



1997 ASSEMBLY BILL 970

April 30, 1998 - Introduced by LAW REVISION COMMITTEE. Referred to Committee on Judiciary.

1 **AN ACT relating to:** repealing, consolidating, renumbering, amending and
2 revising various provisions of the statutes for the purpose of correcting errors,
3 supplying omissions, correcting and clarifying references, and eliminating
4 defects, anachronisms, conflicts, ambiguities and obsolete provisions (Revision
5 Bill).

Analysis by the Legislative Reference Bureau

This bill is prepared pursuant to s. 13.93 (2) (j), stats., for the purpose of modernizing statutory structure and language in order to increase conformity with current statutory style and to improve user readability and accessibility. Throughout this bill, the word form of numbers is replaced by digits; disfavored language is replaced with preferred terms and spellings; long sentences and statutory units are subdivided or otherwise shortened; and nonspecific articles and references are replaced. Some punctuation has been changed to accommodate the other changes. NOTES provided by the revisor of statutes bureau in the body of the bill indicate the treatments that have been made to the specific statutory units. No substantive changes are intended.

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

ASSEMBLY BILL 970**SECTION 1**

1 **SECTION 1.** 59.64 (1) (c) (title) of the statutes is amended to read:

2 59.64 (1) (c) (title) *Of judicial officers court commissioners*.

3 **SECTION 2.** 59.64 (1) (c) of the statutes is renumbered 59.64 (1) (c) 1. and
4 amended to read:

5 59.64 (1) (c) 1. (intro.) Court commissioners shall, on or before the first Monday
6 of November in each year, forward to the clerk of their respective counties a correct
7 statement of all actions or proceedings had before them, during the immediately
8 preceding year, in which the county became liable for costs, ~~giving the.~~ The
9 statement shall include all of the following:

10 a. The names of the parties in each action or proceeding, the.

11 b. The nature and result of the same, the each action or proceeding.

12 c. The amount of costs in detail in each case and what action or proceeding.

13 d. The items of costs awarded, if any, which have been paid and the amount
14 thereof of each payment.

15 2. The clerk shall file such the statements described in subd. 1. in his or her
16 office. Any ~~such officer~~ court commissioner who neglects to make and return such
17 the statements within the time prescribed in ~~this paragraph~~ subd. 1. shall not receive
18 any compensation from the county for any service rendered by him or her in any
19 criminal case or proceeding during the year next preceding the time when the
20 statement is required to be made and returned.

NOTE: Clarifies references to court commissioners. This provision referred to "other officers" as it previously included county judges and municipal justices. Other language is replaced and the provision subdivided for improved readability and conformity with current style.

21 **SECTION 3.** 59.64 (1) (d) 1. of the statutes is renumbered 59.64 (1) (d) 1. (intro.)
22 and amended to read:

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1 59.64 (1) (d) 1. (intro.) At least 10 days before the annual meeting of the board,
 2 every ~~such officer~~ court commissioner shall make and file with the clerk a certified
 3 statement of all actions or proceedings had or tried before him or her within the year
 4 next preceding the date of the statement in which the state was a party, and wherein
 5 in which the county became liable for the fees of officers, ~~within the year next~~
 6 ~~preceding the date of the statement, showing the~~ who appeared on the part of either
 7 the state or a defendant. The statement shall include all of the following:

8 a. The title and nature of the action or examination,;

9 b. The date of trial, ~~the~~;

10 c. The names of all officers, who actually attended court and gave in a
 11 statement of their attendance and travel; ~~and also such on the part of the defendant~~
 12 ~~as were allowed against the county, and the~~

13 d. The amount to which ~~they~~ the officers are severally entitled.

14 1m. The statement described in subd.1 shall be substantially in the following
 15 form:

16 STATE OF WISCONSIN

17 v.

18

19 IN ... CIRCUIT COURT FOR ... COUNTY

20 Complaint for

21 Before ..., ... Judge Court Commissioner.

22 Heard the ... day of ..., 19..

23 To the County Board of ... County:

24 I hereby certify that in the foregoing entitled action the following named
 25 persons rendered services ~~therein~~, and attended before me in the capacity stated,

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1 and. I further certify that the following named persons are severally entitled to the
2 amounts specified below for the services, attendance and travel, and that the
3 services were actually and necessarily rendered, and ~~said~~ that the action was
4 prosecuted in good faith:

5 A.B. (constable or sheriff), actually and necessarily traveled in serving the
6 herein, miles, and attended court days, and is entitled to \$.... dollars for
7 other just and lawful services in the cause, and in all is entitled to \$.... dollars.

8 Dated this day of, 19..

NOTE: Clarifies references to court commissioners. This provision referred to "other officers" as it previously included county judges and municipal justices. Also clarifies that "such on the part of the defendant" applies to appearances by officers on behalf of defendants and not to the award of any fees to defendants. Other language is reordered and replaced and the provision subdivided for improved readability and conformity with current style. Modifies date for new millennium.

9 **SECTION 4. 63.36** (1) of the statutes is amended to read:

10 63.36 (1) The board shall control all examinations, and may, whenever an
11 examination is to take place, designate a suitable number of persons, either in or not
12 in the official service of the city, to be examiners, and the examiners shall make
13 return or report ~~thereof~~ of the examination to the board. The board may, at any time,
14 substitute any other person, whether or not in such the official service of the city, in
15 the place of ~~any one~~ anyone so selected. The board may themselves, at any time, act
16 as ~~such~~ examiners, ~~and~~ under this section without appointing examiners. The
17 examiners, at any examination, shall not all be members of the same political party,
18 ~~and no.~~ No person shall serve in an examination of ~~candidates~~ a candidate for office
19 under ss. 63.18 to 63.53 ~~in ease of~~ who is a relative or ~~connection~~ connected by
20 marriage within the degree of first cousin.

NOTE: Replaces language for greater clarity and readability.

21 **SECTION 5. 70.22** (1) of the statutes is amended to read:

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1 70.22 (1) In case one or more of two 2 or more executors of the will or
2 administrators or trustees of the estate of a decedent, whose domicile at the time of
3 the decedent's death was in this state, ~~shall~~ are not be residents ~~within~~ of the state,
4 the taxable personal property belonging to ~~such~~ the estate shall be assessed to the
5 executors, administrators or trustees residing in this state. In case there ~~shall be two~~
6 are 2 or more executors, administrators or trustees of the same estate residing in this
7 state, but in different ~~assessment~~ taxation districts, the assessment of ~~such~~ the
8 taxable personal property belonging to the estate shall be in the name of all ~~such~~ of
9 the executors, administrators or trustees of the estate residing in this state. In case
10 the executor, administrator, or trustee, or all of them if more than one, ~~shall do~~ not
11 reside in this state, ~~such~~ the taxable personal property belonging to the estate may
12 be assessed in the name of ~~such~~ the executors or administrators or in the name of
13 ~~such~~ the estate.

NOTE: Replaces word form of numbers with digits, corrects grammar and replaces language for greater conformity with current style.

14 **SECTION 6.** 70.22 (2) of the statutes is renumbered 70.22 (2) (a) and amended
15 to read:

16 70.22 (2) (a) The taxes imposed pursuant to ~~such~~ an assessment under sub. (1)
17 may be enforced as a claim against the estate, upon presentation of ~~such~~ a claim for
18 the taxes by the treasurer of ~~such~~ the taxation district to the court in which the
19 proceedings for the probate of ~~such~~ the estate are pending, ~~and upon~~. Upon due proof
20 ~~such,~~ the court shall allow and order the same claim to be paid; ~~and before the~~
21 allowance of.

22 (b) Before allowing the final account of a nonresident executor, administrator
23 or trustee, the court shall ascertain whether there are or will be any taxes remaining

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1 unpaid or to be paid on account of personal property belonging to the estate, and shall
2 make such any order or direction as ~~may be~~ that is necessary to provide for the
3 payment thereof of the taxes.

4 **(3)** The ~~foregoing~~ provisions of this section shall not impair or affect any
5 remedy given by other provisions of law for the collection or enforcement of taxes
6 upon personal property assessed to executors, administrators or trustees.

NOTE: Subdivides provision and replaces language for greater readability and conformity with current style.

7 **SECTION 7.** 70.23 (2) of the statutes is amended to read:

8 70.23 **(2)** When ~~two~~ 2 or more lots or tracts owned by the same person are
9 deemed considered by the assessor to be so improved or occupied with buildings as
10 to be practically incapable of separate valuation, ~~they~~ the lots or tracts may be
11 entered as one parcel. Whenever any tract, parcel or lot of land ~~shall have~~ has been
12 surveyed and platted and a plat ~~thereof~~ of the platted ground recorded according to
13 law, the assessor shall designate the several lots and subdivisions of ~~such~~ the platted
14 ground as ~~they~~ the lots and subdivisions are fixed and designated by ~~such~~ the plat.

NOTE: Replaces word form of numbers with digits and replaces language for greater conformity with current style.

15 **SECTION 8.** 70.73 (1) of the statutes is renumbered 70.73 (1) (a) and amended
16 to read:

17 70.73 **(1)** (a) ~~Whenever it shall be~~ If it is discovered by any town, village or city
18 clerk or treasurer that any parcel of land has been erroneously described on the tax
19 roll the clerk or treasurer shall correct the description. ~~Whenever~~

20 (b) ~~If~~ a town, village or city clerk or treasurer ~~shall discover~~ discovers that
21 personal property has been assessed to the wrong person, or ~~two~~ 2 or more parcels
22 of land belonging to different ~~individuals or corporations~~ persons have been

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1 erroneously assessed together on the tax roll, the clerk or treasurer shall notify the
2 assessor and all parties interested, if the parties are residents of the county, by notice
3 in writing to appear at the clerk's office at some time, not less than ~~five~~ 5 days
4 thereafter, to correct the assessment roll, ~~at which,~~

5 (c) At the time and place designated in the notice given under par. (b), the
6 assessment roll shall be corrected by entering the correct names of the persons liable
7 to assessment ~~thereon~~, both as to real and personal property, describing each parcel
8 of land and giving ~~its~~ the proper valuation to each parcel separately owned; ~~but the,~~
9 The total valuation so given to the separate tracts of real estate shall ~~not together~~
10 ~~exceed nor be less than~~ be equal to the valuation given to the same property when
11 the several parcels were assessed together. ~~Such~~

12 (d) The valuation of parcels of land or correction of names of persons whose
13 personal property is assessed with personal property under this subsection may be
14 made at any time before the tax roll ~~shall be~~ is returned to the county treasurer for
15 the year in which ~~such~~ the tax is levied. ~~Such~~ The valuation or correction of names,
16 when so made under this subsection, shall be held just and correct and be final and
17 conclusive.

NOTE: Subdivides provision and replaces language for greater readability and conformity with current style.

18 **SECTION 9.** 70.99 (3) (a) of the statutes is amended to read:

19 70.99 (3) (a) The state department of employment relations shall recommend
20 a reasonable salary range for the county assessor for each county based upon pay for
21 comparable work or qualifications in ~~such~~ that county. ~~If, by~~ by contractual agreement
22 under s. 66.30 ~~two,~~ 2 or more counties join to employ one county assessor with the
23 approval of the secretary of revenue, the department of employment relations shall

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1 recommend a reasonable salary range for the county assessor under ~~such~~ the
2 agreement. The department of revenue shall assist the county in establishing the
3 budget for the county assessor's offices, including the number of personnel and their
4 qualifications, based on the anticipated workload.

NOTE: Replaces word form of numbers with digits and replaces language for greater
conformity with current style.

5 **SECTION 10.** 75.26 (1) of the statutes is renumbered 75.26 (1) (a) (intro.) and
6 amended to read:

7 75.26 (1) (a) (intro.) No action ~~shall~~ may be maintained by the grantee or ~~any~~
8 ~~one~~ anyone claiming under the grantee to recover the possession of any land or any
9 interest therein in land which ~~shall have~~ has been conveyed by deed for the
10 nonpayment of taxes unless ~~such~~ one of the following conditions is met:

11 1. The action ~~shall be~~ is brought within ~~three~~ 3 years next after the date of the
12 execution of ~~such~~ the deed; ~~or if such.~~

13 2. The land demanded ~~shall be~~ is, when so conveyed, vacant and unoccupied
14 and remains so remain, unless ~~such~~ the action ~~be~~ is brought within ~~three~~ 3 years next
15 after the date of the recording of ~~such~~ the deed; ~~or unless such.~~

16 3. The grantee or those claiming under the grantee ~~shall~~ have been in actual,
17 not constructive, possession of the land so demanded for ~~three~~ 3 successive years
18 during the ~~five~~ 5 years next after the recording of ~~such~~ the deed; ~~provided, however,~~
19 ~~that.~~

20 (b) Notwithstanding par. (a), if the former owner takes possession of any ~~such~~
21 land conveyed by deed for the nonpayment of taxes at any time within ~~three~~ the 3
22 months ~~of~~ after the expiration of ~~three~~ 3 years from the date of the execution of ~~such~~
23 the deed, ~~then and in such case~~ the grantee in ~~such~~ the tax deed or those claiming

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1 under the grantee may bring and maintain an action to recover possession of said ~~the~~
2 land at any time within three ~~the 3~~ months next after the expiration of said three ~~3~~
3 years from the date of the execution of the deed.

NOTE: Subdivides provision, replaces word form of numbers with digits, inserts punctuation and deletes and replaces language for greater conformity with current style.

4 **SECTION 11.** 75.26 (2) of the statutes is amended to read:

5 75.26 (2) (title) TAX DEED VOID, WHEN VOIDED. ~~Whenever~~ If the original owner,
6 or ~~any one~~ anyone claiming under the original owner, of lands ~~which~~ that have been
7 conveyed by deed for the nonpayment of taxes, ~~shall continue to pay~~ pays the taxes
8 upon ~~such~~ lands, and ~~shall pay the taxes~~ assessed against said ~~the~~ lands
9 continuously for ~~five~~ the 5 years next after the execution of ~~such~~ the tax deed, without
10 actual notice of the existence of ~~such~~ the tax deed, said ~~the~~ tax deed shall be is void
11 ~~and of no effect.~~

NOTE: Replaces word form of numbers with digits, deletes redundant phrase and replaces language for greater conformity with current style.

12 **SECTION 12.** 75.28 (1) of the statutes is renumbered 75.28 (1) (intro.) and
13 amended to read:

14 75.28 (1) (intro.) The limitation for bringing actions ~~as provided in~~ under s.
15 75.27 or any other limitation in favor of a tax deed or a tax certificate, except in case
16 of actual possession founded on a tax deed, ~~shall~~ or as otherwise provided in this
17 section, does not apply where the in the following cases:

18 (a) If the taxes, for the nonpayment of which the land was included in a tax
19 certificate and the tax deed executed, were paid prior to the inclusion of the land in
20 the tax certificate, ~~or where,~~

21 (b) If the land was redeemed as provided by law ~~or where,~~

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1 ~~(c) If the land was not liable to exempt from taxation; nor shall such limitation~~
2 ~~apply where a.~~

3 (d) If a single tax deed only has been issued and the original owner has, before
4 the issuance of such the tax deed, paid all taxes levied against the land for the 3 years
5 ensuing after the year for which the land was returned delinquent and sold, except
6 as herein provided.

NOTE: Subdivides provision, reorders text and replaces language for greater readability and conformity with current style.

7 **SECTION 13.** 75.28 (2) of the statutes is renumbered 75.28 (2) (a) and amended
8 to read:

9 75.28 **(2)** (a) The tax deed grantee or the assigns of the tax deed grantee may,
10 at any time after the tax deed is issued and recorded, serve a notice on the owner of
11 record of the original title, stating that he, she or they hold a tax deed on the land
12 of such the original owner and giving a description of the land so deeded and a
13 reference to the volume and page where such the tax deed is recorded, ~~which.~~ The
14 notice shall be served in the same manner as a summons in a court of record or by
15 registered mail, addressed to such the owner of record ~~and proof.~~ Proof of which
16 service of the notice shall be filed in the office of the county clerk of the county in
17 which the lands are situated.

18 (b) If the post-office address of the owner of record of the original title is
19 unknown, the tax deed grantee, or the assigns of the tax deed grantee, may, upon
20 filing file in the office of such the county clerk of the county in which the lands are
21 situated an affidavit that he, she or they are unable, with due diligence, to make
22 personal service of such the notice or to ascertain the post-office address of such the
23 former owner, Upon filing the affidavit, the tax deed grantee, or the assigns of the

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1 tax deed grantee, may publish such the notice as a class 3 notice, under ch. 985, in
2 the county where the land described in the tax deed is located and ~~proof.~~ Proof of such
3 publication of the notice shall be filed in the office of ~~such the~~ county clerk.

NOTE: Subdivides provision, shortens sentences and replaces language for greater readability and conformity with current style.

4 **SECTION 14.** 75.28 (3) of the statutes is renumbered 75.28 (3) (a) and amended
5 to read:

6 75.28 (3) (a) ~~If such the~~ notice be described in sub. (2) is served and filed, or ~~such~~
7 if the notice is published and proof of publication is filed ~~thirty, 30~~ days or more before
8 the expiration of ~~three 3~~ years from the date of recording the tax deed, the limitation
9 provided by s. 75.27 shall ~~apply.~~ apply. If the notice is not so served and
10 filed, or if the notice is not published and proof of publication is not filed, the
11 limitation ~~provided by said~~ under s. 75.27 shall be is extended until the expiration
12 of ~~thirty 30~~ days ~~from and after the day such~~ on which the notice is served and filed
13 or published and proof filed.

14 (b) In any action brought by the original owner to set aside ~~such a~~ tax deed after
15 the service or publication and filing of the notice ~~aforsaid~~ described in sub. (2), the
16 original owner, in case the original owner prevails, shall as a condition of relief pay
17 to the tax deed claimant the sum of ~~five dollars~~ \$5 for each description and the costs
18 of serving or publishing the ~~aforsaid~~ notice, in addition to all other costs and charges
19 now provided for by law. The provisions of law regulating costs and charges for the
20 service of a summons in a court of record shall apply to and govern the amount that
21 may be charged for the service or publication of ~~such the~~ notice.

NOTE: Subdivides provision, replaces word form of numbers with digits, adds commas and replaces language for greater readability and conformity with current style.

22 **SECTION 15.** 75.29 of the statutes is renumbered 75.29 (1) and amended to read:

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1 75.29 (1) ~~No~~ Subject to sub. (2), no action to quiet title, to remove a cloud on
2 title;~~;~~ to cancel, to annul or to set aside any tax deed,~~;~~ nor; of ejectment, of trespass,
3 of waste or for other injury to land shall be brought as to lands purporting to be
4 conveyed by a tax deed void on its face after the expiration of ~~three~~ 3 years from the
5 time of the recording of such the deed. ~~Provided, that the~~

6 (2) The limitation herein declared shall period under sub. (1) does not apply
7 unless the each of the following occurs:

8 (a) The original owner or those claiming under the original owner ~~shall~~ have
9 failed to pay or redeem all of the taxes levied ~~upon such~~ on the lands from the time
10 of the levy of the tax for the nonpayment of which the tax deed was issued to the time
11 of the recording of the tax deed, ~~nor unless the.~~

12 (b) The grantee in the tax deed or those claiming under the grantee in the tax
13 deed ~~shall~~ have paid or redeemed all of the taxes levied ~~upon such~~ on the lands for
14 ~~three successive~~ the 3 years next after such the recording of the tax deed.

15 **SECTION 16.** 75.30 of the statutes is amended to read:

16 **75.30** (title) **Action by original owner where if deed is void, when**
17 **barred.** No action ~~shall~~ may be brought by the original owner for the recovery of
18 lands purporting to be conveyed for the nonpayment of taxes by a deed void on its face
19 after the expiration of ~~five~~ 5 years from the date of the recording of the tax deed, ~~in~~
20 cases where if the grantee in the tax deed ~~shall have~~ has taken actual possession of
21 such the land within ~~two~~ 2 years after such the recording of the tax deed and ~~shall~~
22 have has actually and continuously maintained such possession of the lands to the
23 end of such the 5-year period of ~~five~~ years from the recording of the deed.

NOTE: Replaces language and word form of numbers with digits for greater readability and conformity with current style.

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1 **SECTION 17.** 75.54 (1) of the statutes is amended to read:

2 75.54 (1) In all actions in any court of this state, in which either party seeks
3 to avoid or set aside in whole or in part any assessment, tax or tax proceeding or
4 reassessment, if the court is of the opinion, after holding a hearing ~~had~~, that, for any
5 reason affecting the groundwork of the tax and all of the property in any assessment
6 taxation district, ~~said~~ the assessment, tax or tax proceeding should be set aside, the
7 court shall immediately stay all proceedings in ~~such~~ the action and in all other
8 actions affecting the assessment, tax or tax proceeding in ~~such~~ the taxation district
9 until a reassessment of the property ~~therein~~ in the taxation district can be made; and
10 ~~the.~~ The proper officers of the municipality constituting the assessment taxation
11 district or in which the district is located shall reassess ~~such~~ the property in the
12 taxation district in the manner specified in the statutes, and ~~shall~~ levy upon the ~~same~~
13 reassessed property the amount of taxes for the year in question. ~~Such~~ A
14 reassessment under this subsection shall be made by the assessor of the ~~municipality~~
15 ~~or assessment~~ taxation district or by the person the court appoints, and the
16 assessment roll shall be submitted to and passed upon by the board of review in the
17 manner and after ~~like~~ the same notice as that which is given in the case of the original
18 assessment.

NOTE: Shortens sentences and replaces language for greater readability and conformity with current style.

19 **SECTION 18.** 75.54 (2) of the statutes is renumbered 75.54 (2) (a) (intro.) and
20 amended to read:

21 75.54 (2) (a) (intro.) Upon the completion of the review by ~~said~~ the board of
22 review under sub. (1), the clerk of the town, village or city in which the reassessed
23 district is situated shall extend upon ~~such~~ the assessment roll the taxes lawfully

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1 levied upon and apportioned to the property described ~~therein~~ in the tax roll for such
2 the year, and such in question. ~~The tax roll and the tax so extended thereon shall be~~
3 on the tax roll under this section are a public record and ~~be~~ are prima facie evidence
4 in any legal proceeding of all of the following:

5 1. The amount of tax justly chargeable against the party seeking to set aside
6 or avoid the original assessment, tax or tax proceeding and the amount of tax upon
7 the lot or lots, tract or tracts of land all lands respecting which the said action is was
8 brought, and shall also be prima facie evidence of the.

9 2. The amount of tax justly chargeable against any and every other person or
10 corporation and every other lot, parcel or tract of land and all other lands included
11 in such the tax roll for such the year in any legal proceeding that may arise respecting
12 the same. Such in question.

13 (b) The reassessment and tax roll as corrected under this section shall be
14 completed and filed with the clerk of the ~~municipality constituting such assessment~~
15 taxation district ~~or in which such district is located~~ within ninety 90 days from the
16 date of the entry of such the order for reassessment unless the court upon motion and
17 cause shown ~~shall extend~~ extends the time ~~therefor.~~

NOTE: Subdivides provision, replaces word form of numbers with digits and
replaces language for greater readability and conformity with current style.

18 **SECTION 19.** 75.54 (3) of the statutes is renumbered 75.54 (3) (a) and amended
19 to read:

20 75.54 (3) (a) Upon such completion and filing of the tax roll under sub. (2),
21 notice thereof of the reassessment shall be given by such the clerk of the taxation
22 district to the clerk of the court in which such the action challenging the tax is
23 pending; and such last-mentioned. The clerk of court shall thereupon give notice

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1 ~~thereof~~ of the reassessment to the attorneys for the parties to ~~such~~ the action and to
2 the attorneys in all other actions pending in which the validity of ~~such~~ the original
3 assessment may be involved.

4 **(b)** If any party to an action seeking to set aside or avoid the original
5 assessment, tax or tax proceeding ~~shall desire~~ desires to contest the validity of ~~such~~
6 a reassessment made under this section, that party shall, within ~~twenty~~ 20 days
7 after notice of the completion and filing of ~~such~~ the reassessment and tax roll, file
8 written objections to the reassessment or tax roll with the clerk of the court where
9 ~~such~~ the action is pending ~~objections in writing to such reassessment or tax roll, and~~
10 ~~serve~~ a copy of ~~which~~ those objections ~~shall within five days after such filing, be~~
11 served upon the attorney for the ~~opposite~~ opposing party and ~~thereupon~~ within 5
12 days after filing.

13 **(c)** Upon the filing and service of the written objections under par. (b), the court
14 may direct ~~an~~ that the issue ~~to be made up involving~~ raised by the objections
15 aforesaid, ~~which shall be tried summarily by the court, which shall make an order~~
16 sustaining or overruling ~~such~~ the objections. ~~If by such order such~~ the objections are
17 sustained, the court shall do one of the following:

18 1. Hold the reassessment or tax roll ~~shall to~~ be held invalid and order
19 subsequent reassessments of ~~such~~ the tax ~~may be had in~~ the manner and form as
20 hereinbefore provided and ~~similar proceedings may be resorted to determine the~~
21 validity of any such reassessment; or ~~the court in its discretion may upon sustaining~~
22 objections ~~made to any reassessment, determine~~ in this section.

23 2. Determine and fix the amount of tax ~~which ought justly to be paid by the~~
24 party or parties contesting ~~such~~ the original assessment, tax or tax proceeding, and,
25 for that purpose, ~~with or without directing a further issue to be made up, the court~~

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1 may proceed to take such any further evidence as ~~may be~~ that is necessary to make
2 such ~~determination~~ determine the tax.

NOTE: Subdivides provision, replaces word form of numbers with digits and replaces and reorders language for greater readability and conformity with current style "In its discretion" is removed because the (intro.) says "may". Challenges to all reassessments are now specifically provided for in sub. (2) (b).

3 **SECTION 20.** 75.54 (4) of the statutes is renumbered 75.54 (4) (a) and amended
4 to read:

5 75.54 (4) (a) If such under sub. (3) the reassessment and tax roll ~~be~~ are held
6 by the court to be regular and valid or if no objections thereto ~~shall be~~ to the
7 reassessment and tax roll are filed, the court shall make an order requiring the party
8 or parties contesting the original assessment, tax or tax proceeding to pay into court,
9 for the use and benefit of the party entitled thereto, the amount ~~which~~ that by such
10 the reassessment the contesting party or parties justly ought to pay. If the amount
11 of tax imposed upon the property of such the contesting party by such ~~valid~~ the
12 reassessment, or by the subsequent determination and order of the court, ~~shall equal~~
13 ~~or exceed~~ equals or exceeds the amount imposed ~~thereon~~ on the property by the
14 original assessment and tax roll, the party or parties contesting the validity of such
15 the assessment shall be adjudged to pay the costs of such the suit; ~~otherwise,~~
16 Otherwise, upon complying with the order of the court ~~last aforesaid~~, the contesting
17 party or parties ~~shall be~~ are entitled to judgment with costs; ~~provided, however, that~~
18 ~~no,~~

19 (b) No judgment rendered in any such action shall ~~in any way affect~~ under this
20 section affects the validity of any tax against any ~~other~~ person other than the parties
21 to such the action or any tract or parcel of land or other affects property than that
22 is not described in the complaint ~~therein~~ in the action.

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NOTE: Subdivides provision, deletes surplusage and replaces language for greater readability and conformity with current style.

1 **SECTION 21.** 75.54 (5) of the statutes is amended to read:

2 75.54 (5) ~~The value of the reassessed property shall be fixed, as nearly as may~~
3 ~~be, as of the day the original assessment was made, and the rules for determining~~
4 ~~the same shall be those provided by law. A like stay of proceedings and reassessment~~
5 in accordance with sub. (1) shall be ordered in all cases in which a tax ~~which~~ that has
6 been reassessed by any county, town or village board, or common council for one or
7 more years shall be is adjudged uncollectible or void for any reason affecting the
8 groundwork of the tax so as to require a reassessment in order to determine the
9 amount properly due. ~~When such~~ If the reassessed tax shall ~~have~~ has been levied
10 in different years it shall is not be necessary to make separate assessment rolls for
11 each year; ~~but the.~~ The valuations for each year ~~respectively,~~ may be placed opposite
12 the description of the property on the assessment roll in columns headed with the
13 figures of the year, so that the valuations for each year of reassessments ~~shall be kept~~
14 are distinct from the valuations for other years entered upon the tax roll. All of the
15 provisions of this section shall apply to the making and completion of, and to
16 objections and further proceedings in respect to ~~such,~~ an assessment, ~~and the same~~
17 under this subsection. An assessment under this subsection shall be treated with
18 respect to each year ~~which~~ that it purports to embrace as if it were a separate
19 reassessment roll for that year.

20 **(5r)** This section shall ~~apply~~ applies to all actions ~~whether determined upon~~
21 ~~default or otherwise.~~

NOTE: Divides and reorders unrelated material into separate subsections and shortens sentences, replaces language and deletes surplusage for greater readability and conformity with current style. See also the next section of this bill.

22 **SECTION 22.** 75.54 (5g) of the statutes is created to read:

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1 75.54 (5g) The value of property reassessed under this section shall be fixed,
2 as nearly as possible, as of the day as of which the original assessment was made,
3 and the rules for determining the value of the property are those provided by law.

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

4 **SECTION 23.** 75.54 (6) of the statutes is amended to read:

5 75.54 (6) ~~If however, in any such~~ In any action ~~now pending or which may be~~
6 ~~begun hereafter~~ under this section in which the evidence enables the court to
7 determine, with reasonable certainty, the amount of taxes ~~which~~ that were justly
8 chargeable against the lands involved in the action, the court, ~~in its discretion,~~ may
9 proceed to judgment without staying proceedings or ordering a reassessment, if it
10 finds that it is for the best interests of all parties to the action that it should do so.

NOTE: Deletes obsolete transition language.

11 **SECTION 24.** 75.63 (1) of the statutes is renumbered 75.63 (1) (a) (intro.) and
12 amended to read:

13 75.63 (1) (a) (intro.) No action ~~shall~~ may be commenced, maintained or
14 prosecuted by or on behalf of the original owner or any person claiming title through
15 or under ~~such~~ the original owner to recover possession of or in any way involving the
16 title to any lands conveyed to ~~the~~ this state of Wisconsin by any county, or attempted
17 to be so conveyed, and sold by ~~said~~ this state to any person until all of the following
18 have been paid into the treasury of the county where the lands are located:

19 1. All taxes levied and assessed ~~thereon~~ on the lands from the date of the sale
20 ~~thereof~~ of the lands by the state, ~~together with all,~~

21 2. All legal charges for assessing and collecting the ~~same~~ taxes described in
22 subd. 1, and interest thereon at the rate of ~~eight per centum~~ 8% per year from the
23 ~~fifteenth day of January~~ 15 in each ~~and every~~ year during which the ~~said~~ the lands

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1 were assessed, commencing with the January following the first assessment after
2 such the sale, shall have been paid into the treasury of the county in which such lands
3 shall lie; nor until all.

4 3. All delinquent taxes levied upon and returned against said the lands and
5 remaining that were unpaid when the same lands were so conveyed or attempted to
6 be conveyed to the state, together with the like interest thereon, shall have been paid
7 into such county treasury; which on those delinquent taxes at the rate and in the
8 manner described in subd. 2.

9 (b) All money paid into a county treasury under par. (a) shall be retained in said
10 the treasury to abide the event of such pending the conclusion of the action and
11 described in par. (a) (intro.). The money shall be returned to the party paying or
12 depositing the same money if the party fails to maintain such the action; otherwise,
13 so much thereof as covers. If the action is maintained, an amount equal to the
14 delinquent taxes above mentioned and interest thereon at the rate aforesaid
15 described in par. (a) shall be retained by such the county and the. The remainder
16 shall be paid over to the person purchasing the same lands from the state or the that
17 person's legal representatives.

NOTE: Subdivides provision, shortens sentences, replaces word form of numbers with digits and replaces language for greater readability and conformity with current style.

18 **SECTION 25.** 77.12 of the statutes is amended to read:

19 **77.12 Review of findings, venue.** Any finding of fact made under this
20 subchapter after due notice and hearing shall be is final and conclusive, except and
21 unless it is set aside or modified by the judgment of the circuit court for either Dane
22 county, or of the county in which the land lies in either of which. Any person may

ASSEMBLY BILL 970**SECTION 25**

1 ~~bring an action may be brought~~ for that purpose, in either of those courts within
2 ~~thirty~~ 30 days after the making of the finding sought to be reviewed.

NOTE: Replaces word form of number with digits in conformity with current style.

3 **SECTION 26.** 83.07 (1a) of the statutes is amended to read:

4 83.07 **(1a)** The county highway committee or town board may purchase or
5 accept ~~donation~~ donations of remnants of tracts or parcels of land remaining at the
6 time or after it has acquired portions of ~~such~~ the tracts or parcels by purchase or
7 condemnation where in the judgment of ~~such~~ the county highway committee or town
8 board ~~such action~~ the acquisition of the remnant would assist in rendering just
9 compensation to a ~~land owner~~ landowner, a part of whose lands have been taken for
10 highway purposes, and would serve to minimize the overall cost of ~~such~~ the taking
11 by the public.

NOTE: Corrects spelling, replaces disfavored term and replaces nonspecific reference.

12 **SECTION 27.** 83.08 (1) of the statutes is renumbered 83.08 (1) (a) and amended
13 to read:

14 83.08 **(1)** (a) The county highway committee may acquire by gift, devise,
15 purchase or condemnation any lands or interests ~~therein~~ in lands for the ~~proper~~
16 improvement, maintenance, relocation or change of any county aid or other highway
17 or street or any bridge ~~thereon which~~ on a county aid or other highway or street that
18 the county is empowered to improve or aid in improving or to maintain. The county
19 highway committee may purchase or accept ~~donation~~ donations of remnants of tracts
20 or parcels of land remaining at the time or after it has acquired portions of ~~such~~ those
21 tracts or parcels by purchase or condemnation where in the judgment of ~~such~~ the
22 committee ~~such action~~ the acquisition of the remnant would assist in rendering just
23 compensation to a ~~land owner~~ landowner, a part of whose lands have been taken for

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1 highway purposes, and would serve to minimize the overall cost of ~~such~~ the taking
2 by the public.

3 (b) Whenever the county highway committee ~~deems~~ considers it necessary to
4 acquire any ~~such~~ lands or interests ~~therein~~ in land for any ~~such~~ purpose described
5 in par. (a), it shall so order ~~and in such~~. The order or on a separate map or plat shall
6 show the old and new locations and the lands or interests required, ~~and~~. The
7 committee shall file a copy of the order and map with the county clerk. The
8 committee shall ~~endeavor~~ attempt to obtain easements or title in fee simple by
9 conveyance of the lands or interests required, at a price, including damages, deemed
10 considered reasonable by the committee. The instrument of conveyance shall name
11 the county as grantee and shall be filed with the county clerk and recorded in the
12 office of the register of deeds.

NOTE: Subdivides provision and replaces nonspecific references with specific
references and other language for greater readability and conformity with current style.

13 **SECTION 28.** 84.04 (1) (a) of the statutes is amended to read:

14 84.04 (1) (a) "Overlook" means a graded terrace, often ~~inclosed~~ enclosed by a
15 masonry retaining wall, located on roadside areas where favorable topographic
16 conditions provide an exceptional view or offscape from the road.

NOTE: Inserts preferred spelling.

17 **SECTION 29.** 86.23 of the statutes is renumbered 86.23 (1) and amended to read:

18 86.23 (1) ~~All~~ Each swing or ~~drawbridges~~ drawbridge built or purchased by any
19 city and town or by any other ~~two~~ 2 municipalities, ~~and so situated~~ so that a part
20 ~~thereof~~ of the bridge is in one municipality and a part in another, shall be operated
21 and maintained at the joint expense of the municipalities ~~which~~ that built or
22 purchased ~~them~~ the bridge in proportion to the amount of the cost ~~thereof~~ of the
23 bridge borne by each. If either ~~such~~ municipality shall does not provide for or pay

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1 its full share of such the expense of operating or maintaining the bridge in any year,
2 the other may provide for or pay it, ~~and upon paying the same~~ the expense.

3 (2) A municipality that pays any portion of another municipality's share of the
4 expenses of operating and maintaining a bridge under sub. (1) may recover of the
5 amount of the payment from the defaulting municipality in default its share of the
6 same, with interest from the time of payment and costs of suit; provided, that no. No
7 action under this subsection to recover the same shall a payment may be brought
8 until thirty 30 days after demand of payment is made.

NOTE: Subdivides provision, replaces word form of numbers with digits and
replaces language for greater readability and conformity with current style.

9 **SECTION 30.** 90.05 (1) of the statutes is renumbered 90.05 (1) (a) (intro.) and
10 amended to read:

11 90.05 (1) (a) (intro.) Every partition of the a fence or of the line upon which
12 partition fences are to be built between adjoining owners, ~~made by the owners thereof~~
13 ~~in writing, signed, sealed and witnessed by two witnesses, or by the fence viewers,~~
14 ~~in writing under their hands, in the cases and in the manner hereinafter provided~~
15 of adjoining lands, after being recorded in the town clerk's office, ~~shall oblige such~~
16 obligates the owners, their heirs and assigns, ~~so long as such adjoining land on each~~
17 ~~side respectively shall remain in the same ownership, and after a severance of~~
18 ~~ownership until a new partition of such fence shall be made, to build and maintain~~
19 ~~such the fence agreeably to said in accordance with the partition. But neither the,~~
20 if any of the following conditions is met:

21 (c) An owner nor, or the owner's heirs or assigns shall be bound, are not
22 obligated to build or maintain any part of such a partition fence during any time
23 when none of such the adjoining lands shall be so is occupied for farming or grazing.

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NOTE: Subdivides provision, reorders text, replaces word form of numbers with digits, replaces nonspecific references and replaces language for greater readability and conformity with current style.

1 **SECTION 31.** 90.05 (1) (a) 1. and 2. and (b) of the statutes are created to read:

2 90.05 (1) (a) 1. The partition is made by the owners of the adjoining lands and
3 is in writing, signed and sealed by the owners and witnessed by 2 witnesses.

4 2. The partition is made by fence viewers in the manner provided under this
5 chapter and is in writing under their hands.

6 (b) A partition made in accordance with par. (a) shall remain in effect so long
7 as the adjoining land on each side respectively remains in the same ownership, and
8 after a severance of ownership until a new partition of the fence is made.

NOTE: New provisions are created to reposition text. See the previous section of this bill.

9 **SECTION 32.** 90.06 (title) of the statutes is amended to read:

10 **90.06** (title) ~~Removal~~ **Relocation of fence.**

11 **SECTION 33.** 90.06 of the statutes is renumbered 90.06 (1) and amended to read:

12 90.06 (1) When any owner or occupant of land ~~shall build~~ builds a fence before
13 ~~the location of the~~ a boundary line has been located between ~~sueh~~ that land and any
14 land adjoining ~~the same~~ land and the location of ~~sueh~~ the boundary line shall
15 ~~establish the fact~~ establishes that ~~said~~ the fence is located on ~~sueh~~ the adjoining land,
16 ~~the ownership thereof shall be in~~ the person who built it the fence or that person's
17 grantee, devisee or heirs, ~~but sueh~~ shall be the owner of the fence. The owner of the
18 fence shall ~~be removed~~ relocate the fence to the boundary line within 30 days after
19 ~~the location thereof and the service of written notice~~ of the location of the fence upon
20 the person who built it or who has acquired that person's rights, owner of the fence
21 by the owner or occupant of the land upon which the fence is ~~situated;~~ such located.

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1 (2) The notice under sub. (1) shall be served personally on the fence owner or
2 by leaving a copy ~~thereof of the notice~~ at the fence owner's usual place of abode ~~of that~~
3 ~~person~~ with some member of ~~that person's~~ the fence owner's family who is of suitable
4 age and discretion ~~who~~. If the notice is left with a family member, the family member
5 shall be informed of the contents ~~thereof; if of the notice~~.

6 (3) If the removal relocation of the fence is not made within 30 days ~~thereafter~~
7 after service of the notice under sub. (2), the party who served or caused such ~~the~~
8 notice to be served may ~~remove~~ relocate the fence to the boundary line ~~and set it up~~
9 there and recover the expense of ~~so doing so~~ from the other party; provided, that fence
10 owner. However, no such fence that is subject to relocation under this section shall
11 be ~~removed~~ relocated by the party giving the notice during a time when annual crops
12 will be damaged unless ~~by agreement of the owners or occupants of the adjoining~~
13 lands mutually agree.

NOTE: Extensive changes in language were made to this section in the 1898 Annotated Statutes. A note states that the section was "amended by striking out the clause naming the county surveyor, and by extending it to include the occupant of adjoining lands". These substantive changes are retained. Other language changes by the 1898 Annotated Statutes are extensively modified to reflect the pre-1898 form, updated for greater conformity with current style.

14 **SECTION 34.** 90.09 of the statutes is renumbered 90.09 (1) and amended to read:
15 90.09 (1) When the boundary line between enclosed lands of owned by different
16 persons is a river, brook, pond or creek, which of itself is not a sufficient fence, and
17 it is impracticable, without unreasonable expense, for a partition fence to be built on
18 the true boundary line, and either owner or occupant ~~shall refuse~~ refuses to join in
19 making a partition fence on either side ~~thereof of the river, brook, pond or creek~~, or
20 if they shall disagree respecting ~~the same~~ making a partition fence, either party may
21 apply to ~~two~~ 2 or more fence viewers of the town, who, after giving notice as provided
22 in s. 90.07, shall proceed to view such the river, brook, pond or creek; ~~and if they shall,~~

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1 (2) If the fence viewers determine that the same river, brook, pond or creek is
2 not a sufficient fence and that it is impracticable, without unreasonable expense, to
3 build a fence on the true boundary line ~~they,~~ the fence viewers shall, in writing under
4 their hands, determine how or on which side ~~thereof~~ of the river, brook, pond or creek
5 the fence shall be built or whether the fence shall be built partly on one side and
6 partly on the other, ~~and~~ side. The fence viewers shall assign to each owner or
7 occupant that owner's or occupant's share ~~thereof~~ of the fence and the time within
8 which the respective parties shall build the ~~same,~~ fence. The fence viewers shall
9 file such their determination in the office of the town clerk, who shall record the ~~same~~
10 determination.

11 (3) If either party shall refuse or neglect refuses or neglects to build that party's
12 part of the fence within the time so assigned by the fence viewers, the other party
13 may, after having completed his or her own part, build ~~such~~ the other party's part and
14 recover the expense ~~thereof as hereinafter~~ of building the other party's part of the
15 fence as provided under s. 90.11.

16 (4) If said the fence viewers shall determine that it is impracticable, either from
17 the formation of the banks of such the river, brook, pond or creek or ~~from~~ for any other
18 cause reason, to maintain any fence along or near said the boundary line, they shall
19 give written notice to the parties of such that determination.

NOTE: Subdivides provision, replaces word form of numbers with digits, replaces nonspecific references and replaces language for greater readability and conformity with current style.

20 **SECTION 35.** 90.10 of the statutes is amended to read:

21 **90.10 Compulsory repair of fence.** ~~In case~~ If any person shall ~~neglect~~
22 neglects to repair or rebuild any partition fence ~~which~~ that by law that person ought
23 is required to maintain, the aggrieved party may complain to ~~two~~ 2 or more fence

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1 viewers of the town, who, after giving notice as provided in s. 90.07, shall examine
2 the same, and if they shall fence. If the fence viewers determine such that the fence
3 is insufficient, they shall signify the same to inform the delinquent party of the
4 insufficiency and direct the delinquent party to repair or rebuild the same fence
5 within such a time as they shall deem that the fence viewers determine is reasonable.
6 If such the fence shall not be is not repaired or rebuilt within the time so fixed by the
7 fence viewers, the complainant may repair or rebuild the same fence and recover the
8 expense thereof of repairing or rebuilding the fence as hereinafter provided under
9 s. 90.11.

NOTE: Subdivides provision, replaces word form of numbers with digits, replaces nonspecific references and replaces language for greater readability and conformity with current style.

10 **SECTION 36.** 90.11 (1) of the statutes is renumbered 90.11 (1) (a) and amended
11 to read:

12 90.11 (1) (a) Whenever any owner or occupant shall have of land has built,
13 repaired or rebuilt any fence in pursuance of the preceding sections which, pursuant
14 to the provisions of this chapter, that the adjoining owner or occupant shall have has
15 been lawfully directed by fence viewers to build, repair or rebuild, and have but has
16 failed to do within the time prescribed, the owner or occupant who built, repaired or
17 rebuilt the fence may call upon complain to any two 2 or more fence viewers of the
18 town, who,

19 (b) The fence viewers complained to under par. (a) shall, after having given
20 notice to such the defaulting adjoining owner or occupant as provided in s. 90.07,
21 examine such the fence and ascertain the expense thereof; and if they shall of
22 building, repairing or rebuilding the fence. If the fence viewers adjudge such the
23 fence sufficient they shall give to such the complaining party a certificate under their

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1 hands of ~~such~~ their decision and of the amount of the expense of ~~such~~ building or,
2 repairing, or rebuilding the fence and of the fees of the fence viewers who made such
3 order and of their own; and thereupon such.

4 (c) Upon receipt of the fence viewers' certificate, the complaining party may
5 demand the amount of ~~such~~ ascertained the expense determined by the fence
6 viewers, together with such the fence viewers' fees, from such the defaulting,
7 adjoining owner or occupant; and in case of neglect and refusal. If the adjoining
8 owner or occupant fails to pay the same expenses and fees for one month after so
9 demanded the complaining party has demanded payment, the amount of such
10 expenses and fees together with interest at the rate of ~~one per cent a~~ 1% per month
11 shall constitute a special charge and lien against ~~such~~ the adjoining owner's or
12 occupant's lands and may be recovered in the manner provided in sub. (2).

NOTE: Subdivides provision, replaces word form of numbers with digits, replaces nonspecific references and replaces language for greater readability and conformity with current style.

13 **SECTION 37.** 90.11 (2) of the statutes is renumbered 90.11 (2) (a) and amended
14 to read:

15 90.11 (2) (a) ~~The person to whom such certificate shall be executed and~~
16 ~~delivered~~ complaining party may file the same certificate executed and delivered to
17 him or her under sub. (1) (b) with the town clerk of the town in which the lands
18 charged with such the expense and fees set forth in the certificate are located. Upon
19 the filing of ~~such~~ the certificate ~~such,~~ the town clerk shall issue a warrant for the
20 amount ~~thereof~~ of the listed expenses and fees upon the town treasurer payable to
21 ~~such~~ the person to whom the certificate was executed and delivered.

22 (b) The amount so paid by the town treasurer under par. (a) together with
23 interest at the rate of ~~one per cent a~~ 1% per month shall be included by the town clerk

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1 in the next tax roll as a special charge against ~~such~~ the lands and such ~~charged with~~
2 the expense and fees. The special charge shall be collected by the town treasurer with
3 the other taxes in ~~such~~ the town. Any ~~such~~ special charge under this paragraph
4 remaining unpaid shall be added to the list of delinquent taxes returned to the county
5 treasurer, ~~who.~~ The county treasurer shall collect the same delinquent special
6 charge or sell the land as for delinquent taxes; ~~and all.~~ All proceedings in relation
7 ~~thereto~~ to the sale of land for a delinquent special charge shall be the same in all
8 respects as in the case of land sold for other delinquent taxes. Every county treasurer
9 who shall collect or receive any moneys on account of ~~such~~ delinquent charges under
10 this subsection shall pay the same moneys received to the treasurer of the proper
11 town.

NOTE: Subdivides provision, replaces word form of numbers with digits, and replaces language for greater readability and conformity with current style.

12 **SECTION 38.** 90.13 (title) of the statutes is amended to read:

13 **90.13** (title) **Partition fence on ~~newly-enclosed~~ newly enclosed land.**

14 **SECTION 39.** 90.13 of the statutes is renumbered 90.13 (1) and amended to read:

15 90.13 (1) When any previously unenclosed land ~~shall afterwards be~~ is enclosed,
16 the owner or occupant ~~thereof~~ of the newly enclosed land shall pay for ~~one-half~~ 50%
17 of each partition fence standing upon the line between that owner's or occupant's
18 land and the enclosure of any other owner or occupant, unless ~~such~~ the line shall have
19 has been theretofore previously divided, ~~in which case that.~~ If the line has been
20 previously divided, the owner or occupant of the newly enclosed land shall pay the
21 value of the fence on the part of ~~such~~ the line ~~so~~ previously assigned to that owner
22 or occupant; ~~and.~~ In either case, the value ~~thereof~~ of the fence at the time ~~in either~~

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1 ease shall be ascertained on the application of either adjoining owner or occupant as
2 provided in s. 90.11, ~~in case if~~ the parties do not agree; ~~and if such.~~

3 **(2)** ~~If the responsible~~ owner or occupant ~~shall neglect or refuse~~ fails to pay the
4 same value for ~~sixty~~ 60 days after the value has been so ascertained and demand
5 made, the proprietor of ~~such~~ the fence may recover ~~such~~ the value with the fence
6 viewers' fees and costs.

NOTE: Subdivides provision, reorders text, replaces word form of numbers with digits, and replaces language for greater readability and conformity with current style.

7 **SECTION 40.** 93.06 (6) (b) of the statutes is amended to read:

8 93.06 **(6)** (b) Investigate the management of any ~~such~~ cooperative association
9 doing business in this state, and ~~may~~ make the facts, relating to said the
10 management, of the cooperative association available to the members of the
11 association, when a request for ~~such~~ a management investigation has been filed with
12 the department, signed by all of the directors or by at least ~~twenty per cent~~ 20%
13 the members (~~in the case of associations of less than five hundred~~ 500 members) ~~and~~
14 or by at least ~~one hundred~~ 100 members (~~in the case of associations of five hundred~~
15 500 or more members). The department shall fix and collect a fee for ~~such~~
16 investigations, ~~to under this paragraph, which shall~~ be the actual cost ~~thereof of the~~
17 investigation.

NOTE: Subdivides provision, replaces parentheses with commas, deletes unnecessary commas, replaces word form of numbers with digits, and replaces language for greater readability and conformity with current style.

18 **SECTION 41.** 93.09 (9) of the statutes is renumbered 93.09 (9) (a) (intro.) and
19 amended to read:

20 93.09 **(9)** (a) (intro.) Whenever the department finds that any person
21 marketing or having in his or her possession any product or receptacle to which the
22 standard is applicable has intentionally violated sub. (8), the department, after

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1 opportunity for hearing has been given ~~such to that~~ person, may, by special order,
2 ~~revoke the~~ do any of the following:

3 1. Revoke the person's right of ~~such person~~ to represent any product or
4 receptacle to which the standard is applicable as being of any grade contained in the
5 standard and ~~may, in said order, require such.~~

6 2. Require the person to mark or tag ~~such the~~ product or receptacle as provided
7 in sub. (4).

8 (b) The department may, without hearing, suspend ~~such the~~ right described in
9 par. (a) 1. for a period not exceeding ~~ten~~ 10 days, pending investigation.

10 (c) The department may restore ~~such the~~ right to any person from whom it has
11 been revoked, ~~where~~ if the person gives satisfactory evidence warranting ~~such~~
12 restoration.

NOTE: Subdivides provision, replaces word form of numbers with digits, and
replaces language for greater readability and conformity with current style.

13 **SECTION 42.** 93.11 (6) of the statutes is renumbered 93.11 (6) (a) (intro.) and
14 amended to read:

15 93.11 **(6)** (a) (intro.) The department, after opportunity for hearing has been
16 given the licensee, may, by special order, revoke any license issued under this section,
17 whenever the department finds ~~that such~~ any of the following:

18 1. That the licensee is incompetent ~~or.~~

19 2. That the licensee has made material false statements in order to obtain a
20 license ~~or.~~

21 3. That the licensee has knowingly or carelessly issued any false or improper
22 certificate of grade ~~or.~~

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1 4. That the licensee has accepted money or other consideration, directly or
2 indirectly, as compensation for any neglect or improper performance of duty or,

3 5. That the licensee has violated chs. 93 to 100 or any regulation made
4 thereunder under chs. 93 to 100.

5 (b) The department may, without hearing, suspend ~~such a licensee's right to act~~
6 under this section for a period not exceeding ten 10 days, pending investigation.

7 (c) The department may restore the license of any person whose license has
8 been revoked, ~~where~~ under this subsection if the person gives satisfactory evidence
9 warranting such restoration.

NOTE: Subdivides provision, replaces word form of numbers with digits, and
replaces language for greater readability and conformity with current style.

10 **SECTION 43.** 93.21 (4) of the statutes is amended to read:

11 93.21 (4) FAILURE TO OBEY ORDERS. Any person who wilfully violates s. 93.14 (3)
12 or 93.15 (3), or who wilfully violates or refuses, neglects or fails to obey any order or
13 regulation made issued under s. 93.06 (3), shall, for each offense, be punished by a
14 fine of fined not more than five thousand dollars or by imprisonment in the county
15 jail \$5,000 or imprisoned for not more than one year, in the county jail or by both such
16 fine and imprisonment.

NOTE: Replaces word form of numbers with digits, and replaces and deletes
language for greater readability and conformity with current style. Section 93.06 (3)
authorizing the issuance of orders does not provide for the making of regulations.

17 **SECTION 44.** 94.27 of the statutes is amended to read:

18 **94.27 Liability for damages.** ~~The~~ Any person ~~so building or maintaining any~~
19 ~~such~~ who builds or maintains any dam or constructing or keeping constructs or keeps
20 open any such ditch or drain shall be under s. 94.26 is liable to the persons whose
21 lands are overflowed or otherwise injured by such the dam, ditch or drain for the full
22 sum of damages ~~so~~ sustained, which shall be ascertained under s. 94.28 and

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1 recovered in the manner following and not otherwise. If the person claiming any
2 such damages cannot agree with the person liable to pay the same, the person
3 claiming the damages shall select one disinterested arbitrator and give notice
4 thereof to the person from whom such damages are claimed, who shall, within ten
5 days after the receipt of such notice, select another disinterested arbitrator, not of kin
6 to any of the parties interested in maintaining such dams, ditches or drains, and give
7 notice thereof to the claimant and to each of the persons so selected as arbitrators
8 under ss. 94.28 to 94.30.

NOTE: The deleted material is recreated as s. 94.28 (1) for more logical placement.
See the creation of s. 94.28 (1) by this bill.

9 **SECTION 45.** 94.28 of the statutes is renumbered 94.28 (2) (a) (intro.) and
10 amended to read:

11 94.28 (2) (a) (intro.) The persons selected as arbitrators under sub. (1) shall,
12 within twenty 20 days after such notice, appoint some of their appointment, do all
13 of the following:

14 1. Appoint a disinterested third 3rd person to act as arbitrator with them and
15 fix.

16 2. Fix a time and place at which the arbitrators shall meet to determine the
17 claimant's damages which the claimant ought to have, and give.

18 3. Give notice thereof of the appointment of the 3rd arbitrator and the time and
19 place of hearing to the parties interested parties.

20 (b) At the time and place so fixed under par. (a) 2., the arbitrators shall view
21 the premises and hear the proofs and allegations of the parties, and within ten.
22 Within 10 days thereafter, the arbitrators, or any two 2 of them, shall make duplicate
23 statements of the proceedings had by them and of the amount by them ordered to that

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1 they order to be paid to the claimant for the claimant's damages and the amount to
2 be paid by the respective parties for their the arbitrators' fees and the costs of such
3 the proceedings, and. The arbitrators shall deliver to each party a copy thereof of the
4 statement and order to each party. Within ~~twenty~~ 20 days thereafter, the amount so
5 ordered shall be paid by the party of whom required unless an appeal ~~be~~ is taken as
6 hereinafter provided under s. 94.29.

NOTE: Subdivides provision, replaces word form of numbers with digits, and replaces language for greater readability and conformity with current style.

7 **SECTION 46.** 94.28 (1) of the statutes is created to read:

8 94.28 (1) If a person claiming damages from a dam, ditch or drain cannot agree
9 with the person liable to pay the damages under s. 94.27, the damage claimant shall
10 select one disinterested arbitrator and give notice of the selection to the person
11 against whom the damages are claimed. The person from whom damages are
12 claimed shall, within 10 days after receipt of the notice, select another disinterested
13 arbitrator, not of kin to any of the parties interested in maintaining the dams, ditches
14 or drains, and give notice of the selection to the claimant and to the persons selected
15 as arbitrators.

NOTE: Moves the material deleted from s. 94.27 by this bill to s. 94.28 (1) for more logical placement.

16 **SECTION 47.** 94.30 of the statutes is renumbered 94.30 (1) and amended to read:

17 94.30 (1) If neither party appeals from such the award under s. 94.28 and the
18 responsible party required to pay the damages shall pay pays the full amount thereof
19 of damages and costs awarded within the time ~~above~~ prescribed under s. 94.28 (2)
20 (b) or if, upon an appeal, a final judgment ~~shall be~~ is rendered in favor of the claimant
21 and the defendant shall ~~pay such~~ responsible party pays the judgment and all costs
22 awarded to the claimant within ~~sixty~~ 60 days after such entry of the final judgment,

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1 ~~then the person so erecting or maintaining such dam or dams or constructing or~~
2 ~~maintaining such ditches or drains~~ that responsible party shall have the perpetual
3 right to maintain and keep the same dams, ditches or drains that caused the damage
4 in good condition and repair; ~~and neither.~~ Neither the person responsible party nor
5 ~~the person's responsible party's~~ assigns shall be liable to for the payment of any
6 further damages on account thereof; ~~and upon failure of the dams, ditches or drains.~~

7 (2) If the responsible party fails to make such payment as described in sub. (1)
8 within the times above applicable prescribed time, ~~the person responsible party~~ shall
9 forfeit all right under this chapter to maintain ~~such~~ the dams, ditches or drains ~~under~~
10 ~~the foregoing provisions~~ that caused the damage.

NOTE: Subdivides provision, replaces word form of numbers with digits, and replaces language and inserts cross-references for greater readability and conformity with current style.

11 **SECTION 48.** 94.32 of the statutes is amended to read:

12 **94.32 Pay of arbitrators.** The arbitrators appointed under s. 94.28 shall each
13 receive \$3 per day for their services ~~three dollars per day each,~~ to be paid in whole
14 or in part by either party as ~~they shall~~ the arbitrators determine.

NOTE: Replaces word form of numbers with digits, and inserts cross-references for greater readability and conformity with current style.

15 **SECTION 49.** 94.72 (2) (a) 8. of the statutes is amended to read:

16 94.72 (2) (a) 8. In the case of mixed feeds containing more than a total of ~~five~~
17 ~~per cent~~ 5% of one or more mineral ingredients, or other unmixed materials used as
18 mineral supplements, and in the case of mineral feeds, mixed or unmixed, ~~which that~~
19 are manufactured, represented and sold for the primary purposes of supplying
20 mineral elements in rations for animals or birds, and ~~containing~~ that contain
21 mineral elements generally regarded as dietary factors essential for normal
22 nutrition, the minimum percentage of calcium (Ca), phosphorus (P), ~~of~~ and iodine (I)

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1 and the maximum percentage of salt (NaCl), if ~~the same be~~ those elements are
2 present. ~~Provided, that if~~ If no nutritional properties other than those of a mineral
3 nature ~~be~~ are claimed for a mineral feed product, the ~~per centums~~ percentages of
4 crude protein, crude fat and crude fiber may be omitted;

NOTE: Replaces word form of numbers with digits.

5 **SECTION 50.** 97.56 (2) of the statutes is renumbered 97.56 (2) (intro.) and
6 amended to read:

7 97.56 (2) (intro.) No person shall may, with intent to defraud, sell do any of the
8 following:

9 (a) Sell or expose for sale any meat or meat preparation, whether ~~the same be~~
10 raw or prepared for human consumption, and falsely represent the ~~same~~ meat or
11 meat preparation to be kosher, and as having been prepared under and of a product
12 or products sanctioned by the orthodox Hebrew religious requirements; ~~nor shall any~~
13 ~~person falsely~~.

14 (b) Falsely represent any food product or the contents of any package or
15 container to be ~~so constituted and prepared~~ kosher and as having been prepared
16 under and of a product or products sanctioned by the orthodox Hebrew religious
17 requirements, by having or permitting to be inscribed ~~thereon~~ on the package or
18 container the word "kosher" in any language; ~~nor shall any person sell~~.

19 (c) Sell or expose for sale in the same place of business both kosher and
20 nonkosher meat or meat preparations, either raw or prepared for human
21 consumption, unless all of that person's window signs and display advertising
22 indicate, in block letters at least ~~four~~ 4 inches in height, "Kosher and Nonkosher
23 Meat Sold Here;" ~~nor shall any person expose~~.

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1 (d) Expose for sale in any show window or place of business both kosher and
2 nonkosher meat or meat preparations, either raw or prepared for human
3 consumption, unless the person displays over each kind of meat or meat preparation
4 so exposed a sign in block letters at least ~~four~~ 4 inches in height reading "Kosher
5 Meat," or "Nonkosher Meat," as the case may be.

NOTE: Subdivides provision, replaces word form of numbers with digits, and
replaces language for greater readability and conformity with current style.

6 **SECTION 51.** 97.56 (3) of the statutes is renumbered 97.56 (3) (intro.) and
7 amended to read:

8 97.56 (3) (intro.) No person, with intent to defraud, ~~shall sell~~ may do any of the
9 following:

10 (a) Sell or expose for sale, in any restaurant or other place where food products
11 are sold for consumption on the premises, any article of food or food preparations ~~and~~
12 that is falsely represent the same represented to be kosher and as having been
13 prepared in accordance with the orthodox Hebrew religious requirements; ~~nor shall~~
14 any person sell.

15 (b) Sell or expose for sale in any ~~such~~ restaurant or other place both kosher and
16 nonkosher food or food preparations for consumption on the premises when not
17 prepared in accordance with the Jewish ritual and not sanctioned by the Hebrew
18 orthodox religious requirements, unless the person's window signs and display
19 advertising state, in block letters at least 4 inches in height, "Kosher and Nonkosher
20 Food Served Here".

NOTE: Subdivides provision, replaces word form of numbers with digits, and
replaces language for greater readability and conformity with current style.

21 **SECTION 52.** 98.13 (4) of the statutes is amended to read:

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1 98.13 (4) Whenever milk is sold under an agreement, express or implied, that
2 the value of the same milk shall be determined by its proportion of butter fat, the
3 price to be paid shall be based on a ~~three and five-tenths per cent~~ 3.5% butter fat
4 standard.

NOTE: Replaces "same" and word form of numbers with digits for greater conformity with current style.

5 **SECTION 53.** 98.14 (1) of the statutes is amended to read:

6 98.14 (1) All bottles and pipettes used in measuring milk or milk products ~~for~~
7 ~~making determination of the percent~~ to determine the percentage of fat in said ~~the~~
8 milk or milk products shall have clearly blown or otherwise permanently marked in
9 the side of the bottle or pipette the word "Sealed," and in the side of the pipette or
10 the side or bottom of the bottle the name, initials, or trademark of the manufacturer
11 and the manufacturer's designating number, which designating number shall be
12 different for each manufacturer and may be used in identifying bottles. The
13 designating number shall be furnished by the department upon application by the
14 manufacturer and upon the filing by the manufacturer of a bond in the sum of ~~one~~
15 ~~thousand dollars~~ \$1,000 with sureties to be approved by the attorney general,
16 conditioned upon conformance with the requirements of this section. A record of the
17 bonds furnished, the designating number, and to whom furnished, shall be kept in
18 the office of the department.

NOTE: Replaces "said" and word form of numbers with digits for greater conformity with current style.

19 **SECTION 54.** 98.14 (2) of the statutes is amended to read:

20 98.14 (2) Any manufacturer who sells Babcock milk, cream or butter test
21 bottles or milk pipettes, ~~to be used~~ for use in this state, that do not comply with the
22 provisions of this section shall ~~suffer the~~ be subject to a penalty of ~~five hundred~~

ASSEMBLY BILL 970**SECTION 54**

1 dollars \$500 to be recovered by the attorney general in an action brought in the name
2 of the people of the state against the offender's bondsmen, ~~to be brought in the name~~
3 ~~of the people of the state~~. No dealer shall use, for the purpose of determining the
4 percent of milk fat in milk or milk products, any bottles or pipettes that do not comply
5 with the provisions of this section ~~relating thereto~~.

NOTE: Replaces word form of numbers with digits, reorders text and replaces language for greater readability and conformity with current style.

6 **SECTION 55.** 98.14 (3) of the statutes is amended to read:

7 98.14 (3) The department shall prescribe specifications with which the
8 glassware ~~mentioned~~ described in this section shall comply. The unit of graduation
9 for all Babcock glassware shall be the true cubic centimeter or the weight of one gram
10 of distilled water at ~~four~~ 4 degrees centigrade.

NOTE: Replaces word form of numbers with digits for greater conformity with current style.

11 **SECTION 56.** 100.16 (1) of the statutes is amended to read:

12 100.16 (1) No person shall sell or offer to sell anything ~~whatever~~, by the
13 representation or pretense that a sum of money or something of value, which is
14 uncertain or concealed, is ~~inclosed~~ enclosed within or may be found with or named
15 upon the thing sold, or that will be given to the purchaser in addition to the thing sold,
16 or by any representation, pretense or device, by which the purchaser is informed or
17 induced to believe that money or something else of value may be won or drawn by
18 chance by reason of ~~such~~ the sale.

NOTE: Inserts preferred spelling.

19 **SECTION 57.** 100.26 (2) of the statutes is amended to read:

20 100.26 (2) Any person violating s. 100.02 shall be guilty of a felony and upon
21 conviction shall be ~~punished by a fine of~~ fined not less than ~~fifty dollars~~ \$50 nor more

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1 than ~~three thousand dollars, or by imprisonment \$3,000 or imprisoned~~ for not less
2 than ~~thirty~~ 30 days nor more than ~~three~~ 3 years, or both.

NOTE: Replaces word form of numbers with digits for greater conformity with current style.

3 **SECTION 58.** 101.865 (2) of the statutes is amended to read:

4 101.865 (2) Any person who ~~shall violate~~ violates the provisions of this section
5 ~~shall be deemed is~~ guilty of a misdemeanor and shall be ~~punished by a fine of~~ fined
6 not less than ~~twenty-five dollars~~ \$25 nor more than ~~one hundred dollars, or by~~
7 ~~imprisonment \$100 or imprisoned~~ in the county jail for not less than ~~thirty~~ 30 days
8 nor more than ~~six~~ 6 months.

NOTE: Replaces word form of numbers with digits for greater conformity with current style.

9 **SECTION 59.** 102.11 (1) (g) of the statutes is amended to read:

10 102.11 (1) (g) If an employe is under ~~twenty-seven~~ 27 years of age, the
11 employe's average weekly earnings on which to compute the benefits accruing for
12 permanent disability or death shall be determined on the basis of the earnings that
13 ~~such~~ the employe, if not disabled, probably would earn after attaining the age of
14 ~~twenty-seven~~ 27 years. Unless otherwise established, said the projected earnings
15 determined under this paragraph shall be taken as equivalent to the amount upon
16 which maximum weekly indemnity is payable.

NOTE: Replaces nonspecific reference with specific reference and word form of numbers with digits for greater readability and conformity with current style.

17 **SECTION 60.** 102.11 (2) of the statutes is amended to read:

18 102.11 (2) The average annual earnings when referred to in this chapter shall
19 consist of ~~fifty~~ 50 times the employe's average weekly earnings. Subject to the
20 maximum limitation, average annual earnings shall in no case be taken at less than

ASSEMBLY BILL 970**SECTION 60**

1 the actual earnings of the employe in the year immediately preceding the employe's
2 injury in the kind of employment in which the employe worked at the time of injury.

NOTE: Replaces nonspecific reference with specific reference and word form of numbers with digits for greater readability and conformity with current style.

3 **SECTION 61.** 102.49 (3) of the statutes is amended to read:

4 102.49 (3) ~~Where~~ If the employe leaves a ~~wife or husband~~ spouse wholly
5 dependent and also a child ~~or children~~ by a former marriage or adoption likewise
6 wholly dependent, aggregate benefits shall be the same in amount as if the ~~children~~
7 child were the ~~children of such~~ child of the surviving spouse, and the entire benefit
8 shall be apportioned to the dependents in ~~such~~ the amounts as ~~that~~ the department
9 shall determine to be just, considering ~~their~~ the ages of the dependents and other
10 ~~facts~~ factors bearing on dependency. The benefit awarded to the surviving spouse
11 shall not exceed ~~four~~ 4 times the average annual earnings of the deceased employe.

NOTE: Replaces word form of numbers with digits and language for greater conformity with current style.

12 **SECTION 62.** 102.51 (2) (b) of the statutes is amended to read:

13 102.51 (2) (b) ~~Where~~ If for ~~eight~~ 8 years or more prior to the date of injury a
14 deceased employe has been a resident of the United States, it shall be conclusively
15 presumed that no person who has remained a nonresident alien during that period
16 is either totally or partially dependent upon the deceased employe for support.

NOTE: Replaces word form of numbers with digits for greater conformity with current style.

17 **SECTION 63.** 103.16 of the statutes is amended to read:

18 **103.16** (title) **Seats for ~~workers~~ employees; penalty.** Every ~~person or~~
19 ~~corporation~~ employer employing ~~workers~~ employees in any manufacturing,
20 mechanical or mercantile establishment in the this state of Wisconsin shall provide
21 suitable seats for ~~the workers so employed~~ its employees, and shall permit the use of

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1 such ~~those~~ seats by ~~them~~ its employes when they ~~the employes~~ are not necessarily
2 engaged in the active duties for which they are employed. Any ~~person or corporation~~
3 employer who violates this section may be fined not less than \$10 nor more than \$30
4 for each offense.

NOTE: Replaces language and nonspecific references with specific references for greater readability and conformity with current style.

5 **SECTION 64.** 103.17 of the statutes is amended to read:

6 **103.17 Mutual forfeit.** Any ~~person or corporation~~ employer engaged in
7 manufacturing, ~~which~~ that requires ~~from~~ its employes, under penalty of forfeiture
8 of a part of the wages earned by ~~them, those employes, to provide~~ a notice of intention
9 to leave ~~such~~ the employer's employ, shall be liable ~~to~~ for the payment of a like
10 forfeiture if the ~~person or corporation~~ employer discharges, without similar notice,
11 ~~a person in such employ except~~ an employe, other than for incapacity or misconduct,
12 ~~unless~~ except in case of a general suspension of labor in the ~~person's or corporation's~~
13 employer's shop or factory or in the department ~~thereof wherein~~ such of the
14 employer's shop or factory in which the employe is engaged employed.

NOTE: Deletes redundant phrases and replaces language and nonspecific references with specific references for greater readability and conformity with current style.

15 **SECTION 65.** 103.19 of the statutes is amended to read:

16 **103.19 Children in shows.** No license ~~shall~~ may be granted for a theatrical
17 exhibition or public show in which children under ~~fifteen~~ 15 years of age are
18 employed as acrobats, as contortionists or in any feats of gymnastics or
19 equestrianism, ~~when~~ if, in the opinion of the board of officers authorized to grant
20 licenses ~~such, those~~ children are employed in ~~such~~ a manner ~~as to~~ that may corrupt
21 their morals or impair their physical health.

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NOTE: Replaces language and word form of number with digits for greater readability and conformity with current style.

1 **SECTION 66.** 103.37 (1) of the statutes is renumbered 103.37 (2m) and amended
2 to read:

3 103.37 **(2m)** ~~It shall be unlawful for any No employer, as defined in sub. (3) to~~
4 may require any employe or applicant for employment to pay the cost of a medical
5 examination required by the employer as a condition of employment.

NOTE: Replaces language, deletes redundant phrase and reorganizes provision for greater readability and conformity with current style. See also the NOTES following the next 3 SECTIONS.

6 **SECTION 67.** 103.37 (1m) (intro.) of the statutes is created to read:

7 103.37 **(1m)** (intro.) In this section:

NOTE: Creates definitions provision at beginning of section for greater readability and conformity with current style.

8 **SECTION 68.** 103.37 (2) of the statutes is renumbered 103.37 (1m) (a) and
9 amended to read:

10 103.37 **(1m)** (a) ~~The term “employe” shall mean and include every “Employe”~~
11 means a person who may be permitted, required or directed by any an employer, as
12 ~~defined in sub. (3)~~ in consideration of direct or indirect gain or profit, to engage in any
13 employment.

NOTE: Deletes redundant language and places definition in definitions provision at the beginning of the section for greater readability and conformity with current style.

14 **SECTION 69.** 103.37 (3) of the statutes is renumbered 103.37 (1m) (b) and
15 amended to read:

16 103.37 **(1m)** (b) “Employer”, ~~as used in this section~~ means an individual, a
17 partnership, ~~an~~ association, a corporation, a limited liability company, a legal
18 representative, trustee, receiver, trustee in bankruptcy, ~~and~~ or any common carrier
19 by rail, motor, water or air doing business in or operating within the state.

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NOTE: Deletes redundant language and places definition in definitions provision at the beginning of the section for greater readability and conformity with current style.

1 **SECTION 70.** 103.38 (title) of the statutes is amended to read:

2 **103.38** (title) ~~**Eight hours a day's Eight-hour work, when day;**~~
3 **applicability.**

4 **SECTION 71.** 103.38 of the statutes is renumbered 103.38 (1) and amended to
5 read:

6 103.38 (1) ~~In Subject to sub. (2), in all engagements to labor in any~~
7 manufacturing or mechanical business, ~~where~~ if there is no express contract to the
8 contrary, a day's work shall consist of ~~eight~~ 8 hours and all engagements or contracts
9 for labor in ~~such cases~~ a manufacturing or mechanical business shall be so construed;
10 ~~but this shall.~~

11 (2) Subsection (1) does not apply to any contract for labor by the week, month
12 or year.

NOTE: Subdivides provision and replaces nonspecific references with specific references and word form of numbers with digits for greater readability and conformity with current style. Modernizes title.

13 **SECTION 72.** 103.43 (1) of the statutes is renumbered 103.41 (1) (a) (intro.)
14 amended to read:

15 103.41 (1) (a) (intro.) ~~It shall be unlawful to~~ No person may influence, induce,
16 persuade or attempt to influence, induce, persuade or engage ~~workmen~~ a worker to
17 change from one place of employment to another in this state or to accept
18 employment in this state ~~or to,~~ and no persons may bring ~~workmen~~ a worker of any
19 class or calling into this state to work in any department of labor in this state,
20 through or by means of any false or deceptive representations, false advertising or
21 false pretenses concerning ~~the~~ or arising from any of the following:

22 1. The kind and character of the work to be done, ~~or,~~

ASSEMBLY BILL 970**SECTION 72**

1 2. ~~The~~ amount and character of the compensation to be paid for ~~such~~ work, ~~or~~
2 ~~the~~.

3 3. ~~The~~ sanitary or other conditions of the employment, ~~or~~.

4 4. ~~The~~ failure to state in any advertisement, proposal or contract for the
5 employment that there is a strike or lockout at the place of the proposed employment,
6 ~~when in fact such~~ a strike or lockout then actually exists in ~~such~~ the employment at
7 ~~such~~ the proposed place of employment.

8 (b) Any of ~~such unlawful~~ the acts described in par. (a) shall be deemed
9 considered a false advertisement, or misrepresentation for the purposes of this
10 section.

NOTE: Replaces language, including language that discriminates on the basis of sex, and nonspecific references with specific references for greater readability and conformity with current style.

11 **SECTION 73.** 103.43 (1a) of the statutes is renumbered 103.43 (1m) (intro.) and
12 amended to read:

13 103.43 **(1m)** (intro.) A strike or lockout ~~shall be deemed~~ is considered to exist
14 as long as ~~the~~ any of the following conditions exists:

15 (a) ~~The~~ usual concomitants of a strike or lockout ~~exist; or unemployment.~~

16 (b) ~~Unemployment~~ on the part of workers affected continues; ~~or any.~~

17 (c) ~~Any~~ payments of strike benefits ~~is~~ are being made; ~~or any.~~

18 (d) ~~Any~~ picketing is maintained; ~~or publication.~~

19 (e) ~~Publication~~ is being made of the existence of ~~such~~ a strike or lockout.

NOTE: Renumbers the provision and replaces language for greater readability and conformity with current style.

20 **SECTION 74.** 103.43 (2) of the statutes is amended to read:

21 103.43 **(2)** Any person who, by himself or herself, or by a servant or agent, or
22 as the servant or agent of any other person, or as an officer, director, servant or agent

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1 of any firm, corporation, association or organization of any kind, violates sub. (1) (a)
2 shall ~~upon conviction thereof be punished by a fine of~~ be fined not more than \$2,000
3 or ~~by imprisonment~~ imprisoned in the county jail for not more than one year or ~~by~~
4 both ~~such fine and imprisonment.~~

NOTE: Replaces language and deletes redundant language for greater readability
and conformity with current style.

5 **SECTION 75.** 103.43 (3) of the statutes is amended to read:

6 103.43 (3) Any ~~person~~ worker who ~~shall be~~ is influenced, induced or persuaded
7 to engage with any ~~persons mentioned~~ person specified in sub. (1) (a), through or by
8 means of any of the ~~things therein~~ acts prohibited in sub. (1) (a), shall have a right
9 of action for recovery of all damages that the ~~person shall have sustained~~ worker
10 sustains in consequence of the false or deceptive representation, false advertising or
11 false pretenses used to induce the ~~person~~ worker to change his or her place of
12 employment in this state or to accept ~~such~~ employment in this state, against any
13 ~~person or persons, corporations or companies or associations,~~ corporation, company
14 or association, directly or indirectly, causing ~~such~~ the damage; ~~and in.~~ In addition
15 to all ~~such~~ actual damages ~~such workman that the worker may have sustained,~~
16 sustain, the worker shall be entitled to recover ~~such~~ reasonable attorney fees as
17 determined by the court ~~shall fix~~, to be taxed as costs in any judgment recovered.

NOTE: Replaces language and nonspecific references with specific references for
greater readability and conformity with current style.

18 **SECTION 76.** 103.45 of the statutes is amended to read:

19 **103.45 Time checks; penalty.** All persons paying wages in time checks or
20 ~~other paper,~~ other than legal money, shall make ~~such~~ those time checks or ~~that~~ paper
21 payable in some designated place of business in the county in which the work was
22 performed or at the office of the person paying the wages if within this state, or at

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1 any bank within this state. Any person failing to comply with this section shall be
2 fined ~~not to exceed \$100 nor less than \$10~~ nor more than \$100.

NOTE: Replaces language and nonspecific references with specific references for greater readability and conformity with current style.

3 **SECTION 77.** 103.455 of the statutes is amended to read:

4 **103.455 Deductions for faulty workmanship, loss, theft or damage.** No
5 employer shall may make any deduction from the wages due or earned by any
6 employe, who is not an independent contractor, for defective or faulty workmanship,
7 lost or stolen property or damage to property, unless the employe authorizes the
8 employer in writing to make such that deduction or unless the employer and a
9 representative designated by the employe shall determine that such the defective or
10 faulty work workmanship, loss ~~or~~, theft, or damage is due to ~~worker's~~ the employe's
11 negligence, carelessness, or wilful and intentional conduct ~~on the part of such~~
12 ~~employe~~, or unless the employe is found guilty or held liable in a court of competent
13 jurisdiction by reason ~~thereof~~ of that negligence, carelessness, or wilful and
14 intentional conduct. If any such deduction is made or credit taken by any employer,
15 that is not in accordance with this section, the employer shall be liable for twice the
16 amount of the deduction or credit taken in a civil action brought by ~~said~~ the employe.
17 Any agreement entered into between an employer and employe that is contrary to
18 this section shall be void ~~and of no force and effect~~. In case of a disagreement between
19 the 2 parties, the department shall be the 3rd determining party, subject to any
20 appeal to the court. Section 111.322 (2m) applies to discharge and other
21 discriminatory acts arising in connection with any proceeding to recover a deduction
22 under this section.

NOTE: Replaces language and nonspecific references with specific references for greater readability and conformity with current style.

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1 **SECTION 78.** 103.46 (intro.) of the statutes is amended to read:

2 **103.46 Contracts; promises to withdraw from or not to join labor,**
3 **employers' or cooperative organizations are void.** (intro.) Every undertaking
4 or promise hereafter made, whether written or oral, express or implied, constituting
5 or contained in either any of the following is declared to be contrary to public policy
6 and wholly void and shall not afford any basis for the granting of any legal or
7 equitable relief by any court:

NOTE: Deletes redundant language and reorganizes provision for greater readability and conformity with current style. See also the NOTES following the next 2 SECTIONS.

8 **SECTION 79.** 103.46 (1) of the statutes is amended to read:

9 103.46 (1) A contract or agreement of hiring or employment between any
10 employer and any employe or prospective employe, ~~whereby~~ in which either party to
11 ~~such~~ the contract or agreement undertakes or promises not to join, become or remain,
12 a member of any labor organization or of any organization of employers, or in which
13 either party to ~~such~~ the contract or agreement undertakes or promises to withdraw
14 from the employment relation ~~in the event that he or she~~ if the party joins, becomes
15 or remains, a member of any labor organization or of any organization of employers;
16 ~~or,~~

NOTE: Replaces language and nonspecific references with specific references for greater readability and conformity with current style.

17 **SECTION 80.** 103.46 (2) of the statutes is amended to read:

18 103.46 (2) ~~In a~~ A contract or agreement for the sale of agricultural,
19 horticultural or dairy products between a producer of ~~such~~ those products and a
20 distributor or purchaser thereof, ~~whereby~~ of those products, in which either party to
21 ~~such~~ the contract or agreement undertakes or promises not to join, become or remain
22 a member of any cooperative association organized under ch. 185 or of any trade

ASSEMBLY BILL 970**SECTION 80**

1 association of the producers, distributors or purchasers of such those products, is
2 hereby ~~declared to be contrary to public policy and wholly void and shall not afford~~
3 ~~any basis for the granting of legal or equitable relief by any court.~~

NOTE: Reorganizes provision and replaces language and nonspecific references
with specific references for greater readability and conformity with current style.

4 **SECTION 81.** 103.465 of the statutes is amended to read:

5 **103.465 Restrictive covenants in employment contracts.** A covenant by
6 an assistant, servant or agent not to compete with his or her employer or principal
7 during the term of the employment or agency, or ~~thereafter~~ after the termination of
8 that employment or agency, within a specified territory and during a specified time
9 is lawful and enforceable only if the restrictions imposed are reasonably necessary
10 for the protection of the employer or principal. Any ~~such restrictive covenant,~~
11 described in this subsection, imposing an unreasonable restraint is illegal, void and
12 unenforceable even as to ~~so much~~ any part of the covenant or performance as that
13 would be a reasonable restraint.

NOTE: Replaces nonspecific references with specific references for greater
readability and conformity with current style.

14 **SECTION 82.** 103.51 (intro.) of the statutes is amended to read:

15 **103.51 Public policy as to collective bargaining.** (intro.) In the
16 interpretation and application of ss. ~~103.51 to 103.62~~ 103.505 to 103.61, the public
17 policy of this state is declared as follows:

NOTE: Reflects renumbering of s. 103.62 for greater readability and conformity
with current style.

18 **SECTION 83.** 103.52 (1) (intro.) of the statutes is amended to read:

19 103.52 (1) (intro.) Every undertaking or promise made after July 1, 1931,
20 whether written or oral, express or implied, between any employe or prospective
21 employe and that person's employer, prospective employer or any other individual,

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1 firm, company, association or corporation is declared to be against public policy if
2 either party thereto to the undertaking or promise undertakes or promises any of the
3 following:

NOTE: Replaces nonspecific reference with specific references for greater readability and conformity with current style.

4 **SECTION 84.** 103.52 (2) of the statutes is amended to read:

5 103.52 (2) No undertaking or promise described in sub. (1) shall afford any
6 basis for the granting of legal or equitable relief by any court against a party to such
7 the undertaking or promise, or against any other ~~persons~~ person, who may advise,
8 urge or induce, without fraud, violence, or threat thereof, of fraud or violence either
9 party ~~thereto to~~ to the undertaking or promise to act in disregard of such the
10 undertaking or promise.

NOTE: Replaces language and nonspecific references with specific references for greater readability and conformity with current style.

11 **SECTION 85.** 103.53 (1) of the statutes is amended to read:

12 103.53 (1) The following acts, whether performed singly or in concert, shall be
13 considered legal:

14 (a) Ceasing or refusing to perform any work or to remain in any relation of
15 employment regardless of any promise, undertaking, contract or agreement in
16 violation of the public policy declared in s. 103.52;

17 (b) Becoming or remaining a member of any labor organization or of any
18 employer organization, regardless of any such undertaking or promise as is
19 described in s. 103.52;

20 (c) Paying or giving to, any person any strike or unemployment benefits or
21 insurance or other moneys or things of value;

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1 (d) ~~By all Aiding, by lawful means aiding,~~ any person who is being proceeded
2 against in, or is prosecuting, any action or suit in any court of the United States or
3 of any state;.

4 (e) Giving publicity to and obtaining or communicating information regarding
5 the existence of, or the facts involved in, any dispute, whether by advertising,
6 speaking, patrolling any public street or any place where any person ~~or persons~~ may
7 lawfully be, without intimidation or coercion, or by any other method not involving
8 fraud, violence, breach of the peace, or threat ~~thereof~~; of fraud, violence or breach of
9 the peace.

10 (f) Ceasing to patronize or to employ any person ~~or persons~~, but, except that
11 nothing herein in this paragraph shall be construed to legalize a secondary boycott;.

12 (g) Assembling peaceably to do or to organize to do any of the acts heretofore
13 specified in pars. (a) to (f) or to promote lawful interests;.

14 (h) Advising or notifying any person or persons of an intention to do any of the
15 acts heretofore specified; in pars. (a) to (g).

16 (i) Agreeing with other persons to do or not to do any of the acts heretofore
17 specified; specified in pars. (a) to (h).

18 (j) Advising, urging, or inducing without fraud, violence, or threat ~~thereof~~ of
19 fraud or violence, others to do the acts heretofore specified in pars. (a) to (i),
20 regardless of any such undertaking or promise as is described in s. 103.52; and.

21 (k) Doing in concert any ~~or all~~ of the acts heretofore specified shall not
22 constitute an unlawful combination or conspiracy; in pars. (a) to (j).

23 (L) Peaceful picketing or patrolling, ~~whether engaged in singly or in numbers,~~
24 shall be legal.

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NOTE: Replaces semicolons, deletes redundant language and replaces nonspecific references with specific references for greater readability and conformity with current style.

1 **SECTION 86.** 103.53 (2) of the statutes is amended to read:

2 103.53 (2) No court, ~~nor any judge or judges thereof~~, shall have jurisdiction to
3 issue any restraining order or temporary or permanent injunction which, in specific
4 or general terms, prohibits any person ~~or persons~~ from doing, whether singly or in
5 concert, any of the foregoing acts specified in sub. (1).

NOTE: Replaces nonspecific reference with specific reference and deletes redundant language for greater readability and conformity with current style.

6 **SECTION 87.** 103.535 of the statutes is amended to read:

7 **103.535 Unlawful conduct in labor controversies.** ~~It shall be unlawful for~~
8 ~~anyone to~~ No person may picket, or induce others to picket, the establishment,
9 employes, supply or delivery vehicles, or customers of anyone engaged in business,
10 or ~~to~~ interfere with the person's business, or interfere with any person ~~or persons~~
11 desiring to transact or transacting business with the person, when no labor dispute,
12 ~~as defined in s. 103.62 (3)~~, exists between the employer and the employer's employes
13 or their representatives.

NOTE: Replaces language and deletes redundant language for greater readability and conformity with current style.

14 **SECTION 88.** 103.54 of the statutes is renumbered 103.54 (intro.) and amended
15 to read:

16 **103.54 Responsibility for unlawful acts.** (intro.) No officer or member of
17 any association or organization, and no association or organization participating or
18 interested in a labor dispute (~~as these terms are defined in s. 103.62~~) shall, may be
19 held responsible or liable in any civil action at law or suit in equity, or in any criminal
20 prosecution, for the unlawful acts of individual officers, members, or agents, except
21 upon proof by a preponderance of the evidence and without the aid of any

ASSEMBLY BILL 970**SECTION 88**

1 presumptions of law or fact, both of ~~(a) the doing of such acts by persons who are of~~
2 all of the following:

3 (1) That individual officers, members or agents of ~~any such~~ the association or
4 organization, and ~~(b) actual participation in, or actual authorization of, such acts, or~~
5 ~~ratification of such~~ committed those acts.

6 (2) That the officer or member, or association or organization, sought to be held
7 liable or responsible actually participated in or authorized those acts or ratified those
8 ~~acts after~~ with actual knowledge thereof by ~~such association or organization of those~~
9 acts.

NOTE: Reorganizes provision, replaces language and nonspecific references with specific references and deletes redundant language for greater readability and conformity with current style.

10 **SECTION 89.** 103.55 (1) of the statutes is amended to read:

11 103.55 (1) Equity procedure that permits a complaining party to obtain
12 sweeping injunctive relief that is not preceded by or conditioned upon notice to and
13 hearing of the responding party or parties, or that issues after hearing based upon
14 written affidavits alone and not wholly or in part upon examination, confrontation
15 and cross-examination of witnesses in open court, is peculiarly subject to abuse in
16 labor litigation for ~~the reasons that~~ all of the following reasons:

17 (a) ~~The~~ That the existing state of affairs cannot be maintained but is
18 necessarily altered by the injunction;.

19 (b) ~~Determination~~ That determination of issues of veracity and of probability
20 of fact from affidavits of the opposing parties that are contradictory and, under the
21 circumstances, untrustworthy rather than from oral examination in open court is
22 subject to grave error;.

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1 (c) ~~Error~~ That error in issuing the injunctive relief is usually irreparable to the
2 opposing party; ~~and~~.

3 (d) ~~Delay~~ That delay incident to the normal course of appellate practice
4 frequently makes ultimate correction of error in law or in fact unavailing in the
5 particular case.

NOTE: Replaces language and semicolons with periods for greater readability and
conformity with current style.

6 **SECTION 90.** 103.56 (1) (intro.) and (a) to (e) of the statutes are amended to read:

7 103.56 (1) (intro.) No court ~~nor any judge or judges thereof~~ shall have
8 jurisdiction to issue a temporary or permanent injunction in any case involving or
9 growing out of a labor dispute, ~~as defined in s. 103.62~~, except after hearing the
10 testimony of witnesses in open court (~~with opportunity for cross-examination~~), in
11 support of the allegations of a complaint made under oath, and testimony in
12 opposition thereto to the allegations of the complaint, if offered, and except after
13 findings of all of the following facts by the court ~~or judge or judges thereof~~:

14 (a) That unlawful acts have been threatened or committed and will be executed
15 or continued unless restrained; ~~and~~.

16 (b) That substantial and irreparable injury to complainant's property will
17 follow unless the relief requested is granted; ~~and~~.

18 (c) That as to each item of relief granted greater injury will be inflicted upon
19 the complainant by the denial thereof of that relief than will be inflicted upon the
20 defendants by the granting thereof; of that relief.

21 (d) That the relief to be granted does not violate s. 103.53; ~~and~~.

22 (e) That the complainant has no adequate remedy at law; ~~and~~.

NOTE: Replaces parentheses and semicolons, deletes redundant phrases and
inserts specific references for greater readability and conformity with current style.

ASSEMBLY BILL 970**SECTION 91**

1 **SECTION 91.** 103.56 (2) of the statutes is amended to read:

2 103.56 (2) ~~Such~~ A hearing under sub. (1) shall be held after due and personal
3 notice ~~thereof of the hearing~~ has been given, in such the manner as that the court
4 shall direct, to all known persons against whom relief is sought, and also to those
5 public officers who are charged with the duty to protect the complainant's property.
6 ~~Provided, however, that if a complainant shall also allege that unless a temporary~~
7 ~~restraining order shall be issued before such hearing may be had, a substantial and~~
8 ~~irreparable injury to complainant's property will be unavoidable, such temporary~~
9 ~~restraining order may be granted upon the expiration of such reasonable notice of~~
10 ~~application therefor as the court may direct by order to show cause, but in no case~~
11 ~~less than forty-eight hours.~~

NOTE: Adds cross-reference and replaces word form of numbers with digits and other language for greater readability and conformity with current style. The 2nd sentence of this provision is stricken and added to sub. (3) for more logical placement. See the next section of this bill.

12 **SECTION 92.** 103.56 (3) of the statutes is amended to read:

13 103.56 (3) ~~Such~~ If a complainant alleges that a substantial and irreparable
14 injury to the complainant's property will be unavoidable unless a temporary
15 restraining order is issued before a hearing under sub. (1) may be had, a temporary
16 restraining order may be granted on reasonable notice of application for the
17 temporary restraining order as the court may direct by order to show cause, but in
18 no case less than 48 hour's notice. The order to show cause shall be served upon such
19 the party or parties as that are sought to be restrained and ~~as shall be~~ that are
20 specified in said the order, and then. The order shall be issued only upon testimony
21 under oath, or, in the discretion of the court, upon affidavits, sufficient, if sustained,
22 to justify the court in issuing a temporary injunction upon a hearing as herein
23 provided for under this section.

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NOTE: See the note to the previous section of this bill. Divides preexisting provision into 2 sentences and replaces word form of numbers with digits and other language for greater readability and conformity with current style.

1 **SECTION 93.** 103.56 (4) of the statutes is amended to read:

2 103.56 (4) ~~Such a~~ A temporary restraining order issued under sub. (3) shall be
3 effective for no longer than ~~five~~ 5 days, and, at the expiration of ~~said five days~~ the
4 5-day period, shall become void and not subject to renewal or extension, ~~provided,~~
5 ~~however,~~ except that if the hearing for a temporary injunction ~~shall have been begun~~
6 begins before the expiration of the ~~said five days~~ the 5-day period the restraining
7 order may in the court's discretion be continued until a decision is reached ~~upon~~ on
8 the issuance of the temporary injunction.

NOTE: Replaces word form of numbers with digits and other language for greater readability and conformity with current style.

9 **SECTION 94.** 103.56 (5) of the statutes is amended to read:

10 103.56 (5) No temporary restraining order or temporary injunction shall may
11 be issued under this section except on condition that the complainant ~~shall~~ first file
12 files an undertaking with adequate security sufficient to ~~recompense~~ compensate
13 those enjoined for any loss, expense, or damage caused by the improvident or
14 erroneous issuance of ~~such~~ the order or injunction, including all reasonable costs
15 ~~(together with a, reasonable attorney's fee)~~ attorney fees and ~~expense~~ against
16 expenses that will be incurred in opposing the order or against the granting of any
17 injunctive relief sought in the same proceeding and subsequently denied by the
18 court.

NOTE: Inserts cross-reference, deletes parentheses and replaces word form of numbers with digits and other language for greater readability and conformity with current style.

19 **SECTION 95.** 103.56 (6) of the statutes is amended to read:

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1 103.56 (6) The undertaking herein mentioned required under sub. (5) shall be
2 understood to signify represent an agreement entered into by between the
3 complainant and the surety upon which a decree may be rendered in the same suit
4 or proceeding against said the complainant and surety, the said complainant and
5 surety submitting themselves to the jurisdiction of the court for that purpose. ~~But~~
6 However, nothing herein contained shall ~~deprive in this section deprives~~ any party
7 having a claim or cause of action under or upon such an undertaking filed under sub.
8 (5) from electing to pursue an ordinary remedy by suit at law or in equity.

NOTE: Inserts cross-references and replaces word form of numbers with digits and other language for greater readability and conformity with current style.

9 **SECTION 96.** 103.57 of the statutes is amended to read:

10 **103.57 Clean hands doctrine.** No restraining order or injunctive relief shall
11 may be granted to any complainant who has failed to comply with any legal
12 obligation which is involved in the labor dispute in question, or who has failed to
13 make every reasonable effort to settle such the dispute either by negotiation or with
14 the aid of any available machinery of governmental mediation or voluntary
15 arbitration, but nothing herein contained shall be deemed to require the in this
16 section requires a court to await the action of any such tribunal if irreparable injury
17 is threatened.

NOTE: Replaces language and nonspecific references with specific references and deletes redundant language for greater readability and conformity with current style.

18 **SECTION 97.** 103.58 of the statutes is renumbered 103.58 (intro.) and amended
19 to read:

20 **103.58 Injunctions: contents.** Except as provided in s. 103.56 ~~no~~, any
21 restraining order or temporary or permanent injunction shall be granted in a case
22 involving or growing out of a labor dispute, ~~except~~ is subject to all of the following:

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1 (1) The order or injunction may be granted only on the basis of findings of fact
2 made and filed by the court in the record of the case prior to the issuance of such
3 restraining the order or injunction; ~~and every restraining.~~

4 (2) The order or injunction granted in a case involving or growing out of a labor
5 dispute shall include only a prohibition of such those specific act ~~or~~ acts as may be
6 that are expressly complained of in the bill of complaint or petition filed in such the
7 case and expressly included in said findings of fact made and filed by the court as
8 provided herein; and under sub. (1).

9 (3) The order or injunction shall be binding only upon the parties to the suit,
10 their agents, servants, employes and attorneys, or those in active concert and
11 participation with them, and who shall by personal service or otherwise have
12 received actual notice of the same order or injunction.

NOTE: Subdivides provision and replaces language and nonspecific references with
specific references for greater readability and conformity with current style.

13 **SECTION 98.** 103.59 of the statutes is amended to read:

14 **103.59 Injunctions: appeals.** If any court issues or denies any temporary
15 injunction in a case involving or growing out of a labor dispute, the court shall, upon
16 the request of any party to the proceedings, and on filing the usual bond for costs,
17 forthwith immediately certify the entire record of the case, including a transcript of
18 the evidence taken, to the appropriate appellate court for its review. Upon the filing
19 of the record in the appropriate appellate court, the appeal shall be given preference.

NOTE: Replaces language for greater readability and conformity with current style.

20 **SECTION 99.** 103.60 (intro.) of the statutes is amended to read:

21 **103.60 Contempt cases.** (intro.) If a person is charged with contempt under
22 this chapter for violation of a restraining order or injunction issued by a court ~~or~~
23 judge ~~or judges~~ thereof, the accused shall enjoy all of the following:

ASSEMBLY BILL 970**SECTION 99**

NOTE: Deletes redundant language for greater readability and conformity with current style.

1 **SECTION 100.** 103.60 (1) of the statutes is amended to read:

2 103.60 (1) The rights ~~as to admission~~ to bail that are accorded to persons
3 accused of a crime.

NOTE: Deletes redundant language for greater readability and conformity with current style.

4 **SECTION 101.** 103.60 (2) of the statutes is amended to read:

5 103.60 (2) The right to be notified of the accusation and a reasonable time to
6 make a defense, ~~provided~~ if the alleged contempt is not committed in the immediate
7 view or presence of the court.

NOTE: Replaces language for greater readability and conformity with current style.

8 **SECTION 102.** 103.60 (3) of the statutes is amended to read:

9 103.60 (3) Upon demand, the right to a speedy and public trial by an impartial
10 jury of the county in which the contempt was committed, ~~provided~~ except that this
11 requirement ~~shall not be construed to~~ does not apply to contempts committed in the
12 presence of the court or so near ~~thereto~~ to the court as to interfere directly with the
13 administration of justice or to ~~apply to~~ the misbehavior, misconduct or disobedience
14 of any officer of the court in respect to the writs, orders or process of the court. All
15 contempt proceedings brought for the alleged violation of any such restraining order
16 or injunction are independent, original, special proceedings and shall require a
17 unanimous finding of the jury.

NOTE: Replaces language and nonspecific references with specific references for greater readability and conformity with current style.

18 **SECTION 103.** 103.61 of the statutes is amended to read:

19 **103.61 Punishment for contempt.** Punishment for a contempt, specified in
20 s. 103.60, may be by fine, not exceeding \$25, or by imprisonment not exceeding ten

ASSEMBLY BILL 970**SECTION 103**

1 10 days, in the jail of the county where the court is sitting, or both, in the discretion
2 of the court. ~~Where~~ If a person is committed to jail, for the nonpayment of such a fine
3 imposed under this section, the person must be discharged at the expiration of ~~fifteen~~
4 15 days; ~~but where~~ except that if the person is also committed for a definite time, the
5 ~~fifteen~~ 15 days must be computed from the expiration of the definite time.

NOTE: Replaces nonspecific reference with specific reference and word form of numbers with digits for greater conformity with current style.

6 **SECTION 104.** 103.62 (intro.), (1) (intro.), (a), (b) and (d), (2) and (3) of the
7 statutes are renumbered 103.505 (intro.), (1) (intro.), (a), (b) and (d), (2) and (3), and
8 103.505 (intro.), (1) (d), (2) and (3) of the statutes, as renumbered, are amended to
9 read:

10 **103.505** (title) **Definitions Collective bargaining; definitions.** (intro.)
11 When used in ss. ~~103.51~~ 103.505 to ~~103.62~~ 103.61, and for the purposes of ~~these~~ those
12 sections:

13 **(1)** (d) Between any conflicting or competing interests in a “labor dispute”, as
14 defined in sub. (3), of “persons participating or interested” ~~therein~~, as defined in sub.
15 ~~(2)~~ in the labor dispute.

16 **(2)** A person or association shall be held to be a person participating or
17 interested in a labor dispute if relief is sought against the person or association and
18 if the person or association is engaged in the industry, trade, craft, or occupation in
19 which ~~such~~ the labor dispute occurs, or is a member, officer, or agent of any
20 association of employers or employes engaged in ~~such~~ that industry, trade, craft, or
21 occupation.

22 **(3)** ~~The term~~ “labor Labor dispute” means any controversy between an
23 employer and the majority of the employer’s employes in a collective bargaining unit

ASSEMBLY BILL 970**SECTION 104**

1 concerning the right or process or details of collective bargaining or the designation
2 of representatives. Any organization with which either the employer or ~~such~~ the
3 majority of the employer's employes is affiliated may be considered a party to the
4 labor dispute. ~~The provisions of this subsection shall supersede any provision of the~~
5 ~~statutes in conflict therewith.~~

NOTE: Renumbers provision for proper location; replaces nonspecific references
with specific references, amends the title and deletes quotation marks and redundant
language for greater readability and conformity with current style.

6 **SECTION 105.** 103.62 (1) (c) of the statutes, as affected by 1997 Wisconsin Act
7 35, is renumbered 103.505 (1) (c).

NOTE: See the NOTE to the previous section of this bill.

8 **SECTION 106.** 111.01 (1) of the statutes is amended to read:

9 111.01 (1) It recognizes that there are ~~three~~ 3 major interests involved, namely:
10 ~~That of~~ the public, the employee, and the employer. These ~~three~~ 3 interests are to a
11 considerable extent interrelated. It is the policy of the state to protect and promote
12 each of these interests with due regard to the situation and to the rights of the others.

NOTE: Replaces word form of numbers with digits for greater readability and
conformity with current style.

13 **SECTION 107.** 111.63 of the statutes is amended to read:

14 **111.63 Enforcement.** The commission shall ~~have the responsibility for~~
15 ~~enforcement of~~ enforce compliance with ~~the provisions of~~ this subchapter and to that
16 end may file an action in the circuit court of the county in which any ~~such~~ violation
17 of this subchapter occurs to restrain and enjoin ~~such~~ the violation and to compel the
18 performance of the duties imposed by this subchapter. In any ~~such~~ action ~~the~~
19 ~~provisions of ss. 103.51 to 103.62 shall~~ described in this section, ss. 103.505 to 103.61
20 do not apply.

ASSEMBLY BILL 970**SECTION 107**

NOTE: Reflects the renumbering of s. 103.62, deletes redundant language and replaces nonspecific reference with specific references for greater readability and conformity with current style.

1 **SECTION 108.** 112.01 (1) (d) of the statutes is amended to read:

2 112.01 (1) (d) "Person" includes a corporation, limited liability company,
3 partnership, or other association, or ~~two~~ 2 or more persons having a joint or common
4 interest.

NOTE: Replaces word form of numbers with digits for greater readability and conformity with current style.

5 **SECTION 109.** 114.33 (6) of the statutes is renumbered 114.33 (6) (a) and
6 amended to read:

7 114.33 (6) (a) For the purposes of carrying out this section and ss. 114.35 and
8 114.37, the secretary may acquire by gift, devise, purchase or condemnation any
9 lands for establishing, protecting, laying out, enlarging, extending, constructing,
10 reconstructing, improving and maintaining airports, or interests in lands in and
11 about airports, ~~and after establishment, layout and.~~ After completion of such the
12 improvements, the secretary may convey as provided in this subsection lands ~~thus~~
13 that were acquired and under this subsection, but were not necessary for the airport
14 improvements, ~~with.~~ The conveyances may be made with reservations concerning
15 the future use and occupation of those lands so as to protect the airports and
16 improvements and their environs and to preserve the view, appearance, light, air and
17 usefulness of the airports.

18 (b) Whenever the secretary ~~deems~~ considers it necessary to acquire any lands
19 or interests in lands for any of ~~those~~ the purposes described in par. (a), the secretary
20 shall so order and in the order, or on a map or plat, show the lands and interests
21 required. The secretary shall file a copy of the order and map with the county clerk
22 of each county in which the lands or interests are required. For the purposes of this

ASSEMBLY BILL 970**SECTION 109**

1 section the secretary may acquire private or public lands or interests therein. When
2 so provided in the secretary's order, the land shall be acquired in fee simple. Unless
3 the secretary elects to proceed under sub. (3), the secretary shall ~~endeavor~~ attempt
4 to obtain easements or title in fee simple by conveyance of the lands or interests
5 required at a price, including any damages, ~~deemed~~ considered reasonable by the
6 secretary. The instrument of conveyance shall name the state as grantee and shall
7 be recorded in the office of the register of deeds. The purchase or acquisition of lands
8 or interests ~~therein~~ in lands under this section is excepted and exempt from s. 20.914
9 (1).

10 (c) The secretary may purchase or accept donations of remnants of tracts or
11 parcels of land existing at the time or after the secretary has acquired portions of
12 tracts or parcels, by purchase or condemnation for airport purposes, where in the
13 judgment of the secretary ~~such action~~ the acquisition of the tracts or parcels would
14 assist in making whole the ~~land owner~~ landowner, a part of whose lands have been
15 taken for airport purposes and would serve to minimize the overall cost of ~~such the~~
16 taking by the public.

NOTE: Subdivides provision and replaces nonspecific references with specific references and other language for greater readability and conformity with current style.

17 **SECTION 110.** 128.001 of the statutes is created to read:

18 **128.001 Definitions.** In this chapter:

19 **(2) PETITION.** "Petition" means a petition for the appointment of a receiver
20 under this chapter.

NOTE: Creates a definition section for the proper location of definitions in ch. 128. The term "petition" is used throughout the chapter without specifying what is being petitioned for. According to legislative counsel notes in the drafting files to chapter 289, Laws of 1969, all references to petition are to petitions for the appointment of a receiver. See also the treatment of s. 128.04 by this bill.

21 **SECTION 111.** 128.02 (2) of the statutes is amended to read:

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1 128.02 (2) No assignment shall be void because of any defect, informality or
2 mistake therein in the assignment or in the bond, inventory or list of creditors
3 accompanying the same; ~~and the assignment.~~ The court may direct the amendment
4 of the assignment or of any other ~~paper~~ document to effect the intention of the
5 assignor or assignee, or to obtain a distribution of the assignor's assets as provided
6 in this chapter, and any such amendment shall relate back to the time of the
7 execution of the ~~paper~~ document. No mistake in filing a copy instead of an original
8 or any like mistake or inadvertent failure to comply with ~~the provisions of this~~
9 chapter shall void the assignment.

10 **(3) (a)** No creditor shall, in case a debtor has attempted to make an assignment
11 for the benefit of creditors, or in case of the insolvency of any debtor, by attachment,
12 garnishment or otherwise, obtain priority over other creditors upon ~~such~~ the
13 assignment being adjudged void, or in consequence of any sale, lien or security being
14 adjudged void; ~~but in.~~

15 **(b)** In all such cases described in par. (a), the property of ~~such~~ the debtor shall
16 be administered for the ratable benefit of all of the debtor's creditors under the
17 direction of the court by the assignee or by a receiver.

NOTE: Subdivides provision, inserts specific references and cross-references and
replaces other language for greater readability and conformity with current style.

18 **SECTION 112.** 128.03 of the statutes is amended to read:

19 **128.03 Liens by legal proceedings; assignment.** When a lien has been
20 obtained by legal proceedings against the property of a debtor the debtor may, within
21 ~~thirty~~ 30 days thereafter, make an assignment of all of the debtor's nonexempt
22 property for the benefit of all of the debtor's creditors, whereupon ~~such~~ the lien shall
23 be dissolved and the property shall be turned over to the assignee.

ASSEMBLY BILL 970**SECTION 112**

NOTE: Replaces word form of numbers with digits and other language for greater readability and conformity with current style.

1 **SECTION 113.** 128.04 of the statutes is renumbered 128.001 (1) (intro.) and
2 amended to read:

3 128.001 (1) (title) ~~DEFINITION OF INSOLVENCY, TIME~~ INSOLVENT. (intro.) A person
4 shall be deemed is considered “insolvent within the provisions of this chapter”
5 whenever any of the following conditions is met:

6 (a) The aggregate of the person’s property, exclusive of any property ~~which~~ that
7 the person may have conveyed, transferred, concealed or removed, or permitted to
8 be concealed or removed, with intent to defraud, hinder or delay the person’s
9 creditors, shall not, at a fair valuation be sufficient in amount to pay the person’s
10 debts, ~~or if an~~.

11 (b) An execution be against the person or the person’s property is returned
12 unsatisfied ~~or if the~~.

13 (c) The person shall ~~make~~ makes an assignment for the benefit of creditors.

NOTE: Repositions and subdivides provision and replaces language for greater readability and conformity with current style.

14 **SECTION 114.** 128.05 (1) of the statutes is amended to read:

15 128.05 (1) The assignee shall ~~indorse~~ endorse in writing the assignee’s
16 acceptance of the assignment, and shall file ~~such~~ the assignment with the clerk of ~~the~~
17 circuit court in the county where the debtor has his or her residence or principal place
18 of business. The court shall, upon the filing of ~~such~~ the assignment, order ~~such~~ the
19 assignee to administer the debtor’s estate pursuant to this chapter, and the assignee
20 shall be vested with the powers of a receiver.

NOTE: Replaces disfavored term.

21 **SECTION 115.** 128.05 (2) of the statutes is amended to read:

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1 128.05 (2) A certified copy thereof of an assignment filed under sub. (1) may
2 be recorded in the office of the register of deeds of any county wherein lands are
3 conveyed by ~~such~~ the assignment in the same manner and with the same effect as
4 other conveyances.

NOTE: Inserts specific cross-reference and replaces disfavored term.

5 **SECTION 116.** 128.07 (1) (intro.) and (b) of the statutes are created to read:

6 128.07 (1) DEFINITIONS. (intro.) In this section:

7 (b) "Recipient" means a person who receives a preference, or benefits from a
8 preference, or that person's agent.

NOTE: Creates a definition subsection for the proper location of definitions in s.
128.07. The definition of "recipient" is created from language in sub.(2) in order to
simplify and improve the clarity and readability of sub. (2).

9 **SECTION 117.** 128.07 (1) of the statutes is renumbered 128.07 (1) (a) and
10 amended to read:

11 128.07 (1) (a) A person shall be ~~deemed~~ considered to have given a preference
12 if, being insolvent, the person has made a transfer of any of his or her property, or
13 has procured or ~~suffered~~ permitted a judgment to be entered against him or her in
14 favor of any other person, and the effect of the transfer or the enforcement of the
15 judgment will be to enable any ~~one of his or her creditors~~ creditor to obtain a greater
16 percentage of his or her debt than any other ~~of such creditors~~ creditor of the same
17 class.

NOTE: Moves definition to definitions subsection. Replaces disfavored terms.

18 **SECTION 118.** 128.07 (2) of the statutes is amended to read:

19 128.07 (2) If the debtor ~~shall have~~ has given a preference within ~~four~~ 4 months
20 before the filing of a petition, or an assignment, ~~or~~ after the filing of the petition and
21 before the appointment of a receiver, or after the filing of an assignment and before
22 the qualification of the assignee, and the ~~person receiving it, or to be benefited~~

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1 ~~thereby, or his or her agent acting therein, shall have had~~ recipient has reasonable
2 cause to believe that the enforcement of such ~~the~~ judgment or transfer would effect
3 a preference, ~~it~~ the judgment shall be voidable by the receiver or assignee, and the
4 receiver or assignee may recover the property or its value from ~~such person~~ the
5 recipient.

NOTE: Deletes language moved to sub. (1) (a) and replaces word form of number
with digits and other language for greater readability and conformity with current style.
See also the previous section of this bill.

6 **SECTION 119.** 128.07 (3) of the statutes is renumbered 128.07 (1) (c) 1. (intro.)
7 and amended to read:

8 128.07 (1) (c) 1. (intro.) “Transfer” means ~~the~~ any of the following, whether
9 made absolutely or conditionally, voluntarily or involuntarily, by or without judicial
10 proceedings, as a conveyance, sale, assignment, payment, pledge, mortgage, lien,
11 encumbrance, gift, security or otherwise:

12 a. The sale or other disposal of ~~or of~~ parting with property ~~or with,~~ an interest
13 therein ~~in property or with the possession thereof or the~~ of property.

14 b. The fixing of a lien upon property or upon an interest ~~therein, absolutely or~~
15 ~~conditionally, voluntarily or involuntarily, by or without judicial proceedings, as a~~
16 ~~conveyance, sale, assignment, payment, pledge, mortgage, lien, encumbrance, gift,~~
17 ~~security or otherwise~~ in property.

18 2. The retention of a security title to property delivered to a debtor shall be
19 deemed ~~considered~~ a transfer ~~suffered~~ permitted by ~~such~~ the debtor.

NOTE: Repositions and subdivides provision, repositions text and replaces
disfavored language for greater readability and conformity with current style.

20 **SECTION 120.** 128.07 (4) of the statutes is amended to read:

21 128.07 (4) A transfer of property other than real property shall be deemed
22 considered to have been made or ~~suffered~~ permitted at the time when it became so

ASSEMBLY BILL 970**SECTION 120**

1 far perfected that no subsequent lien upon ~~such~~ the property obtainable by legal or
2 equitable proceedings on a simple contract could become superior to the rights of the
3 transferee. A transfer of real property shall be ~~deemed~~ considered to have been made
4 or ~~suffered~~ permitted when it became so far perfected that no subsequent bona fide
5 purchase from the debtor could create rights in ~~such~~ the property superior to the
6 rights of the transferee. If any transfer of real property is not so perfected against a
7 bona fide purchase, or if any transfer of other property is not so perfected against
8 such liens by legal or equitable proceedings prior to the filing of a petition initiating
9 a proceeding in insolvency, it shall be ~~deemed~~ considered to have been made
10 immediately before the filing of the petition.

NOTE: Replaces disfavored terms.

11 **SECTION 121.** 128.11 of the statutes is amended to read:

12 **128.11 Provisional remedies.** In all actions authorized by this chapter,
13 appropriate provisional remedies may be had and final relief administered to the
14 equal distribution of all assets recovered among the creditors of the debtor, and the
15 court may make such orders for the payment of costs and expenses as may be just.
16 An action or proceeding authorized ~~herein~~ by this chapter for the benefit of all
17 creditors may be taken by a creditor although the creditor's demand is not due at the
18 commencement thereof.

NOTE: Replaces disfavored term.

19 **SECTION 122.** 128.13 of the statutes is amended to read:

20 **128.13 (title) Inventory of assets and list of creditors.** With the filing of
21 an assignment or within ~~ten~~ 10 days after the appointment of a receiver, the debtor
22 shall file with the clerk of the circuit court a correct inventory of the debtor's assets
23 and a list of the debtor's creditors, stating the place of residence of each and the

ASSEMBLY BILL 970**SECTION 122**

1 amount due to each, ~~which.~~ The inventory and list shall be verified by the debtor's
2 oath, ~~but no.~~ No mistake therein in the inventory or list shall affect the rights of any
3 creditor.

NOTE: Breaks up long sentence and replaces nonspecific references.

4 **SECTION 123.** 128.15 (1) of the statutes is renumbered 128.15 (1) (a) (intro.) and
5 amended to read:

6 128.15 (1) (a) (intro.) At the expiration of the period of time limited for the filing
7 of claims, the receiver or assignee shall file all of the following with the clerk ~~proof~~
8 of circuit court:

9 1. Proof of publication of the notice and a required under s. 128.14 (1).

10 2. A list of the creditors to whom the notice was ~~made with~~ given that includes
11 the debts ~~thereof~~ respectively owed to the creditors, verified by an affidavit, ~~and also~~
12 a.

13 3. A list of claims filed stating the ~~names of creditors, residences~~ name and
14 residence of and amounts amount claimed ~~respectively~~ by each creditor who has filed
15 a claim.

16 (b) At any time ~~thereafter~~ after the expiration of the period of time limited for
17 the filing of claims, the receiver or assignee or, upon ~~that person's~~ the receiver's or
18 assignee's refusal or failure to act, any creditor may file written objections to any
19 claim specifying the grounds ~~thereof~~ and for the objection. The party filing the
20 objection shall serve a copy thereof ~~in such manner as the court may order~~ of the
21 objection upon the claimant as ordered by the court. Depositions may thereafter be
22 taken as in civil actions. The court, on the application of either party, shall ~~fix by~~
23 enter an order fixing a time when the objections shall be heard, which shall be served
24 ~~as therein prescribed~~ upon the adverse party as prescribed in the order. Upon the

ASSEMBLY BILL 970**SECTION 123**

1 final hearing the court shall make such order as shall be just and may compel the
2 payment of costs.

NOTE: Subdivides provision, reorders text and replaces language for greater readability and conformity with current style.

3 **SECTION 124.** 128.16 (1) of the statutes is amended to read:

4 128.16 (1) The court may compel the debtor to discover any property alleged
5 to belong or to have belonged to him or her, the disposition ~~thereof~~ of the property and
6 the consideration and all the circumstances of the disposition. Every officer, agent
7 or stockholder of a corporation, every manager or member of a limited liability
8 company and every person to whom it shall be alleged that any transfer of property
9 has been made, or in whose possession or control the same property is alleged to be,
10 may be compelled to testify in relation ~~thereto~~ to the property and to the transfer or
11 possession of the property; but the witness shall not be liable to criminal prosecution
12 or proceeding for or on account of his or her testimony.

NOTE: Replaces nonspecific references.

13 **SECTION 125.** 128.18 (3) of the statutes is renumbered 128.18 (3) (b), and 128.18
14 (3) (b) (intro.), as renumbered, is amended to read:

15 128.18 (3) (b) (intro.) A lien created by, or obtained in or pursuant to any action
16 ~~which~~ that was begun against, a person within ~~four~~ 4 months before the
17 commencement of proceedings for the appointment of a receiver ~~herein~~, or the filing
18 of an assignment ~~hereunder~~, under this chapter shall be dissolved by the
19 appointment of a receiver or the qualification of the assignee, and the receiver or
20 assignee shall be subrogated to the rights of the holder of ~~such~~ the lien for the benefit
21 of all creditors, if:

NOTE: Replaces word form of number with digits, disfavored term and nonspecific references.

22 **SECTION 126.** 128.18 (3) (a) of the statutes is created to read:

ASSEMBLY BILL 970**SECTION 126**

1 128.18 (3) (a) In this subsection, “preference” has the meaning given in s.
2 128.07 (1) (a).

3 **SECTION 127.** 128.18 (5) of the statutes is amended to read:

4 128.18 (5) All conveyances, transfers, assignments or encumbrances of a
5 debtor’s property, or any part thereof ~~of a debtor’s property~~, made or given by the
6 debtor within 4 months prior to the filing of a petition or assignment hereunder
7 under this chapter with the intent and purpose on the debtor’s part to hinder, delay
8 or defraud any of the debtor’s creditors, ~~or any of them~~, shall be null and void as
9 against the debtor’s creditors of such debtor except as to purchasers in good faith and
10 for a present fair consideration.

NOTE: Replaces disfavored term and nonspecific references.

11 **SECTION 128.** 128.18 (6) of the statutes is amended to read:

12 128.18 (6) All levies, judgments, attachments or other liens obtained through
13 legal proceedings against a person who is insolvent at any time within 4 months prior
14 to the filing of a petition or assignment hereunder ~~shall be deemed null and~~ under
15 this chapter are void in case a receiver is appointed or an assignee qualifies
16 hereunder, and the. The property affected by the levy, judgment, attachment or other
17 lien shall be ~~deemed~~ wholly discharged and released from the same levy, judgment,
18 attachment or lien, and shall pass to the receiver or assignee as a part of the estate
19 of the debtor unless the court shall, on due notice, order that the right under ~~such~~
20 the levy, judgment, attachment or ~~other~~ lien shall be preserved for the benefit of the
21 estate; ~~and thereupon the same.~~ In that case, the right under the levy, judgment,
22 attachment or lien may pass to and shall be preserved by the receiver or assignee for
23 the benefit of the estate.

ASSEMBLY BILL 970**SECTION 128**

NOTE: Breaks up long sentence, replaces and deletes disfavored terms and nonspecific references.

1 **SECTION 129.** 128.20 (1) of the statutes is renumbered 128.20 (1) (a) (intro.) and
2 amended to read:

3 128.20 (1) (a) (intro.) Every receiver or assignee shall, within 6 months after
4 the time limited for filing claims or within ~~such~~ any further time as that the court
5 ~~shall allow~~ allows, file with the clerk of the circuit court a full and itemized
6 statement, verified by the receiver's or assignee's oath of ~~the~~, showing all of the
7 following in regard to the receivership or assignment:

8 1. The property received by the receiver or assignee, ~~the~~.

9 2. The manner of the receiver's or assignee's dealing therewith, with the
10 property received.

11 3. The amount of money realized by the receiver or assignee, ~~the~~.

12 4. The condition of the property and funds in the receiver's or assignee's
13 possession, ~~the~~.

14 5. The names and residences of the debtor's creditors, ~~the~~.

15 6. The dividends paid ~~them, the~~ to the debtor's creditors.

16 7. The receiver's or assignee's receipts and disbursements ~~with the~~.

17 8. The receiver's or assignee's claim for compensation and administration
18 expenses.

19 (b) If any receiver or assignee ~~shall neglect~~ neglects to apply promptly for a
20 settlement of ~~the receiver's or assignee's~~ his or her account, the court may, upon
21 application of any creditor, compel the making and filing of ~~such~~ the account or
22 settlement ~~thereof~~ of the account and in ~~such~~ that case the receiver or assignee may
23 be denied compensation.

ASSEMBLY BILL 970**SECTION 129**

NOTE: Subdivides provision and replaces and deletes disfavored terms and nonspecific references.

1 **SECTION 130.** 128.20 (2) of the statutes is amended to read:

2 128.20 (2) Upon filing the report described in sub. (1) (a), the receiver or
3 assignee may apply to the court upon not less than 10 days' notice thereof by mail
4 to the respective creditors named in the report, for a final settlement of the account.
5 The court shall fix a time and place for the hearing of objections or taking of evidence
6 and by order settle and adjust the accounts and the compensation and expenses of
7 the receiver or assignee, regardless of whether objection is made. The order shall be
8 conclusive upon all parties including the sureties of the receiver or assignee, ~~but the~~
9 The receiver or assignee or any creditor may appeal from the order in the manner
10 prescribed for appeals in civil actions except that the receiver or assignee may file
11 a notice and undertaking with the clerk without other service thereof of the notice
12 and undertaking. The receiver or assignee shall be discharged of the trust and the
13 bond canceled upon compliance with the final order of the court.

NOTE: Inserts specific cross-reference, breaks up long sentence and replaces disfavored terms.

14 **SECTION 131.** 128.21 (4) (intro.) of the statutes is amended to read:

15 128.21 (4) (intro.) If the plan recommended under sub. (3) (b) or a modification
16 thereof of the plan is approved under sub. (3r), the debtor shall make the periodic
17 payments therein provided for in the plan to the trustee, and may make additional
18 payments from time to time to the trustee, and the trustee shall distribute the
19 payments proportionally among the creditors listed in the plan, less all of the
20 following:

NOTE: Inserts specific reference.

21 **SECTION 132.** 128.21 (5) of the statutes is amended to read:

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1 128.21 (5) If the debtor defaults in any payment provided for under the plan
2 for a period of more than ~~thirty~~ 30 days the trustee shall, and before the end of any
3 ~~such~~ the 30-day period may, report the matter to the court with the trustee's
4 recommendations, ~~and the.~~ The court shall ~~thereupon~~ either dismiss the
5 proceedings or, if satisfied from the trustee's report that the debtor is in good faith
6 and should be able to make good the default, extend the period of grace for not to
7 exceed ~~thirty~~ 30 days, ~~at.~~ At the end of ~~which~~ the grace period, the trustee shall again
8 report to the court and if all defaults have not then been cured the court shall
9 ~~forthwith~~ immediately dismiss the proceedings. If the debtor makes preferential
10 payments to creditors during the pendency of the proceedings, or appears for any
11 reason to be abusing the privileges of this section, the trustee shall promptly report
12 the matter to the court and the court may dismiss the proceedings. If the claims of
13 all creditors as listed in the plan are satisfied in full, the trustee shall, upon
14 completion of the final distribution, report to the court and the court shall ~~thereupon~~
15 dismiss the proceedings.

NOTE: Inserts specific references, breaks up long sentence, replaces word form of number with digits and deletes disfavored terms.

16 **SECTION 133.** 128.21 (7) of the statutes is amended to read:

17 128.21 (7) Neither the determination of the amount of any claim for the
18 purposes of the plan, nor the acceptance of payments ~~thereunder~~ under the plan,
19 shall affect the right of any creditor to litigate the creditor's claim and obtain
20 judgment ~~thereon~~ on the claim, or the right of the debtor to dispute it, ~~and the~~ the
21 claim. The amount of any judgment shall be substituted by the trustee for the
22 amount fixed in the plan.

NOTE: Inserts specific references and breaks up long sentence.

23 **SECTION 134.** 128.21 (8) of the statutes is amended to read:

