) and (b) 3 and (3) to (6) of the statutes are amended to read:

401.110 (1) (intro.) ~~This code applies~~ Chapters 401 to 409 apply to transactions entered into and events occurring on and after July 1, 1965.

(b) 3. Without any filing, refiling or recording, and for the perfection of which the filing of a financing statement would be required if ~~this code applied chs. 401 to 409 apply~~. Such security interest shall continue until and lapse on June 30, 1966.

(3) The perfection of a security interest, however denominated in any law repealed by chapter 158, laws of 1963, which was perfected on July 1, 1965, by a filing, refiling or recording under a law repealed by chapter 158, laws of 1963, and for the perfection of which, if ~~this code chs. 401 to 409~~ applied, no filing of a financing statement would be required, continues under ~~this code chs. 401 to 409~~.

(4) A security interest, however denominated in any law repealed by chapter 158, laws of 1963, which was not perfected on July 1, 1965, which could have been perfected before July 1, 1965, by a filing, refiling or recording under a law repealed by chapter 158, laws of 1963, and if ~~this code chs. 401 to 409~~ applied, could be perfected by the filing of a financing statement under ~~this code chs. 401 to 409~~, may be perfected by the filing of a financing statement under ~~this code chs. 401 to 409~~.

(5) A security interest, however denominated in any law repealed by chapter 158, laws of 1963, which was not perfected on July 1, 1965, but which could have been perfected before such date by the secured party's taking possession of the collateral under a law repealed by chapter 158, laws of 1963, and which, if ~~this code chs. 401 to 409~~ applied, could be perfected by the secured party's taking possession of the collateral, may be perfected by the secured party's taking possession of the collateral under ~~this code chs. 401 to 409~~.

(6) For the purpose of effecting an orderly transition from the ~~pre-code~~ filing system prior to enactment of ~~chs. 401 to 409~~ to the filing system of ~~this code chs. 401 to 409~~, filing officers shall, commencing June 1, 1965, accept financing statements for filing as if the ~~code chs. 401 to 409~~ were in effect; but all such statements filed prior to July 1, 1965, shall be deemed to have been executed and filed at 12:01 a.m. on July 1, 1965.

SECTION 279. 401.201 (intro.), (3), (11), (17), (25a) and (29) of the statutes are amended to read:

401.201 General definitions. (intro.) Subject to additional definitions contained in the ~~subsequent chapters of this code chs. 402 to 409~~ which are applicable to specific chapters or parts thereof, and unless the context otherwise requires, in ~~this code chs. 401 to 409~~:

(3) "Agreement" means the bargain of the parties in fact as found in their language or by implication from other circumstances including course of dealing or usage of trade or course of performance as provided in ~~this code~~ chs. 401 to 409 (ss. 401.205 and 402.208). Whether an agreement has legal consequences is determined by the provisions of ~~this code~~ chs. 401 to 409, if applicable; otherwise by the law of contracts (s. 401.103). (Compare "Contract".)

(11) "Contract" means the total legal obligation which results from the parties' agreement as affected by ~~this code~~ chs. 401 to 409 and any other applicable rules of law. (Compare "Agreement".)

(17) "Fungible" with respect to goods or securities means goods or securities of which any unit is, by nature or usage of trade, the equivalent of any other like unit. Goods which are not fungible shall be deemed fungible for ~~the purposes of this code~~ chs. 401 to 409 to the extent that under a particular agreement or document unlike units are treated as equivalents.

(25a) A person "knows" or has "knowledge" of a fact when ~~he~~ the person has actual knowledge of it. "Discover" or "learn" or a word or phrase of similar import refers to knowledge rather than to reason to know. The time and circumstances under which a notice or notification may cease to be effective are not determined by ~~this code~~ chs. 401 to 409.

(29) "Party", as distinct from "~~third~~ 3rd party", means a person who has engaged in a transaction or made an agreement within ~~this code~~ chs. 401 to 409.

SECTION 280. 401.203 of the statutes is amended to read:

401.203 Obligation of good faith. Every contract or duty within ~~this code~~ chs. 401 to 409 imposes an obligation of good faith in its performance or enforcement.

SECTION 281. 401.204 (1) of the statutes is amended to read:

401.204 (1) Whenever ~~this code~~ requires chs. 401 to 409 require any action to be taken within a reasonable time, any time which is not manifestly unreasonable may be fixed by agreement.

SECTION 282. Chapter 402 (title) of the statutes is amended to read:

CHAPTER 402

UNIFORM COMMERCIAL CODE —

SALES

SECTION 283. The unnumbered subchapter title preceding 402.101 of the statutes is amended to read:

GENERAL CONSTRUCTION AND

SUBJECT MATTER

SECTION 285. 402.207 (3) of the statutes is amended to read:

402.207 (3) Conduct by both parties which recognizes the existence of a contract is sufficient to establish a contract for sale although the writings of the parties do not otherwise establish a contract. In such case the terms of the particular contract consist of those terms on which the writings of the parties agree, together with any supplementary terms incorporated under any other provisions of ~~this code~~ chs. 401 to 409.

SECTION 286. 402.401 (1) of the statutes is amended to read:

402.401 (1) Title to goods cannot pass under a contract for sale prior to their identification to the contract (s. 402.501), and unless otherwise explicitly agreed the buyer acquires by their identification a special property as limited by ~~this code~~ chs. 401 to 409. Any retention or reservation by the seller of the title (property) in goods shipped or delivered to the buyer is limited in effect to a reservation of a security interest. Subject to these

provisions and to ~~the provisions of~~ ch. 409, title to goods passes from the seller to the buyer in any manner and on any conditions explicitly agreed on by the parties.

SECTION 287. 402.719 (2) of the statutes is amended to read:

402.719 (2) Where circumstances cause an exclusive or limited remedy to fail of its essential purpose, remedy may be had as provided in ~~this code~~ chs. 401 to 409.

SECTION 288. 402.725 (4) of the statutes is amended to read:

402.725 (4) This section does not alter the law on tolling of the statute of limitations nor does it apply to causes of action which have accrued before ~~this code becomes~~ chs. 401 to 409 became effective.

SECTION 289. Chapter 403 (title) of the statutes is amended to read:

CHAPTER 403

UNIFORM COMMERCIAL CODE —

COMMERCIAL PAPER

SECTION 290. The unnumbered subchapter title preceding 403.101 of the statutes is amended to read:

FORM AND INTERPRETATION

SECTION 292. 403.104 (3) of the statutes is amended to read:

403.104 (3) As used in ~~other chapters of this code~~ chs. 401 to 402 and 404 to 409, and as the context requires, the terms “draft”, “check”, “certificate of deposit” and “note” may refer to instruments which are not negotiable within this chapter as well as to instruments which are so negotiable.

SECTION 293. 403.408 of the statutes is amended to read:

403.408 Consideration. Want or failure of consideration is a defense as against any person not having the rights of a holder in due course (s. 403.305), except that no consideration is necessary for an instrument or obligation thereon given in payment of or as security for an antecedent obligation of any kind. Nothing in this section shall be taken to displace any statute outside ~~this code~~ chs. 401 to 409 under which a promise is enforceable notwithstanding lack or failure of consideration. Partial failure of consideration is a defense pro tanto whether or not the failure is in an ascertained or liquidated amount.

SECTION 294. 403.419 (3) of the statutes is amended to read:

403.419 (3) Subject to the provisions of ~~this code~~ chs. 401 to 409 concerning restrictive ~~indorsements~~ endorsements a representative, including a depository or collecting bank, who has in good faith and in accordance with the reasonable commercial standards applicable to the business of such representative dealt with an instrument or its proceeds on behalf of one who was not the true owner is not liable in conversion or otherwise to the true owner beyond the amount of any proceeds remaining in his or her hands.

SECTION 295. Chapter 404 (title) of the statutes is amended to read:

CHAPTER 404

UNIFORM COMMERCIAL CODE —

BANK DEPOSITS AND COLLECTIONS

SECTION 297. 404.108 of the statutes is amended to read:

404.108 Delays. (1) Unless otherwise instructed, a collecting bank in a good faith effort to secure payment may, in the case of specific items and with or without the approval of any person involved, waive, modify or extend time limits imposed or permitted by ~~this code~~ chs. 401 to 409 for a period not in excess of an additional banking day without discharge of secondary parties and without liability to its transferor or any prior party.

(2) Delay by a collecting bank or payor bank beyond time limits prescribed or permitted by ~~this code chs. 401 to 409~~ or by instructions is excused if caused by interruption of communication facilities, suspension of payments by another bank, war, emergency conditions or other circumstances beyond the control of the bank provided it exercises such diligence as the circumstances require.

SECTION 298. Chapter 405 (title) of the statutes is amended to read:

CHAPTER 405

UNIFORM COMMERCIAL CODE —

LETTERS OF CREDIT

SECTION 300. 405.102 (3) of the statutes is amended to read:

405.102 (3) This chapter deals with some but not all of the rules and concepts of letters of credit as such rules or concepts have developed prior to ~~this code chs. 401 to 409~~ or may hereafter develop. The fact that this chapter states a rule does not by itself require, imply or negate application of the same or a converse rule to a situation not provided for or to a person not specified by this chapter.

SECTION 301. Chapter 406 (title) of the statutes is amended to read:

CHAPTER 406

UNIFORM COMMERCIAL CODE —

BULK TRANSFERS

SECTION 303. Chapter 407 (title) of the statutes is amended to read:

CHAPTER 407

~~WAREHOUSE RECEIPTS, BILLS
OF LADING AND OTHER~~
UNIFORM COMMERCIAL CODE —

DOCUMENTS OF TITLE

SECTION 305. 407.202 (3) of the statutes is amended to read:

407.202 (3) A warehouseman may insert in his or her receipt any other terms which are not contrary to ~~the provisions of this code chs. 401 to 409~~ and do not impair his or her obligation of delivery (s. 407.403) or his or her duty of care (s. 407.204). Any contrary provisions are ineffective.

SECTION 306. Chapter 408 (title) of the statutes is amended to read:

CHAPTER 408

UNIFORM COMMERCIAL CODE —

INVESTMENT SECURITIES

SECTION 307. The unnumbered subchapter title preceding 408.101 of the statutes is amended to read:

GENERAL MATTERS

SECTION 309. Chapter 409 (title) of the statutes is amended to read:

CHAPTER 409

UNIFORM COMMERCIAL CODE —

SECURED TRANSACTIONS;

~~SALES OF ACCOUNTS, CONTRACT
RIGHTS AND CHATTEL PAPER~~

SECTION 310. The unnumbered subchapter title preceding 409.101 of the statutes is amended to read:

APPLICABILITY AND DEFINITIONS

SECTION 312. 409.201 of the statutes is amended to read:

409.201 General validity of security interest. Except as otherwise provided by ~~this code~~ chs. 401 to 409 a security agreement is effective according to its terms between the parties, against purchasers of the collateral and against creditors. Nothing in this chapter validates any charge or practice illegal under any statute or regulation thereunder governing usury, small loans, retail instalment sales, or the like, or under chs. 421 to 427, or extends the application of any such statute or regulation to any transaction not otherwise subject thereto.

SECTION 313. 409.405 (2) of the statutes is amended to read:

409.405 (2) A secured party may assign of record all or part of his or her rights under a financing statement by the filing in the place where the original financing statement was filed of a separate written statement of assignment signed by the secured party of record and setting forth the name of the secured party of record and the debtor, the file number and the date of filing of the financing statement and the name and address of the assignee and containing a description of the collateral assigned. A copy of the assignment is sufficient as a separate statement if it complies with the preceding sentence. On presentation to the filing officer of such a separate statement, the filing officer shall mark such separate statement with the date and hour of the filing. The officer shall note the assignment on the index of the financing statement, or in the case of a fixture filing, or a filing covering timber to be cut, or covering minerals or the like (including oil and gas) or accounts subject to s. 409.103 (5), the officer shall index the assignment under the name of the assignor as grantor and, to the extent that the law of this state provides for indexing the assignment of a mortgage under the name of the assignee, the officer shall index the assignment of the financing statement under the name of the assignee. The fee for filing, indexing and furnishing filing data about such a separate statement of assignment is \$2 if the statement is in the standard form prescribed by the secretary of state and otherwise is \$4, plus in each case an additional fee of \$1 for each name more than one against which the statement of assignment is required to be indexed. Notwithstanding this subsection, an assignment of record of a security interest in a fixture contained in a mortgage effective as a fixture filing (s. 409.402 (6)) may be made only by an assignment of the mortgage in the manner provided by the law of this state other than ~~this code~~ chs. 401 to 409.

SECTION 314. 409.901 of the statutes is amended to read:

409.901 Transition provisions — general rule. Transactions validly entered into after July 1, 1965, and before July 1, 1974, and which were subject to ~~this code~~ chs. 401 to 409 and which would be subject to ~~this code~~ chs. 401 to 409 as amended if they had been entered into after July 1, 1974, and the rights, duties and interests flowing from such transactions remain valid after the latter date and may be terminated, completed, consummated or enforced as required or permitted by ~~this code~~ chs. 401 to 409 as amended effective July 1, 1974. Security interests arising out of such transactions which are perfected prior to July 1, 1974, shall remain perfected until they lapse as provided in ~~this code~~ chs. 401 to 409 as amended, and may be continued as permitted by ~~this code~~ chs. 401 to 409 as amended, except as stated in s. 409.903.

SECTION 315. 409.902 of the statutes is amended to read:

409.902 Transition provision on change of requirement of filing. A security interest for the perfection of which filing or the taking of possession was required under ~~this code~~ chs. 401 to 409 prior to July 1, 1974, and which attached prior to July 1, 1974, but was not perfected shall be deemed perfected on July 1, 1974, if ~~this code~~ chs. 401 to 409 as amended effective July 1, 1974, ~~permits permit~~ perfection without filing or authorizes filing in the office or offices where a prior ineffective filing was made.

SECTION 316. 409.903 of the statutes is amended to read:

409.903 Transition provision on change of place of filing. (1) A financing statement or continuation statement filed prior to July 1, 1974, which shall not have lapsed prior to that date shall remain effective for the period provided in ~~this code~~ chs. 401 to 409 prior to July 1, 1974, but not less than 5 years after the filing.

(2) With respect to any collateral acquired by the debtor subsequent to July 1, 1974, any effective financing statement or continuation statement described in this section shall apply only if the filing or filings are in the office or offices that would be appropriate to perfect the security interests in the new collateral under ~~this code~~ chs. 401 to 409 as amended effective July 1, 1974.

(3) The effectiveness of any financing statement or continuation statement filed prior to July 1, 1974, may be continued by a continuation statement as permitted by ~~this code~~ chs. 401 to 409 as amended effective July 1, 1974, except that if ~~this code~~ chs. 401 to 409 as amended ~~requires~~ require a filing in an office where there was no previous financing statement, a new financing statement conforming to s. 409.904 shall be filed in that office.

(4) If the record of a mortgage of real estate would have been effective as a fixture filing of goods described therein if ~~this code~~ chs. 401 to 409 as amended effective July 1, 1974, had been in effect on the date of recording the mortgage, the mortgage shall be deemed effective as a fixture filing as of July 1, 1974, as to such goods under s. 409.402 (6) as amended.

SECTION 317. 409.904 of the statutes is amended to read:

409.904 Required refilings. (1) If a security interest is perfected or has priority when ~~this code~~ chs. 401 to 409 as amended effective July 1, 1974, ~~takes~~ take effect as to all persons or as to certain persons without any filing or recording, and if the filing of a financing statement would be required for the perfection or priority of the security interest against those persons under ~~this code~~ chs. 401 to 409 as amended the perfection and priority rights of the security interest continue until 3 years after July 1, 1974. The perfection will then lapse unless a financing statement is filed under sub. (3) or unless the security interest is perfected otherwise than by filing.

(2) If a security interest is perfected on July 1, 1974, under a law other than ~~this code~~ chs. 401 to 409 which requires no further filing, refiling or recording to continue its perfection, perfection continues until and will lapse 3 years after July 1, 1974, unless a financing statement is filed under sub. (3) or unless the security interest is perfected otherwise than by filing, or unless under s. 409.302 (3) the other law continues to govern filing.

(3) A financing statement may be filed within 6 months before the perfection of a security interest would otherwise lapse. Any such financing statement may be signed by either the debtor or the secured party. It must identify the security agreement, statement or notice (however denominated in any statute or other law repealed or modified by the amendments to ~~this code~~ chs. 401 to 409 effective July 1, 1974), state the office where and the date when the last filing, refiling or recording, if any, was made with respect thereto, and the filing number, if any, or book and page, if any, of recording and further state that the security agreement, statement or notice, however denominated, in another filing office under ~~this code~~ chs. 401 to 409 or under any statute or other law repealed or modified by the amendments to ~~this code~~ chs. 401 to 409 is still effective. Sections 409.103 and 409.401 determine the proper place to file such a financing statement. Except as specified in this subsection, s. 409.403 (3) for continuation statements applies to such a financing statement.

SECTION 318. 409.905 of the statutes is amended to read:

409.905 Transition provisions as to priorities. Except as otherwise provided in ss. 409.901 to 409.905, provisions of ~~this code~~ chs. 401 to 409 in effect prior to July 1, 1974, shall apply to any questions of priority if the positions of the parties were fixed prior to July 1, 1974. In other cases questions of priority shall be determined by ~~this code~~ chs. 401 to 409 as amended effective July 1, 1974.

SECTION 319. Title XL (title) of the statutes is repealed.

SECTION 320. Chapter 421 (title) of the statutes is amended to read:

CHAPTER 421

CONSUMER TRANSACTIONS —

GENERAL PROVISIONS AND DEFINITIONS

SECTION 321. Subchapter I (title) of chapter 421 of the statutes is amended to read:

CHAPTER 421

SUBCHAPTER I

CONSTRUCTION AND GENERAL PROVISIONS

SECTION 323. 421.102 (1), (2) (intro.) and (3) of the statutes are amended to read:

421.102 (1) ~~This act~~ Chapters 421 to 427 shall be liberally construed and applied to promote ~~its~~ their underlying purposes and policies.

(2) (intro.) The underlying purposes and policies of ~~this act~~ chs. 421 to 427 are:

(3) A reference to a provision of ~~this act~~ chs. 421 to 427 includes references to a related rule or order of the administrator adopted ~~pursuant to this act~~ under chs. 421 to 427.

SECTION 324. 421.103 of the statutes is amended to read:

421.103 Applicable law. (1) Unless superseded by the particular provisions of ~~this act~~, ~~the uniform commercial code~~ chs. 401 to 409 and 421 to 427 and the principles of law and equity, including the law relative to capacity to contract, principal and agent, estoppel, fraud, misrepresentation, duress, coercion, mistake, bankruptcy, or other validating or invalidating cause supplement ~~this act~~ chs. 421 to 427.

(2) Unless terms used in ~~this act~~ chs. 421 to 427 are defined by particular provisions of ~~this act~~ chs. 421 to 427, they shall have the meaning given them in chs. 401 to 409, if they are ~~therein~~ defined in chs. 401 to 409.

(3) Unless superseded by the particular provisions of ~~this act~~ chs. 421 to 427 parties to a consumer transaction have all of the obligations, duties, rights and remedies provided in chs. 401 to 409 which apply to the transaction.

(4) ~~This act~~ Chapters 421 to 427 shall not preempt the administration or enforcement of ch. 100. Conduct proscribed under s. 423.301, 426.108, 426.109 or 426.110 may also constitute violations of s. 100.18 or 100.20.

SECTION 325. 421.104 of the statutes is amended to read:

421.104 Construction against implied repeal. ~~This act~~ Chapters 421 to 427 being a general act intended as a unified coverage of ~~its~~ the subject matter of ~~such chapters~~, no part of ~~it~~ chs. 421 to 427 shall be deemed to be impliedly repealed by subsequent legislation if such construction can reasonably be avoided.

SECTION 326. 421.106 (1), (2) and (4) of the statutes are amended to read:

421.106 (1) Except as otherwise provided in ~~this act~~ chs. 421 to 427, a customer may not waive or agree to forego rights or benefits under ~~this act~~ chs. 421 to 427.

(2) A claim by a customer against a merchant for an excess charge, other violation of ~~this act~~ chs. 421 to 427 or civil penalty, or a claim against a customer for default or breach of a duty imposed by ~~this act~~ chs. 421 to 427, if disputed in good faith, may be settled by agreement.

(4) A settlement in which the customer waives or agrees to forego rights or benefits under ~~this act~~ chs. 421 to 427 is invalid if the court as a matter of law finds the settlement to be unconscionable at the time it was made. In this regard the court may consider the competence of the customer as measured by his or her education, ability to speak and read the language of the contract, and his or her prior consumer experience; any deception or coercion practiced upon ~~him~~ the customer; the nature and extent of the legal advice received by ~~him~~ the customer; and the value of the consideration.

SECTION 327. 421.107 (title), (1) to (3) and (4) (intro.) of the statutes are amended to read:

421.107 (title) Effect of chapters 421 to 427 on powers of organizations. (1) Except as specifically provided, ~~this act prescribes~~ chs. 421 to 427 prescribe maximum charges for all consumer credit transactions and ~~displaces~~ displace existing limitations on the powers of creditors based on maximum charges.

(2) Except as specifically provided, with respect to sellers of goods or services, lessors of goods, small loan companies, licensed lenders, consumer and sales finance companies and commercial banks and trust companies, ~~this act displaces~~ chs. 421 to 427 displace existing limitations on their powers based solely on amount or duration of credit.

(3) Except as provided in sub. (1), ~~this act does~~ chs. 421 to 427 do not displace limitations on powers of credit unions, savings banks, savings and loan associations or other thrift institutions whether organized for the profit of shareholders or as mutual organizations.

(4) (intro.) Except as provided in subs. (1) and (2), ~~this act does~~ chs. 421 to 427 do not displace:

SECTION 328. 421.108 of the statutes is amended to read:

421.108 Obligation of good faith. Every agreement or duty within ~~this act~~ chs. 421 to 427 imposes an obligation of good faith in its performance or enforcement. "Good faith" means honesty in fact in the conduct or transaction concerned and the observance of reasonable commercial standards of fair dealing.

SECTION 329. 421.201 (1), (2) (intro.), (3), (8), (9) (a) and (b) and (10) (intro.) of the statutes are amended to read:

421.201 (1) Except as otherwise provided in this section, ~~this act applies~~ chs. 421 to 427 apply to consumer transactions made in this state and to modifications including refinancings, consolidations and deferrals, made in this state, of consumer credit transactions wherever made.

(2) (intro.) For the purposes of ~~this act~~ chs. 421 to 427, a consumer transaction or modification of a consumer transaction is made in this state if:

(3) With respect to a transaction pursuant to an open-end credit plan, ~~this act applies~~ chs. 421 to 427 apply if the customer is a resident of this state and the open-end creditor or a merchant honoring a credit card issued by the open-end creditor, is a resident of this state or furnishes, mails or delivers the goods, services or credit to a resident of this state while the customer is within this state or receives a writing signed by the customer and evidencing the transaction in this state.

(8) For the purposes of ~~this act~~ chs. 421 to 427, the residence of a customer is the address given by ~~him~~ the customer as his or her residence in any writing signed by ~~him~~ the customer in connection with a consumer transaction. The given address is presumed to be unchanged until the merchant knows or has reason to know of a new or different address.

(9) (a) Except as provided in sub. (4) or (5), ~~this act does~~ chs. 421 to 427 do not apply if the customer is not a resident of this state at the time of a consumer transaction and the parties then agree that the law of his or her residence applies; and

(b) ~~This act applies~~ Chapters 421 to 427 apply if the customer is a resident of this state at the time of a consumer transaction and the parties then agree that the law of this state applies.

(10) (intro.) Except as provided in sub. (9), the following terms of a writing executed by a customer are invalid with respect to consumer transactions, or modifications thereof, to which ~~this act applies~~ chs. 421 to 427 apply:

SECTION 330. 421.202 (intro.) of the statutes is amended to read:

421.202 Exclusions. (intro.) ~~This act does~~ Chapters 421 to 427 do not apply to:

SECTION 331. 421.301 (intro.), (3) and (17) of the statutes are amended to read:

421.301 General definitions. (intro.) In addition to definitions appearing in chs. 422 to 427, in ~~this act~~ chs. 421 to 427:

(3) "Agreement" means the bargain of the parties in fact as found in their language or by implication from other circumstances including course of dealing or usage of trade or course of performance. Section 402.202 and any other provisions on parol or extrinsic evidence shall be inoperative to exclude or limit the admissibility of evidence relating to agreements governed by ~~this act~~ chs. 421 to 427.

(17) "Customer" means a person other than an organization (s. 421.301 (28)) who seeks or acquires real or personal property, services, money or credit for personal, family, household or agricultural purposes. A person other than a customer may agree to be governed by ~~this act~~ chs. 421 to 427 with respect to all aspects of a transaction and in such event such person shall be deemed a customer for all purposes of ~~this act~~ chs. 421 to 427 with respect to such transaction.

SECTION 333. 422.202 (3) of the statutes is amended to read:

422.202 (3) For the purposes of ~~this act~~ chs. 421 to 427, any charge not authorized by this section shall be considered part of the finance charge.

SECTION 334. 422.207 (1) of the statutes, as affected by chapter 10, laws of 1979, is amended to read:

422.207 (1) With respect to a consumer credit transaction the parties may, to the extent not prohibited by ~~this act~~ chs. 421 to 427, agree that the customer will perform certain duties with respect to preserving or insuring collateral if such duties are reasonable in relation to the risk of loss of or damage to the collateral. ~~In the event of~~ If the ~~customer's failure~~ customer fails to so perform the creditor may, if authorized by the agreement, pay for the performance of such duties on behalf of the customer. The amount paid may be added to the unpaid balance of the customer's obligation, if, in the absence of performance, the merchant has made all expenditures on behalf of the customer in good faith and in a commercially reasonable manner and except in the case of a transaction for an agricultural purpose where the collateral is perishable and threatens to decline speedily in value, the merchant has given the customer written notice of the non-performance and reasonable opportunity after such notice to so perform.

SECTION 335. 422.209 (1) of the statutes is amended to read:

422.209 (1) Upon prepayment in full of the unpaid balance of a precomputed consumer credit transaction, refinancing or consolidation, an amount not less than the unearned portion of the finance charge calculated according to this section shall be rebated to the customer. If the total of all rebates, refunds and credits to be paid to the customer under ~~this act~~ chs. 421 to 427 is less than \$1, no rebate need be made.

SECTION 336. 422.302 (1) (c) and (4) of the statutes are amended to read:

422.302 (1) (c) Except as provided in s. 422.303 and in rules adopted by the administrator, need not be contained in a single writing or made in the order set forth in ~~this act chs. 421 to 427~~;

(4) Anything to the contrary in ~~this act chs. 421 to 427~~ notwithstanding, the sale of insurance pursuant to under ch. 424 shall not be considered a sale requiring separate disclosure other than as provided in s. 422.202 (1).

SECTION 337. 422.303 (2) of the statutes is amended to read:

422.303 (2) The terms of such instrument evidencing a consumer credit sale shall be set forth in not less than 8-point standard type, or such similar type as is prescribed in rules adopted by the administrator, to the extent that larger type is not specifically required by ~~this act chs. 421 to 427~~.

SECTION 338. 422.407 (3) of the statutes is amended to read:

422.407 (3) Any assignee does not acquire a customer's contract in good faith within the meaning of subs. (2) and (2m) if the assignee has knowledge, including knowledge from his or her course of dealing with other customers of the assignor or from the assignor or the assignee's records, or written notice of violations of ~~the act chs. 421 to 427~~, of conduct of the kind described in s. 426.108, or of substantial complaints by such other customers that such assignor fails or refuses to perform his or her contracts with such customers and fails to remedy their complaints.

SECTION 339. 422.410 of the statutes is amended to read:

422.410 Statements of compliance or performance. Statements in the form of acknowledgments, certificates of performance or otherwise, signed by the customer, to the effect that there has been compliance with any of the requirements of ~~this act chs. 421 to 427~~ or performance by the other party or parties to the transaction shall create no presumption that the facts recited in such statements are true.

SECTION 341. 422.414 (1) of the statutes is amended to read:

422.414 (1) No creditor shall divide or otherwise encourage the customer or customers to become obligated at the same time on more than one consumer loan, more than one consumer credit sale, or one or more interlocking consumer loans (s. 422.408) and consumer credit sale for the purpose of obtaining a higher rate of finance charge than would otherwise be permitted under ~~this act chs. 421 to 427~~.

SECTION 343. Chapter 424 (title) of the statutes is amended to read:

CHAPTER 424

CONSUMER TRANSACTIONS —

INSURANCE

SECTION 345. 424.205 (2) (intro.) of the statutes is amended to read:

424.205 (2) (intro.) This chapter does not require the creditor to grant a refund or credit if all the refunds and credits due to the customer under ~~this act chs. 421 to 427~~ amount to less than \$1 and, except as provided in sub. (1), does not require the creditor to account to the debtor for any portion of a separate charge for insurance because:

SECTION 346. 424.209 (1) and (4) (c) of the statutes are amended to read:

424.209 (1) No individual or group policy, certificate of insurance, notice of proposed insurance, application for insurance, endorsement or rider relating to credit life insurance or credit accident and sickness insurance delivered or issued for delivery in this state, or the schedule of premium rates or charges pertaining thereto, may be issued, delivered or used in this state until a copy of the form thereof has been filed with the commissioner of insurance, nor until the expiration of 30 days after it has been so filed unless the commissioner shall sooner give his written approval thereto. The commissioner, within 30 days after the filing of any such form, may disapprove such form or rate schedule if the benefits

provided are unreasonable in relation to the premiums to be charged, or if the form contains a provision which is unjust, unfair, inequitable, misleading, deceptive or encourages misrepresentation of the policy, or is contrary to ~~the insurance code of this state chs. 600 to 646~~ or any rule adopted thereunder. The benefits provided by any such policy shall be presumed reasonable in relation to the premium to be charged if the ratio of losses incurred to premiums earned is, or may reasonably be expected to be, 50% for credit life insurance and for credit accident and sickness insurance 60% or such lower loss ratio as designated by the commissioner to afford reasonable allowance for expenses for a particular plan of coverage. If the ratio of losses incurred to premiums earned is less than or can reasonably be expected to be less than the prescribed standards, the benefits provided shall be presumed unreasonable in relation to the premiums charged. Determination of the reasonable relation of benefits to premiums shall be made by the commissioner for each policy form filed for such approval. Premium rate standards for other benefit plans shall be actuarially consistent with the prescribed rate standards. The commissioner may limit the use of any such form for those creditors or customers whose experience was the basis for approval and such other creditors or customers likely to experience similar mortality or morbidity.

(4) (c) They do not contain provisions which are unjust, unfair, inequitable or deceptive, or encourage misrepresentation of the coverages, or are contrary to ~~the insurance code of this state chs. 600 to 646~~, or of any rule adopted thereunder.

SECTION 347. 424.401 of the statutes is amended to read:

424.401 Cooperation between administrator and commissioner of insurance. The administrator and the commissioner of insurance shall consult and assist one another in maintaining compliance with this chapter. They may jointly or severally pursue investigations, prosecute suits and take other official action, as may seem to them appropriate, if either of them is otherwise empowered to take the action. If the administrator is informed of a violation or suspected violation by an insurer of this chapter, or of ~~the insurance code chs. 600 to 646~~, rules and regulations of this state, ~~he~~ the administrator shall advise the commissioner of insurance of the circumstances, and the commissioner of insurance may act under the laws of this state.

SECTION 348. Chapter 425 (title) of the statutes is amended to read:

CHAPTER 425

CONSUMER TRANSACTIONS —

REMEDIES AND PENALTIES

SECTION 350. 425.106 (1) (intro.) of the statutes is amended to read:

425.106 (1) (intro.) Except to the extent that the merchant has a valid security interest which is permitted by ~~this act chs. 421 to 427~~ or has a lien under ch. 289 in such property, or where the transaction is for medical or legal services and there has been no finance charge actually imposed, the following property of the customer shall be exempt from levy, execution, sale, and other similar process in satisfaction of a judgment for an obligation arising from a consumer credit transaction:

SECTION 351. 425.107 (4) of the statutes is amended to read:

425.107 (4) Any charge or practice expressly permitted by ~~this act chs. 421 to 427~~ is not in itself unconscionable but even though a practice or charge is authorized by ~~this act chs. 421 to 427~~, the totality of a creditor's conduct may show that such practice or charge is part of an unconscionable course of conduct.

SECTION 352. 425.108 (2) of the statutes is amended to read:

425.108 (2) If it is shown that an extension of credit was made at an annual rate exceeding that permitted by or referred to in s. 422.201 on maximum charges and that the creditor had a reputation for the use or threat of use of violence to cause harm to the

person or property of any person to collect extensions of credit or to punish the nonrepayment thereof, it shall be presumed that the extension of credit was a violation under ~~this act chs. 421 to 427~~ under sub. (1).

SECTION 353. 425.208 (5) of the statutes is amended to read:

425.208 (5) The existence of the deposit does not cure any subsequent default of the customer, and the deposit need not be credited to the customer's account until the remaining unpaid balance of the transaction becomes equal to the deposit. In the event of a subsequent default, prepayment, or other occurrence (except deferral) which requires the computation under ~~this act chs. 421 to 427~~ of the outstanding obligation of the customer, the deposit shall be credited to the amount paid for the purposes of such computation.

SECTION 354. 425.301 of the statutes is amended to read:

425.301 Remedies to be liberally administered. (1) The remedies provided by this subchapter shall be liberally administered to the end that the customer as the aggrieved party shall be put in at least as good a position as if the creditor had fully complied with ~~this act chs. 421 to 427~~. Recoveries under ~~this act chs. 421 to 427~~ shall not in themselves preclude the award of punitive damages in appropriate cases.

(2) Any right or obligation declared by ~~this act chs. 421 to 427~~ is enforceable by action unless the provision declaring it specifies a different and limited effect.

(3) Notwithstanding any other section of ~~this act chs. 421 to 427~~, a customer shall not be entitled to recover specific penalties provided in s. 425.302 (1) (a), 425.303 (1), 425.304 (1) or 425.305 (1) if the person violating ~~this act chs. 421 to 427~~ shows by a preponderance of the evidence that the violation was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adapted to avoid any such error.

(4) The liability of a merchant under ~~this act chs. 421 to 427~~ is in lieu of and not in addition to any liability under the federal consumer credit protection act. An action by a person alleging a violation under ~~this act chs. 421 to 427~~ may not be maintained if a final judgment has been rendered for or against that person with respect to the same violation under the federal consumer credit protection act. ~~In the event that~~ If a final judgment is entered against any merchant under ~~this act chs. 421 to 427~~ and the federal consumer credit protection act for the same violation, the merchant has a cause of action for appropriate relief to the extent necessary to avoid double liability.

SECTION 355. 425.306 of the statutes is amended to read:

425.306 Unenforceable obligations. (1) Any charge, practice, term, clause, provision, security interest or other action or conduct in violation of ~~this act chs. 421 to 427~~, to the extent that the same is in violation of ~~this act chs. 421 to 427~~, shall confer no rights or obligations enforceable by action.

(2) This section shall not affect the enforcement of any provision that is not prohibited by ~~this act chs. 421 to 427~~.

SECTION 356. 425.307 of the statutes is amended to read:

425.307 Limitation of action. (1) Any action brought by a customer to enforce rights pursuant to ~~this act chs. 421 to 427~~ shall be commenced within one year after the date of the last violation of ~~this act chs. 421 to 427~~, 2 years after consummation of the agreement or one year after last payment, whichever is later, except with respect to transactions pursuant to open-end credit plans which shall be commenced within 2 years after the date of the last violation; but ~~in no event shall~~ an action may be commenced more than 6 years after the date of the last violation.

(2) Rights under ~~this act chs. 421 to 427~~ may be asserted as a defense, setoff or counterclaim to an action against the customer without regard to this time limitation.

SECTION 357. 425.310 of the statutes is amended to read:

425.310 Liability of corporate officers. Damages or penalties awarded to a customer or the administrator for a violation of ~~this act~~ chs. 421 to 427 which cannot be collected from a corporation by reason of its insolvency or dissolution shall be recoverable against the principal agents of the corporation including, but not limited to, officers, managers and assistant managers who knew of, should have known of or wilfully participated in such a violation, if a meaningful part of the corporation's activities were in violation of ~~this act~~ chs. 421 to 427.

SECTION 358. 425.311 of the statutes is amended to read:

425.311 Evidence of violation. Section 402.202 and any other statute restricting admissibility of parol evidence shall be inoperative to exclude or limit the admissibility of evidence of an act or practice in violation of ~~this act~~ chs. 421 to 427.

SECTION 359. 425.401 of the statutes is amended to read:

425.401 Wilful violations: misdemeanor. A person who wilfully and knowingly engages in any conduct or practice in violation of ~~this act~~ chs. 421 to 427 may be fined not more than \$2,000.

SECTION 360. Chapter 426 (title) of the statutes is amended to read:

CHAPTER 426

CONSUMER TRANSACTIONS —

ADMINISTRATION

SECTION 362. 426.104 (1), (2) (intro.) and (b) to (e) and (4) of the statutes are amended to read:

426.104 (1) In addition to other powers granted by ~~this act~~ chs. 421 to 427, the administrator within the limitations provided by law shall:

(a) Receive and act on complaints, take action designed to obtain voluntary compliance with ~~this act~~ chs. 421 to 427, commence administrative proceedings on his or her own initiative and commence civil actions solely through the department of justice;

(b) Counsel persons and groups on their rights and duties under ~~this act~~ chs. 421 to 427;

(c) Make studies appropriate to effectuate the purposes and policies of ~~this act~~ chs. 421 to 427 and make the results available to the public;

(d) Hold such public or private hearings as ~~he~~ the administrator deems necessary or proper to effectuate the purposes and policies of ~~this act~~ chs. 421 to 427;

(e) Adopt, amend, and repeal rules to carry out the purposes and policies of ~~this act~~ chs. 421 to 427, to prevent circumvention or evasion thereof, or to facilitate compliance therewith.

(2) (intro.) In addition to reporting biennially in accordance with s. 15.04 (1) (d), the administrator shall report annually on practices in consumer transactions, on the use of consumer credit in the state, on problems attending the collection of debts, on the problems of persons of limited means in consumer transactions, and on the operation of ~~this act~~ chs. 421 to 427. For the purpose of making the report, the administrator may conduct research and make appropriate studies. The report shall include:

(b) A statement of policies followed in deciding whether to investigate or examine the offices of persons subject to ~~this act~~ chs. 421 to 427;

(c) A statement of policies followed in deciding whether to bring any action authorized under ~~this act~~ chs. 421 to 427;

(d) Such recommendations for modifications or additions to ~~this act~~ chs. 421 to 427 as in the experience and judgment of the administrator are necessary; and

(e) Such other statements as are necessary or proper to achieve the purposes or policies of this section or to effectuate the purposes or policies of ~~this act~~ chs. 421 to 427.

(4) (a) No provision of ~~this act~~ chs. 421 to 427 or of any statute to which ~~this act refers~~ chs. 421 to 427 refer which imposes any penalty shall apply to any act done or omitted to be done in conformity with any rule or order of the administrator or any written opinion, interpretation or statement of the administrator, notwithstanding that such rule, order, opinion, interpretation or statement may, after such act or omission, be amended or rescinded or be determined by judicial or other authority to be invalid for any reason.

(b) Any act, practice or procedure which has been submitted to the administrator in writing and either approved in writing by the administrator or not disapproved by the administrator within 30 days after its submission to ~~him~~ the administrator shall not be deemed to be a violation of ~~this act~~ chs. 421 to 427 or any other statute to which ~~this act refers~~ chs. 421 to 427 refer notwithstanding that such approval of the administrator or nondisapproval by the administrator may be subsequently amended or rescinded to be determined by judicial or other authority to be invalid for any reason.

SECTION 363. 426.105 of the statutes is amended to read:

426.105 Administrative powers with respect to supervised financial organizations. (1) All powers and duties of the administrator under ~~this act~~ chs. 421 to 427 shall be exercised by ~~him~~ the administrator with respect to a supervised financial organization.

(2) If the administrator receives a complaint or other information concerning noncompliance with ~~this act~~ chs. 421 to 427 by a supervised financial organization, ~~he~~ the administrator shall inform the official or agency having supervisory authority over the organization concerned. The administrator may request information about supervised financial organizations from the officials or agencies supervising them.

(3) The administrator and any official or agency of this state having supervisory authority over a supervised financial organization shall consult and assist one another in maintaining compliance with ~~this act~~ chs. 421 to 427. They may jointly pursue investigations, prosecute suits and take other official action, as they deem appropriate, if either of them otherwise is empowered to take the action.

SECTION 364. 426.107 of the statutes is amended to read:

426.107 Application of chapter 227. Except as otherwise provided, ch. 227 applies to and governs all administrative action taken by the administrator pursuant to ~~this act~~ chs. 421 to 427. Notwithstanding s. 227.15, the decisions of the administrator are subject to judicial review as provided in ch. 227.

SECTION 365. 426.109 (1) and (2) of the statutes are amended to read:

426.109 (1) The administrator or any customer may bring a civil action to restrain by temporary or permanent injunction a person from violating ~~this act~~ chs. 421 to 427 or the rules promulgated pursuant thereto, or to so restrain a merchant or a person acting on behalf of a merchant from engaging in false, misleading, deceptive, or unconscionable conduct in consumer credit transactions. It shall not be a defense to an action brought under this section that there exists an adequate remedy at law.

(2) The administrator or customer may seek a temporary restraining order without written or oral notice to the adverse party or his or her attorney. If the court finds that there is reasonable cause to believe that the respondent is engaged in the conduct sought to be restrained and that such conduct violates ~~this act~~ chs. 421 to 427 or rules ~~or regulations~~ promulgated pursuant to this act under chs. 421 to 427, it may grant a temporary restraining order or any temporary relief it deems appropriate. A temporary restraining order granted without notice shall expire by its terms within a stated time after entry, not to exceed 30 days, as the court fixes, unless within this time it is extended by the court, or unless the party against whom the order is directed consents that it may be extended for a

longer period. When a temporary restraining order is granted without notice, the motion for a preliminary injunction shall be set down for a hearing at the earliest possible time. Upon notice to the party who obtained the temporary restraining order without notice, the adverse party may appear and move its dissolution or modification, and in this event the court shall proceed to hear and determine such motion as expeditiously as the ends of justice require.

SECTION 366. 426.110 (1), (3) and (14) of the statutes are amended to read:

426.110 (1) Either the administrator, or any customer affected by a violation of ~~this act chs. 421 to 427~~ or of the rules promulgated pursuant thereto or by a violation of the federal consumer credit protection act, or by conduct of a kind described in sub. (2), may bring a civil action on behalf of himself or herself and all persons similarly situated, for actual damages by reason of such conduct or violation, together with penalties as provided in sub. (14), reasonable ~~attorney's~~ attorney fees and other relief to which such persons are entitled under ~~this act. Such chs. 421 to 427.~~ The customer filing ~~such an~~ the action must give prompt notice thereof to the administrator, who shall be permitted, upon application within 30 days, to join as a party plaintiff. For purposes of apportionment of cost, the administrator need not be a party to the action.

(3) Notwithstanding this chapter, no class action may be maintained for conduct proscribed in sub. (2) or for a violation of s. 423.301, 425.107, 426.108 or 427.104 (1) (h) unless ~~such~~ the conduct has been found to constitute a violation of ~~this act chs. 421 to 427~~ at least 30 days prior to the occurrence of the conduct involved in ~~such~~ the class action by an appellate court of this state or by a ~~regulation issued~~ rule promulgated by the administrator as provided in ss. 426.104 (1) (e) and 426.108 specifying with particularity the act or practice in question.

(14) A merchant shall not be liable in a class action for specific penalties (ss. 425.302 (1) (a), 425.303 (1), 425.304 (1), 425.305 (1)) for which it would be liable in individual actions by reason of violations of ~~this act chs. 421 to 427~~ or of conduct prescribed in sub. (2) unless it is shown by a preponderance of the evidence that the violation was a wilful and knowing violation of ~~this act chs. 421 to 427~~. No recovery in an action under this subsection may exceed \$100,000.

SECTION 367. 426.111 of the statutes is amended to read:

426.111 Debtors' remedies not affected. The grant of powers to the administrator in this chapter does not affect remedies available to customers under ~~this act chs. 421 to 427~~ or under other principles of law or equity.

SECTION 368. 426.201 (2) (g) of the statutes is amended to read:

426.201 (2) (g) Such other similar information as the administrator may from time to time require to effectuate the purposes and policies of ~~this act~~ chs. 421 to 427.

SECTION 369. 426.301 of the statutes is amended to read:

426.301 Violations and enforcement. (1) The administrator may recover in a civil action from a person who violates ~~this act chs. 421 to 427~~ or any rule made pursuant to any authority granted in ~~this act chs. 421 to 427~~, a civil penalty of not less than \$100 and not more than \$1,000 for each violation.

(2) In addition to the amount to which ~~he~~ the administrator shall be entitled under sub. (1), the administrator may recover in a civil action from a person who knowingly or wilfully violates ~~this act chs. 421 to 427~~ or any rule made pursuant to any authority granted in ~~this act chs. 421 to 427~~, a civil penalty of not less than \$1,000 and not more than \$10,000 for each violation.

SECTION 370. Chapter 427 (title) of the statutes is amended to read:

CHAPTER 427
CONSUMER TRANSACTIONS —

DEBT COLLECTION

SECTION 372. Title XL-A (title) of the statutes is repealed.

SECTION 374. Title XL-B (title) of the statutes is repealed.

SECTION 375. Subchapter I (title) of chapter 551 of the statutes is amended to read:

CHAPTER 551

SUBCHAPTER I

DEFINITIONS

SECTION 377. Subchapter I (title) of chapter 553 of the statutes is amended to read:

CHAPTER 553

SUBCHAPTER I

DEFINITIONS

SECTION 379. Title XLI (title) of the statutes is repealed.

SECTION 380. Chapter 600 (title) of the statutes is amended to read:

CHAPTER 600

INSURANCE — GENERAL PROVISIONS

SECTION 381. 600.01 (title), (1) (a) and (b) (intro.) and 5 and (2) of the statutes are amended to read:

600.01 (title) Scope of application. (1) (a) ~~The insurance code restricts Chapters 600 to 646 restrict~~ otherwise legitimate business activity and what ~~the code does~~ chs. 600 to 646 do not prohibit is authorized unless contrary to other provisions of the law of this state.

(b) (intro.) Unless otherwise expressly provided, ~~this code does~~ chs. 600 to 646 do not apply to:

5. Other business specified in rules promulgated by the commissioner if the transaction of such business in this state does not require regulation for the protection of the interests of Wisconsin insureds or public or for which it would be impracticable to require compliance with ~~this code~~ chs. 600 to 646, when necessary expenses and efforts are compared with the possible benefits.

(2) **EXCEPTIONS.** After a hearing, the commissioner may order an insurer to transfer the Wisconsin portion of the business under sub. (1) (b) 3 or 4 to an authorized insurer if it is written by an unauthorized one, or may subject any insurance under sub. (1) (b) to ~~this code~~ chs. 600 to 646, on a finding that the foregoing conditions are not satisfied or that any circumstances require that the insurer be authorized to do business in this state or that the transactions be subject to ~~this code~~ chs. 600 to 646 in order to provide adequate protection to Wisconsin insureds and public. Coverage of a resident of this state is the doing of an insurance business in this state and subjects the insurer to the jurisdiction of the commissioner and of the courts of this state.

SECTION 382. 600.02 (intro.) of the statutes is amended to read:

600.02 Interpretive rules. (intro.) In ~~this code~~ chs. 600 to 646, unless the context indicates otherwise:

SECTION 383. 600.03 (intro.) and (42) (a) of the statutes are amended to read:

600.03 Definitions, usages and synonyms. (intro.) In ~~this code~~ chs. 600 to 646, unless the context indicates otherwise:

(42) (a) "State" means the same as in s. 990.01 (40) and ~~in this code~~ also includes the Panama Canal Zone.

SECTION 385. 600.13 of the statutes is amended to read:

600.13 Orders relaxing restrictions. (1) ISSUANCE. After notice under sub. (2) and a hearing, the commissioner may issue an order freeing a person from any requirement of ~~this code chs. 600 to 646~~ otherwise applicable to ~~him~~ the person if the commissioner finds that the interests of insureds, creditors and the public will not be endangered thereby.

(2) PUBLICATION. Unless the order is issued under specific authorization of another section of ~~this code chs. 600 to 646~~, the notice preceding the hearing under sub. (1) and any such order shall be published as a class 1 notice, under ch. 985, in the official state newspaper before it is effective.

SECTION 386. Chapter 601 (title) of the statutes is amended to read:

CHAPTER 601

INSURANCE — ADMINISTRATION
OF THE INSURANCE CODE

SECTION 387. 601.01 (2) and (3) (intro.), (d) and (k) of the statutes are amended to read:

601.01 (2) CONSTRUCTION. ~~The insurance code~~ Chapters 600 to 646 shall be liberally construed to achieve the purposes stated in sub. (3), which shall constitute an aid and guide to interpretation but not an independent source of power.

(3) (intro.) PURPOSES. The purposes of ~~the insurance code chs. 600 to 646~~ shall be:

(d) To provide for an office that is expert in the field of insurance, and able to enforce ~~the insurance code chs. 600 to 646~~;

(k) To achieve the other purposes stated in ~~the insurance code chs. 600 to 646~~.

SECTION 388. 601.12 (2) of the statutes is amended to read:

601.12 (2) ENFORCEMENT. Upon request of the commissioner, the attorney general shall proceed in any federal or state court or agency to recover any tax or fee related to insurance payable under the laws of this state and not paid when due, and any penalty or forfeiture authorized by ~~the insurance code chs. 600 to 646~~. Upon request of the commissioner, the attorney general or, in a proper case, the district attorney of any county, shall aid in any investigation, hearing or other procedure under ~~the insurance code chs. 600 to 646~~ and shall institute, prosecute and defend proceedings relating to the enforcement or interpretation of ~~the insurance code chs. 600 to 646~~, including any proceeding to which the state, or the insurance commissioner or any employe of the office, in his or her official capacity, shall be a party or in which he or she shall be interested.

SECTION 389. 601.13 (4) of the statutes is amended to read:

601.13 (4) VALUATION. Securities held on deposit shall be valued as provided by ~~the insurance code chs. 600 to 646~~ for valuation of such investments of life insurers, or at market, whichever is lower.

SECTION 390. 601.41 (1) of the statutes is amended to read:

601.41 (1) DUTIES. The commissioner shall administer and enforce ~~the insurance code chs. 600 to 646~~. ~~He~~ The commissioner shall act as promptly as possible under the circumstances on all matters placed before ~~him~~ the commissioner.

SECTION 391. 601.42 (1) (intro.) and (4) of the statutes are amended to read:

601.42 (1) (intro.) REPORTS. The commissioner may require from any person subject to regulation under ~~the insurance code chs. 600 to 646~~:

(4) REPLIES. Any officer, manager or general agent of any insurer authorized to do or doing an insurance business in this state, any person controlling or having a contract under which he or she has a right to control such an insurer, whether exclusively or other-

wise, any person with executive authority over or in charge of any segment of such an insurer's affairs, and any insurance agent or other person licensed under ~~the insurance code~~ chs. 600 to 646 shall reply promptly in writing or in other designated form, to any written inquiry from the commissioner requesting a reply.

SECTION 392. 601.43 (1) (a) of the statutes is amended to read:

601.43 (1) (a) *Insurers and other licensees.* Whenever ~~he~~ the commissioner deems it necessary in order to inform himself or herself about any matter related to the enforcement of ~~the insurance code~~ chs. 600 to 646, the commissioner may examine the affairs and condition of any licensee under ~~the insurance code~~ chs. 600 to 646 or applicant for a license, of any person or organization of persons doing or in process of organizing to do an insurance business in this state, and of any advisory organization serving any of the foregoing in this state.

SECTION 393. 601.46 (3) (m) of the statutes is amended to read:

601.46 (3) (m) The changes made in ~~the insurance code~~ chs. 600 to 646;

SECTION 394. 601.48 (1) of the statutes is amended to read:

601.48 (1) NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS. The commissioner and ~~his~~ the office of the commissioner shall maintain close relations with the commissioners of other states and shall participate in the activities and affairs of the national association of insurance commissioners and other organizations so far as it will, in ~~his~~ the judgment of the commissioner, enhance the purposes of ~~the insurance code~~ chs. 600 to 646. The actual and necessary expenses incurred thereby shall be reimbursed out of the appropriation under s. 20.145 (1) (g).

SECTION 395. 601.62 (1) and (2) of the statutes are amended to read:

601.62 (1) HEARING REQUIRED. Whenever ~~the insurance code~~ chs. 600 to 646 expressly so ~~provides~~ provide, the commissioner shall hold a hearing before issuing an order.

(2) SPECIAL INSURANCE HEARINGS. Chapter 227 shall apply to all hearings under ~~the insurance code~~ chs. 600 to 646, except those for which special procedures are prescribed.

SECTION 396. 601.64 (5) of the statutes is amended to read:

601.64 (5) REVOCATION, SUSPENSION AND LIMITATION OF LICENSES. Whenever a licensee of the office other than an insurer or an insurance intermediary persistently or substantially violates ~~the insurance code~~ chs. 600 to 646 or an order of the commissioner under s. 601.41 (4), or if the licensee's methods and practices in the conduct of business endanger, or financial resources are inadequate to safeguard, the legitimate interests of customers and the public, the commissioner may, after a hearing, in whole or in part revoke, suspend, limit or refuse to renew the license.

SECTION 397. 610.47 of the statutes is amended to read:

610.47 Transition provisions for miscellaneous unincorporated insurers. Except for associations under ss. 185.981 and 185.991, and except as otherwise provided in ~~this code~~ chs. 600 to 646, all unincorporated domestic insurance associations, societies or organizations shall be reorganized as corporations under ch. 611, 612, 613 or 614 before January 1, 1973, or the commissioner shall thereupon petition for and the court shall forthwith issue an order for liquidation under s. 645.42 on the ground of failure to incorporate as ~~here~~ required in this section.

SECTION 398. 610.49 (3) of the statutes is amended to read:

610.49 (3) TOTAL REINSURANCE. Any insurer under sub. (1) may transfer all its obligations to a corporation authorized under ~~the insurance code~~ chs. 600 to 646 to assume them, pursuant to a plan approved by the commissioner. The commissioner may disapprove the plan on a finding, after a hearing, that it is contrary to law or to the interests of insureds or the public.

SECTION 399. 611.23 (2) of the statutes is amended to read:

611.23 (2) **REGULATION.** Except under sub. (3), the provisions of ~~the insurance code~~ chs. 600 to 646 applying to other mutuals organized or operating under this chapter apply also to municipal insurance mutuals.

SECTION 400. 611.54 (3) of the statutes is amended to read:

611.54 (3) **REMOVAL BY COMMISSIONER.** If the commissioner finds, after a hearing, that a director or officer has a conflict of interest, is incompetent, untrustworthy or has willfully violated ~~this code~~ chs. 600 to 646, a rule promulgated under s. 601.41 (3) or an order issued under s. 601.41 (4), and that the conflict of interest, incompetence or the violation endangers the interests of insureds or of the public, ~~he~~ the commissioner may order that the director or officer be removed.

SECTION 401. 612.01 (title) of the statutes is amended to read:

612.01 (title) Purposes and scope.

SECTION 403. 612.01 (2) (d) of the statutes is amended to read:

612.01 (2) (d) To enable town mutuals to satisfy as many of the essential insurance needs of their members as is consistent with the other objectives of ~~this code~~ chs. 600 to 646; and

SECTION 404. 612.15 (3) of the statutes is amended to read:

612.15 (3) **REMOVAL BY COMMISSIONER.** If the commissioner finds, after a hearing, that a director or officer is for any reason unqualified to serve, is incompetent or untrustworthy, or has willfully violated ~~this code~~ chs. 600 to 646, a rule promulgated under s. 601.41 (3) or an order issued under s. 601.41 (4), and that thereby the interests of members or of the public are endangered, ~~he~~ the commissioner shall by order remove the director or officer.

SECTION 405. 612.24 (3) of the statutes is amended to read:

612.24 (3) **DISAPPROVAL.** The commissioner may, within the 30-day period or its extension, prohibit the proposed action if it is contrary to law or to the interests of insureds or the public or if it will make possible the circumvention of any of the requirements of ~~this code~~ chs. 600 to 646. ~~He~~ The commissioner shall prohibit a transfer of all or substantially all of the business unless it is accompanied by a plan for voluntary dissolution under s. 612.25.

SECTION 406. Chapter 614 (title) of the statutes is amended to read:

CHAPTER 614

INSURANCE — FRATERNALS

SECTION 407. 614.05 (2) (intro.) of the statutes is amended to read:

614.05 (2) (title) **APPLICABLE PORTIONS.** (intro.) Each other section of ~~the code~~ chs. 600 to 646 that applies to mutuals subject to ch. 611 also applies to domestic and nondomestic fraternal unless:

SECTION 408. Chapter 615 (title) of the statutes is amended to read:

CHAPTER 615

INSURANCE — GIFT ANNUITIES

SECTION 409. 615.03 (title) and (5) of the statutes are amended to read:

615.03 (title) Applicability of chapters 600 to 646 to gift annuities.

(5) (title) **APPLICATION OF CHAPTERS 600 TO 646.** The commissioner may by rule or order impose on licensees under this chapter any other provisions of ~~the insurance code~~ chs. 600 to 646 applicable to ch. 611 corporations, if necessary to protect the interests of annuitants or the public.

SECTION 410. 616.82 (title) of the statutes is amended to read:

616.82 (title) Person exempted.

SECTION 411. 618.41 (11) of the statutes is amended to read:

618.41 (11) FORM REGULATION. The commissioner may by rule subject policies written under this section to as much of the regulation provided by ~~this code~~ chs. 600 to 646 for comparable policies written by authorized insurers as ~~he~~ the commissioner finds to be necessary to protect the interests of insureds and the public in this state.

SECTION 412. 618.42 (2) and (3) (a) of the statutes are amended to read:

618.42 (2) REPORTS AND TAXATION. Every policyholder who procures or renews insurance otherwise subject to ~~this code~~ chs. 600 to 646 from any insurer not authorized to do business in this state, other than insurance procured under s. 618.41 and the renewal of guaranteed renewable insurance lawfully issued outside this state, shall within 60 days after the insurance procured or renewed report to the commissioner in such form as ~~he~~ or she requires and pay the taxes specified by s. 618.43.

(3) (a) *Sales of personal property.* Any insurance on personal property sold on the instalment plan or under a conditional sales contract or equivalent security agreement under ~~the commercial code~~ chs. 401 to 409 for which a charge is made to the buyer as a part of the consideration in the agreement of sale shall be placed with an insurer authorized to do business in this state.

SECTION 413. 618.44 of the statutes is amended to read:

618.44 Effect of illegal contracts. An insurance contract entered into in violation of this chapter is unenforceable by, but enforceable against, the insurer. The terms of the contract are governed by ~~this code~~ chs. 600 to 646 and rules promulgated thereunder. If the insurer does not pay a claim or loss payable under the contract, any person who assisted in the procurement of the contract is liable to the insured for the full amount of the claim or loss, if ~~he~~ or she knew or should have known the contract was illegal.

SECTION 414. Chapter 620 (title) of the statutes is amended to read:

CHAPTER 620

THE REGULATION OF INSURANCE — INVESTMENTS

SECTION 415. 620.05 of the statutes is amended to read:

620.05 Protection against currency fluctuations. Any insurer doing business that requires it to make payment in different currencies shall have investments in securities in each of such currencies in an amount that independently of all other investments meets the requirements of ~~the insurance code of this state~~ chs. 600 to 646 as applied separately to the insurer's obligations in each currency. The commissioner may by order exempt an insurer, or by rule a class of insurers, from this requirement if the obligations in other currencies are small enough that no significant problem for solidity would be created by substantial fluctuations in relative currency values.

SECTION 416. 620.31 of the statutes is amended to read:

620.31 Valuation of assets. For the purposes of this chapter, except as otherwise provided by ~~this code~~ chs. 600 to 646, all assets shall be valued as they are valued for purposes of the financial statements submitted under s. 601.42 (1) (a), less the amount of any investment fluctuation reserves explicitly attributable to them.

SECTION 417. Chapter 623 (title) of the statutes is amended to read:

CHAPTER 623

INSURANCE — ACCOUNTING

AND RESERVES

SECTION 418. Chapter 625 (title) of the statutes is amended to read:

CHAPTER 625

INSURANCE — RATE REGULATION

SECTION 419. 627.18 (3) of the statutes is amended to read:

627.18 (3) In the case of a nondomestic insurer, whether the regulation provided by the state of its domicile or the jurisdiction in which its head office is located provides protection to policyholders and the public substantially equal to that provided by ~~this code chs. 600 to 646~~ and the rules issued thereunder.

SECTION 420. 628.01 (5) of the statutes is amended to read:

628.01 (5) To regulate insurance marketing practices in conformity with the general purposes of ~~the insurance code~~ chs. 600 to 646.

SECTION 421. 628.02 (intro.) of the statutes is amended to read:

628.02 Definitions. (intro.) In ~~Title XLI~~ chs. 600 to 646, unless the context otherwise requires:

SECTION 422. 628.34 (1) (a) and (4) of the statutes are amended to read:

628.34 (1) (a) *Conduct forbidden.* No person who is or should be licensed under ~~this code~~ chs. 600 to 646, no employe or agent of any such person, no person whose primary interest is as a competitor of a person licensed under ~~this code~~ chs. 600 to 646, and no person on behalf of any of the foregoing persons may make or cause to be made any communication relating to an insurance contract, the insurance business, any insurer or any intermediary which contains false or misleading information, including information misleading because of incompleteness. Filing a report and, with intent to deceive a person examining it, making a false entry in a record or wilfully refraining from making a proper entry, are “communications” within the meaning of this paragraph. No intermediary or insurer may use any business name, slogan, emblem or related device that is misleading or likely to cause the intermediary or insurer to be mistaken for another insurer or intermediary already in business.

(4) **RESTRAINT OF COMPETITION.** No person who is or should be licensed under ~~this title of the statutes~~ chs. 600 to 646, no employe or agent of any such person, no person whose primary interest is as a competitor of a person licensed under ~~this code~~ chs. 600 to 646, and no one acting on behalf of any of the foregoing persons, may commit or enter into any agreement to participate in any act of boycott, coercion or intimidation tending to unreasonable restraint of the business of insurance or to monopoly in that business.

SECTION 423. 631.05 of the statutes is amended to read:

631.05 Oral contracts of insurance and binders. No provision of ~~this code~~ chs. 600 to 646 may be interpreted to forbid an oral contract of insurance or issuance of a written binder. The insurer shall issue a policy as soon as reasonably possible after issuance of any binder or negotiation of an oral contract.

SECTION 424. 631.08 (1) of the statutes is amended to read:

631.08 (1) **GENERAL.** Except as otherwise provided in ~~this code~~ chs. 600 to 646, general contract law applies to mistakes in insurance contracts.

SECTION 425. 631.27 of the statutes is amended to read:

631.27 Rules of law as provisions of contracts. By rule, the commissioner may require an insurer to insert in a policy any rule of law stated in ~~this code~~ chs. 600 to 646 that is applicable to the contents or interpretation of an insurance contract.

SECTION 426. 631.83 (1) (d) and (2) of the statutes are amended to read:

631.83 (1) (d) *Other.* Except as provided in this subsection or elsewhere in ~~the insurance code~~ chs. 600 to 646, s. 893.19 (3) applies to actions on insurance policies.

(2) GENERAL LAW APPLICABLE TO LIMITATION OF ACTIONS. Except for the prescription of time periods under sub. (1) or elsewhere in ~~the insurance code chs. 600 to 646~~, the general law applicable to limitation of actions as modified by ch. 893 applies to actions on insurance policies.

SECTION 427. 632.45 (1) of the statutes is amended to read:

632.45 (1) IDENTIFICATION. Any contract issued under s. 611.25 or under any section of ~~the code chs. 600 to 646~~ incorporating s. 611.25 by reference which provides for payment of benefits in variable amounts shall contain a statement of the essential features of the procedure to be followed by the insurer in determining the dollar amount of the variable benefits. It shall contain appropriate nonforfeiture benefits in lieu of those under s. 632.43. Any such individual contract and any such certificate issued under a group contract shall state that the dollar amount may decrease or increase and shall conspicuously display on its first page a statement that the benefits thereunder are on a variable basis, with a statement where in the contract the details of the variable provisions may be found.

SECTION 428. 632.60 of the statutes is amended to read:

632.60 Limitation on credit life insurance. Nothing in ~~this code chs. 600 to 646~~ authorizes licensees under s. 138.09 to require or accept insurance not permitted under s. 138.09 (7) (h).

SECTION 429. Chapter 636 (title) of the statutes is amended to read:

CHAPTER 636

INSURANCE — CLAIMS ADJUSTMENT

SECTION 430. 636.04 (3) of the statutes is amended to read:

636.04 (3) Such certificate shall be revoked by the commissioner, if after due investigation and hearing, ~~he the commissioner~~ determines that the holder has violated ~~the insurance code chs. 600 to 646~~. No person whose certificate is revoked shall be granted another certificate within one year thereafter, nor shall ~~he the person~~, until again so authorized, act as employe or participate in the pay of any fire insurance adjuster.

SECTION 431. 645.01 (title) of the statutes is amended to read:

645.01 (title) Construction and purpose.

SECTION 433. 645.41 (7) of the statutes is amended to read:

645.41 (7) That the insurer has commenced, or within the previous year has attempted to commence, voluntary liquidation otherwise than under ~~the insurance code of this state chs. 600 to 646~~;

SECTION 434. Title XLI-D (title) of the statutes is repealed.

SECTION 439. Title XLI-N (title) of the statutes is repealed.

SECTION 440. 757.69 (3) (e) of the statutes is amended to read:

757.69 (3) (e) Issue subpoenas returnable before a judge on behalf of the Wisconsin department of justice for antitrust violations under s. 133.06 (1) or ~~bingo control act~~ violations of ss. 163.02 to 163.80 under s. 163.71 (1).

SECTION 441. Title XLII-A (title) of the statutes is repealed.

SECTION 442. Chapter 801 (title) of the statutes is amended to read:

CHAPTER 801

CIVIL PROCEDURE — COMMENCEMENT

OF ACTION AND VENUE

SECTION 443. 801.01 (title) and (1) of the statutes are amended to read:

801.01 (title) Kinds of proceedings; scope of chs. 801 to 847. (1) KINDS. Proceedings in the courts are divided into actions and special proceedings. "Action", as used in ~~this title chs. 801 to 847~~, includes "special proceeding" unless a specific provision of procedure in special proceedings exists.

SECTION 444. 801.04 (1) of the statutes is amended to read:

801.04 (1) JURISDICTION OF SUBJECT MATTER REQUIRED FOR ALL CIVIL ACTIONS. A court of this state may entertain a civil action only when the court has power to hear the kind of action brought. The power of the court to hear the kind of action brought is called "jurisdiction of the subject matter". Jurisdiction of the subject matter is conferred by the constitution and statutes of this state and by statutes of the United States; it cannot be conferred by consent of the parties. Nothing in ~~this title chs. 801 to 847~~ affects the subject matter jurisdiction of any court of this state.

SECTION 445. 801.11 (5) (d) of the statutes is amended to read:

801.11 (5) (d) If against any domestic or foreign insurance corporation, to any agent of such corporation as defined by ~~the insurance code of this state chs. 600 to 646~~. Service upon such agent of a domestic or foreign insurance corporation is not valid unless a copy of the summons and proof of service is sent by registered mail to the principal place of business of such corporation within 5 days after service upon the agent. Service upon any domestic or foreign insurance corporation may also be made under par. (a).

SECTION 446. 801.15 (1) of the statutes is amended to read:

801.15 (1) Notwithstanding ss. 985.09 and 990.001 (4), in computing any period of time prescribed or allowed by ~~sections within this title chs. 801 to 847~~, by any other statute governing actions and special proceedings, or by order of court, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday. When the period of time prescribed or allowed is less than 7 days, Saturdays, Sundays, and legal holidays shall be excluded in the computation. As used in this section "legal holiday" means any ~~state-wide~~ statewide legal holiday provided in s. 757.17.

SECTION 447. Chapter 802 (title) of the statutes is amended to read:

CHAPTER 802

CIVIL PROCEDURE — PLEADINGS,

MOTIONS AND PRETRIAL PRACTICE

SECTION 448. 802.10 (1) of the statutes is amended to read:

802.10 (1) This section applies to all actions and special proceedings except appeals taken to circuit court, actions seeking writs of certiorari, habeas corpus, mandamus, prohibition and quo warranto, actions in which all defendants are in default, provisional remedies, and actions under s. 66.12, chs. 48, 52, 102, 108, 227, 247, 288, 299, 348, 812, and proceedings under ~~Title XLII-B chs. 851 to 882~~.

SECTION 449. Chapter 803 (title) of the statutes is amended to read:

CHAPTER 803

CIVIL PROCEDURE — PARTIES

SECTION 450. Chapter 804 (title) of the statutes is amended to read:

CHAPTER 804

CIVIL PROCEDURE — DEPOSITIONS

AND DISCOVERY

SECTION 451. Chapter 805 (title) of the statutes is amended to read:

CHAPTER 805

CIVIL PROCEDURE — TRIALS

SECTION 452. Chapter 806 (title) of the statutes is amended to read:

CHAPTER 806

CIVIL PROCEDURE — JUDGMENT

SECTION 453. 806.04 (title) of the statutes is amended to read:

806.04 (title) Uniform declaratory judgments act.

SECTION 456. Chapter 807 (title) of the statutes is amended to read:

CHAPTER 807

CIVIL PROCEDURE — MISCELLANEOUS PROVISIONS

SECTION 457. 808.04 (2) (a) of the statutes is amended to read:

808.04 (2) (a) Subsection (1) does not apply to an appeal for which a specific time period for initiating an appeal is expressly provided by law. Appeals for which special time periods are provided include: s. 9.10 (4) (a) (recall), 30.30 (3) (c) (harbor improvements), 32.05 (13) (condemnation), 32.06 (13) (condemnation), 48.911 (adoption proceedings), 62.075 (4) (detachment of farm lands), 66.014 (7) (b) (municipal incorporation), 66.021 (10) (b) (annexation), 66.05 (8) (c) (razing buildings), 66.435 (4) (b) (urban renewal act), 87.16 (flood control projects), 88.09 (2) (drainage of lands), 102.25 (1) (worker's compensation), 111.07 (7) (employment relations commission), 117.03 (5) (school district reorganization), 128.15 (1) (objections to creditors' claims), 128.20 (2) (settlement of receiver's or assignee's accounts), 182.60 (10) (b) (special economic improvement districts), 186.29 (5) (revaluation of credit union shares), 215.32 (12) (revaluation of savings and loan accounts), 227.21 (review of administrative agency decisions), 227.26 (enforcement of laws attacked in federal court), 289.29 (log liens), 296.03 (conveyance: specific performance), 808.07 (6) (eviction actions), 879.27 (3) (probate court), 879.31 (extension of probate court appeals) and 974.02 (criminal, juvenile, youthful offender and mental commitment cases).

SECTION 458. 813.22 (title) of the statutes is amended to read:

813.22 (title) Uniform absence as evidence of death and absentee's property act; insurance policy provisions invalid.

SECTION 460. 822.01 (title), (1) (intro.) and (2) of the statutes are amended to read:

822.01 (title) Purposes; construction of provisions. (1) (intro.) The general purposes of this act chapter are to:

(2) This act chapter shall be construed to promote the general purposes stated in this section.

SECTION 461. 822.02 (intro.) of the statutes is amended to read:

822.02 Definitions. (intro.) As used in this act chapter:

SECTION 462. 822.04 of the statutes is amended to read:

822.04 Notice and opportunity to be heard. Before making a decree under this act chapter, reasonable notice and opportunity to be heard shall be given to the contestants, any parent whose parental rights have not been previously terminated, and any person who has physical custody of the child. If any of these persons is outside this state, notice and opportunity to be heard shall be given ~~pursuant to~~ under s. 822.05.

SECTION 463. 822.06 (1) of the statutes is amended to read:

822.06 (1) A court of this state shall not exercise its jurisdiction under this ~~aet~~ chapter if at the time of filing the petition a proceeding concerning the custody of the child was pending in a court of another state exercising jurisdiction substantially in conformity with this ~~aet~~ chapter, unless the proceeding is stayed by the court of the other state because this state is a more appropriate forum or for other reasons.

SECTION 464. 822.07 (1) and (6) of the statutes are amended to read:

822.07 (1) A court which has jurisdiction under this ~~aet~~ chapter to make an initial or modification decree may decline to exercise its jurisdiction any time before making a decree if it finds that it is an inconvenient forum to make a custody determination under the circumstances of the case and that a court of another state is a more appropriate forum.

(6) The court may decline to exercise its jurisdiction under this ~~aet~~ chapter if a custody determination is incidental to an action for divorce or another proceeding while retaining jurisdiction over the divorce or other proceeding.

SECTION 465. 822.12 of the statutes is amended to read:

822.12 Binding force and res judicata effect of custody decree. A custody decree rendered by a court of this state which had jurisdiction under s. 822.03 binds all parties who have been served in this state or notified in accordance with s. 822.05 or who have submitted to the jurisdiction of the court, and who have been given an opportunity to be heard. As to these parties the custody decree is conclusive as to all issues of law and fact decided and as to the custody determination made unless and until that determination is modified pursuant to law, including the provisions of this ~~aet~~ chapter.

SECTION 466. 822.13 of the statutes is amended to read:

822.13 Recognition of out-of-state custody decrees. The courts of this state shall recognize and enforce an initial or modification decree of a court of another state which had assumed jurisdiction under statutory provisions substantially in accordance with this ~~aet~~ chapter or which was made under factual circumstances meeting the jurisdictional standards of ~~the~~ ~~aet~~ this chapter, so long as this decree has not been modified in accordance with jurisdictional standards substantially similar to those of this ~~aet~~ chapter.

SECTION 467. 822.14 (1) of the statutes is amended to read:

822.14 (1) If a court of another state has made a custody decree, a court of this state shall not modify that decree unless it appears to the court of this state that the court which rendered the decree does not now have jurisdiction under jurisdictional prerequisites substantially in accordance with this ~~aet~~ chapter or has declined to assume jurisdiction to modify the decree and the court of this state has jurisdiction.

SECTION 468. 822.23 of the statutes is amended to read:

822.23 International application. The general policies of this ~~aet~~ chapter extend to the international area. The provisions of this ~~aet~~ chapter relating to the recognition and enforcement of custody decrees of other states apply to custody decrees and decrees involving legal institutions similar in nature to custody institutions rendered by appropriate authorities of other nations if reasonable notice and opportunity to be heard were given to all affected persons.

SECTION 469. 822.24 of the statutes is amended to read:

822.24 Priority. Upon the request of a party to a custody proceeding which raises a question of existence or exercise of jurisdiction under this ~~aet~~ chapter the case shall be given calendar priority and handled expeditiously.

SECTION 471. 840.02 of the statutes is amended to read:

840.02 Titles applicable. Except as otherwise provided in chs. 840 to 846, the general rules of practice and procedure in ~~Titles XXIV~~ chs. 750 to 758 and ~~XLIIA~~ 801 to 847 shall apply to actions and proceedings under chs. 840 to 846.

SECTION 472. Title XLII-B (title) of the statutes is repealed.

SECTION 473. Chapter 851 (title) of the statutes is amended to read:

CHAPTER 851

PROBATE — DEFINITIONS AND

GENERAL PROVISIONS

SECTION 474. 851.001 (title) of the statutes is amended to read:

851.001 (title) **Effective date.**

SECTION 475. 851.002 of the statutes is amended to read:

851.002 Definitions. The definitions in ss. 851.01 to 851.29 apply to ~~title XLII-B~~ chs. 851 to 882.

SECTION 477. Chapter 858 (title) of the statutes is amended to read:

CHAPTER 858

PROBATE — INVENTORY

SECTION 478. Chapter 859 (title) of the statutes is amended to read:

CHAPTER 859

PROBATE — CLAIMS

SECTION 479. Chapter 860 (title) of the statutes is amended to read:

CHAPTER 860

PROBATE — SALE, MORTGAGE

AND LEASE OF PROPERTY

SECTION 480. Chapter 861 (title) of the statutes is amended to read:

CHAPTER 861

PROBATE — FAMILY RIGHTS

SECTION 481. Chapter 862 (title) of the statutes is amended to read:

CHAPTER 862

PROBATE — ACCOUNTS

SECTION 482. Chapter 865 (title) of the statutes is amended to read:

CHAPTER 865

PROBATE — INFORMAL ADMINISTRATION

SECTION 483. Chapter 867 (title) of the statutes is amended to read:

CHAPTER 867

PROBATE — SUMMARY PROCEDURES

SECTION 484. Chapter 868 (title) of the statutes is amended to read:

CHAPTER 868

PROBATE — ANCILLARY PROCEDURES

SECTION 485. Chapter 879 (title) of the statutes is amended to read:

CHAPTER 879

PROBATE — NOTICE, APPEARANCE,

APPEAL AND MISCELLANEOUS PROCEDURE

SECTION 486. 879.27 (2) of the statutes is amended to read:

879.27 (2) (title) EFFECT OF CHS. 801 TO 847. In all matters not otherwise provided for in this chapter relating to appeals from courts assigned to exercise probate jurisdiction to the court of appeals, the law and rules of practice of ~~Title XLII-A~~ chs. 801 to 847 govern.

SECTION 487. 879.43 (2) of the statutes is amended to read:

879.43 (2) STAY OF EXECUTION. Execution of judgments may be stayed under ~~Title XLIIA~~ chs. 801 to 847.

SECTION 489. 880.60 (21) (title) of the statutes is amended to read:

880.60 (21) (title) APPLICATION OF SECTION.

SECTION 492. 880.64 (5) of the statutes is amended to read:

880.64 (5) The custodian, notwithstanding statutes restricting investments by fiduciaries, shall invest and reinvest the custodial property as would a prudent person of discretion and intelligence who is seeking a reasonable income and the preservation of the person's capital, except that the custodian may without liability to the minor or the minor's estate, retain a security given or distributed to the minor in a manner prescribed in ~~this act~~ ss. 880.61 to 880.71 or hold money so given or distributed in an account in the financial institution to which it was paid or delivered by the donor, personal representative of a donor's estate or trustee.

SECTION 495. Subchapter IV (title) of chapter 880 of the statutes is amended to read:

CHAPTER 880

SUBCHAPTER IV

SECURITIES OWNERSHIP BY MINORS,
INCOMPETENTS AND SPENDTHRIFTS

SECTION 497. Title XLIII (title) of the statutes is repealed.

SECTION 498. Title XLIV (title) of the statutes is repealed.

SECTION 498m. Title XLIV-A (title) of the statutes is repealed.

SECTION 499. Chapter 901 (title) of the statutes is amended to read:

CHAPTER 901

EVIDENCE — GENERAL PROVISIONS

SECTION 500. Chapter 902 (title) of the statutes is amended to read:

CHAPTER 902

EVIDENCE — JUDICIAL NOTICE

SECTION 501. 902.02 (title) of the statutes is amended to read:

902.02 (title) Uniform judicial notice of foreign law act.

SECTION 503. Chapter 903 (title) of the statutes is amended to read:

CHAPTER 903

EVIDENCE — PRESUMPTIONS

SECTION 504. Chapter 904 (title) of the statutes is amended to read:

CHAPTER 904

EVIDENCE — RELEVANCY AND ITS LIMITS

SECTION 505. Chapter 905 (title) of the statutes is amended to read:

CHAPTER 905

EVIDENCE — PRIVILEGES

SECTION 506. Chapter 906 (title) of the statutes is amended to read:

CHAPTER 906

EVIDENCE — WITNESSES

SECTION 507. Chapter 907 (title) of the statutes is amended to read:

CHAPTER 907

EVIDENCE — OPINIONS AND

EXPERT TESTIMONY

SECTION 508. Chapter 908 (title) of the statutes is amended to read:

CHAPTER 908

EVIDENCE — HEARSAY

SECTION 509. Chapter 909 (title) of the statutes is amended to read:

CHAPTER 909

EVIDENCE — AUTHENTICATION

AND IDENTIFICATION

SECTION 510. 909.02 (9) of the statutes is amended to read:

909.02 (9) COMMERCIAL PAPER AND RELATED DOCUMENTS. Commercial paper, signatures thereon, and documents relating thereto to the extent provided by ~~the Uniform Commercial Code, Title XXXV chs. 401 to 409.~~

SECTION 511. Chapter 910 (title) of the statutes is amended to read:

CHAPTER 910

EVIDENCE — CONTENTS OF WRITINGS,

RECORDINGS, AND PHOTOGRAPHS

SECTION 512. Chapter 911 (title) of the statutes is amended to read:

CHAPTER 911

EVIDENCE — MISCELLANEOUS RULES

SECTION 514. Title XLV (title) of the statutes is repealed.

SECTION 515. Chapter 939 (title) of the statutes is amended to read:

CHAPTER 939

CRIMES — GENERAL PROVISIONS

SECTION 516. 939.01 of the statutes is amended to read:

939.01 (title) Name and interpretation. Title XLV may be cited as the criminal code ~~but~~ Chapters 939 to 948 may be referred to as the criminal code ~~but shall not be interpreted as a unit. Crimes committed prior to July 1, 1956, are not affected by the criminal code chs. 939 to 948.~~

SECTION 517. 939.10 of the statutes is amended to read:

939.10 Common-law crimes abolished; common-law rules preserved. Common-law crimes are abolished. The common-law rules of criminal law not in conflict with ~~the criminal code chs. 939 to 948~~ are preserved.

SECTION 518. 939.20 of the statutes is amended to read:

939.20 (title) Provisions which apply only to chapters 939 to 948. Sections 939.22 and 939.23 apply only to crimes defined in ~~the criminal code chs. 939 to 948.~~ Other sections in ch. 939 apply to crimes defined in other chapters of the statutes as well as to those defined in ~~the criminal code chs. 939 to 948.~~

SECTION 519. 939.22 (intro.) of the statutes is amended to read:

939.22 Words and phrases defined. (intro.) In ~~the criminal code~~ chs. 939 to 948, the following words and phrases have the designated meanings unless the context of a specific section manifestly requires a different construction:

SECTION 520. 939.23 (1) of the statutes is amended to read:

939.23 (1) When criminal intent is an element of a crime in ~~the criminal code~~ chs. 939 to 948, such intent is indicated by the term “intentionally”, the phrase “with intent to”, the phrase “with intent that”, or some form of the verbs “know” or “believe”.

SECTION 521. 939.70 of the statutes is amended to read:

939.70 Presumption of innocence and burden of proof. No provision of ~~the criminal code~~ chs. 939 to 948 shall be construed as changing the existing law with respect to presumption of innocence or burden of proof.

SECTION 522. 943.395 (4) of the statutes is amended to read:

943.395 (4) Makes any misrepresentation in or with reference to any application for membership or documentary or other proof for the purpose of obtaining membership in or noninsurance benefit from any fraternal subject to ~~Title XLI~~ chs. 600 to 646, for himself or herself or any other person.

SECTION 523. Title XLVII (title) of the statutes is repealed.

SECTION 524. Chapter 967 (title) of the statutes is amended to read:

CHAPTER 967

CRIMINAL PROCEDURE — GENERAL PROVISIONS

SECTION 525. 967.01 of the statutes is amended to read:

967.01 Title and effective date. ~~Title XLVII may be cited as the criminal procedure code and Chapters 967 to 979 may be referred to as the criminal procedure code and shall be interpreted as a unit. This code Chapters 967 to 979 shall govern all criminal proceedings and is effective on July 1, 1970. It applies Chapters 967 to 979 apply in all prosecutions commenced on or after that date. Prosecutions commenced prior to July 1, 1970, shall be governed by the law existing prior thereto.~~

SECTION 526. 967.02 (intro.) of the statutes is amended to read:

967.02 Words and phrases defined. (intro.) In ~~Title XLVII~~ chs. 967 to 979, unless the context of a specific section manifestly requires a different construction:

SECTION 527. 967.03 of the statutes is amended to read:

967.03 District attorneys. Wherever in ~~Title XLVII~~ chs. 967 to 979 powers or duties are imposed upon district attorneys, the same powers and duties may be discharged by any of their duly qualified deputies or assistants.

SECTION 528. Chapter 970 (title) of the statutes is amended to read:

CHAPTER 970

CRIMINAL PROCEDURE —

PRELIMINARY PROCEEDINGS

SECTION 529. Chapter 971 (title) of the statutes is amended to read:

CHAPTER 971

CRIMINAL PROCEDURE — PROCEEDINGS

BEFORE AND AT TRIAL

SECTION 530. 972.11 (1) of the statutes is amended to read:

972.11 (1) Except as provided in sub. (2), the rules of evidence and practice in civil actions shall be applicable in all criminal proceedings unless the context of a section or rule manifestly requires a different construction. No guardian ad litem need be appointed for a defendant in a criminal action. ~~Title XLIII Chapters 885 to 895, except ss. 804.02 to 804.07, 887.23 to 887.26, 889.22, 895.29 and 895.30,~~ shall apply in all criminal proceedings.

SECTION 531. 972.13 (7) of the statutes is amended to read:

972.13 (7) The department shall prescribe and furnish forms to the clerk of each county for use as judgments in cases where a defendant is placed on probation or committed to the custody of the department pursuant to ~~this title~~ chs. 967 to 979.

SECTION 532. Chapter 974 (title) of the statutes is amended to read:

CHAPTER 974

CRIMINAL PROCEDURE — APPEALS, NEW

TRIALS AND WRITS OF ERROR

SECTION 533. 976.01 (5) and (9) of the statutes are amended to read:

976.01 (5) EXCEPTIONS. This ~~aet section~~ section does not apply to any person in this state confined as insane or mentally ill or as a defective delinquent.

(9) UNIFORMITY OF INTERPRETATION. This ~~aet section~~ section shall be so construed as to effectuate its general purpose to make uniform the law of those states which enact it.

SECTION 535. 976.05 (7) of the statutes is amended to read:

976.05 (7) Copies of this ~~aet section~~ section shall, upon its approval, be transmitted to the governor of each state, the attorney general and the secretary of state of the United States, and the council of state governments.

SECTION 536. Title XLVIII (title) of the statutes is repealed.

SECTION 537. Title L (title) of the statutes is repealed.

SECTION 538. 990.001 (5) of the statutes is renumbered 990.001 (5) (a).

SECTION 539. 990.001 (5) (b) of the statutes is created to read:

990.001 (5) (b) When a decimal-numbered statute of this state contains a reference to another decimal-numbered statute of this state, the reference is to the current text of the statute referenced, and includes any change that has been inserted into and any interpretation or construction that has been adopted with respect to the referenced statute since the reference was first incorporated into the statute, whether or not the referenced statute is a general, specific, substantive or procedural statute. When a decimal numbered statute refers to another decimal-numbered statute in a specific prior edition of the Wisconsin statutes, the reference does not include subsequent changes to the statute referenced.

SECTION 540. 990.02 (1) of the statutes is amended to read:

990.02 (1) All references to ~~titles,~~ chapters or sections in the statutes of 1898 are to the ~~titles,~~ chapters and sections of those statutes.

SECTION 541. 992.03 (title) of the statutes is amended to read:

992.03 (title) Alleys.

SECTION 542. Chapter 404, laws of 1975, Section 12 is repealed.

SECTION 543. **Cross reference changes.** In the sections of the statutes listed in Column A, the cross references shown in Column B are changed to the cross references shown in Column C:

A	B	C
Statute Sections	Old Cross References	New Cross References
15.731	600 to 649	600 to 646
76.37 (1) and (3)	600 to 649	600 to 646

CHAPTER 89

540

600.03 (26)
600.12
607.03
618.36 (1)

600 to 649
600 to 649
600 to 649
600 to 649

600 to 646
600 to 646
600 to 646
600 to 646
