

## CHAPTER 991

## ACTS AND STATUTES — EFFECTIVE DATE, NUMBERING, CITATION AND REPEAL

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**991.01 When statutes in effect; laws repealed.** These statutes shall take effect and go into operation on the first day of September, in the year 1898, and on and after said day the revised statutes of the year 1878 and Sanborn and Berryman’s annotated statutes, except ch. 115, revised statutes of 1878, entitled “of other courts of record,” which chapter as amended by the laws of 1891, 1893, 1895 and 1897 shall be unaffected by the enactment of these statutes, shall be repealed.

**History:** 1981 c. 390.

**991.02 Effect of section 991.01.** The repeal of acts mentioned in s. 991.01 shall not revive any act heretofore repealed or superseded nor any office heretofore abolished, nor shall such repeal be construed as a declaration that any act or part of an act heretofore expressly or impliedly repealed was in force at any time subsequent to such first repeal; and all acts and parts of acts which were repealed or abrogated by or were repugnant to any of the acts above repealed shall remain repealed.

**991.03 Same.** The repeal of said acts shall not affect any act done or right accrued or established, or any proceeding, suit or prosecution had or commenced in any civil case previous to the time when such repeal shall take effect; but every such act, right or proceeding shall remain as valid and effectual as if the provision so repealed had remained in force; but the subsequent proceedings in actions or proceedings shall conform to the provisions of these revised statutes when applicable.

**991.07 Statutes of limitation.** In any case when a limitation or period of time prescribed in any act which is hereby repealed for the acquiring of any right or the barring of any remedy or for any other purpose shall have begun to run and a limitation or period of time for such purpose shall be prescribed in these revised statutes, the limitation or period prescribed by these statutes shall be held to apply only to such rights or remedies as shall accrue subsequently to the time when the same shall take effect; and the act repealed shall be held to continue in force and operative to determine all such limitations and periods of time, which shall have previously begun to run, unless in special cases in these revised statutes a different rule shall be prescribed.

Generally, legislation is presumptively prospective unless statutory language reveals an intent that the statute apply retroactively. Procedural or remedial, rather than substantive, statutes are generally given retroactive effect unless contracts would be impaired or vested rights disturbed. Statutes of limitations are substantive. *Bethausser v. Medical Protective Co.* 172 Wis. 2d 141, 493 N.W.2d 40 (1992).

When a statute of limitations is replaced or amended, a cause of action that has accrued prior to the effective date of the new statute or amendment is governed by the prior statute, unless the legislature specifies otherwise. A cause of action that has not accrued prior to the effective date of the new statute or amendment is governed by the new language, unless otherwise specified. *State v. Hamilton*, 2002 WI App 89, 253 Wis. 2d 805, 644 N.W.2d 243, 01–1014.

**991.08 Statutes reenacted, how regarded.** The provisions of these revised statutes, so far as they are the same in substance as those of existing laws, shall be construed as a continua-

tion of such laws and not as new enactments, and references in laws not repealed to provisions of laws incorporated into these revised statutes and repealed shall be construed as applying to the same provisions so incorporated.

**991.09 In force in cities and villages.** All the laws contained in these revised statutes shall apply to and be in force in each and every city and village in the state as far as the same are applicable and not inconsistent with the charter of any such city or village; but when the provisions of any such charters are at variance with the provisions of these revised statutes the provisions of such charters shall prevail unless a different intention be plainly manifested.

The enactment of ch. 70 did not supersede the Milwaukee charter that exempts property leased by the city from taxation. *Milwaukee v. Shoup Voting Machine Corp.* 54 Wis. 2d 549, 196 N.W.2d 694 (1971).

**991.10 Special acts, how affected.** None of the general provisions of these revised statutes shall be construed so as to affect or repeal the provisions of any special acts relating to particular counties, towns, cities or villages or the officers or offices thereof unless such special acts are enumerated in the acts hereby repealed.

**991.11 Effective date of acts.** Every act and every portion of an act enacted by the legislature over the governor’s partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as prescribed in s. 35.095 (1) (b).

**History:** 1981 c. 372 s. 14; Stats. 1981 s. 991.11; 1983 a. 36; 2013 a. 5.

Although the act expressly prescribed an effective date 6 months after publication, certain provisions went into effect on the day after publication. *Matter of Mental Condition of W.R.B.* 140 Wis. 2d 347, 411 N.W.2d 142 (Ct. App. 1987).

Establishment of the effective date does not determine whether a statute will apply retroactively. *Salzman v. DNR*, 168 Wis. 2d 523, 484 N.W.2d 337 (Ct. App. 1992).

**991.12 Citation of statutes.** The statutes designated since 1898 as “the statutes of 1898” and all additions thereto may be styled in any act of the legislature or proceeding in a court of justice, or wherever otherwise referred to, as “Wisconsin Statutes”; former statutes of this state may be referred to as the annotated statutes or as the revised statutes of 1878, 1858, or 1849.

**History:** 1981 c. 372 s. 15; Stats. 1981 s. 991.12.

**991.13 Acts: denomination; citation. (1)** Acts enacted during the 1983 biennial session of the legislature and thereafter are denominated “Wisconsin act” and identified by the year in which the biennial session began.

(2) Acts enacted prior to the 1983 legislative session may be referred to as “chapter .... [consecutive number], laws of .... [year in which biennial session began]”. Acts enacted during the 1983 session and thereafter may be referred to as “.... [year in which biennial session began] Wisconsin act .... [consecutive number]”.

**History:** 1981 c. 372.