

# State of Wisconsin



1997 Assembly Bill 378

Date of enactment: **December 12, 1997**  
Date of publication\*: **December 30, 1997**

## 1997 WISCONSIN ACT 35

**AN ACT relating to:** repealing, consolidating, renumbering, amending and revising various provisions of the statutes for the purpose of correcting errors, supplying omissions, correcting and clarifying references, eliminating defects, anachronisms, conflicts, ambiguities and obsolete provisions, deleting, replacing or otherwise modifying language which discriminates on the basis of sex, reconciling conflicts and repelling unintended repeals (Revisor's Correction Bill).

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

**SECTION 1.** 5.02 (24) of the statutes, as affected by 1995 Wisconsin Act 219, is amended to read:

5.02 (24) "State superintendent" means the state superintendent of public instruction.

NOTE: 1995 Wis. Act 27, section 9145 (1), unintentionally changed the reference to the "state superintendent of public instruction" in this provision to "secretary of education". 1995 Wis. Act 219 was intended to return this provision to its pre-Act 27 status but only "state superintendent" was reinserted.

**SECTION 2.** The amendment of 5.58 (2) (a) of the statutes by 1995 Wisconsin Act 201 is not repealed by 1995 Wisconsin Act 219. Both amendments stand.

NOTE: There is no conflict of substance.

**SECTION 3.** 6.24 (4) (b) of the statutes, as created by 1995 Wisconsin Act 313, is renumbered 6.24 (4) (c).

NOTE: 1995 Wis. Act 313 divided s. 6.24 (4) (a) into pars. (a) and (c) and created a new par. (b). Section 6.24 (4) already contained a par. (b).

**SECTION 4.** 6.24 (4) (c) of the statutes, as affected by 1995 Wisconsin Act 313, is renumbered 6.24 (4) (d).

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

**SECTION 5.** 8.40 (1) of the statutes is amended to read:

8.40 (1) In addition to any other requirements provided by law, each separate sheet of each petition for an election, including a referendum, shall have on the face at the top in boldface print the ~~words~~ word "PETITION". Each signer of such a petition shall affix his or her signature to the petition, accompanied by his or her municipality of residence for voting purposes, the street and number, if any, on which the signer resides, and the date of signing.

NOTE: Inserts correct word.

**SECTION 6.** 13.06 of the statutes is amended to read:  
**13.06 Executive favor.** Any member of the legislature who gives, offers or promises to give his or her vote or influence in favor of or against any measure or proposition pending or proposed to be introduced in the legislature, or that has already been passed by either house of the legislature, in consideration of or on condition that the governor approve, disapprove, veto or sign, or agree to approve, disapprove, veto or sign, any other measure or proposition pending or proposed to be introduced in the legislature or that has already been passed by the legislature, or either house thereof, or in consideration or upon condition that the governor nominate for appointment or appoint or remove any person to or from any office or position under the laws of this ~~or her~~ state, may be fined

\* Section 991.11, WISCONSIN STATUTES 1995-96: 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 designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

not less than \$500 nor more than \$1,000 or imprisoned not less than one year nor more than 2 years or both.

NOTE: Corrects error in transcribing 1991 Wis. Act 316.

**SECTION 7.** 13.101 (6) (a) of the statutes, as affected by 1995 Wisconsin Act 27, is amended to read:

13.101 (6) (a) As an emergency measure necessitated by decreased state revenues and to prevent the necessity for a state tax on general property, the committee may reduce any appropriation made to any board, commission, department, the university of Wisconsin system or to any other state agency or activity by such amount as it deems feasible, not exceeding 25% of the appropriations, except appropriations made by ss. 20.255 (2) (ac), (bc), (bh), (bm), (cg) and (cr), 20.395 (1), (2) (cq), (eq) to (ex) and (gq) to (gx), (3), (4) (aq) to (ax) and (6) (aq) and (ar), 20.435 (1) (e), (6) (a) and (7) (da) and 20.445 (3) (a) and (d) or for forestry purposes under s. 20.370 (1), or any other moneys distributed to any county, city, village, town or school district. Appropriations of receipts and of a sum sufficient shall for the purposes of this section be regarded as equivalent to the amounts expended under such appropriations in the prior fiscal year which ended June 30. All functions of said state agencies shall be continued in an efficient manner, but because of the uncertainties of the existing situation no public funds should be expended or obligations incurred unless there shall be adequate revenues to meet the expenditures therefor. For such reason the committee may make reductions of such appropriations as in its judgment will secure sound financial operations of the administration for said state agencies and at the same time interfere least with their services and activities.

NOTE: 1995 Wis. Act 27 repealed s. 20.435 (1) (c) effective 8-1-96.

**SECTION 8.** 13.26 (1) (d) of the statutes is amended to read:

13.26 (1) (d) Giving or offering a bribe to a member, or attempting by menace or other corrupt means or device to control or influence a member in giving a member's vote or to prevent the member from voting.

NOTE: Corrects error in transcribing 1991 Wis. Act 316.

**SECTION 8m.** 13.48 (13) (a) of the statutes is amended to read:

13.48 (13) (a) Except as provided in par. (b) or (c), every building, structure or facility that is constructed for the benefit of or use of the state, any state agency, board, commission or department of the University of Wisconsin Hospitals and Clinics Authority or any local professional baseball park district created under subch. III of ch. 229 if the construction is undertaken by the department of administration on behalf of the district, shall be in compliance with all applicable state laws, rules, codes and regulations but the construction is not subject to the ordinances or regulations of the municipality in which the construction takes place except zoning, including

without limitation because of enumeration ordinances or regulations relating to materials used, permits, supervision of construction or installation, payment of permit fees, or other restrictions.

NOTE: Corrects error in transcribing 1995 Wis. Act 216.

**SECTION 8p.** 13.48 (18) of the statutes, as affected by 1997 Wisconsin Act 5, section 2, is amended to read:

13.48 (18) ACQUISITION OF OPEN SPACES. The building commission may acquire property adjacent to or within 2 blocks of any state facility for the purpose of establishing and developing open green spaces or possible future construction if such acquisition is to be solely used to meet the space needs of the state law library, the legislative reference bureau library and legislative and judicial branch agencies and support staffs

NOTE: 1997 Wis. Act 5, section 1, added the language stricken above. 1997 Wis. Act 5, section 2, amended s. 13.48 (18) as affected by Act 5, section 1, by deleting the material added by Act 5, section 1, but did not include all of the text added by Act 5, section 1. This provision carries out the intent of Act 5, section 2, to return s. 13.48 (13) to its pre-Act 5 status.

**SECTION 9.** 13.485 (1) of the statutes, as affected by 1995 Wisconsin Act 201, is amended to read:

13.485 (1) The parking facility that is enumerated for construction in the 1985-87 authorized state building program and that is located in Milwaukee county on Lake Michigan may be the subject of an agreement under sub. (4) and s. 59.79 (7) and may be funded from the proceeds of revenue obligations issued subject to and in accordance with subch. II of ch. 18.

NOTE: 1995 Wis. Act 201 inserted "(7)" without showing it underscored. The change was intended.

**SECTION 10.** 15.107 (7) (b) and (c) of the statutes are amended to read:

15.107 (7) (b) A representative of the unit in the department of health and social family services that deals with health statistics.

(c) A representative of the unit in the department of health and social family services that deals with the medical assistance program.

NOTE: 1995 Wis. Act 27, section 9126 (19), changed all occurrences of health and social services to health and family services effective 7-1-96. These 2 occurrences were missed in the editing process.

**SECTION 11.** 16.11 (3) (b) of the statutes, as affected by 1995 Wisconsin Act 115, is amended to read:

16.11 (3) (b) Each commission member is entitled to one vote. Except as otherwise specifically provided in this compact, an action of the commission is binding if a majority of the total membership east casts its vote in the affirmative. A party state may direct its member or alternate member of the commission how to vote or not to vote on matters before the commission.

NOTE: Inserts correct word form.

**SECTION 12.** 16.11 (3) (i) 7. of the statutes, as created by 1995 Wisconsin Act 115, is amended to read:

16.11 (3) (i) 7. Establish and implement procedures to investigate any complaint ~~jointed~~ joined in by 2 or more party states regarding another party state's performance of its obligations under this compact.

NOTE: Corrects spelling.

**SECTION 13.** 16.11 (3) (j) 3. d. of the statutes, as created by 1995 Wisconsin Act 115, is amended to read:

16.11 (3) (j) 3. d. Provide moneys to be added to an inadequately ~~funding~~ funded long-term care fund as provided in sub. (6) (o).

NOTE: Inserts correct word form.

**SECTION 14.** 16.11 (6) (L) 1. of the statutes, as affected by 1995 Wisconsin Act 115, is amended to read:

16.11 (6) (L) 1. No compact facility shall begin operating until the commission designates the host state of the next compact facility.

NOTE: Inserts missing word.

**SECTION 15.** 16.11 (8) (j) of the statutes, as created by 1995 Wisconsin Act 115, is amended to read:

16.11 (8) (j) Unless explicitly abrogated by the state legislation dissolving this compact, or if dissolution results from withdrawal of congressional consent, the limitations on the investment and use of long-term care funds in sub. (6) (o) and (q) 4., the contractual obligations in sub. (5) (f), the indemnification obligations and ~~contributions~~ contribution rights in subs. (6) (o), (s) and (t) and (7) (g) and the operation rights and indemnification and hold-harmless obligations in sub. (6) (q) shall remain in force notwithstanding dissolution of this compact.

NOTE: Inserts correct word form.

**SECTION 16.** 16.51 (7) of the statutes, as affected by 1995 Wisconsin Act 77, is amended to read:

16.51 (7) (title) AUDIT CLAIMS FOR EXPENSES IN CONNECTION WITH PRISONERS AND ~~CHILDREN~~ JUVENILES IN SECURED CORRECTIONAL FACILITIES. Receive, examine, determine and audit claims, duly certified and approved by the department of corrections, from the county clerk of any county in behalf of the county, which are presented for payment to reimburse the county for certain expenses incurred or paid by it in reference to all matters growing out of actions and proceedings involving prisoners in state prisons, as defined in s. 302.01, or ~~children~~ juveniles in secured correctional facilities, as defined in s. 938.02 (15m), including prisoners or ~~children~~ juveniles transferred to a mental health institute for observation or treatment, when the proceedings are commenced in counties in which the prisons or secured correctional facilities are located by a district attorney or by the prisoner or ~~child~~ juvenile as a postconviction remedy or a matter involving the prisoner's status as a prisoner or the ~~child's~~ juvenile's status as a resident of a secured correctional facility and for certain expenses incurred or paid by it in reference to holding those ~~children~~ juveniles in secure custody while those actions or proceedings are pending. Expenses shall only include the amounts that were necessarily incurred

and actually paid and shall be no more than the legitimate cost would be to any other county had the offense or crime occurred therein.

NOTE: Replaces "child" or "children" with "juvenile" or "juveniles", respectively, for consistency of references with language of ch. 938.

**SECTION 17.** 16.846 (3) of the statutes, as created by 1995 Wisconsin Act 174, is amended to read:

16.846 (3) All fines imposed and collected under this section shall be transmitted to the county treasurer for disposition in accordance with s. ~~59.20 (5) and (8)~~ 59.25 (3) (f) and (j). All forfeitures, including forfeitures of posted bail, if any, imposed and collected under this section shall be transmitted to the county treasurer for disposition in accordance with ss. 778.13 and 778.17.

NOTE: 1995 Wis. Act 201 renumbered s. 59.20 (5) and (8) to be s. 59.25 (3) (f) and (j).

**SECTION 18.** 20.143 (3) (ka) of the statutes, as created by 1995 Wisconsin Act 27, is amended to read:

20.143 (3) (ka) *Interagency agreements.* All moneys received through contracts or financial agreements for provision of services to other state agencies, except moneys appropriated under par. ~~(ke) or (ks)~~ or sub. (4) (kd), for the purpose of providing the services.

NOTE: Corrects cross-reference. Sub. (3) (kc) was renumbered sub. (4) (kd) by 1995 Wis. Act 216.

**SECTION 19.** 20.143 (4) (kd) of the statutes, as created by 1995 Wisconsin Act 116, is renumbered 20.143 (4) (ke).

NOTE: 1995 Wis. Act 216 also created a s. 20.143 (4) (kd).

**SECTION 20.** 20.145 (1) (g) of the statutes, as affected by 1995 Wisconsin Act 27, is amended to read:

20.145 (1) (g) *General program operations.* The amounts in the schedule for general program operations and for funding the activities of the office of health care information under s. 153.05 (8). Ninety percent of all moneys received under ss. 601.31, 601.32, 601.45 and 601.47 shall be credited to this appropriation.

NOTE: Adds missing word consistent with the language used in the ch. 20 schedule for this kind of appropriation.

**SECTION 21.** 20.320 (1) (t) of the statutes, as affected by 1995 Wisconsin Act 216, is amended to read:

20.320 (1) (t) *Principal repayment and interest — clean water fund bonds.* From the clean water fund, the amounts in the schedule to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in transferring moneys from s. 20.866 (2) (tc) to the clean water fund for the purposes specified in s. 25.43 (3). Fifty percent of all moneys received from municipalities as payment of interest on loans or portions of loans under ss. ~~144.241 281.58~~ and ~~144.2415 281.59~~ the revenues of which have not been pledged to secure revenue obligations shall be credited to this appropriation account.

NOTE: Inserts correct cross-references. Sections 144.241 and 144.2415 were renumbered to ss. 281.58 and 281.59 by 1995 Wis. Act 227.

**SECTION 22.** The amendment of 20.370 (2) (bL) of the statutes by 1995 Wisconsin Act 227 is not repealed by 1995 Wisconsin Act 378. Both amendments stand.

NOTE: There is no conflict of substance.

**SECTION 23.** The amendment of 20.370 (3) (ma) of the statutes by 1995 Wisconsin Act 201 is not repealed by 1995 Wisconsin Act 227. Both amendments stand.

NOTE: There is no conflict of substance.

**SECTION 24.** 20.395 (1) (gq) of the statutes, as affected by 1995 Wisconsin Act 201, is amended to read:

20.395 (1) (gq) *Expressway policing aids, state funds.* The amounts in the schedule to reimburse any county policing expressways under s. ~~59.83~~ 59.84 (10) (b).

NOTE: 1995 Wis. Act 201 changed the cross-reference in this provision from s. 59.965 to s. 59.83, but renumbered s. 59.965 to be s. 59.84.

**SECTION 25.** 20.410 (3) (ho) of the statutes, as affected by 1995 Wisconsin Act 416, is amended to read:

20.410 (3) (ho) *Juvenile residential aftercare.* The amounts in the schedule for providing foster care, treatment foster care, group home care and institutional child care to delinquent ~~children~~ juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14) and 938.52. All moneys transferred under s. 301.26 (4) (cm) and all moneys received in payment for providing foster care, treatment foster care, group home care and institutional child care to delinquent ~~children~~ juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14) and 938.52 as specified in s. 301.26 (4) (e) shall be credited to this appropriation account. If moneys generated by the monthly rate exceed actual fiscal year foster care, treatment foster care, group home care and institutional child care costs by 2% or more, all moneys in excess of 2% shall be remitted to the counties during the subsequent calendar year or transferred to the appropriation account under par. (kx) during the subsequent fiscal year. Each county and the department shall receive a proportionate share of the remittance and transfer depending on the total number of days of placement in foster care, treatment foster care, group home care or institutional child care. Counties shall use the funds for purposes specified in s. 301.26. The department shall deposit in the general fund the amounts transferred under this paragraph to the appropriation account under par. (kx).

NOTE: Replaces "children" with "juveniles" consistent with references in ch. 938.

**SECTION 26.** 20.410 (3) (o) of the statutes, as affected by 1995 Wisconsin Act 77, is amended to read:

20.410 (3) (o) *Federal aid; foster care and treatment foster care.* All federal moneys received for meeting the costs of providing foster care, treatment foster care and institutional child care to delinquent ~~children~~ juveniles under ss. 938.48 (4) and (14) and 938.52, and for the cost of care for children under s. 49.19 (10) (d). All moneys received under this paragraph shall be deposited in the general fund as a nonappropriated receipt.

NOTE: Replaces "children" with "juveniles" for consistency of references with language of ch. 938.

**SECTION 27.** The treatments of 20.435 (1) (gm) of the statutes by 1995 Wisconsin Act 27, 98 and 417 are not repealed by 1995 Wisconsin Act 468. All treatments stand.

NOTE: There is no conflict of substance.

**SECTION 28.** 20.445 (1) (uy) of the statutes, as affected by 1995 Wisconsin Act 113, section 2t, is renumbered 20.445 (1) (uz).

NOTE: 1995 Wis. Act 27 renumbered s. 20.395 (1) (bz) to s. 20.445 (1) (uy).

**SECTION 29.** 20.445 (3) (cn) of the statutes, as affected by 1995 Wisconsin Act 27, section 846, is amended to read:

20.445 (3) (cn) *Child care for recipients and former recipients of aid to families with dependent children.* The amounts in the schedule for paying child care costs of individuals who secure unsubsidized employment and lose eligibility for aid to families with dependent children as provided under s. 49.191 (2), for child care and related transportation costs under s. 49.26 (1) (e), for child care costs under s. 49.191 (1) (b) and, with the approval of the department under s. 49.191 (3) (b), for child care costs under s. ~~49.191(1)(a) or~~ 49.193 (8). Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department may transfer funds between fiscal years under this paragraph. All funds allocated by the department but not encumbered by December 31 of each year lapse to the general fund on the next January 1 unless transferred to the next calendar year by the joint committee on finance.

NOTE: Section 49.191 (1) (a) was renumbered from s. 49.50 (6e) (a) by 1995 Wis. Act 27. Section 49.50 (6e) (a) was repealed by 1995 Wis. Act 289, without taking into account the treatment by Act 27. The repeal stands.

**SECTION 30.** 20.445 (3) (dc) of the statutes, as affected by 1995 Wisconsin Act 27, section 850, is amended to read:

20.445 (3) (dc) *Emergency assistance program.* The amounts in the schedule for emergency assistance for families with needy children under s. ~~49.19 (14) (b)~~ 49.138. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department may transfer funds between fiscal years under this paragraph. All funds allocated but not encumbered by December 31 of each year lapse to the general fund on the next January 1 unless transferred to the next calendar year by the joint committee on finance.

NOTE: Inserts correct cross-reference. Section 49.19 (11) (b) was renumbered to s. 49.138 by 1995 Wis. Act 289.

**SECTION 31.** 20.445 (3) (df) of the statutes, as affected by 1995 Wisconsin Act 27, section 854, is amended to read:

20.445 (3) (df) *Employment and training programs.* The amounts in the schedule for the learnfare program under s. 49.26 (1), the job opportunities and basic skills program under s. 49.193, the work experience and job training program under s. 49.36, the food stamp employment and training project under s. 49.124 (1m), the parental responsibility pilot program under s. ~~49.25, paying~~

child care costs under s. 49.191 (1) (a) and, with the approval of the department under s. 49.193 (8) (bm), for child care costs under s. 49.191 (1) (b) or (2) or 49.26 (1) (e). Moneys appropriated under this paragraph may be used to match federal funds received under par. (ps). Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department may transfer funds between fiscal years under this paragraph. All funds allocated by the department but not encumbered by December 31 of each year lapse to the general fund on the next January 1 unless transferred to the next calendar year by the joint committee on finance.

NOTE: Section 49.191 (1) (a) was renumbered from s. 49.50 (6e) (a) by 1995 Wis. Act 27. Section 49.50 (6e) (a) was repealed by 1995 Wis. Act 289, without taking into account the treatment by Act 27. The repeal stands.

**SECTION 32.** 20.566 (7) (v) of the statutes, as affected by 1995 Wisconsin Act 227, is amended to read:

20.566 (7) (v) *Investment and local impact fund.* From the investment and local impact fund, all moneys received under s. 70.395 (1) (a), (1g) (b) and (2) (dc) and (dg), less the moneys appropriated under s. 20.370 (2) (gr), to be disbursed under ss. 70.395 (2) (d) to (g), 293.33 (4) and ~~293.85~~ 293.65 (5) (a).

NOTE: 1995 Wis. Act 227 renumbered s. 144.855 to s. 293.65. Act 227 amended the cross-reference in this provision from s. 144.855 to s. 293.85. The intent was that the cross-reference correspond with the renumbering.

**SECTION 33.** 20.575 (1) (g) of the statutes, as affected by 1995 Wisconsin Act 27, is amended to read:

20.575 (1) (g) *Program fees.* The amounts in the schedule for the purpose of carrying out general program operations. Except as provided under par. (ka), all amounts received by the secretary of state, including fees under chs. 132 and 137 and all moneys transferred from the appropriation under s. ~~20.566 (4)~~ 20.144 (1) (g), shall be credited to this appropriation. Notwithstanding s. 20.001 (3) (a), any unencumbered balance at the close of a fiscal year exceeding 10% of that fiscal year's expenditures under this appropriation shall lapse to the general fund.

NOTE: There is no s. 20.566 (4) (g). The original governor's budget provided for a transfer to this appropriation under s. 20.566. That appropriation was changed to s. 20.144 in 1995 Wis. Act 27, as enacted, but this cross-reference was not changed accordingly.

**SECTION 34.** The amendment of 20.865 (1) (a) of the statutes by 1995 Wisconsin Act 201 is not repealed by 1995 Wisconsin Act 400. Both amendments stand.

NOTE: There is no conflict of substance.

**SECTION 35.** The amendment of 20.865 (1) (g) of the statutes by 1995 Wisconsin Act 201 is not repealed by 1995 Wisconsin Act 400. Both amendments stand.

NOTE: There is no conflict of substance.

**SECTION 36.** The amendment of 20.865 (1) (q) of the statutes by 1995 Wisconsin Act 201 is not repealed by 1995 Wisconsin Act 400. Both amendments stand.

NOTE: There is no conflict of substance.

**SECTION 37.** 20.866 (1) (u) of the statutes, as affected by 1995 Wisconsin Act 216, is amended to read:

20.866 (1) (u) *Principal repayment and interest.* A sum sufficient from moneys appropriated under sub. (2) (zp) and ss. 20.190 (1) (c), (i) and (j), 20.225 (1) (c), 20.245 (1) (e), (2) (e) and (j), (4) (e) and (5) (e), 20.250 (1) (e), 20.255 (1) (d), 20.285 (1) (d), (db), (fh), (ih) and (kd) and (5) (i), 20.320 (1) (c) and (t), 20.370 (7) (aa), (ac), (aq), (ar), (at), (ba), (ca), (cb), (cc), (cd), (ea) and (eq), 20.395 (6) (aq) and (ar), 20.410 (1) (e), (ec) and (ko) and (3) (e), 20.435 (2) (ee), and (6) (e), 20.465 (1) (d), 20.485 (1) (f) and (go) and (3) (t), 20.505 (5) (g) and (kc) and 20.867 (1) (a) and (b) and (3) (a), (b), (g), (h), (i) and (q) for the payment of principal and interest on public debt contracted under subchs. I and IV of ch. 18.

NOTE: 1995 Wis. Act 216 deleted the comma without showing it as stricken and inserted "and" without showing it as underscored. The change was intended.

**SECTION 38.** The amendment of 20.866 (2) (tc) of the statutes by 1995 Wisconsin Act 227 is not repealed by 1995 Wisconsin Act 452. Both amendments stand.

NOTE: There is no conflict of substance.

**SECTION 39.** 23.09 (20) (title) of the statutes is amended to read:

23.09 (20) (title) ~~AND AIDS~~ AIDS FOR THE ACQUISITION AND DEVELOPMENT OF LOCAL PARKS.

NOTE: Corrects error in transcribing 1987 Wis. Act 295.

**SECTION 40.** 23.095 (1) (b) of the statutes, as created by 1995 Wisconsin Act 391, is amended to read:

23.095 (1) (b) "Discharge" has the meaning given in s. ~~144.76 (1) (a)~~ 292.01 (3).

NOTE: Inserts correct cross-reference. Section 144.76 (1) (a) was renumbered to s. 292.01 (3) by 1995 Wis. Act 227.

**SECTION 41.** 23.095 (1) (c) of the statutes, as created by 1995 Wisconsin Act 391, is amended to read:

23.095 (1) (c) "Hazardous substance" has the meaning given in s. ~~144.01 (4m)~~ 285.01 (21).

NOTE: Section 144.01 (4m) was repealed by 1995 Wis. Act 227. An identical definition of "hazardous substance" was created by Act 227 at s. 285.01 (21).

**SECTION 42.** 23.50 (1) of the statutes, as affected by 1995 Wisconsin Acts 216, 227 and 290, is amended to read:

23.50 (1) The procedure in ss. 23.50 to 23.85 applies to all actions in circuit court to recover forfeitures, penalty assessments, jail assessments, applicable weapons assessments, applicable environmental assessments, applicable wild animal protection assessments, applicable natural resources assessments, applicable fishing shelter removal assessments, applicable snowmobile registration restitution payments and applicable natural resources restitution payments for violations of ss. 77.09, 134.60, ~~144.783 (2)~~, 167.10 (3), 167.31 (2), 281.48 (2) to (5), 283.33, 285.57 (2), 285.59 (2), (3) (c) and (4), 287.07, 287.08 ~~and~~, 287.81 and ~~299.64 (2)~~, subch. VI of ch. 77, this chapter and chs. 26 to 31 and of ch. 350, and

any administrative rules promulgated thereunder, violations of rules of the Kickapoo reserve management board under s. 41.41 (7) (k) or violations of local ordinances enacted by any local authority in accordance with s. 23.33 (11) (am) or 30.77.

NOTE: This bill renumbers s. 144.783 to s. 299.64.

**SECTION 43.** The amendment of 23.53 (1) of the statutes by 1995 Wisconsin Act 216 is not repealed by 1995 Wisconsin Act 227. Both amendments stand.

NOTE: There is no conflict of substance.

**SECTION 44.** 23.65 (1) of the statutes, as affected by 1995 Wisconsin Acts 227 and 290, is amended to read:

23.65 (1) When it appears to the district attorney that a violation of s. 134.60, ~~144.783 (2)~~, 281.48 (2) to (5), 283.33, 285.57 (2), 285.59 (2), (3) (c) and (4), 287.07, 287.08 ~~or~~, 287.81 ~~or~~ 299.64 (2), this chapter or ch. 26, 27, 28, 29, 30, 31 or 350, or any administrative rule promulgated pursuant thereto, has been committed the district attorney may proceed by complaint and summons.

NOTE: This bill renumbers s. 144.783 to s. 299.64.

**SECTION 45.** 25.156 (2m) of the statutes is amended to read:

25.156 (2m) The investment board shall ~~employe~~ employ an internal auditor, who shall serve outside the classified service. The board shall fix the compensation of the internal auditor.

NOTE: Corrects spelling.

**SECTION 46.** 25.17 (14m) 1, 2, and 3, of the statutes, as affected by 1995 Wisconsin Act 274, are renumbered 25.17 (14m) (a), (b) and (c).

NOTE: Renumbers paragraphs consistent with current style.

**SECTION 47.** The amendment of 25.40 (1) (im) of the statutes by 1995 Wisconsin Act 201 is not repealed by 1995 Wisconsin Act 269. Both amendments stand.

NOTE: There is no conflict of substance.

**SECTION 48.** 25.40 (2) (b) 15g. of the statutes, as created by 1995 Wisconsin Act 113, is amended to read:

25.40 (2) (b) 15g. Section 20.445 (1) (~~uy~~) (uz).

NOTE: This bill renumbers s. 20.445 (1) (uy) as affected by 1995 Wis. Act 113 to s. 20.445 (1) (uz).

**SECTION 48m.** 25.43 (2) (c) of the statutes is amended to read:

25.43 (2) (c) The department of administration may establish and change accounts in the clean water fund other than those under pars. (a) and (b). The department of administration shall consult the department of natural resources before establishing or changing an account that is needed to administer the program under s. 281.58 ~~and~~ or 281.59.

NOTE: Corrects error in transcribing 1995 Wis. Act 227.

**SECTION 49.** 27.12 (2) of the statutes is amended to read:

27.12 (2) FOR DAMAGES CAUSED BY WANT OF REPAIR. Neither the city nor any such private parties shall be liable for any damage resulting from insufficiency in such construction, maintenance or repair of any parks, parkways,

boulevards or pleasure drives owned by the city and located outside of its limits; but the city may cause any of them or any part of either of them which is not in good repair, to be closed to the use of the public until the same shall be put in good repair. At conspicuous points along any such boulevard or pleasure drive a notice shall be placed at intervals not exceeding one mile, painted in large, plain letters, as follows: "Any person using this drive assumes all risk as to defects therein".

NOTE: Corrects error in transcribing 1991 Wis. Act 316.

**SECTION 50.** 29.06 (1) of the statutes, as affected by 1995 Wisconsin Acts 79, 126 and 225, is repealed and recreated to read:

29.06 (1) (a) All wild animals, or carcasses or parts thereof, that are confiscated by the department and all confiscated apparatus, appliances, equipment, vehicles or devices shall, if not destroyed as authorized by law, be sold at the highest price obtainable, by the department or its wardens, or by an agent on commission under the written authority and supervision of the department. The net proceeds of all sales under this subsection, after deducting the expense of seizure and sale and any commissions and any amounts owing to holders of security interests under par. (c) or (d), shall be promptly remitted, by the warden by whom or under whose authority and supervision the sales are made, to the department. The remittance shall be accompanied by a complete and certified report of the sales made under this subsection, supported by proper vouchers covering all deductions made for expenses and commissions, and shall be filed with the department.

(b) Of the remittance from the sales of confiscated apparatus, appliances, equipment, vehicles or devices, 18% shall be paid into the conservation fund to reimburse it for expenses incurred in seizure and sale, and the remaining 82% shall be paid into the common school fund.

(c) 1. In the case of the sale of a confiscated motor vehicle, the department shall make a reasonable effort, within 10 days after seizure, to ascertain if a security interest in the seized motor vehicle exists. The department shall, within 10 days after obtaining actual or constructive notice of any security interest in the seized motor vehicle, give the secured party notice of the time and place when there is to be any proceeding before a court pertaining to the confiscation of the motor vehicle. Constructive notice shall be limited to security interests perfected by filing.

2. The time of sale of the confiscated motor vehicle shall be within 20 days after judgment of confiscation as provided in s. 29.05 (8). The department shall give each secured party discovered in accordance with subd. 1. at least 10 days' notice of the time and place of sale of the motor vehicle.

3. If the holder of a security interest in the confiscated motor vehicle, perfected by filing, proves to the court, or after judgment of confiscation, to the department, that the

violation that led to the confiscation was not with the knowledge, consent or connivance of the holder of the security interest or with that of some person employed or trusted by the holder of the security interest, the amount due under the security agreement, together with any other deductions authorized under par. (a), shall be deducted from the proceeds of the sale of the confiscated motor vehicle and the amount due shall be paid to the one entitled. If a sufficient amount does not remain for the full payment of the amount due under the security agreement after making the other deductions authorized under par. (a), the amount remaining shall be paid to the one entitled.

(d) The provisions of s. 973.075 (1) (b) 1. to 3. and (5) apply to vehicles other than motor vehicles under this subsection.

(e) This subsection shall not apply to a deer killed, or so injured that it must be killed, by a collision with a motor vehicle on a highway. For purposes of this subsection, “deer” does not include farm-raised deer.

NOTE: Reconciles the treatments by 1995 Wis. Acts 79, 126 and 225.

**SECTION 51.** 29.578 (14) (am) of the statutes is amended to read:

29.578 (14) (am) The department may issue special retail deer sale permits authorizing a person to retail venison in the carcass from a deer lawfully killed under this section to any retailer of meats.

NOTE: Corrects error in transcribing 1991 Wis. Act 269.

**SECTION 52.** The amendment of 30.12 (4) (a) of the statutes by 1995 Wisconsin Act 201 is not repealed by 1995 Wisconsin Act 227. Both amendments stand.

NOTE: There is no conflict of substance.

**SECTION 53.** 30.16 (1) (a) of the statutes is amended to read:

30.16 (1) (a) *Removal.* The governing body of any municipality in this state may cause to be removed to a convenient and safe place any watercraft or float obstructing or interfering with the free navigation of any river, canal, water channel or slip within its harbor after having given reasonable notice to the master or owner or the agent of the master or owner, if known and a resident of this state, or to the person in charge thereof, to so remove such watercraft or float. The governing body of the municipality by ordinance or resolution may authorize any harbor master or other public officer over whom it has jurisdiction to remove such the obstruction, and may prescribe the officer’s duties with respect thereto and the mode of carrying them into effect and may prescribe penalties for violation of such ordinance or resolution.

NOTE: Corrects error in transcribing 1991 Wis. Act 316.

**SECTION 54.** The amendment of 30.202 (3) of the statutes by 1995 Wisconsin Act 201 is not repealed by 1995 Wisconsin Act 227. Both amendments stand.

NOTE: There is no conflict of substance.

**SECTION 55.** The amendment of 30.204 (5) of the statutes by 1995 Wisconsin Act 201 is not repealed by 1995 Wisconsin Act 227. Both amendments stand.

NOTE: There is no conflict of substance.

**SECTION 56.** 30.40 (7m) of the statutes, as created by 1995 Wisconsin Act 211, is amended to read:

30.40 (7m) “Nonmetallic mining” has the meaning given in s. ~~144.9407 (1) (a)~~ 295.11 (3).

NOTE: Inserts correct cross-reference. Section 144.9407 (1) (a) was renumbered to s. 295.11 (3) by 1995 Wis. Act 227.

**SECTION 57.** 30.44 (8) (a) of the statutes, as affected by 1995 Wisconsin Acts 201 and 211, is amended to read:

30.44 (8) (a) Except as provided under sub. (1) (f), a person shall apply for and be issued by the board a permit for an activity in subs. (1) to (5) for land in the riverway ~~59.692~~.

NOTE: Deletes text inserted by 1995 Wis. Act 201 which was rendered surplusage by the treatment by 1995 Wis. Act 211.

**SECTION 58.** 30.44 (8) (c) (intro.) of the statutes, as affected by 1995 Wisconsin Acts 201 and 211, is amended to read:

30.44 (8) (c) (intro.) The board may grant a waiver of a performance standard for an activity in sub. (1) (b) and issue a permit under par. (a) or may grant a waiver authorizing an activity prohibited under s. 30.45 (3) or (3m) for land in the riverway ~~59.692~~ if one of the following applies:

NOTE: The insertion of “59.692” by 1995 Wis. Act 201 was rendered surplusage by the treatment by 1995 Wis. Act 211.

**SECTION 59.** The treatment of 30.681 (1) (b) of the statutes by 1995 Wisconsin Act 290 is not repealed by 1995 Wisconsin Act 436. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 60.** The treatment of 30.681 (2) (b) of the statutes by 1995 Wisconsin Act 290 is not repealed by 1995 Wisconsin Act 436. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 61.** The treatment of 30.681 (2) (d) of the statutes by 1995 Wisconsin Act 290 is not repealed by 1995 Wisconsin Act 436. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 62.** 30.77 (3) (dm) 1. of the statutes, as created by 1995 Wisconsin Act 152, is amended to read:

30.77 (3) (dm) 1. In this paragraph, “local entity” means a city, village, town, county, qualified lake association, as defined in s. ~~144.253~~ 281.68 (1), nonprofit conservation organization, as defined in s. 23.0955 (1), town sanitary district, public inland lake protection and rehabilitation district or another local governmental unit, as defined in s. 66.299 (1) (a), that is established for the purpose of lake management.

NOTE: Inserts correct cross-reference. Section 144.253 was renumbered to s. 281.68 by 1995 Wis. Act 227.

**SECTION 63.** 33.32 (1) (f) of the statutes is amended to read:

33.32 (1) (f) An owner, mortgagee, lessee or other person having an interest in any parcel affected by the termination who feels aggrieved thereby, may, within 40

days after the date of mailing of notice, appeal therefrom to the circuit court of the county in which the district is located by causing a written notice of appeal to be served upon the secretary of the district. The secretary in case such appeal is taken shall make a brief statement of the proceedings had in the matter and shall transmit the same with all papers in the matter to the clerk of the circuit court. Such appeal shall be tried and determined in the same manner as cases originally commenced in said court.

NOTE: Removes comma added by 1991 Wis. Act 316. The comma was never shown in the printed statutes.

**SECTION 64.** 36.09 (1) (j) of the statutes is amended to read:

36.09 (1) (j) Except where such matters are a subject of bargaining with a certified representative of a collective bargaining unit under s. 111.91, the board shall establish salaries for persons not in the classified staff prior to July 1 of each year for the next fiscal year, and shall designate the effective dates for payment of the new salaries. In the first year of the biennium, payments of the salaries established for the preceding year shall be continued until the biennial budget bill is enacted. If the budget is enacted after July 1, payments shall be made following enactment of the budget to satisfy the obligations incurred on the effective dates, as designated by the board, for the new salaries, subject only to the appropriation of funds by the legislature and s. 20.928 (3). This paragraph does not limit the authority of the board to establish salaries for new appointments. The board may not increase the salaries of employes specified in ss. 20.923 (5) and (6) (m) and 230.08 (2) (d) under this paragraph unless the salary increase conforms to the proposal as approved under s. 230.12 (3) (e) or the board authorizes the salary increase to correct salary inequities under par. (h), to fund job reclassifications or promotions, or to recognize competitive factors. The board may not increase the salary of any position identified in s. 20.923 (4) (j) or (4m) under this paragraph unless the salary increase conforms to the compensation plan for executive salary group positions as approved under s. 230.12 (3) (b) or the board authorizes the salary increase to correct a salary inequity or to recognize competitive factors. The granting of salary increases to recognize competitive factors does not obligate inclusion of the annualized amount of the increases in the appropriations under s. 20.285 (1) for subsequent fiscal bienniums. No later than October 1 of each year, the board shall report to the joint committee on finance and the departments of administration and employment relations concerning the amounts of any salary increases granted to recognize competitive factors, and the institutions at which they are granted, for the 12-month period ending on the preceding June 30.

NOTE: Corrects error in transcribing 1987 Wis. Act 340.

**SECTION 65.** The treatments of 40.05 (4) (b) of the statutes by 1995 Wisconsin Act 27, sections 1957 and

1957r, are not repealed by 1995 Wisconsin Act 240. All treatments stand.

NOTE: There is no conflict of substance.

**SECTION 66.** The amendment of 40.08 (8) (b) of the statutes by 1995 Wisconsin Act 302 is not repealed by 1995 Wisconsin Act 414. Both amendments stand.

NOTE: There is no conflict of substance.

**SECTION 67.** The amendment of 40.08 (14) of the statutes by 1995 Wisconsin Act 302 is not repealed by 1995 Wisconsin Act 414. Both amendments stand.

NOTE: There is no conflict of substance.

**SECTION 68.** The amendment of 40.23 (1) (b) of the statutes by 1995 Wisconsin Act 302 is not repealed by 1995 Wisconsin Act 414. Both amendments stand.

NOTE: There is no conflict of substance.

**SECTION 69.** 45.74 (1) (c) of the statutes is amended to read:

45.74 (1) (c) The amount of \$45,000 for loan applications approved during the period beginning on, August 12, 1993, and ending on June 30, 1994.

NOTE: Deletes unnecessary comma.

**SECTION 70.** 46.10 (7) of the statutes is amended to read:

46.10 (7) The department shall administer and enforce this section. It shall appoint an attorney to be designated "collection and deportation counsel" and other necessary assistants. The department may delegate to ~~such~~ the collection and deportation counsel such other powers and duties as it ~~deems~~ considers advisable. The collection ~~of~~ and deportation counsel or any of the assistants may administer oaths, take affidavits and testimony, examine public records, subpoena witnesses and the production of books, papers, records, and documents material to any matter of proceeding relating to payments for the cost of maintenance. The department shall encourage agreements or settlements with the liable person, having due regard to ability to pay and the present needs of lawful dependents.

NOTE: Corrects error in transcribing 1991 Wis. Act 316 and modernizes language.

**SECTION 71.** 46.206 (1) (b) of the statutes, as affected by 1995 Wisconsin Act 77, is amended to read:

46.206 (1) (b) All records of the department and all county records relating to social services shall be open to inspection at all reasonable hours by authorized representatives of the federal government. Notwithstanding ss. 48.396 (2) and 938.396 (2), all county records relating to the administration of ~~such~~ the services and public assistance shall be open to inspection at all reasonable hours by authorized representatives of the department.

NOTE: 1995 Wis. Act 77 amended this section, as affected by 1995 Wis. Act 27. Act 27 changed "such" to "the". Act 77 reinserted "such" without strikes and underscores. No change was intended.

**SECTION 72.** The amendment of 46.215 (1m) of the statutes by 1995 Wisconsin Act 352 is not repealed by 1995 Wisconsin Act 417. Both amendments stand.



NOTE: There is no conflict of substance.

**SECTION 73.** 46.215 (2) (c) 1. of the statutes, as affected by 1995 Wisconsin Act 225, is amended to read:

46.215 (2) (c) 1. A county department of social services shall develop, under the requirements of s. 46.036, plans and contracts for care and services to be purchased, except for care and services under subch. III of ch. 49 or s. 301.08 (2). The department of health and family services may review the contracts and approve them if they are consistent with s. 46.036 and if state or federal funds are available for such purposes. The joint committee on finance may require the department of health and family services to submit the contracts to the committee for review and approval. The department of health and family services may not make any payments to a county for programs included in a contract under review by the committee. The department of health and family services shall reimburse each county for the contracts from the appropriations under s. 20.435 ~~(3)(oo)~~ and (7) (b) and (o) or under s. 20.435 ~~(3)~~ (ed), as appropriate, under s. 46.495.

NOTE: 1995 Wis. Act 27 repealed s. 20.435 (3) (cd) and (oo) effective 7-1-96.

**SECTION 74.** 46.22 (1) (b) 3. b. of the statutes, as created by 1995 Wisconsin Act 27, is amended to read:

46.22 (1) (b) 3. b. To make investigations which relate to programs under s. 49.046, 1993 stats., upon request by the department of health and family services.

NOTE: 1995 Wis. Act 27 repealed s. 49.046 effective 1-1-96.

**SECTION 75.** 46.22 (1) (c) 8. (intro.) of the statutes is amended to read:

46.22 (1) (c) 8. (intro.) To administer child welfare services including services to juveniles who are delinquent and to children who are mentally retarded, dependent, neglected, delinquent, or nonmarital, and to other children who are in need of such services. In administering child welfare services the county department of social services shall be governed by the following:

NOTE: Replaces "children" with "juveniles" for consistency of references to delinquents with language of ch. 938.

**SECTION 76.** 46.22 (1) (c) 8. c. of the statutes, as affected by 1995 Wisconsin Act 77, is amended to read:

46.22 (1) (c) 8. c. Upon the request of the judge assigned to exercise jurisdiction under chs. 48 and 938, the county department of social services shall investigate the home environment and other factors in the life of any child brought to the attention of the court for alleged dependency, or neglect, or any juvenile brought to the attention of the court for alleged delinquency, and to assume guidance and supervision of any child juvenile placed on probation by that court.

NOTE: Replaces "child" with "juvenile" for consistency of references to delinquents with language of ch. 938.

**SECTION 77.** The amendment of 46.22 (1) (dm) of the statutes by 1995 Wisconsin Act 352 is not repealed by 1995 Wisconsin Act 417. Both amendments stand.

NOTE: There is no conflict of substance.

**SECTION 78.** 46.22 (1) (e) 3. a. of the statutes, as affected by 1995 Wisconsin Act 27, is amended to read:

46.22 (1) (e) 3. a. A county department of social services shall develop, under the requirements of s. 46.036, plans and contracts for care and services, except under subch. III of ch. 49 and s. 301.08 (2), to be purchased. The department of health and family services may review the contracts and approve them if they are consistent with s. 46.036 and to the extent that state or federal funds are available for such purposes. The joint committee on finance may require the department of health and family services to submit the contracts to the committee for review and approval. The department of health and family services may not make any payments to a county for programs included in the contract that is under review by the committee. The department of health and family services shall reimburse each county for the contracts from the appropriations under s. 20.435 ~~(3)(oo)~~ and (7) (b) and (o) or under s. 20.435 ~~(3)~~ (ed), according to s. 46.495.

NOTE: 1995 Wis. Act 27 repealed s. 20.435 (3) (cd) and (oo) effective July 1, 1996.

**SECTION 79.** 46.28 (1) (am) 1. of the statutes, as affected by 1995 Wisconsin Act 77, is amended to read:

46.28 (1) (am) 1. A child juvenile adjudged delinquent for whom a case disposition is made under s. 938.34.

NOTE: Replaces "child" with "juvenile" for consistency of references with language of ch. 938.

**SECTION 80.** 46.28 (1) (am) 2. of the statutes, as affected by 1995 Wisconsin Act 77, is amended to read:

46.28 (1) (am) 2. A child found to be in need of protection or services for whom an order is made under s. 48.345 or a juvenile found to be in need of protection or services for whom an order is made under s. 938.345.

NOTE: Inserts reference to "juvenile" for consistency of references with language of ch. 938.

**SECTION 81.** 46.40 (1) (c) of the statutes, as created by 1995 Wisconsin Act 303, is amended to read:

46.40 (1) (c) The Milwaukee County department of social services shall report to the department in a manner specified by the department on all children under the supervision of the Milwaukee County department of social services who are placed in foster homes and whose foster parents receive funding for child care from the amounts distributed under par. (a) so that the department may claim federal foster care and adoption assistance reimbursement under 42 USC 670 to 679a for the amounts expended by the Milwaukee County department of social services for the provision of child care for those children. Notwithstanding s. 46.49, if the department receives any federal moneys under 42 USC ~~67 670~~ to 679a in reimbursement of the amounts expended by the Milwaukee County department of social services for the provision of child care for children in foster care in 1996 and 1997, the department shall distribute those federal moneys to the

Milwaukee County department of social services for the provision of child care for children in foster care.

NOTE: Inserts correct cross-reference.

**SECTION 82.** 46.979 (2) (a) of the statutes, as affected by 1995 Wisconsin Act 404, is renumbered 49.131 (2) (a) and amended to read:

49.131 (2) (a) From the appropriation under s. 20.445 (3) (md), distribute \$9,998,500 in fiscal year 1995–96 and \$10,099,200 in fiscal year 1996–97 for child day care services under s. 46.98 49.132 (2m) and (3).

NOTE: 1995 Wis. Act 404 renumbered the remainder of s. 46.979 to be s. 49.131 and renumbered s. 46.98 (2m) and (3) to be s. 49.132 (2m) and (3).

**SECTION 83.** 46.98 (2) (title) and (a) of the statutes, as affected by 1995 Wisconsin Act 404, are renumbered 49.132 (2) (title) and (a).

NOTE: 1995 Wis. Act 404 renumbered the remainder of s. 46.98 to be s. 49.132.

**SECTION 84.** 48.21 (3) (intro.) of the statutes, as affected by 1995 Wisconsin Act 77, is renumbered 48.21 (3) (ag).

NOTE: Makes a technical correction. This provision is not an introductory paragraph under the current statute numbering system.

**SECTION 85.** 48.21 (3) (a) of the statutes is renumbered 48.21 (3) (am).

NOTE: See the previous section of this bill.

**SECTION 86.** 48.21 (3) (e) of the statutes is amended to read:

48.21 (3) (e) If the parent, guardian or legal custodian or the child is not represented by counsel at the hearing and the child is continued in custody as a result of the hearing, the parent, guardian, legal custodian or child may request through counsel subsequently appointed or retained or through a guardian ad litem that the order to hold the child in custody be reheard. If the request is made, a rehearing shall take place as soon as ~~may be~~ possible. Any order to hold the child in custody shall be subject to rehearing for good cause, whether or not counsel was present.

NOTE: Deletes unnecessary language.

**SECTION 87.** 48.243 (2) of the statutes is renumbered 48.243 (4).

NOTE: Renumbers provision for more logical placement.

**SECTION 88.** 48.29 (3) of the statutes, as affected by 1995 Wisconsin Act 77, is amended to read:

48.29 (3) Subsections (1) ~~to~~ and (1m) do not apply in any proceeding under s. 48.375 (7). For proceedings under s. 48.375 (7), the minor may select the judge whom she wishes to be assigned to the proceeding and that judge shall be assigned to the proceeding.

NOTE: Inserts correct word.

**SECTION 89.** 48.297 (3) of the statutes, as affected by 1995 Wisconsin Act 77, is amended to read:

48.297 (3) Motions to suppress evidence as having been illegally seized or statements as having been illegally obtained shall be made before fact-finding on the issues. The court may entertain the motion at the fact-find-

ing hearing if it appears that a party is surprised by the attempt to introduce such evidence and that party waives jeopardy.

NOTE: Repeats phrase for better parallel construction.

**SECTION 90.** The amendment of 48.299 (6) of the statutes by 1995 Wisconsin Act 201 is not repealed by 1995 Wisconsin Act 275. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 91.** 48.299 (7) of the statutes, as created by 1995 Wisconsin Act 275, is amended to read:

48.299 (7) If a man who has been given notice under s. 48.27 (3) (b) 1. appears at any hearing for which he received the notice but does not allege that he is the father of the child and state that he wishes to establish the paternity of the child or if no man to whom such notice was given appears at a hearing, the court may refer the matter to the state or to the attorney responsible for support enforcement under s. ~~59.458 (1)~~ 59.53 (6) (a) for a determination, under s. 767.45, of whether an action should be brought for the purpose of determining the paternity of the child.

NOTE: 1995 Wis. Act 201 renumbered s. 59.458 (1) to s. 59.53 (6) (a).

**SECTION 92.** The treatment of 48.31 (4) of the statutes by 1995 Wisconsin Act 275 is not repealed by 1995 Wisconsin Act 448. All treatments stand.

NOTE: There is no conflict of substance.

**SECTION 93.** 48.357 (4m) of the statutes, as affected by 1995 Wisconsin Act 77, is repealed.

NOTE: Section 48.357 (4m) was inadvertently retained by 1995 Wis. Act 77. Section 48.357 (4m) relates to aftercare supervision under s. 48.357 (4), which was repealed by 1995 Wis. Act 77.

**SECTION 94.** 48.366 (1) (a) (intro.) of the statutes, as affected by 1995 Wisconsin Act 27, is amended to read:

48.366 (1) (a) (intro.) Subject to par. (c), if the person committed any crime specified under s. 940.01, 940.02, 940.05, 940.21 ~~or~~, 940.225 (1) (a) to (c), 948.03 or 948.04, is adjudged delinquent on that basis and is placed in a secured correctional facility under s. 48.34 (4m), 1993 stats., the court shall enter an order extending its jurisdiction as follows:

NOTE: Section 48.34 (4m) was repealed by 1995 Wis. Act 77.

**SECTION 95.** 48.38 (6) (intro.) of the statutes, as affected by 1995 Wisconsin Act 27, section 9126 (19), is amended to read:

48.38 (6) RULES. (intro.) The department ~~of health and family services~~ shall promulgate rules establishing the following:

NOTE: Effective July 1, 1996, s. 48.02 (4) defines “department” to mean the department of health and family services when used in ch. 48.

**SECTION 96.** 48.396 (2) (dm) of the statutes, as created by 1995 Wisconsin Act 275, is amended to read:

48.396 (2) (dm) Upon request of a court having jurisdiction over actions affecting the family, an attorney responsible for support enforcement under s. ~~59.458 (1)~~

59.53 (6) (a) or a party to a paternity proceeding under ss. 767.45 to 767.60, the party's attorney or the guardian ad litem for the child who is the subject of that proceeding to review or be provided with information from the records of the court assigned to exercise jurisdiction under this chapter and ch. 938 relating to the paternity of a child for the purpose of determining the paternity of the child or for the purpose of rebutting the presumption of paternity under s. 891.405 or 891.41, the court assigned to exercise jurisdiction under this chapter and ch. 938 shall open for inspection by the requester its records relating to the paternity of the child or disclose to the requester those records.

NOTE: 1995 Wis. Act 201 renumbered s. 59.458 (1) to s. 59.53 (6) (a).

**SECTION 97.** 48.415 (1) (title) and (a) to (h) of the statutes, as created by 1995 Wisconsin Act 225, are repealed.

NOTE: The treatment of s. 48.415 by 1995 Wis. Act 275 rendered s. 48.415 (1) (title) and (a) to (h), as created by 1995 Wis. Act 225, surplusage. Confirms the treatment of s. 48.415 by the revisor as shown in the printed statute volumes.

**SECTION 98.** 48.415 (1) (intro.) and (1m) of the statutes, as affected by 1995 Wisconsin Act 225, are renumbered 48.415 (intro.) and (1).

NOTE: Reconciles the treatment of s. 48.415 by 1995 Wis. Acts 225 and 275.

**SECTION 99.** 48.415 (9) (a) of the statutes, as affected by 1995 Wisconsin Act 275, is amended to read:

48.415 (9) (a) Parenthood as a result of sexual assault, which shall be established by proving that the child was conceived as a result of a sexual assault in violation of s. 940.225 (1), (2) or (3), 948.02 (1) or (2) or 948.025. Conception ~~final~~ as a result of sexual assault as specified in this paragraph may be proved by a final judgment of conviction or other evidence produced at a fact-finding hearing under s. 48.424 indicating that the person who may be the father of the child committed, during a possible time of conception, a sexual assault as specified in this paragraph against the mother of the child.

NOTE: As the result of an error in engrossing 1995 Wis. Act 275 "final" was inserted in the wrong location.

**SECTION 100.** 48.42 (4) (c) 3. of the statutes, as affected by 1995 Wisconsin Acts 225 and 275, is amended to read:

48.42 (4) (c) 3. That if the court terminates parental rights, a notice of intent to pursue relief from the judgment must be filed in the trial court within ~~45~~ 30 days after judgment is entered for the right to pursue such relief to be preserved.

NOTE: Reconciles the treatment of this provision by 1995 Wis. Acts 225 and 275, adopting the substantive amendment made by Act 275 over the nonsubstantive correction made by Act 225.

**SECTION 101.** 48.44 (1) of the statutes, as affected by 1995 Wisconsin Act 27, is amended to read:

48.44 (1) The court has jurisdiction over persons 17 years of age or older as provided under ss. 48.355 (4) and

48.45 and as otherwise specifically provided in this chapter.

NOTE: Adds "years of age" for clarity and consistency with current style.

**SECTION 102.** 48.45 (1) (a) of the statutes, as affected by 1995 Wisconsin Act 77, is amended to read:

48.45 (1) (a) If in the hearing of a case of a child alleged to be in a condition described in s. 48.13 it appears that any person 17 years of age or older has been guilty of contributing to, encouraging, or tending to cause by any act or omission, such condition of the child, the judge may make orders with respect to the conduct of such person in his or her relationship to the child, including orders determining the ability of the person to provide for the maintenance or care of the child and directing when, how and where funds for the maintenance or care shall be paid.

NOTE: Adds "years of age" for clarity and consistency with current style.

**SECTION 103.** 48.45 (3) of the statutes, as affected by 1995 Wisconsin Act 27, is amended to read:

48.45 (3) If it appears at a court hearing that any person 17 years of age or older has violated s. 948.40, the judge shall refer the record to the district attorney for criminal proceedings as may be warranted in the district attorney's judgment. This subsection does not prevent prosecution of violations of s. 948.40 without the prior reference by the judge to the district attorney, as in other criminal cases.

NOTE: Adds "years of age" for clarity and consistency with current style.

**SECTION 104.** 48.48 (intro.) of the statutes, as affected by 1995 Wisconsin Act 27, sections 2526 and 9126 (19), is amended to read:

**48.48 (title) Authority of department of health and family services.** (intro.) The department of ~~health and family services~~ shall have authority:

NOTE: Effective July 1, 1996, s. 48.02 (4) defines "department" to mean the department of health and family services when used in ch. 48.

**SECTION 105.** 48.55 of the statutes, as affected by 1995 Wisconsin Act 266, is amended to read:

**48.55 State adoption information exchange.** The department shall establish a state adoption information exchange for the purpose of finding adoptive homes for children with special needs who do not have permanent homes. The department shall adopt rules governing the adoption information exchange and, from the appropriation under s. 20.435 ~~(6)~~ (3) (dg), may provide not more than \$75,000 in each fiscal year as grants to individuals and private agencies for adoption information exchange services.

NOTE: 1995 Wis. Act 27 renumbered s. 20.435 (6) (dg) to s. 20.435 (3) (dg).

**SECTION 106.** 48.57 (3m) (am) 4. of the statutes, as created by 1995 Wisconsin Act 289, is amended to read:

48.57 (3m) (am) 4. The county department conducts a background investigation under sub. (3p) of the kinship

care relative, the ~~employee~~ any employe and prospective ~~employees~~ employe of the kinship care relative who have ~~has~~ or would have regular contact with the child for whom the payments would be made and any other adult resident of the kinship care relative's home to determine if the kinship care relative, employe, prospective employe or adult resident has any arrests or convictions that could adversely affect the child or the kinship care relative's ability to care for the child.

NOTE: Adds and amends language for internal consistency.

**SECTION 107.** 48.57 (3m) (b) 1. of the statutes, as created by 1995 Wisconsin Act 289, is amended to read:

48.57 (3m) (b) 1. The county department shall refer to the attorney responsible for support enforcement under s. 59.458 ~~(4)~~ 59.53 (6) (a) the name of the parent or parents of a child for whom a payment is made under par. (am).

NOTE: 1995 Wis. Act 201 renumbered s. 59.458 (1) to s. 59.53 (6) (a).

**SECTION 108.** 48.57 (3p) (c) 3. of the statutes, as created by 1995 Wisconsin Act 289, is amended to read:

48.57 (3p) (c) 3. Before a person ~~that~~ who is receiving payments under sub. (3m) may employ any person in a position in which that person would have regular contact with the child for whom those payments are being made or permit any person to be an adult resident, the county department, with the assistance of the department of justice, shall conduct a background investigation of the prospective employe or prospective adult resident unless that person has already been investigated under subd. 1. or 2.

NOTE: Inserts correct word.

**SECTION 109.** 48.57 (3p) (g) 1. of the statutes, as created by 1995 Wisconsin Act 289, is amended to read:

48.57 (3p) (g) 1. The person has been convicted of a violation of ch. ~~461~~ 961 that is punishable as a felony or of a violation of the law of any other state or federal law that would be a violation of ch. ~~461~~ 961 that is punishable as a felony if committed in this state.

NOTE: Inserts correct cross-references. Chapter 161 was renumbered to ch. 961 by 1995 Wis. Act 448.

**SECTION 110.** 48.57 (3p) (g) 2. of the statutes, as created by 1995 Wisconsin Act 289, is amended to read:

48.57 (3p) (g) 2. The person has had imposed on him or her a penalty specified in s. 939.62, 939.621, 939.63, 939.64, 939.641 or 939.645 or has been convicted of a violation of the law of any other state or federal law under circumstances under which the ~~applicant or other~~ person would be subject to a penalty specified in any of those sections if convicted in this state.

NOTE: Deletes unnecessary phrase. "Person" would include an applicant.

**SECTION 111.** 48.57 (3p) (g) 3. of the statutes, as created by 1995 Wisconsin Act 289, is amended to read:

48.57 (3p) (g) 3. The person has been convicted of a violation of ch. 940, 944 or 948, other than a violation of

s. 940.291, 940.34, 944.36, 948.45, 948.63 or 948.70, or of a violation of the law of any other state or federal law that would be a violation of ch. 940, 944 or 948, other than a violation of s. 940.291, 940.34, 944.36, 948.45, 948.63 or 948.70, if committed in this state, except that the county department may make payments to a person applying for payments under sub. (3m) and a person receiving payments under sub. (3m) may employ in a position in which the person would have regular contact with the child for whom those payments are being made or permit to be an adult resident a person who has been convicted of a violation of s. 944.30, 944.31 or 944.33 or of a violation of the law of any other state or federal law that would be a violation of s. 944.30, 944.31 or 944.33 if committed in this state, if that violation occurred 20 years or more before the date of the investigation.

NOTE: Amends provision consistent with the amendments to s. 48.57 (3m) and (3p) (g) (intro.) by 1995 Wis. Act 289 effective July 1, 1997.

**SECTION 112.** 48.65 (1m) (g) 1. of the statutes, as created by 1995 Wisconsin Act 289, is amended to read:

48.65 (1m) (g) 1. The person has been convicted of a violation of ch. ~~461~~ 961 that is punishable as a felony or of a violation of the law of any other state or federal law that would be a violation of ch. ~~461~~ 961 that is punishable as a felony if committed in this state.

NOTE: Inserts correct cross-references. Chapter 161 was renumbered to ch. 961 by 1995 Wis. Act 448.

**SECTION 113.** 48.651 (2) (g) 1. of the statutes, as created by 1995 Wisconsin Act 289, is amended to read:

48.651 (2) (g) 1. The person has been convicted of a violation of ch. ~~461~~ 961 that is punishable as a felony or of a violation of the law of any other state or federal law that would be a violation of ch. ~~461~~ 961 that is punishable as a felony if committed in this state.

NOTE: Inserts correct cross-references. Chapter 161 was renumbered to ch. 961 by 1995 Wis. Act 448.

**SECTION 114.** 48.675 (3) (intro.) of the statutes is amended to read:

48.675 (3) SUPPORT SERVICES. (intro.) The department shall provide funds from the appropriations appropriation under s. 20.435 ~~(3) (ho) and~~ (6) (a) to enable foster parents and treatment foster parents to attend education programs approved under sub. (2) and shall promulgate rules concerning disbursement of the funds. Moneys disbursed under this subsection may be used for the following purposes:

NOTE: 1995 Wis. Act 27 repealed s. 20.435 (3) (ho) effective 7-1-96.

**SECTION 115.** 48.92 (2) of the statutes is amended to read:

48.92 (2) After the order of adoption is entered the relationship of parent and child between the adopted person and the ~~adoptive~~ adopted person's birth parents, unless the birth parent is the spouse of the adoptive parent, shall be completely altered and all the rights, duties and other legal consequences of the relationship shall cease

to exist. Notwithstanding the extinction of all parental rights under this subsection, a court may order reasonable visitation under s. 48.925.

NOTE: Corrects error in transcribing 1991 Wis. Act 316.

**SECTION 116.** 48.977 (4) (cm) 2. of the statutes, as created by 1995 Wisconsin Act 275, is amended to read:

48.977 (4) (cm) 2. If the petition is not contested and if the court accepts the plea of no contest, the court may immediately proceed to a dispositional hearing under par. (f) (fm), unless an adjournment is requested. If a party requests an adjournment, the court shall set a date for the dispositional hearing which allows reasonable time for the parties to prepare but is no more than 30 days after the plea hearing.

NOTE: Inserts correct cross-reference. There is no s. 48.977 (4) (f). Dispositional hearings are under s. 48.977 (4) (fm).

**SECTION 117.** 48.977 (4) (cm) 3. of the statutes, as created by 1995 Wisconsin Act 275, is amended to read:

48.977 (4) (cm) 3. If the petition is contested or if the court does not accept the ~~plead~~ plea of no contest, the court shall set a date for a fact-finding hearing under par. (d) which allows reasonable time for the parties to prepare but is not more than 30 days after the plea hearing.

NOTE: Inserts correct word.

**SECTION 118.** 48.977 (4) (e) of the statutes, as created by 1995 Wisconsin Act 275, is amended to read:

48.977 (4) (e) *Court report.* The court shall order the person or agency primarily responsible for providing services to the child under a court order to file with the court a report containing the written summary under s. 48.38 (5) (e) and as much information relating to the appointment of a guardian as is reasonably ascertainable. The agency shall file the report at least 48 hours before the date of the dispositional hearing under par. (f) (fm).

NOTE: Inserts correct cross-reference. There is no s. 48.977 (4) (f). Dispositional hearings are under s. 48.977 (4) (fm).

**SECTION 119.** 49.025 (3) of the statutes is amended to read:

49.025 (3) **USE OF RELIEF BLOCK GRANT FUNDS.** A county may use moneys received as a relief block grant only for the purpose of providing health care services to dependent persons. ~~Notwithstanding s. 49.01 (2g), health care services may include treatment services for alcohol and other drug abuse.~~

NOTE: Deletes language inadvertently inserted into the wrong provision.

**SECTION 120.** 49.19 (11s) (d) of the statutes, as created by 1995 Wisconsin Act 12, is amended to read:

49.19 (11s) (d) From the appropriation under s. ~~20.435 (4) 20.445 (3)~~ (a), the department may award grants to county departments under ss. 46.215, 46.22 and 46.23 for providing family planning education services to persons who are subject to par. (b).

NOTE: 1995 Wis. Act 27 renumbered s. 20.435 (4) (a) to be s. 20.445 (3) (a) effective 7-1-96.

**SECTION 121.** 49.193 (3m) (c) of the statutes, as created by 1995 Wisconsin Act 12, is amended to read:

49.193 (3m) (c) The department may require any adult applicant for aid under s. 49.19 to attend one or more orientation sessions offered during the 30-day period beginning on the date that the caretaker relative applies for aid under s. 49.19. Orientation sessions offered under this paragraph shall emphasize self-sufficiency and shall encourage applicants to consider alternatives to aid under s. 49.19. The department may not require an applicant for aid who would be subject to the school attendance requirement under s. ~~49.50 (7) 49.26 (1)~~ (g) to attend an orientation session under this paragraph at a time that would conflict with school attendance.

NOTE: 1995 Wis. Act 27 renumbered s. 49.50 (7) (g) to be s. 49.26 (1) (g) eff. 7-1-96.

**SECTION 122.** 49.193 (3m) (d) of the statutes, as created by 1995 Wisconsin Act 12, is amended to read:

49.193 (3m) (d) The department may require any adult applicant for aid under s. 49.19 who is required to participate in the program under this section to participate in job search activities under this paragraph. The department may require participation in not more than 30 days of job search activities under this paragraph. The department may not require an applicant for aid who would be subject to the school attendance requirement under s. ~~49.50 (7) 49.26 (1)~~ (g) to participate in any job search activity under this paragraph at a time that would conflict with school attendance.

NOTE: 1995 Wis. Act 27 renumbered s. 49.50 (7) (g) to be s. 49.26 (1) (g) effective 7-1-96.

**SECTION 123.** 49.197 (3) of the statutes, as affected by 1995 Wisconsin Act 289, is amended to read:

49.197 (3) **STATE ERROR REDUCTION ACTIVITIES.** The department shall conduct activities to reduce payment errors in medical assistance under subch. IV, Wisconsin works under ss. 49.141 to 49.161, aid to families with dependent children under s. 49.19 and the food stamp program under 7 USC 2011 to 2029. The department shall fund the activities under this section from the appropriation under s. ~~20.445 (4) (3)~~ (L).

NOTE: The stricken "(4)" was inserted by 1995 Wis. Act 289 without being underscored and underscored "(3)" was deleted without being stricken. No change was intended.

**SECTION 124.** 49.27 (5) (d) of the statutes is amended to read:

49.27 (5) (d) *Participation requirements.* Within a 2-month period beginning on the work-not-welfare group's enrollment date, each member of the work-not-welfare group who is subject to the employment and training program described in this subsection shall participate in orientation activities under sub. (10) (d) 2. Beginning on the first day of the month following the completion of the orientation activities under sub. (10) (d) 2., each member of the work-not-welfare group who is subject to the employment and training program described in

this subsection is required to participate in the employment and training program for a specified number of hours each month. The number of hours of participation required shall be based on the amount of the monthly benefit determined under sub. (4) that is paid to the work-not-welfare group and on the number of persons in the work-not-welfare group who are subject to the the employment and training program described in this subsection. The department shall promulgate a rule specifying the manner in which the number of required hours is to be calculated. No person may be required to spend more than 40 hours per week participating in the employment and training program described under this subsection. The number of hours of participation required under this paragraph may not exceed the number of hours that a person is assigned under sub. (10) (d) 3. If the person needs child care services, the number of hours of participation required under this paragraph also may not exceed the number of hours for which child care is made available under sub. (10) (d) 3.

NOTE: Deletes repeated word.

**SECTION 125.** 49.32 (9) (a) of the statutes, as affected by 1995 Wisconsin Acts 289 and 361, is amended to read:

49.32 (9) (a) Each county department under s. 46.215, 46.22 or 46.23 administering aid to families with dependent children shall maintain a monthly report at its office showing the names of all persons receiving such aid together with the amount paid during the preceding month. Each Wisconsin works agency administering Wisconsin works under ss. 49.141 to 49.161 shall maintain a monthly report at its office showing the names and addresses of all persons receiving benefits under s. 49.148 together with the amount paid during the preceding month. Nothing in this paragraph shall be construed to authorize or require the disclosure in the report of any information (names, amounts of aid or otherwise) pertaining to adoptions, or aid furnished for the care of children in foster homes or treatment foster homes under s. ~~42.261~~ 46.261 or 49.19 (10).

NOTE: Inserts correct cross-reference.

**SECTION 126.** 49.32 (9) (b) of the statutes, as affected by 1995 Wisconsin Acts 289 and 361, is amended to read:

49.32 (9) (b) The report under par. (a) shall be open to public inspection at all times during regular office hours and may be destroyed after the next succeeding report becomes available. Any person, except any public officer, seeking permission to inspect such report shall be required to prove his or her identity and to sign a statement setting forth his or her address and the reasons for making the request and indicating that he or she understands the provisions of par. (c) with respect to the use of the information obtained. The use of a fictitious name is a violation of this section. ~~or Wisconsin works agency~~ Within 7 days after the record is inspected, or on the next regularly scheduled communication with that person, whichever is sooner, the department shall notify each

person whose name and amount of aid was inspected that the record was inspected and of the name and address of the person making such inspection. County departments under ss. 46.215 and 46.22 administering aid to families with dependent children may withhold the right to inspect the name of and amount paid to recipients from private individuals who are not inspecting this information for purposes related to public, educational, organizational, governmental or research purposes until the person whose record is to be inspected is notified by the county department, but in no case may the department withhold this information for more than 5 working days. The county department or Wisconsin works agency shall keep a record of such requests. The record shall indicate the name, address, employer and telephone number of the person making the request. If the person refuses to provide his or her name, address, employer and telephone number, the request to inspect this information may be denied.

NOTE: The stricken text was inserted by 1995 Wis. Act 289, but rendered surplusage by the treatment of this provision by 1995 Wis. Act 361.

**SECTION 127.** 49.37 (1) (a) of the statutes, as affected by 1995 Wisconsin Act 27, section 2277b, is amended to read:

49.37 (1) (a) A person who lives in either of the 2 areas is eligible to enter the project if he or she is at least 18 years of age and has a family income below 200% of the poverty line, as defined in s. ~~49.01 (6m)~~ 49.001 (5), for a family the size of the person's family.

NOTE: 1995 Wis. Act 27 renumbered s. 49.01 (6m) to be s. 49.001 (5) effective 7-1-96.

**SECTION 128.** 49.45 (6s) of the statutes, as affected by 1995 Wisconsin Act 27, section 7299, is amended to read:

49.45 (6s) SUPPLEMENTAL PAYMENTS TO COUNTY HOMES. Notwithstanding sub. (6m), the department shall, from the appropriation under s. 20.435 (1) (o), distribute not more than \$20,000,000 in fiscal year 1995-96 and not more than \$20,000,000 in fiscal year 1996-97, to provide supplemental payments for care to recipients of medical assistance provided in county homes established under s. ~~49.14~~ 49.70 (1), except that the department shall also distribute for this same purpose from the appropriation under s. 20.435 (1) (o) any additional federal medical assistance funds that were not anticipated before enactment of the biennial budget act or other legislation affecting s. 20.435 (1) (o), were not used to fund nursing home rate increases under sub. (6m) (ag) 8. and are matched by county funds under sub. (6u) (b) 2. and certified under sub. (6u) (b) 2m. The total amount certified under sub. (6u) (b) 2m. and under this subsection may not exceed 100% of otherwise-unreimbursed care.

NOTE: 1995 Wis. Act 27 renumbered s. 49.14 (1) to be s. 49.70 (1) effective 7-1-96.

**SECTION 129.** 49.453 (2) (a) 2. of the statutes is amended to read:

49.453 (2) (a) 2. For a level of care in a medical ~~insti-~~  
~~tutional~~ institution equivalent to that of a nursing facility.

NOTE: Corrects error in transcribing 1993 Wis. Act 437.

**SECTION 130.** The amendment of 49.46 (1) (a) 5. of the statutes by 1995 Wisconsin Act 77 is not repealed by 1995 Wisconsin Act 289. Both amendments stand.

NOTE: There is no conflict of substance.

**SECTION 131.** The amendment of 49.83 of the statutes by 1995 Wisconsin Acts 289 and 361 is not repealed by 1995 Wisconsin Act 404. All amendments stand.

NOTE: There is no conflict of substance.

**SECTION 132.** 49.855 (3) of the statutes, as affected by 1995 Wisconsin Act 404, section 53, is amended to read:

49.855 (3) Receipt of a certification by the department of revenue shall constitute a lien, equal to the amount certified, on any state tax refunds or credits owed to the obligor. The lien shall be foreclosed by the department of revenue as a setoff under s. 71.93 (3), (6) and (7). When the department of revenue determines that the obligor is otherwise entitled to a state tax refund or credit, it shall notify the obligor that the state intends to reduce any state tax refund or credit due the obligor by the amount the obligor is delinquent under the support or maintenance order, by the outstanding amount for past support, medical expenses or birth expenses under the court order or by the amount due under s. 46.10 (4). The notice shall provide that within 20 days the obligor may request a hearing before the circuit court rendering the order. Within 10 days after receiving a request for hearing under this subsection, the court shall set the matter for hearing. Pending further order by the court or family court commissioner, the clerk of circuit court or county support collection designee under s. ~~59.07 (97m)~~ 59.53 (5m) is prohibited from disbursing the obligor's state tax refund or credit. The family court commissioner may conduct the hearing. The sole issues at that hearing shall be whether the obligor owes the amount certified and, if not and it is a support or maintenance order, whether the money withheld from a tax refund or credit shall be paid to the obligor or held for future support or maintenance. An obligor may, within 20 days of receiving notice that the amount certified shall be withheld from his or her federal tax refund or credit, request a hearing under this subsection.

NOTE: Section 59.07 (97m) is renumbered s. 59.53 (5m) by this bill.

**SECTION 133.** 49.855 (4) of the statutes, as affected by 1997 Wisconsin Act 3, is amended to read:

49.855 (4) The department of revenue shall send that portion of any state or federal tax refunds or credits withheld for delinquent child support or maintenance or past support, medical expenses or birth expenses to the department of workforce development for distribution to the appropriate clerk of circuit court or county support collection designee under s. 59.53 (5m). The department of workforce development shall make a settlement at

least annually with the department of revenue and with each clerk of circuit court or county support collection designee under s. 59.53 (5m) who has certified a delinquent obligation or outstanding amount for past support, medical expenses or birth expenses. The settlement shall state the amounts certified, the amounts deducted from tax refunds and credits and returned to the clerk of circuit court or county support collection designee under s. 59.53 (5m) and the administrative costs incurred by the department of revenue. The department of workforce development may charge the county whose clerk of circuit court or county support collection designee under s. 59.53 (5m) certified the obligation or outstanding amount the related administrative costs incurred by the department of workforce development and the department of revenue.

NOTE: 1995 Wis. Act 404 inserted "county" without showing it underscored. The change is consistent with the remainder of this provision.

**SECTION 134.** 49.855 (4m) (b) of the statutes, as affected by 1995 Wisconsin Act 404, section 56, is amended to read:

49.855 (4m) (b) The department of revenue may provide a certification that it receives under sub. (2) or (2m) to the department of administration. Upon receipt of the certification, the department of administration shall determine whether the obligor is a vendor or is receiving any other payments from this state, except for wages, retirement benefits or assistance under s. 45.352, 1971 stats., s. 45.351 (1), this chapter or ch. 46 or 108. If the department of administration determines that the obligor is a vendor or is receiving payments from this state, except for wages, retirement benefits or assistance under s. 45.352, 1971 stats., s. 45.351 (1), this chapter or ch. 46 or 108, it shall begin to withhold the amount certified from those payments and shall notify the obligor that the state intends to reduce any payments due the obligor by the amount the obligor is delinquent under the support or maintenance order, by the outstanding amount for past support, medical expenses or birth expenses under the court order or by the amount due under s. 46.10 (4). The notice shall provide that within 20 days after receipt of the notice the obligor may request a hearing before the circuit court rendering the order. An obligor may, within 20 days after receiving notice, request a hearing under this paragraph. Within 10 days after receiving a request for hearing under this paragraph, the court shall set the matter for hearing. The family court commissioner may conduct the hearing. Pending further order by the court or family court commissioner, the clerk of circuit court or county support collection designee under s. ~~59.07 (97m)~~ 59.53 (5m) may not disburse the payments withheld from the obligor. The sole issues at the hearing are whether the obligor owes the amount certified and, if not and it is a support or maintenance order, whether the money with-

held shall be paid to the obligor or held for future support or maintenance.

NOTE: Section 59.07 (97m) is renumbered s. 59.53 (5m) by this bill.

**SECTION 135.** 49.855 (6) of the statutes, as affected by 1995 Wisconsin Act 201 and 1995 Wisconsin Act 404, section 58, is amended to read:

49.855 (6) If the state implements the child and spousal support and paternity program under s. 59.53 (5), the state may act under this section in place of the county designee under s. ~~59.07 (97)~~ 59.53 (5).

NOTE: Section 59.07 (97) was renumbered s. 59.53 (5) by 1995 Wis. Act 201.

**SECTION 136.** The amendment of 49.96 of the statutes by 1995 Wisconsin Act 201 is not repealed by 1995 Wisconsin Act 289. Both amendments stand.

NOTE: There is no conflict of substance.

**SECTION 137.** 50.05 (4) of the statutes is amended to read:

50.05 (4) APPOINTMENT OF RECEIVER. Only the secretary, represented by the department of justice, may apply for a court order appointing the secretary or the secretary's designee receiver of the facility. The secretary, as represented, may apply by verified petition to the circuit court for Dane county for the order. The court shall hold a hearing on the petition within 5 days of the filing of the petition. The petition and notice of the hearing shall be served on the operator, administrator or designated agent of the facility as provided under ch. 801 or shall be posted in a conspicuous place in the facility not later than 3 days before the time specified for the hearing, unless a different period is fixed by order of the court. Notwithstanding ss. 803.01 to 803.09 and 844.18, the only persons who may appear as a party at ~~the a~~ hearing under this subsection or sub. (5) are the secretary or the secretary's designee and the operator of the facility. The court shall appoint a receiver for a specified time period requested by the secretary up to 120 days, if it finds that any ground exists which would authorize the appointment of a receiver under sub. (2) and that appointment of a receiver will contribute to the continuity of care or the orderly and safe transfer of residents in the facility. The court may extend the period of receivership in 30-day increments only on the petition of the department and if the court finds that the department has been unable to transfer all of the residents to another suitable location or the department has determined that it is necessary for the receivership to be extended for the continued health, safety and welfare of the residents. Notwithstanding s. 808.03 (1), any order issued at the hearing on the petition for receivership under this subsection or sub. (5) or at a subsequent hearing concerning matters arising under the receivership or concerning termination of the receivership under sub. (14) may be appealed as a matter of right.

NOTE: Corrects error in transcribing 1989 Wis. Act 31.

**SECTION 138.** 50.135 (3) of the statutes is amended to read:

50.135 (3) EXEMPTION. The inpatient health care facilities under ss. 45.365, 48.62, 51.05, 51.06, 233.40, 233.41, 233.42 and 252.10 ~~and ch. 142~~ are exempt from this section.

NOTE: 1995 Wis. Act 27 renumbered ch. 142 to be ss. 233.40 to 233.42 effective 6-29-96.

**SECTION 139.** The amendment of 51.13 (4) (a) of the statutes by 1995 Wisconsin Act 77 is not repealed by 1995 Wisconsin Act 225. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 140.** 51.15 (1) (a) (intro.) of the statutes, as affected by 1995 Wisconsin Act 77 and 1995 Wisconsin Act 292, section 4, is amended to read:

51.15 (1) (a) (intro.) A law enforcement officer or other person authorized to take a child into custody under ch. 48 or to take a juvenile into custody under ch. 938 may take an individual into custody if the officer or person has cause to believe that such individual is mentally ill or, except as provided in subd. 5., is drug dependent or developmentally disabled, and that the individual evidences any of the following:

NOTE: Reconciles the treatment of this provision by 1995 Wis. Act 292 and the repeal and recreation of this provision by 1995 Wis. Act 77.

**SECTION 141.** 51.15 (1) (a) (intro.) of the statutes, as affected by 1995 Wisconsin Act 292, section 5, and 1997 Wisconsin Act ... (this act), is repealed and recreated to read:

51.15 (1) (a) (intro.) A law enforcement officer or other person authorized to take a child into custody under ch. 48 or to take a juvenile into custody under ch. 938 may take an individual into custody if the officer or person has cause to believe that such individual is mentally ill, drug dependent or developmentally disabled, and that the individual evidences any of the following:

NOTE: Reconciles the treatment of this provision by 1995 Wis. Act 292 and the repeal and recreation of this provision by 1995 Wis. Act 77.

**SECTION 142.** 51.15 (2) (intro.) of the statutes, as affected by 1995 Wisconsin Acts 175 and 292, is amended to read:

51.15 (2) FACILITIES FOR DETENTION. (intro.) The law enforcement officer or other person authorized to take a child into custody under ch. 48 or to take a juvenile into custody under ch. 938 shall transport the individual, or cause him or her to be transported, for detention and for evaluation, diagnosis and treatment if permitted under sub. (8) to any of the following facilities:

NOTE: Reconciles the treatment of this provision by 1995 Wis. Acts 175 and 292 with the creation of ch. 938 by 1995 Wis. Act 77.

**SECTION 143.** 51.15 (4) (a) of the statutes, as affected by 1995 Wisconsin Act 292, section 11, is amended to read:

51.15 (4) (a) In counties having a population of 500,000 or more, the law enforcement officer or other person authorized to take a child into custody under ch. 48 or to take a juvenile into custody under ch. 938 shall



sign a statement of emergency detention which shall provide detailed specific information concerning the recent overt act, attempt or threat to act or omission on which the belief under sub. (1) is based and the names of the persons observing or reporting the recent overt act, attempt or threat to act or omission. The law enforcement officer or other person is not required to designate in the statement whether the subject individual is mentally ill, developmentally disabled or drug dependent, but shall allege that he or she has cause to believe that the individual evidences one or more of these conditions if sub. (1) (a) 1., 2., 3. or 4. is believed or mental illness, if sub. (1) (a) 5. is believed. The law enforcement officer or other person shall deliver, or cause to be delivered, the statement to the detention facility upon the delivery of the individual to it.

NOTE: Reconciles the treatment of this provision by 1995 Wis. Act 292 with the creation of ch. 938 by 1995 Wis. Act 77.

**SECTION 144.** 51.15 (4) (a) of the statutes, as affected by 1995 Wisconsin Act 292, section 12, and 1997 Wisconsin Act ... (this act), is repealed and recreated to read:

51.15 (4) (a) In counties having a population of 500,000 or more, the law enforcement officer or other person authorized to take a child into custody under ch. 48 or to take a juvenile into custody under ch. 938 shall sign a statement of emergency detention which shall provide detailed specific information concerning the recent overt act, attempt or threat to act or omission on which the belief under sub. (1) is based and the names of the persons observing or reporting the recent overt act, attempt or threat to act or omission. The law enforcement officer or other person is not required to designate in the statement whether the subject individual is mentally ill, developmentally disabled or drug dependent, but shall allege that he or she has cause to believe that the individual evidences one or more of these conditions if sub. (1) (a) 1., 2., 3. or 4. is believed or mental illness, if sub. (1) (a) 5. is believed. The law enforcement officer or other person shall deliver, or cause to be delivered, the statement to the detention facility upon the delivery of the individual to it.

NOTE: Reconciles the treatment of this provision by 1995 Wis. Act 292 with the creation of ch. 938 by 1995 Wis. Act 77.

**SECTION 145.** The amendment of 51.15 (4) (b) of the statutes by 1995 Wisconsin Act 175 is not repealed by 1995 Wisconsin Act 292. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 146.** 51.15 (5) of the statutes, as affected by 1995 Wisconsin Act 292, section 13, is amended to read:

51.15 (5) DETENTION PROCEDURE; OTHER COUNTIES. In counties having a population of less than 500,000, the law enforcement officer or other person authorized to take a child into custody under ch. 48 or to take a juvenile into custody under ch. 938 shall sign a statement of emergency detention which shall provide detailed specific information concerning the recent overt act, attempt or threat to act or omission on which the belief under sub. (1) is based and the names of persons observing or report-

ing the recent overt act, attempt or threat to act or omission. The law enforcement officer or other person is not required to designate in the statement whether the subject individual is mentally ill, developmentally disabled or drug dependent, but shall allege that he or she has cause to believe that the individual evidences one or more of these conditions if sub. (1) (a) 1., 2., 3. or 4. is believed or mental illness, if sub. (1) (a) 5. is believed. The statement of emergency detention shall be filed by the officer or other person with the detention facility at the time of admission, and with the court immediately thereafter. The filing of the statement has the same effect as a petition for commitment under s. 51.20. When, upon the advice of the treatment staff, the director of a facility specified in sub. (2) determines that the grounds for detention no longer exist, he or she shall discharge the individual detained under this section. Unless a hearing is held under s. 51.20 (7) or 55.06 (11) (b), the subject individual may not be detained by the law enforcement officer or other person and the facility for more than a total of 72 hours, exclusive of Saturdays, Sundays and legal holidays.

NOTE: Reconciles the treatment of this provision by 1995 Wis. Act 292 with the creation of ch. 938 by 1995 Wis. Act 77.

**SECTION 147.** 51.15 (5) of the statutes, as affected by 1995 Wisconsin Act 292, section 14, is amended to read:

51.15 (5) DETENTION PROCEDURE; OTHER COUNTIES. In counties having a population of less than 500,000, the law enforcement officer or other person authorized to take a child into custody under ch. 48 or to take a juvenile into custody under ch. 938 shall sign a statement of emergency detention which shall provide detailed specific information concerning the recent overt act, attempt or threat to act or omission on which the belief under sub. (1) is based and the names of persons observing or reporting the recent overt act, attempt or threat to act or omission. The law enforcement officer is not required to designate in the statement whether the subject individual is mentally ill, developmentally disabled or drug dependent, but shall allege that he or she has cause to believe that the individual evidences one or more of these conditions. The statement of emergency detention shall be filed by the officer or other person with the detention facility at the time of admission, and with the court immediately thereafter. The filing of the statement has the same effect as a petition for commitment under s. 51.20. When, upon the advice of the treatment staff, the director of a facility specified in sub. (2) determines that the grounds for detention no longer exist, he or she shall discharge the individual detained under this section. Unless a hearing is held under s. 51.20 (7) or 55.06 (11) (b), the subject individual may not be detained by the law enforcement officer and the facility for more than a total of 72 hours, exclusive of Saturdays, Sundays and legal holidays.

NOTE: Reconciles the treatment of this provision by 1995 Wis. Act 292 with the creation of ch. 938 by 1995 Wis. Act 77.

**SECTION 148.** 51.20 (1) (a) 2. b. of the statutes, as affected by 1995 Wisconsin Act 77, is amended to read:

51.20 (1) (a) 2. b. Evidences a substantial probability of physical harm to other individuals as manifested by evidence of recent homicidal or other violent behavior, or by evidence that others are placed in reasonable fear of violent behavior and serious physical harm to them, as evidenced by a recent overt act, attempt or threat to do serious physical harm. In this subd. 2. b., if the petition is filed under a court order under s. 938.30 (5) (c) 1. or (d) 1., a finding by the court exercising jurisdiction under chs. 48 and 938 that the ~~child~~ juvenile committed the act or acts alleged in the petition under s. 938.12 or 938.13 (12) may be used to prove that the ~~child~~ juvenile exhibited recent homicidal or other violent behavior or committed a recent overt act, attempt or threat to do serious physical harm.

NOTE: Replaces "child" with "juvenile" for consistency of references with language of ch. 938.

**SECTION 149.** 51.20 (7) (d) of the statutes, as affected by 1995 Wisconsin Act 268, and 1995 Wisconsin Act 292, section 22, and 1997 Wisconsin Act .... (this act), is repealed and recreated to read:

51.20 (7) (d) If the court determines after hearing that there is probable cause to believe that the subject individual is a fit subject for guardianship and protective placement or services, the court may, without further notice, appoint a temporary guardian for the subject individual and order temporary protective placement or services under ch. 55 for a period not to exceed 30 days, and shall proceed as if petition had been made for guardianship and protective placement or services. If the court orders only temporary protective services for a subject individual under this paragraph, the individual shall be provided care only on an outpatient basis. The court may order psychotropic medication as a temporary protective service under this paragraph if it finds that there is probable cause to believe that the allegations under s. 880.07 (1m) (c) and (cm) apply, that the individual is not competent to refuse psychotropic medication and that the medication ordered will have therapeutic value and will not unreasonably impair the ability of the individual to prepare for and participate in subsequent legal proceedings. An individual is not competent to refuse psychotropic medication if, because of chronic mental illness, and after the advantages and disadvantages of and alternatives to accepting the particular psychotropic medication have been explained to the individual, one of the following is true:

1. The individual is incapable of expressing an understanding of the advantages and disadvantages of accepting treatment and the alternatives.
2. The individual is substantially incapable of applying an understanding of the advantages, disadvantages and alternatives to his or her chronic mental illness in or-

der to make an informed choice as to whether to accept or refuse psychotropic medication.

NOTE: 1995 Wis. Act 292, section 22, repeals and recreates this provision effective December 1, 2001, to return it to the way it read prior to the treatment by Act 292, section 21. Act 292, however, did not take into account the treatment of this provision by 1995 Wis. Act 268. This treatment returns the provision to its pre-Act 292 status, as affected by Act 268, effective December 1, 2001. See also the next 2 sections of this bill.

**SECTION 150.** 51.20 (7) (d) (intro.) and 1. of the statutes, as affected by 1995 Wisconsin Act 268 and 1995 Wisconsin Act 292, section 21, are renumbered 51.20 (7) (d) 1. (intro.) and a.

NOTE: This section and the next section of this bill reconcile the treatment of s. 51.20 (7) (d) by 1995 Wis. Act 268 and 1995 Wis. Act 292, section 21.

**SECTION 151.** 51.20 (7) (d) 2. of the statutes, as affected by 1995 Wisconsin Act 268 and 1995 Wisconsin Act 292, section 21, is renumbered 51.20 (7) (d) 1. b. and amended to read:

51.20 (7) (d) 1. b. The individual is substantially incapable of applying an understanding of the advantages, disadvantages and alternatives to his or her chronic mental illness in order to make an informed choice as to whether to accept or refuse psychotropic medication.

2. A finding by the court that there is probable cause to believe that the subject individual meets the commitment standard under sub. (1) (a) 2. e. constitutes a finding that the individual is not competent to refuse medication or treatment under this paragraph.

NOTE: This section and the previous section of this bill reconcile the treatment of s. 51.20 (7) (d) by 1995 Wis. Act 268 and 1995 Wis. Act 292, section 21.

**SECTION 152.** 51.30 (1) (am) of the statutes, as affected by 1995 Wisconsin Act 169, is renumbered 51.62 (1) (am).

NOTE: This provision was previously numbered s. 51.62 (1) (a) and was inadvertently renumbered to s. 51.30 (1) (am) by 1995 Wisconsin Act 169. The intended result was to renumber it to be s. 51.62 (1) (am).

**SECTION 153.** 51.35 (3) (title) of the statutes, as affected by 1995 Wisconsin Act 77, is amended to read:

51.35 (3) (title) TRANSFER OF CERTAIN CHILDREN JUVENILES FROM JUVENILE CORRECTIONAL FACILITIES AND SECURED CHILD CARING INSTITUTIONS.

NOTE: Replaces "children" with "juveniles" for consistency of references with language of ch. 938.

**SECTION 154.** The amendment of 51.35 (3) (c) of the statutes by 1995 Wisconsin Act 77 is not repealed by 1995 Wisconsin Act 292, section 27. All treatments stand.

NOTE: There is no conflict of substance.

**SECTION 155.** The amendment of 51.35 (3) (e) of the statutes by 1995 Wisconsin Act 77 is not repealed by 1995 Wisconsin Act 292, section 27. All treatments stand.

NOTE: There is no conflict of substance.

**SECTION 156.** 51.437 (4m) (m) of the statutes, as affected by 1995 Wisconsin Act 201, is amended to read:

51.437 (4m) (m) If the county board of supervisors establishes an integrated service program for children with severe disabilities under s. 59.53 (7), participate in an integrated service program for children with severe disabilities under s. ~~59.07 (147)~~ 59.53 (7), including entering into any written interagency agreements or contracts.

NOTE: 1995 Wis. Act 201 renumbered s. 59.07 (147) to s. 59.53 (7).

**SECTION 157.** The amendment of 51.437 (4r) (b) of the statutes by 1995 Wisconsin Act 352 is not repealed by 1995 Wisconsin Act 417. Both amendments stand.

NOTE: There is no conflict of substance.

**SECTION 158.** 51.437 (4rm) (a) of the statutes, as affected by 1995 Wisconsin Act 27, sections 3266m and 9126 (19), and 1995 Wisconsin Act 77, is amended to read:

51.437 (4rm) (a) A county department of developmental disabilities services shall authorize all care of any patient in a state, local or private facility under a contractual agreement between the county department of developmental disabilities services and the facility, unless the county department of developmental disabilities services governs the facility. The need for inpatient care shall be determined by the program director or designee in consultation with and upon the recommendation of a licensed physician trained in psychiatry and employed by the county department of developmental disabilities services or its contract agency prior to the admission of a patient to the facility except in the case of emergency services. In cases of emergency, a facility under contract with any county department of developmental disabilities services shall charge the county department of developmental disabilities services having jurisdiction in the county where the individual receiving care is found. The county department of developmental disabilities services shall reimburse the facility for the actual cost of all authorized care and services less applicable collections under s. 46.036, unless the department of health and family services determines that a charge is administratively infeasible, or unless the department of health and family services, after individual review, determines that the charge is not attributable to the cost of basic care and services. The exclusionary provisions of s. 46.03 (18) do not apply to direct and indirect costs which are attributable to care and treatment of the client. County departments of developmental disabilities services may not reimburse any state institution or receive credit for collections for care received therein by nonresidents of this state, interstate compact clients, transfers under s. 51.35 (3) (a), commitments under s. 975.01, 1977 stats., or s. 975.02, 1977 stats., or s. 971.14, 971.17 or 975.06, admissions under s. 975.17, 1977 stats., or children placed in the guardianship of the department of health and family services un-

der s. 48.427 or 48.43 or juveniles under the supervision of the department of corrections under s. 938.183 (2) or 938.355.

NOTE: Inserts "juveniles" for consistency of references with language of ch. 938.

**SECTION 159.** 51.45 (11) (bm) of the statutes, as affected by 1995 Wisconsin Act 77, is amended to read:

51.45 (11) (bm) If the person who appears to be incapacitated by alcohol under par. (b) is a minor, either a law enforcement officer or a person authorized to take a child into custody under ch. 48 or to take a juvenile into custody under ch. 938 may take the minor into custody as provided in par. (b).

NOTE: Inserts reference to "juvenile" for consistency of references with language of ch. 938.

**SECTION 160.** 51.62 (1) (ag) (a) to (c) of the statutes, as created by 1995 Wisconsin Act 169, are renumbered 51.62 (1) (ag) 1. to 3.

NOTE: Corrects numbering consistent with current style.

**SECTION 161.** 59.05 (2) of the statutes, as affected by 1995 Wisconsin Act 201, section 247, is amended to read:

59.05 (2) If two-fifths of the legal voters of any county, to be determined by the registration or poll lists of the last previous general election held in the county, the names of which voters shall appear on some one of the registration or poll lists of such election, present to the board a petition conforming to the requirements of s. 8.40 asking for a change of the county seat to some other place designated in the petition, the board shall submit the question of removal of the county seat to a vote of the qualified voters of the county. The election shall be held only on the day of the general election, notice of the election shall be given and the election shall be conducted as in the case of the election of officers on that day, and the votes shall be canvassed, certified and returned in the same manner as other votes at that election. The question to be submitted shall be "Shall the county seat of .... county be removed to ....?"

NOTE: Inserts "for" to improve clarity and readability. Inserts a question mark for correct punctuation. Deletes unnecessary word.

**SECTION 162.** The amendment of 59.07 (1) of the statutes, as renumbered, by 1995 Wisconsin Act 158, section 8, is not repealed by 1995 Wisconsin Act 201, section 426. Both treatments stand.

NOTE: There is no conflict of substance. This provision was renumbered s. 59.07 (1) by 1995 Wis. Act 201.

**SECTION 163.** 59.07 (97m) of the statutes, as created by 1995 Wisconsin Act 279, is renumbered 59.53 (5m), and 59.53 (5m) (b) 2., as renumbered, is amended to read:

59.53 (5m) (b) 2. Cooperate with the department of health and family services with respect to the child and spousal support and establishment of paternity and medical liability support program under sub. ~~(97)~~ (5) and s. ~~46.25~~ 49.22, and provide that department with any infor-

mation from the record under subd. 1. that it requires to administer that program.

NOTE: 1995 Wis. Act 279 created s. 59.07 (97m) to follow s. 59.07 (97). 1995 Wis. Act 201 renumbered s. 59.07 (97) to be s. 59.53 (5). This renumbering carries out the original intent of Act 279. The cross-references are amended to reflect renumbering by Act 201 and 1995 Wis. Act 404.

**SECTION 164.** The treatment of 59.08 (6) of the statutes, as renumbered, by 1995 Wisconsin Act 201, section 481, is not repealed by 1995 Wisconsin Act 225, section 176. Both treatments stand.

NOTE: There is no conflict of substance. This provision is renumbered to s. 59.08 (6) by 1995 Wis. Act 201.

**SECTION 165.** 59.08 (7) (a) of the statutes, as affected by 1995 Wisconsin Act 201, section 482, and 1995 Wisconsin Act 225, section 177, is amended to read:

59.08 (7) (a) When publication of the consolidation agreement in each of the counties included in the agreement is completed, ~~judges courts~~ the judges of the circuit courts of those counties shall, by order entered of record in each of the counties, require the clerks of each of the counties to submit the question of the consolidation of the counties to a vote of the qualified electors of the counties.

NOTE: Reconciles the treatment of this provision by 1995 Wis. Acts 201 and 225.

**SECTION 166.** 59.08 (10) of the statutes, as affected by 1995 Wisconsin Act 201, section 483, and 1995 Wisconsin Act 225, section 178, is amended to read:

59.08 (10) If a majority of the votes cast in each county upon the question of consolidation are in favor of the consolidation of the counties, the judge of the circuit ~~courts for those counties~~ court shall enter ~~the~~ that fact of record in each county. If in any one of the counties less than a majority of the votes cast upon the question of consolidation are in favor of the proposed consolidation, the consolidation shall be declared to have failed for all purposes. If a majority of the votes cast upon the question of consolidation in any county are opposed to consolidation, the question of consolidation shall not be again submitted to the electors of ~~the~~ that county for a period of 2 years.

NOTE: Reconciles the treatment of this provision by 1995 Wis. Acts 201 and 225.

**SECTION 167.** 59.10 (2) (b) of the statutes, as affected by 1995 Wisconsin Act 201, section 100, is amended to read:

59.10 (2) (b) *Election; term.* Supervisors shall be elected for 4-year terms ~~of~~ at the election to be held on the first Tuesday in April next preceding the expiration of their respective terms, and shall take office on the 3rd Monday in April following their election.

NOTE: The treatment of this provision by 1995 Wis. Act 201 rendered "of" surplusage.

**SECTION 168.** The treatment of 59.15 of the statutes, as renumbered, by 1995 Wisconsin Act 201, section 246, is not repealed by 1995 Wisconsin Act 225, section 136. Both treatments stand.

NOTE: There is no conflict of substance. This provision was renumbered to s. 59.15 by 1995 Wis. Act 201.

**SECTION 169.** 59.20 (3) (b) of the statutes, as affected by 1995 Wisconsin Act 201, section 251, and 1995 Wisconsin Act 225, section 145, is amended to read:

59.20 (3) (b) If any officer described in ~~sub. (1) par. (a)~~ (a) neglects or refuses to comply with any of the provisions of this subsection, the officer shall forfeit \$5 for each day that the noncompliance continues. Actions for the collection of a forfeiture under this ~~subsection~~ paragraph may be brought upon the complaint of the district attorney of the proper county or of any party aggrieved by the officer's refusal or neglect.

NOTE: Reconciles cross-references inserted by 1995 Wis. Act 225 with the renumbering of this provision by 1995 Wis. Act 201.

**SECTION 170.** 59.21 (1) (c) of the statutes, as affected by 1995 Wisconsin Act 201, section 250, and 1995 Wisconsin Act 225, section 138, is amended to read:

59.21 (1) (c) Sheriff, not less than ~~\$\$~~ \$5,000 nor more than \$25,000, with not less than 3 sureties.

NOTE: 1995 Wis. Acts 201 and 225 both replaced the word form of numbers with digits in this provision. Act 201 inserted \$5 to replace "five"; and Act 225 inserted \$5,000 to replace "five" — "\$5,000" was intended.

**SECTION 171.** The treatment of 59.21 (2) of the statutes, as renumbered, by 1995 Wisconsin Act 201, section 250, is not repealed by 1995 Wisconsin Act 225, section 142. Both treatments stand.

NOTE: There is no conflict of substance. This provision was renumbered to s. 59.21 (2) by 1995 Wis. Act 201.

**SECTION 172.** The treatment of 59.21 (3) of the statutes, as renumbered, by 1995 Wisconsin Act 201, section 250, is not repealed by 1995 Wisconsin Act 225, section 143. Both treatments stand.

NOTE: There is no conflict of substance. This provision was renumbered to s. 59.21 (3) by 1995 Wis. Act 201.

**SECTION 173.** The treatment of 59.22 (1) (a) 1. of the statutes, as renumbered, by 1995 Wisconsin Act 201, section 258, is not repealed by 1995 Wisconsin Act 225, section 146. Both treatments stand.

NOTE: There is no conflict of substance. This provision was renumbered to s. 59.22 (1) (a) 1. by 1995 Wis. Act 201.

**SECTION 174.** 59.24 of the statutes, as affected by 1995 Wisconsin Act 201, section 265, is amended to read:

**59.24 Clerks of counties containing state institutions to make claims in certain cases.** The clerk of any county which is entitled to reimbursement under s. 16.51 (7) shall make a certified claim against the state, without direction from the board, in all cases where the reimbursement is directed in s. 16.51 (7), upon forms prescribed by the department of administration. The forms shall contain information required by the clerk and shall be filed annually with the department of corrections on or before June 1. If the claims are approved by the department of corrections, they shall be certified to the department of administration and paid from the appropriation

made by s. 20.410 (1) (c), if the claim is for reimbursement of expenses involving a prisoner in a state prison named in s. 302.01, or from the appropriation under s. 20.410 (3) (c), if the claim is for reimbursement of expenses involving a ~~child~~ juvenile in a secured correctional facility, as defined in s. 938.02 (15m).

NOTE: Replaces "child" with "juvenile" for consistency of references with language of ch. 938.

**SECTION 175.** 59.25 (3) (c) of the statutes, as affected by 1995 Wisconsin Act 201, section 269, and 1995 Wisconsin Act 225, section 151, is amended to read:

59.25 (3) (c) Pay all county orders described in ~~sub. (2) par. (b)~~ in the order of time in which they are presented for payment; but where 2 or more are presented at the same time, give precedence to the order of the oldest date, but the treasurer shall receive of municipal treasurers all county orders issued in the county, which the ~~town, city and village~~ municipal treasurers may present in payment of county taxes, to the amount of the county taxes actually collected by any municipal ~~the town, city or village~~ treasurer in the year for which the orders are offered in payment, which amount shall be determined by the affidavit of the municipal ~~town, city and village~~ treasurer.

NOTE: Reconciles the treatment of this provision by 1995 Wis. Acts 201 and 225.

**SECTION 176.** The treatment of 59.25 (3) (e) of the statutes, as renumbered, by 1995 Wisconsin Act 201, section 269, is not repealed by 1995 Wisconsin Act 408, section 1. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 177.** The treatments of 59.25 (3) (f) 2. of the statutes, as renumbered, by 1995 Wisconsin Act 201, section 269, and 1995 Wisconsin Act 227, section 202, are not repealed by 1995 Wisconsin Act 448, section 60. All treatments stand.

NOTE: There is no conflict of substance. This provision was renumbered to s. 59.25 (3) (f) 2. by 1995 Wisconsin Act 201.

**SECTION 178.** 59.25 (3) (i) of the statutes, as affected by 1995 Wisconsin Act 201, section 269, and 1995 Wisconsin Act 225, section 153, is amended to read:

59.25 (3) (i) Make annually, on the 3rd Monday of March, a certified statement, and forward ~~it~~ the statement to each municipal clerk in the county, showing the amount of money paid from the county treasury during the year next preceding to each municipal treasurer in the county. The statement shall specify the date of each payment, the amount thereof and the account upon which the payment was made. It shall be unlawful for any county treasurer to pay to the treasurer of any town any money in the hands of the county treasurer belonging to the town from the 3rd Monday of March until 10 days after the annual town meeting except upon the written order of the town board.

NOTE: Reconciles the treatment of this provision by 1995 Wis. Acts 201 and 225.

**SECTION 179.** 59.27 (5) of the statutes, as affected by 1995 Wisconsin Act 201, section 276, is amended to read:

59.27 (5) Deliver on demand to the sheriff's successor in office, when the sheriff's successor has qualified according to law, the jail and other property of the county and all prisoners in the jail, and all books, records, writs, processes, orders and other papers belonging to the sheriff's office and in the possession of the sheriff, undersheriff, jailer or deputies, except as provided in s. 59.33, and upon the delivery of these items the successor in office shall execute a receipt to the sheriff therefor.

NOTE: Through an error in transcribing 1991 Wis. Act 316, "a receipt" was inadvertently deleted. This language was included in 1995 Wis. Act 201. It is underscored in this bill to confirm that its presence is correct. 1995 Wis. Act 201 deleted "therefor" without showing it as stricken. A change was not intended.

**SECTION 180.** 59.29 (2) (a) of the statutes, as affected by 1995 Wisconsin Act 201, section 290, is amended to read:

59.29 (2) (a) In all cases where by the laws of this state the governor is authorized to demand of the executive authority of any other state any fugitive from justice or any person charged with a crime in this state and to appoint an agent to receive such person, and such person is apprehended in any other state by the sheriff or deputy sheriff of the county in this state where the warrant for such fugitive from justice is properly issued, or such crime was committed, and such person voluntarily returns with said sheriff to this state without requisition, such sheriff shall be entitled to \$8 per day for the time necessarily expended in traveling to, apprehending and returning with such person and the sheriff's actual and necessary expenses for such time, which compensation and expenses shall be allowed by the board of such county upon the presentation thereto of an itemized and verified account, stating the number of days that the sheriff was engaged, the number of miles traveled and each item of expense incurred in rendering such services, including the transportation and board of the person in custody. No allowance whatever shall be made to the sheriff as mileage.

NOTE: Inserts "a" for improved readability.

**SECTION 181.** 59.30 of the statutes, as affected by 1995 Wisconsin Act 201, section 286, is amended to read:

**59.30 Not to act as attorney.** No sheriff, undersheriff, deputy, coroner or medical examiner shall appear or practice as an attorney in any court, draw or fill up any writ, pleading or proceeding for a party in any action, nor, with the intent to be employed in the collection of any demand or the service of any process, advise or counsel any person to commence an action or proceeding; and for violation of this section every such officer shall forfeit not more than \$50.

NOTE: Inserts "an" for improved readability.

**SECTION 182.** 59.34 (1) (a) of the statutes, as affected by 1995 Wisconsin Act 201, is amended to read:

59.34 (1) (a) Participate in inquest proceedings when required by law, except that in any county with a population of 500,000 or more and all counties which have instituted the medical examiner system this duty and the powers incident thereto shall be vested exclusively in the office of the medical examiner. Except as provided under s. 59.38 (5), the board shall appoint the medical examiner. The office may be occupied on a full-time or part-time basis and the officeholder shall be paid compensation as the board by ordinance provides. The duties performed by the county coroner and not vested in the medical examiner shall be performed by the clerk. The medical examiner may appoint such assistants as the board authorizes. Whenever requested by the court or district attorney, the medical examiner shall testify to facts and conclusions disclosed by autopsies performed by him or her, at his or her direction or in his or her presence; shall make physical examinations and tests incident to any matter of a criminal nature up for consideration before either the court or district attorney upon request; shall testify as an expert for either the court or the state in all matters where the examinations or tests have been made; and shall perform such other duties of a pathological or medicolegal nature as may be required.

NOTE: Inserts "officeholder" for improved readability.

**SECTION 183.** 59.35 (2) of the statutes, as affected by 1995 Wisconsin Act 201, section 306, is amended to read:

59.35 (2) The coroner shall be responsible for every default or misconduct in office of a deputy coroner during the coroner's term of office, and after the death, resignation or removal from office of the coroner as well as before; and an action for any such default or misconduct may be prosecuted against the coroner and the sureties on the coroner's official bond or against the executors and administrators of the coroner.

NOTE: The word "coroner's" was deleted by 1995 Wis. Act 201 without being stricken. No change was intended.

**SECTION 184.** 59.38 (1) of the statutes, as affected by 1995 Wisconsin Act 201, section 302, is amended to read:

59.38 (1) **MEDICAL EXAMINER, ASSISTANTS; SALARIES; FEES; REPORT.** The medical examiner and medical examiner's assistants authorized by the board shall be paid semimonthly out of the county treasury of the proper county, for the performance of all their official duties and in lieu of all other compensation, salaries to be fixed by the board. The medical examiner and medical examiner's assistants shall collect for all services performed, except in cases where the county is solely liable, all fees that coroners are by law entitled to receive, and shall keep accurate books of account in which shall be entered from day to day the items of services rendered, the titles of the

proceedings in which and the names of the persons for whom rendered, and the fees charged and received, and shall, at the end of every 3 months, render to the board ~~of the county~~ and to the treasurer an accurate report or statement, verified by his or her oath, of all fees and income collected by them or for them during the 3 months; and at the same time they shall pay to the treasurer ~~of the county~~ all fees and incomes collected by them, or which they were entitled by law to charge or receive, not paid to the treasurer. The medical examiner or a medical examiner's assistant shall act as coroner in a nearby county when requested to do so under s. 59.34 (2) (b).

NOTE: Deletes surplus language. "Board" and "treasurer" are defined under s. 59.001 (1) as the "county board of supervisors" and the "county treasurer", respectively.

**SECTION 185.** 59.39 (11) of the statutes, as created by 1995 Wisconsin Act 438, is renumbered 59.40 (2) (im).

NOTE: 1995 Wis. Act 201 renumbered s. 59.39 (1) to (10) to s. 59.40 (2) (a) to (i).

**SECTION 186.** 59.40 (2) (h) of the statutes, as affected by 1995 Wisconsin Act 27, section 9126 (19), 1995 Wisconsin Act 201, section 317, and 1995 Wisconsin Act 279, section 8, is amended to read:

59.40 (2) (h) Except in counties that have designated a county support collection designee under s. ~~59.07 (97m)~~ 59.53 (5m), keep a record of all payments and arrearages in payments ordered by the court under s. 948.22 (7) or ch. 767 or 769 and directed under s. 767.29 (1) to be paid to the clerk or county support collection designee or ordered by a court in another county or jurisdiction but enforced or received by the court of the clerk's county. If the department of health and family services operates a data system relating to those payments and arrearages, the clerk shall use that system to keep this record.

NOTE: Section 59.07 (97m) is renumbered s. 59.53 (5m) by this bill.

**SECTION 187.** The treatments of 59.40 (2) (m) of the statutes by 1995 Wisconsin Act 201, section 320, and 1995 Wisconsin Act 227, section 203, are not repealed by 1995 Wisconsin Act 448, section 61. All treatments stand.

NOTE: There is no conflict of substance. This provision was renumbered to s. 59.40 (2) (m) by 1995 Wis. Act 201.

**SECTION 188.** The treatment of 59.43 (1) (q) of the statutes, as renumbered, by 1995 Wisconsin Act 201, section 346, is not repealed by 1995 Wisconsin Act 227, section 204. Both treatments stand.

NOTE: There is no conflict of substance. This provision was renumbered to s. 59.43 (1) (q) by 1995 Wis. Act 201.

**SECTION 189.** The treatment of 59.43 (2) (h) of the statutes, as renumbered, by 1995 Wisconsin Act 201, section 382, is not repealed by 1995 Wisconsin Act 225, section 162. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 190.** 59.43 (2m) (a) (intro.), 4. a. and b. and 5., (b) (intro.) and 6., (c), (d) (intro.) and (e) of the

statutes, as affected by 1995 Wisconsin Act 201, section 352, are amended to read:

59.43 (2m) (a) (intro.) Except as provided in ~~subs. (4) and (5) pars. (d) and (e)~~, no document may be recorded in the office of a register of deeds unless it substantially complies with all of the following on the first page of the instrument:

4. a. Directly below the recording information area described under ~~par. (e) subd. 3.~~

b. Directly below the document number area described under ~~par. (b) subd. 2.~~

5. a. Subject to ~~subs. 2. and 3. subd. 5. b. and c.~~, a space and a line are provided directly below the return address information and the line is labeled as "parcel identifier number", "parcel identification number", "parcel ID number", "parcel number" or "PIN".

b. If multiple parcels are affected by the instrument, the line described under subd. ~~4. 5. a.~~ may be used to refer the reader to another area of the instrument where the parcel identifier number is located.

c. Subdivision ~~4. 5. a.~~ applies only in a county whose board requires the use of a parcel identifier number.

(b) (intro.) Except as provided in ~~subs. (4) and (5) pars. (d) and (e)~~, no document may be recorded in the office of a register of deeds unless it substantially complies with all of the following:

6. The top margin of each page is 0.5 inch, except that company logos may appear within this margin if they do not interfere with any of the other requirements of this ~~section subsection.~~

(c) The register of deeds shall provide, upon request, a blank form which a person may complete and use as the first page of an instrument that the person seeks to record. The blank form shall be provided without charge and shall conform to the provisions of ~~subs. (1) and (2) pars. (a) and (b).~~

(d) (intro.) ~~Subsections (1) and (2) Paragraphs (a) and (b)~~ do not apply to any of the following instruments:

(e) Every instrument that the register of deeds accepts for recordation under this ~~section subsection~~ shall be considered recorded despite its failure to conform to one or more of the requirements of this ~~section subsection~~, if the instrument is properly indexed in a public index maintained in the office of the register of deeds.

NOTE: 1995 Wis. Act 201 renumbered s. 59.43 (2m) to a subsection from a section without adjusting the cross-references accordingly.

**SECTION 191.** 59.43 (12m) (d) 1. (intro.), 2., 3. and 4. of the statutes, as affected by 1995 Wisconsin Act 201, section 369, and 1995 Wisconsin Act 225, section 159, are amended to read:

59.43 (12m) (d) 1. (intro.) The ~~county~~ board of ~~any county~~ may at any meeting, by resolution, authorize a plan for a new and corrected set of tract indices and order new tract indices arranged and compiled according to the plan whenever, in the judgment of the board, any existing

tract index or indices become unfit for use, because of any of the following:

2. The board may purchase suitable books for the new tract indices and may receive bids and contract with any competent person to ~~the~~ prepare the new tract indices, at a price not exceeding 5 cents per folio, which shall be paid out of the county treasury on acceptance of the new tract indices by the board.

3. The person contracting to ~~the~~ prepare the new tract indices, and the person's assistants, shall have access to and be entitled to the use of the old tract indices and other records in the register of deeds' office and other county records ~~the~~.

4. When the new tract indices are completed and ~~the~~ approved and adopted by the board, the old tract indices shall be preserved as provided in s. 59.52 (3) (b). The resolutions of the board ordering, approving and adopting the new tract indices, duly certified by the clerk, shall be recorded in each volume of the new tract indices; and thereupon ~~the~~ the new tract indices shall become and be the only lawful tract indices in the register of deeds' office.

NOTE: Reconciles the treatment of this provision by 1995 Wis. Acts 201 and 225. Deletes surplus language. "Board" is defined as the county board by s. 59.001 (1).

**SECTION 192.** 59.44 (1) (a) of the statutes, as affected by 1995 Wisconsin Act 201, section 387, and 1995 Wisconsin Act 225, section 163, is amended to read:

59.44 (1) (a) Except as provided under par. (b), whenever any county adopts a tract index system or any recognized chain of title system, the board may create a department to be known as an abstract department, either in connection with or independent of the office of the register of deeds, as the board considers advisable. The ~~county~~ board may appoint a competent person for a term of 2 years, who shall be known as the county abstractor, and shall have charge of and operate the abstract department. The board shall furnish a seal for the abstractor, who shall place the seal on every abstract issued by the abstractor.

NOTE: Section 59.001 defines "board" as the county board.

**SECTION 193.** 59.45 (1) (a) 2. of the statutes, as affected by 1995 Wisconsin Act 201, section 391, is amended to read:

59.45 (1) (a) 2. Make, personally or by a deputy, a record, in books or on drawings and plats that are kept for that purpose, of all corners that are set and the manner of fixing the corners and of all bearings and the distances of all courses run, of each survey made personally, by deputies or by other land surveyors and arrange or index the record so it is an easy to use reference and file and preserve in the office the original field notes and calculation thereof. Within 60 days after completing any survey, the county surveyor shall make a true and correct copy of the foregoing record, in record books or on reproducible papers to be furnished by the county and kept in ~~file~~ files in

the office of the county surveyor to be provided by the county. In a county with a population of 500,000 or more where there is no county surveyor, a copy of the record shall also be filed in the office of the regional planning commission which acts in the capacity of county surveyor or for the county.

NOTE: Inserts correct word as indicated by drafting records for Chapter 499, Laws of 1969.

**SECTION 194.** 59.52 (3) (b) of the statutes, as affected by 1995 Wisconsin Act 201, section 414, is amended to read:

59.52 (3) (b) When any book, public record or the record of any city, village or town plat in any county office shall, from any cause, become unfit for use in whole or in part, the board shall order that the book, record or plat be rebound or transcribed. If the order is to rebind such book, record or plat, the rebinding must be done under the direction of the officer in charge of the book, record or plat, and in that officer's office. If the order is to transcribe such book, record or plat, the officer having charge of the same shall provide a suitable book for that purpose; and thereupon such officer shall transcribe the same in the book so provided and carefully compare the transcript with the originals, and make the same a correct copy thereof, and shall attach to the transcript a certificate over that officer's official signature that that officer has carefully compared the matter therein contained with, and that the same is a correct and literal copy of the book, record or plat from which the same was transcribed, naming such book. ~~Such~~ The certified copy of the book, record or plat, ~~so certified,~~ shall have the same effect in all respects as the original, and ~~such~~ the original book, record or plat shall be deposited with the treasurer and carefully preserved, ~~except that~~ in counties having a population of 500,000 or more where a book containing a tract index is rewritten or transcribed, the original book may be destroyed. The order of the board directing the transcribing of any book, record or plat duly certified by the clerk shall, with such certificate, be recorded in each copy of the book, record or plat transcribed. The fee of the officer for such service shall be fixed by the board, not exceeding 10 cents per folio, or if such books or any part thereof consist of printed forms, not to exceed 5 cents per folio for such books or records, to be paid by the county.

NOTE: Reorders, inserts and replaces language for improved readability and conformity with current style.

**SECTION 195.** 59.52 (6) (d) 1. of the statutes, as affected by 1995 Wisconsin Act 201, section 111, is amended to read:

59.52 (6) (d) 1. Construct, purchase, acquire, lease, develop, improve, extend, equip, operate and maintain all county buildings, structures and facilities hereinafter in this subsection referred to as "projects", including without limitation because of enumeration swimming pools, stadiums, golf courses, tennis courts, parks, playgrounds, bathing beaches, bathhouses and other recre-

ational facilities, exhibition halls, convention facilities, convention complexes, including indoor recreational facilities, dams in county lands, garbage incinerators, courthouses, jails, schools, hospitals and facilities for medical education use in conjunction with such hospitals, ~~home~~ homes for the aged or indigent, regional projects, sewage disposal plants and systems, and including all property, real and personal, pertinent or necessary for such purposes.

NOTE: Corrects word form.

**SECTION 196.** The treatment of 59.52 (16) (a) of the statutes, as renumbered, by 1995 Wisconsin Act 201, section 122, is not repealed by 1995 Wisconsin Act 225, section 135. Both treatments stand.

NOTE: There is no conflict of substance. This provision was renumbered to s. 59.52 (16) (a) by 1995 Wis. Act 201.

**SECTION 197.** The treatment of 59.53 (6) (b) of the statutes, as renumbered, by 1995 Wisconsin Act 201, section 334, is not repealed by 1995 Wisconsin Act 404, section 186. Both treatments stand.

NOTE: There is no conflict of substance. This provision was renumbered to s. 59.53 (6) (b) by 1995 Wis. Act 201.

**SECTION 198.** 59.53 (16) (b) of the statutes, as affected by 1995 Wisconsin Act 201, section 413, is amended to read:

59.53 (16) (b) All isolation hospitals and other places, when erected or established in counties having a county board of administration, shall be conducted under the control and management of the board of administration in the same manner and to the same extent as other institutions under the control of the board of administration, and in other counties the isolation hospitals and other places shall be conducted under the control and management of the county board. Any resident of this state who is not indigent may be received into, treated and cared for in an isolation hospital or other place upon the terms and conditions and at the rate or pay established and fixed by the board having charge of the isolation hospital or other place; provided, however, that indigent and destitute sick persons shall be cared for and have preference of admission to such hospitals and places.

NOTE: Clarifies reference.

**SECTION 199.** 59.54 (15) of the statutes, as affected by 1995 Wisconsin Act 201, section 404, is amended to read:

59.54 (15) ANNUAL INSPECTION. At least once each year the board of each county, or a committee thereof, shall visit, inspect and examine each jail maintained by the county, as to health, cleanliness and discipline, and the keeper of the jail shall lay before the board or the committee a calendar setting forth the name, age and cause of committal of each prisoner. If it appears to the board or committee that any ~~of the~~ provisions of law have been violated or neglected the board or the committee shall immediately give notice of the violation to the district attorney of the county.



NOTE: Deletes unnecessary language.

**SECTION 200.** The treatment of 59.54 (25) of the statutes, as renumbered, by 1995 Wisconsin Act 201, section 210, is not repealed by 1995 Wisconsin Act 448, section 59. Both treatments stand.

NOTE: There is no conflict of substance. This provision was renumbered to s. 59.54 (25) by 1995 Wis. Act 201.

**SECTION 201.** 59.55 (4) (a) 1. of the statutes, as created by 1995 Wisconsin Act 225, is renumbered 59.43 (12m) (d) 1. a.

NOTE: 1995 Wis. Act 201 renumbered s. 59.55 to be s. 59.43 (12m).

**SECTION 202.** 59.56 (13) of the statutes, as affected by 1995 Wisconsin Act 201, section 132, is amended to read:

59.56 (13) CELEBRATIONS AND CONVENTIONS. The board may appropriate money to defray the expense of national air shows or similar aeronautics activities held in the county, of municipal commemorative or patriotic celebrations or ~~observance~~ observances, of state or national conventions of war veterans, of national conventions of fraternal associations, of group entertainment for children on Halloween by county or municipal agencies within the county or of state or national conventions of county officers or employees or associations thereof or of bringing any of such conventions to the county.

NOTE: Corrects word form.

**SECTION 203.** 59.58 (3) (g) 3. of the statutes, as affected by 1995 Wisconsin Act 201, section 472, is amended to read:

59.58 (3) (g) 3. Delegate responsibility for the operation and maintenance of the system to an appropriate administrative officer, board or commission of the county notwithstanding s. 59.83 ~~59.84~~ or any other statute.

NOTE: 1995 Wis. Act 201 changed this cross-reference to s. 59.83 from s. 59.965. Act 201 renumbered s. 59.965 to s. 59.84. There is no s. 59.83.

**SECTION 204.** 59.58 (6) (b) 1. of the statutes, as affected by 1995 Wisconsin Act 201, section 465, is amended to read:

59.58 (6) (b) 1. ~~Except as provided in par. (f), 7~~ Seven members nominated by the governor, and with the advice and consent of the senate appointed, for 3-year terms, with each member designated to represent one of the counties in the region.

NOTE: Section 59.58 (6) (f) is repealed by this bill. See the note to the following section of this bill.

**SECTION 205.** 59.58 (6) (f) of the statutes, as affected by 1995 Wisconsin Act 201, section 465, is repealed.

NOTE: By its terms, this provision does not apply after December 31, 1993.

**SECTION 206.** 59.60 (6) of the statutes, as affected by 1995 Wisconsin Act 201, section 435, and 1995 Wisconsin Act 225, section 169, is repealed and recreated to read:

59.60 (6) (a) The county executive or county administrator shall review the estimates of expenditures and revenues and hold public hearings on such estimates at

which the head or a representative of every county department shall appear and give information with regard to the appropriations requested, including work programs, other justification of expenditures, and other data that the county executive or county administrator requests. The county executive or county administrator shall make changes in the proposed budget that in the executive's or administrator's discretion are considered desirable or proper.

(b) On or before October 1, and after the hearings required under par. (a), the county executive or county administrator shall submit the amended proposed budget to the board. The amended proposed budget shall be the executive's or administrator's budget and shall include all of the following:

1. A simple, clear, general summary of the detailed contents of the budget.

2. A comparative statement by organization unit and principal object of expenditure showing the actual expenditures of the preceding fiscal year, the appropriations and estimated expenditures for the fiscal year currently ending, and the recommended appropriations for the fiscal year next succeeding.

3. A comparative statement of the actual revenues from all sources including property taxes during the preceding fiscal year, the anticipated revenues and the estimated revenues for the fiscal year currently ending, and the anticipated revenues for the fiscal year next succeeding including any surplus from the preceding fiscal year not otherwise appropriated under sub. (9).

(c) The anticipated revenues for the fiscal year next succeeding shall be equal in amount to the recommended appropriations.

(d) The executive's or administrator's budget shall be accompanied by a message prepared by the county executive or county administrator which shall outline the important features of the budget plan and indicate any major changes in policy or in recommended appropriations or revenues as compared with the fiscal year currently ending, and shall set forth the reasons for such changes.

NOTE: Reconciles the treatment of this provision by 1995 Wis. Acts 201 and 225.

**SECTION 207.** 59.60 (9) (b) of the statutes, as affected by 1995 Wisconsin Act 201, section 435, is amended to read:

59.60 (9) (b) An appropriation under par. (a) may be made only by resolution adopted by a vote of two-thirds of the members-elect of the board. To the extent that unappropriated funds or realized revenues in excess of anticipated revenues are unavailable to meet the emergency, the board may, by resolution adopted by three-fourths of the members-elect, issue tax anticipation notes under s. 67.12. Notice of intent to make supplemental appropriations from revenues or surplus or to issue tax anticipation notes shall be published as a class 1 notice,

under ch. 985, in the 2 daily newspapers having the largest circulation in the county, not less than 6 days prior to the hearings before the finance committee of the county board in regard to these matters.

NOTE: Deletes unnecessary word. Section 59.001 (1) defines "board" as the county board.

**SECTION 208.** 59.64 (1) (a) of the statutes, as affected by 1995 Wisconsin Act 158, section 9, and 1995 Wisconsin Act 201, section 427, is amended to read:

59.64 (1) (a) *In general.* Every person, except jurors, witnesses and interpreters, and except physicians or other persons who are entitled to receive from the county fees for reporting to the register of deeds births or deaths, which have occurred under their care, having any claim against any county shall comply with s. 893.80. This subsection paragraph does not apply to actions commenced under s. 19.37 or 19.97.

NOTE: The renumbering of this provision from s. 59.77 (1) to s. 59.64 (1) (a) by 1995 Wis. Act 201 requires the correction of the cross-reference here which was added to s. 59.77 (1) by 1995 Wis. Act 158.

**SECTION 209.** 59.64 (1) (d) 2. a. of the statutes, as affected by 1995 Wisconsin Act 201, section 427, and 1995 Wisconsin Act 225, section 165, is amended to read:

59.64 (1) (d) 2. a. The clerk shall deliver the statement filed under ~~par. (a)~~ subd. 1. to the district attorney, who shall examine the statement and make a report in writing thereon to the board, specifying the items in each for which the county is or is not liable, and the extent of its liability if it is liable for a part only of any item. The statement and report shall be laid before the board by the county clerk and insofar as the items charged in the statement are approved by the district attorney the statement shall be prima facie evidence of the claims of the persons named in the statement.

NOTE: Inserts correct cross-reference. Deletes unnecessary word.

**SECTION 210.** 59.64 (1) (d) 2. b. of the statutes, as affected by 1995 Wisconsin Act 201, section 427, and 1995 Wisconsin Act 225, section 165, is amended to read:

59.64 (1) (d) 2. b. The county board shall examine the statement, allow the fees that are legal, and direct that orders be drawn for the amount allowed to each person named therein. If any person in whose favor any order is drawn under this ~~paragraph~~ subdivision shall not call for the fees within 2 years from the time the claim is allowed, the person's right to any compensation for services shall be considered waived and the board shall cancel the order.

NOTE: Section 59.001 defines "board" as the county board. Corrects cross-reference.

**SECTION 211.** 59.66 (1) (b) of the statutes, as affected by 1995 Wisconsin Act 201, section 458, is amended to read:

59.66 (1) (b) One year after the filing of the report the clerk of any circuit court holding or having in his or her possession any such moneys, securities or funds shall

turn them over to the treasurer, unless sooner demanded by and turned over to the legal owners thereof under order of the court in which the case, action or proceeding was pending.

NOTE: Inserts missing word.

**SECTION 212.** 59.66 (1) (c) of the statutes, as affected by 1995 Wisconsin Act 201, section 458, is amended to read:

59.66 (1) (c) On or before March 1 of the same year the treasurer shall publish in the county, as a class 3 notice, under ch. 985, the fact that he or she has unclaimed moneys, securities or funds in his or her possession for disposition. If no legal claim is made for the moneys, securities, or funds within 90 days after the last publication above provided for, then the treasurer shall ~~turn~~ deposit the moneys, securities, or funds, together with all interest and profits thereon, ~~into~~ in the general fund of the county treasury, and no action may thereafter be maintained by any person, firm, or corporation against the county or the treasurer for the moneys, securities or funds.

NOTE: Deletes unnecessary commas and replaces language for greater clarity and readability.

**SECTION 213.** 59.66 (3) of the statutes, as affected by 1995 Wisconsin Act 201, section 462, is amended to read:

59.66 (3) (title) DISPOSITION OF UNCLAIMED PERSONAL PROPERTY OTHER THAN MONEY OR SECURITIES HELD BY: COUNTY INSTITUTIONS, ~~CORONER~~ CORONERS, ~~MEDICAL EXAMINER~~, ~~SHERIFF~~ EXAMINERS OR SHERIFFS. All personal property other than money or securities of a deceased persons person who at the time of their ~~his or her~~ death are ~~patients~~ is a patient at any county institution or whose body is taken in charge by the coroner or medical examiner shall be preserved by the superintendent of the institution, the coroner or the medical examiner for one year unless the property is claimed sooner by a person having the legal right to the property. Annually on July 1 the superintendent, coroner or medical examiner shall make a verified written report listing all personal property which has remained in that person's custody for one year without being claimed and giving all facts as to ownership of the property as that person's records contain. The superintendent, coroner or medical examiner shall file the report with the sheriff of the county and deliver the property to the sheriff, who shall issue a receipt for the property. Thereupon the superintendent, coroner or medical examiner shall be discharged from further liability for the property, title to which shall then vest in the county. Any property which is left at the county jail for a period of one year after the prisoner has been discharged, transferred or committed and any property, found or stolen, which comes into the hands of the sheriff and in any case remains unclaimed for a period of one year, shall be sold as prescribed in this subsection. The sheriff shall, on or before August 1 annually, post a notice in 3 public places in the county, briefly describing the property and stating

that the sheriff will sell the property at public auction on a certain date and at a named place, which auction shall be held accordingly. Any of the property which is not disposed of at the auction shall be sold for the best price obtainable, and if the property cannot be disposed of by sale, shall be destroyed in the presence of the sheriff. The sheriff shall, on or before September 1 annually, remit the proceeds of the auction or general sale to the treasurer and shall file a verified report of the sheriff's action in connection therewith. The proceeds shall become a part of the general fund of the county.

NOTE: Changes plural word forms to the singular for proper sentence agreement.

**SECTION 214.** The treatment of 59.69 (9) (b) of the statutes, as renumbered, by 1995 Wisconsin Act 201, section 475, is not repealed by 1995 Wisconsin Act 227, section 205. Both treatments stand.

NOTE: There is no conflict of substance. This provision was renumbered to s. 59.69 (9) (b) by 1995 Wis. Act 201.

**SECTION 215.** The treatment of 59.692 (1m) of the statutes, as renumbered, by 1995 Wisconsin Act 201, section 476, is not repealed by 1995 Wisconsin Act 227, section 206. Both treatments stand.

NOTE: There is no conflict of substance. This provision is renumbered to s. 59.692 (1m) by 1995 Wis. Act 201.

**SECTION 216.** The treatment of 59.692 (4) (a) of the statutes, as renumbered, by 1995 Wisconsin Act 201, section 476, is not repealed by 1995 Wisconsin Act 227, section 206. Both treatments stand.

NOTE: There is no conflict of substance. This provision is renumbered to s. 59.692 (4) (a) by 1995 Wis. Act 201.

**SECTION 217.** The treatment of 59.692 (7) (ag) of the statutes, as renumbered, by 1995 Wisconsin Act 201, section 476, is not repealed by 1995 Wisconsin Act 227, section 206. Both treatments stand.

NOTE: There is no conflict of substance. This provision is renumbered to s. 59.692 (7) (ag) by 1995 Wis. Act 201.

**SECTION 218.** The treatment of 59.693 (2) of the statutes, as renumbered, by 1995 Wisconsin Act 201, section 478, is not repealed by 1995 Wisconsin Act 227, section 207. Both treatments stand.

NOTE: There is no conflict of substance. This provision is renumbered to s. 59.693 (2) by 1995 Wis. Act 201.

**SECTION 219.** The treatment of 59.693 (8) of the statutes, as renumbered, by 1995 Wisconsin Act 201, section 478, is not repealed by 1995 Wisconsin Act 227, section 207. Both treatments stand.

NOTE: There is no conflict of substance. This provision is renumbered to s. 59.693 (8) by 1995 Wis. Act 201.

**SECTION 220.** 59.694 (7) (c) of the statutes, as affected by 1995 Wisconsin Act 201, section 479, is amended to read:

59.694 (7) (c) To authorize upon appeal in specific cases variance variances from the terms of the ordinance that will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hard-

ship, and so that the spirit of the ordinance shall be observed and substantial justice done.

NOTE: Inserts correct word form.

**SECTION 221.** 59.70 (title) of the statutes is created to read:

**59.70 (title) Environmental protection and land use.**

NOTE: 1995 Wis. Act 201 did not create a title for s. 59.70.

**SECTION 222.** The treatment of 59.70 (2) (L) of the statutes, as renumbered, by 1995 Wisconsin Act 201, section 216, is not repealed by 1995 Wisconsin Act 227, section 200. Both treatments stand.

NOTE: There is no conflict of substance. This provision was renumbered to s. 59.70 (2) (L) by 1995 Wis. Act 201.

**SECTION 223.** The treatment of 59.70 (2) (q) (intro.) of the statutes, as renumbered, by 1995 Wisconsin Act 201, section 216, is not repealed by 1995 Wisconsin Act 227, section 201. Both treatments stand.

NOTE: There is no conflict of substance. This provision was renumbered to s. 59.70 (2) (q) (intro.) by 1995 Wis. Act 201.

**SECTION 224.** The treatment of 59.70 (3) of the statutes, as renumbered, by 1995 Wisconsin Act 201, section 214, is not repealed by 1995 Wisconsin Act 227, section 199. Both treatments stand.

NOTE: There is no conflict of substance. This provision was renumbered to s. 59.70 (3) by 1995 Wis. Act 201.

**SECTION 225.** The treatment of 59.70 (6) (b) of the statutes, as renumbered, by 1995 Wisconsin Act 201, section 109, is not repealed by 1995 Wisconsin Act 227, section 196. Both treatments stand.

NOTE: There is no conflict of substance. This provision was renumbered to s. 59.70 (6) (b) by 1995 Wis. Act 201.

**SECTION 226.** The treatment of 59.70 (6) (c) of the statutes, as renumbered, by 1995 Wisconsin Act 201, section 109, is not repealed by 1995 Wisconsin Act 227, section 197. Both treatments stand.

NOTE: There is no conflict of substance. This provision was renumbered to s. 59.70 (6) (c) by 1995 Wis. Act 201.

**SECTION 227.** The treatment of 59.70 (6) (e) of the statutes, as renumbered, by 1995 Wisconsin Act 201, section 109, is not repealed by 1995 Wisconsin Act 227, section 198. Both treatments stand.

NOTE: There is no conflict of substance. This provision was renumbered to s. 59.70 (6) (e) by 1995 Wis. Act 201.

**SECTION 228.** 59.70 (13) (c) 3. of the statutes, as affected by 1995 Wisconsin Act 201, section 439, is amended to read:

59.70 (13) (c) 3. Employ and fix the duties and compensation of a full-time or part-time entomologist to act as director of the mosquito control program, who shall develop and supervise of the program.

NOTE: Deletes word unintentionally retained by 1995 Wis. Act 201.

**SECTION 229.** The treatment of 59.71 of the statutes, as renumbered, by 1995 Wisconsin Act 201, section 371, is not repealed by 1995 Wisconsin Act 225, section 161. Both treatments stand.

NOTE: There is no conflict of substance. This provision was renumbered to s. 59.71 by 1995 Wis. Act 201.

**SECTION 230.** 59.84 (2) (d) 1. of the statutes, as affected by 1995 Wisconsin Act 201, section 464, is amended to read:

59.84 (2) (d) 1. The board may acquire in the name of the county or in the name of the state when so directed by the department of transportation, by donation, purchase, condemnation or otherwise, such lands, including any improvements on the lands, and any interests, easements, franchises, rights and privileges in or pertaining to lands, of whatever nature and by whomsoever owned, as the board considers necessary and required for expressway purposes, and to dispose of the such lands. The board may use expressway lands for the location or relocation of any facility for mass transportation, including private or public utilities. The board may purchase or accept donation of remnants of tracts or parcels of land remaining at the time or after it has acquired by condemnation or after or coincident with its acquisition by purchase or donation portions of such tracts or parcels for expressway purposes where in the judgment of the board such action would assist in rendering just compensation to a landowner, a part of whose lands are required for expressway purposes, and would serve to minimize the overall cost of such necessary taking by the public. The county may dispose of such remnants. No lands or interest in lands that are acquired as provided in this paragraph shall be disposed of by the county without the consent of the board, and all money that is received for any such lands, improvements or interests in land, so disposed of, shall be credited to the land acquisition account as an abatement of expense. No lands acquired by the board, as provided in this subsection, in the name of or in trust for the state, shall be disposed of by the county without prior approval of the state, and the proceeds of the sale shall be remitted to the state or retained and used for expressway purposes when so directed by the department of transportation.

NOTE: Deletes word rendered surplusage by the treatment of this provision by 1995 Wis. Act 201.

**SECTION 231.** 59.84 (2) (d) 2. of the statutes, as affected by 1995 Wisconsin Act 201, section 464, is amended to read:

59.84 (2) (d) 2. After the general plan of expressways has been adopted, the board may, for specific approved highway projects or otherwise, acquire lands and interests therein of the nature and in the manner specified in this paragraph for the right-of-way of the expressways in advance of the time of the adoption of an expressway project budget including the lands and interests. Such power may be exercised when in the judgment of the board the public interest will be served and economy effected by forestalling development of the lands which will entail greater acquisition costs if acquired at a later date. Upon such acquisition the board may improve, use, maintain or lease the lands until the same are required for

expressway construction. It is recognized that there may necessarily be a period of time between the acquisition of needed lands for right-of-way and the commencement of actual site clearance and construction, but such fact shall not minimize the public purpose of the acquisition. The owners of the lands at the time of the acquisition shall have the first right to enter into lease ~~leases~~ thereof with the county until the lands are needed for expressway construction. Lands so leased for more than one year shall be subject to general property taxation during the term of the lease. All rentals shall be credited to the project or to the expressway land acquisition account. The board may provide out of funds acquired by bond issue or otherwise a land acquisition fund not in excess of \$5,000,000 of expendable funds at any one time, to be used primarily for the acquisition of lands, improvements thereon and interests therein as specified in this subsection prior to the approval of the specific expressway project for which the lands or interests will be required. The fund shall be adjusted to reflect acquisition costs for lands and interests therein thereafter incorporated in specific approved expressway projects by transferring both the appropriations and the acquisition costs therefor to the proper expressway improvement expenditures account.

NOTE: 1995 Wis. Act 201 showed "if acquired at" underscored, but "at" was preexisting text. Act 201 also showed "to" stricken prior to the underscored "if acquired at", but there was no preexisting "to" to delete. This provision is intended to clarify that the effect of Act 201 was only to insert "if acquired" prior to the preexisting "at". Also inserts correct form of "lease".

**SECTION 232.** 62.05 (1) (a) of the statutes, as affected by 1995 Wisconsin Act 225, is amended to read:

62.05 (1) (a) Cities of 150,000 population and over shall constitute 1st class ~~cities~~ class.

NOTE: The stricken language should not have been retained in the treatment of this provision by 1995 Wis. Act 225.

**SECTION 233.** 62.23 (7) (i) 2r. a. of the statutes is amended to read:

62.23 (7) (i) 2r. a. ~~An~~ No adult family home described in s. 50.01 (1) (b) may be established within 2,500 feet, or any lesser distance established by an ordinance of the city, of any other adult family home described in s. 50.01 (1) (b) or any community living arrangement. An agent of an adult family home described in s. 50.01 (1) (b) may apply for an exception to this requirement, and the exception may be granted at the discretion of the city.

NOTE: The 1995-96 Statutes were printed incorrectly. The word "No" was inadvertently replaced with "An". No change was made to this provision by the 1995-96 legislature. This statute, as printed in the 1993-94 Statutes, is restored.

**SECTION 234.** 66.023 (7m) of the statutes, as created by 1995 Wisconsin Act 35, is amended to read:

66.023 (7m) ZONING IN TOWN TERRITORY. If a town is a party to a cooperative plan with a city or village, the town and city or village may agree, as part of the cooperative plan, to authorize the town, city or village to adopt a zoning ordinance under s. 60.61, 61.35 or 62.23 for all or

a portion of the town territory covered by the plan. The exercise of zoning authority by a town under this subsection is not subject to s. 60.61 (3) or 60.62 (3). If a county zoning ordinance applies to the town territory covered by the plan, that ordinance and amendments to it continue until a zoning ordinance is adopted under this subsection. If a zoning ordinance is adopted under this subsection, that zoning ordinance continues in effect after the planning period ceases until a different zoning ordinance for the territory is adopted under other applicable law. This subsection does not affect zoning ordinances adopted under ss. ~~59.971~~ 59.692, 87.30 or 91.71 to 91.78.

NOTE: 1995 Wis. Act 201 renumbered s. 59.971 to be s. 59.692.

**SECTION 235.** 66.066 (1a) of the statutes, as affected by 1995 Wisconsin Acts 225 and 378, is amended to read:

66.066 (1a) Nothing in this section shall be construed to limit the authority of any municipality to acquire, own, operate and finance in the manner provided in this section, a source of water and necessary transmission facilities, including all real and personal property, beyond its corporate limits. A source of water 50 miles beyond a municipality's corporate ~~those~~ limits shall be ~~considered~~ within ~~a~~ the municipality's ~~that~~ authority.

NOTE: Reconciles the treatment of this provision by 1995 Wis. Acts 225 and 378.

**SECTION 236.** 66.073 (8) (a) 2. of the statutes, as affected by 1995 Wisconsin Act 225, is amended to read:

66.073 (8) (a) 2. The contracting municipalities may provide in the contract created under sub. (5) for payment to the company of funds for commodities to be procured and services to be rendered by the company. These municipalities and other persons and public agencies may enter into purchase agreements with the company for the purchase of electric power and energy whereby the purchaser is obligated to make payments in amounts which shall be sufficient to enable the company to meet its expenses, interest and principal payments, whether at maturity or upon debt service fund redemption, for its bonds, reasonable reserves for debt service, operation and maintenance and renewals and replacements and the requirements of any rate covenant with respect to debt service coverage contained in any resolution, trust indenture or other security instrument.

NOTE: The underscored language was inadvertently deleted by 1995 Wis. Act 225 without being shown as stricken. No change was intended.

**SECTION 237.** 66.073 (16) (b) of the statutes is amended to read:

66.073 (16) (b) The property of a company, including any proportional share of any property owned by a company in conjunction with any other person or public agency, is declared to be public property used for essential public and governmental purposes and such property or proportional share, a company and its income shall be exempt from all taxes of the state or any state public body except that for each project owned or partly owned by it,

a company shall make payments—in-lieu-of—taxes to the state equal to the amount which would be paid to the state under ss. 76.01 to 76.26 for such project or share thereof if it were deemed to be owned by a company under s. 76.02 ~~(9)~~ (2). The payment shall be determined, administered and distributed by the state in the same manner as the taxes paid by companies under ss. 76.01 to 76.26.

NOTE: This bill renumbers s. 76.02 (9) to s. 76.02 (2).

**SECTION 237m.** 66.293 (3) (bm) of the statutes is amended to read:

66.293 (3) (bm) Any person may request a recalculation of any portion of a determination within 30 days after the initial determination date if the person submits evidence with the request showing that the prevailing wage rate or prevailing hours of labor for any given trade or occupation included in the initial determination does not represent the prevailing wage rate or prevailing hours of labor for that trade or occupation in the area. Such evidence shall include wage rate and hours of labor information for work performed in the contested trade or occupation in the area within the previous 12 months. The department shall affirm or modify the initial determination within 15 days after the date on which the department receives the request for recalculation.

NOTE: Corrects error in transcribing 1995 Wis. Act 215.

**SECTION 238.** 66.293 (12) (a) of the statutes, as affected by 1995 Wisconsin Act 215, section 21, is amended to read:

66.293 (12) (a) Except as provided under pars. (b) and (c), the department shall notify any local governmental unit applying for a determination under sub. (3) and any local governmental unit exempted under sub. (6) of the names of all persons whom the department has found to have failed to pay the prevailing wage rate determined under sub. (3) or has found to have paid less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor determined under sub. (3) at any time in the preceding 3 years. The department shall include with any such name the address of such person and shall specify when such person failed to pay the prevailing wage rate and when such person ~~failed to pay~~ paid less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor. A local governmental unit may not award any contract to such person unless otherwise recommended by the department or unless at least 3 years have elapsed from the date the department issued its findings or the date of final determination by a court of competent jurisdiction, whichever is later.

NOTE: Eliminates double negative for parallel construction with other sections created by 1985 Wis. Act 159.

**SECTION 238m.** 66.40 (5) (a) of the statutes is amended to read:

66.40 (5) (a) When the council of a city adopts a resolution under sub. (4), it shall promptly notify the mayor ~~of such adoption~~. Upon receiving such notice, the mayor

shall, with the confirmation of the council, appoint 5 persons as commissioners of the authority, except that the mayor of a 1st class city that has created a housing authority before May 5, 1994, shall appoint 7 commissioners, at least 2 of whom shall be residents of a housing project acquired or constructed by the authority. No commissioner may be connected in any official capacity with any political party nor shall more than 2 be officers of the city in which the authority is created. The powers of each authority shall be vested in the commissioners thereof in office from time to time.

NOTE: Corrects error in transcribing 1993 Wis. Act 379.

**SECTION 239.** 66.435 (2m) (title) of the statutes is created to read:

66.435 (2m) (title) DEFINITIONS.

NOTE: 1995 Wis. Act 225 created s. 66.435 (2m). The other s. 66.435 subsections have titles.

**SECTION 240.** 66.521 (11) (a) of the statutes, as affected by 1995 Wisconsin Act 201, is amended to read:

66.521 (11) (a) With respect to the enforcement of any construction lien or other lien under ch. 779 arising out of the construction of projects financed under this section, no deficiency judgment or judgment for costs may be entered against the municipality. Projects financed under this section shall not be deemed to be public works, public improvements or public construction within the meaning of ss. ~~59.57 (3)~~ 59.52 (29), 60.47, 61.55, 62.15, 779.14, 779.15 and 779.155 and contracts for the construction of such projects shall not be deemed to be public contracts within the meaning of ss. 59.52 (29) and 66.29 unless factors such as and including municipal control over the costs, construction and operation of the project and the beneficial ownership of the project warrant such conclusion.

NOTE: 1995 Wis. Act 201 changed one cross-reference in this provision from s. 59.08 to s. 59.57 (3), but renumbered s. 59.08 to be s. 59.52 (29).

**SECTION 241.** The amendment of 67.12 (12) (e) 2. of the statutes by 1995 Wisconsin Act 232 is not repealed by 1995 Wisconsin Act 358. Both amendments stand.

NOTE: There is no conflict of substance.

**SECTION 242.** 70.11 (2) of the statutes, as affected by 1995 Wisconsin Act 201, is amended to read:

70.11 (2) MUNICIPAL PROPERTY AND PROPERTY OF CERTAIN DISTRICTS, EXCEPTION. Property owned by any county, city, village, town, school district, technical college district, public inland lake protection and rehabilitation district, metropolitan sewerage district, municipal water district created under s. 198.22 or town sanitary district; lands belonging to cities of any other state used for public parks; land tax-deeded to any county or city before January 2; but any residence located upon property owned by the county for park purposes which is rented out by the county for a nonpark purpose shall not be exempt from taxation. Except as to land acquired under s. ~~59.83~~ 59.84 (2) (d), this exemption shall not apply to land conveyed after August 17, 1961, to any such govern-

mental unit or for its benefit while the grantor or others for his or her benefit are permitted to occupy the land or part thereof in consideration for the conveyance. Leasing the property exempt under this subsection, regardless of the lessee and the use of the leasehold income, does not render that property taxable.

NOTE: Inserts correct cross-reference. Section 59.965 was renumbered to s. 59.84 by 1995 Wis. Act 201, but the cross-reference in this provision was inadvertently changed from s. 59.965 to s. 59.83.

**SECTION 243.** 70.11 (8) of the statutes is renumbered 70.1105 and amended to read:

**70.1105 Taxed in part.** Property that is exempt under ~~this section s. 70.11~~ and that is used in part in a trade or business for which the owner of the property is subject to taxation under sections 511 to 515 of the internal revenue code, as defined in s. 71.22 (4m), shall be assessed for taxation at that portion of the fair market value of the property that is attributable to the part of the property that is used in the unrelated trade or business. ~~This subsection section~~ does not apply to property that is leased by an exempt organization to another person or to property that is exempt under ~~sub. s. 70.11~~ (34).

NOTE: Renumbers provision for more appropriate placement.

**SECTION 244.** 70.11 (9) of the statutes is amended to read:

70.11 (9) MEMORIALS. All memorial halls and the real estate upon which the same are located, owned and occupied by any organization of United States war veterans organized pursuant to act of congress and domesticated in this state pursuant to the laws of this state, containing permanent memorial tablets with the names of former residents of any given town, village, city or county who lost their lives in the military or naval service of the state or the United States in any war inscribed thereon, and all personal property owned by such organizations, and all buildings erected, purchased or maintained by any county, city, town or village as memorials under s. 45.05 or 45.055. The renting of such halls or buildings for public purposes shall not render them taxable, provided that all income derived therefrom be used for the upkeep and maintenance thereof. Where such hall or building is used in part for exempt purposes and in part for pecuniary profit, it shall be assessed for taxation to the extent of such use for pecuniary profit as provided in ~~sub. (8) s. 70.1105~~.

NOTE: This bill renumbers s. 70.11 (8) to s. 70.1105.

**SECTION 245.** 70.11 (19) of the statutes, as affected by 1995 Wisconsin Act 27, is amended to read:

70.11 (19) INSTITUTIONS FOR DEPENDENT CHILDREN AND PERSONS WHO HAVE DEVELOPMENTAL DISABILITIES. The property of any institution that is licensed under s. 48.60 for the care of dependent, ~~or neglected or delinquent children or delinquent juveniles~~ if that property is used for that purpose and the property of any nonprofit institution that is subject to examination under s. 46.03

(5) and that has a full-time population of at least 150 individuals who have developmental disabilities, as defined in s. 51.01 (5), if that property is used for that purpose.

NOTE: Inserts reference to "juveniles" for consistency of references with language of ch. 938.

**SECTION 246.** 70.23 (title) of the statutes is amended to read:

**70.23 (title) Duties of assessors; entry of parcels on tax assessment roll.**

NOTE: Conforms title to section subject matter.

**SECTION 247.** 70.44 (1) of the statutes is amended to read:

70.44 (1) Real or personal property omitted from assessment in any of the 2 next previous years, unless previously reassessed for the same year or years, shall be entered once additionally for each previous year of such omission, designating each such additional entry as omitted for the year 19.. (giving year of omission) and affixing a just valuation to each entry for a former year as the same should then have been assessed according to the assessor's best judgment, and taxes shall be apportioned, using the net tax rate as provided in s. 70.43, and collected on the tax roll for such entry. This section shall not apply to manufacturing property assessed by the department of revenue under s. 70.995.

NOTE: Eliminates reference to "19.." to avoid possible confusion after January 1, 2000, and eliminates the parentheses.

**SECTION 248.** 70.60 (title) of the statutes is amended to read:

**70.60 (title) Apportionment of state tax to counties.**

NOTE: Amends title for clarity.

**SECTION 249.** 70.62 (1) of the statutes is amended to read:

70.62 (1) COUNTY BOARD TO DETERMINE. The county board shall also, at such meeting, determine by resolution the amount of taxes to be levied in their its county for the year.

NOTE: Deletes obsolete language. The reference to "such meeting" has existed in this provision since its creation by Chapter 130, Laws of 1868. Prior to the enactment of Chapter 281, Laws of 1951, s. 70.62 was preceded by s. 70.61 which provided for the county board, at its annual meeting, to determine and assess the value of all property in the county, and thus s. 70.62 referred to the annual meeting. Chapter 281, Laws of 1951, repealed and recreated s. 70.61, removing the requirement that the county board make its assessment at the annual meeting, but did not affect s. 70.62, leaving the reference to the meeting. Chapter 20, Laws of 1981, repealed s. 70.61 in its entirety, but again did not affect s. 70.62, leaving the meeting reference without a subject.

**SECTION 250.** 70.63 (title) of the statutes is amended to read:

**70.63 (title) Apportionment of county and state taxes to municipalities.**

NOTE: Amends title for clarity. See also the treatment of s. 70.60 (title) by this bill.

**SECTION 251.** 70.995 (12) (a) of the statutes is amended to read:

70.995 (12) (a) The department of revenue shall prescribe a standard manufacturing property report form that shall be submitted annually for each real estate parcel and each personal property account on or before March 1 by all manufacturers whose property is assessed under this section. The report form shall contain all information deemed necessary by the department and shall include, without limitation, income and operating statements, fixed asset schedules and a report of new construction or demolition. Failure to submit the report shall result in denial of any right of redetermination by the state board of assessors or the tax appeals commission. If any property is omitted or understated in the assessment roll in any of the next 5 previous years, the assessor shall enter the value of the omitted or understated property once for each previous year of the omission or understatement. The assessor shall designate each additional entry as omitted or understated for the year 19.. (giving year of omission or understatement). The assessor shall affix a just valuation to each entry for a former year as it should have been assessed according to the assessor's best judgment. Taxes shall be apportioned and collected on the tax roll for each entry, on the basis of the net tax rate for the year of the omission, taking into account credits under s. 79.10, and interest shall be added at the rate of 0.0267% per day for the period of time between the date when the form is required to be submitted and the date when the assessor affixes the just valuation.

NOTE: Eliminates reference to "19.." to avoid possible confusion after January 1, 2000, and eliminates parentheses.

**SECTION 252.** 71.05 (6) (b) 22. of the statutes, as created by 1995 Wisconsin Act 403, is renumbered 71.05 (6) (b) 23.

NOTE: 1995 Wis. Act 261 also created a s. 71.05 (6) (b) 22.

**SECTION 253.** 71.05 (6) (b) 22. of the statutes, as created by 1995 Wisconsin Act 453, is renumbered 71.05 (6) (b) 24.

NOTE: 1995 Wis. Act 261 also created a s. 71.05 (6) (b) 22.

**SECTION 254.** 71.07 (5) (a) 7. of the statutes, as created by 1995 Wisconsin Act 453, is amended to read:

71.07 (5) (a) 7. The amount claimed as a deduction for unreimbursed medical care expenses under section 213 (a) of the internal revenue code to the extent that the funds used to pay for the unreimbursed expenses for which the deduction was claimed were withdrawn from an account described under s. 71.05 (6) (b) 22 24.

NOTE: Section 71.05 (6) (b) 22., as created by 1995 Wis. Act 453, is renumbered to s. 71.05 (6) (b) 24. by this bill.

**SECTION 255.** 71.54 (1) (c) 1. of the statutes is amended to read:

71.54 (1) (c) 1. If the household income was \$8,000 or less in the year to which the claim relates, the claim is limited to 80% of the property taxes accrued or rent constituting property taxes accrued or both in that year on the claimant's household homestead.

NOTE: Corrects error in transcribing 1989 Wis. Act 31.

**SECTION 256.** The amendment of 71.54 (2) (a) (intro.) of the statutes by 1995 Wisconsin Act 201 is not repealed by 1995 Wisconsin Act 289. Both amendments stand.

NOTE: There is no conflict of substance.

**SECTION 257.** 72.30 (1) of the statutes is amended to read:

72.30 (1) **FILING REQUIREMENTS.** If a federal estate tax return is required, the personal representative, special administrator, trustee, distributee or other person interested shall prepare the return for the tax under this chapter, compute the tax due under this chapter and on or before the due date, as extended, of the federal estate tax return file with the department the return for the tax under this chapter, a copy of the federal estate tax return and a copy of all documents submitted with the federal estate tax return.

NOTE: Corrects error in transcribing 1991 Wis. Act 39.

**SECTION 258.** 73.03 (2a) of the statutes, as affected by 1995 Wisconsin Act 27, is amended to read:

73.03 (2a) To prepare, have published and distribute to each county having a county assessor system under s. 70.99 and to each town, city and village in the state for the use of assessors, assessment personnel and the public detailed assessment manuals, except that if an assessor is hired by more than one county, town, city or village the department shall provide that assessor with only one cost component of the manual rather than providing the cost component of the manual to each county, town, city or village that hires that assessor. The manual shall discuss and illustrate accepted assessment methods, techniques and practices with a view to more nearly uniform and more consistent assessments of property at the local level. The manual shall be amended by the department from time to time to reflect advances in the science of assessment, court decisions concerning assessment practices, costs, and statistical and other information ~~deemed considered~~ valuable to local assessors by the department. The manual shall incorporate standards for the assessment of all types of renewable energy resource systems used in this state as soon as such systems are used in sufficient numbers and sufficient data exists to allow the formulation of valid guidelines. The manual shall incorporate standards, which the department of revenue and the state historical society of Wisconsin shall develop, for the assessment of nonhistoric property in historic districts and for the assessment of historic property, including but not limited to property that is being preserved or restored; property that is subject to a protective easement, covenant or other restriction for historic preservation purposes; property that is listed in the national register of historic places in Wisconsin or in this state's register of historic places and property that is designated as a historic landmark and is subject to restrictions imposed by a municipality or by a landmarks commission. The manual

shall incorporate general guidelines about ways to determine whether property is taxable in part under s. ~~70.11 (8) 70.1105~~ and examples of the ways that s. ~~70.11 (8) 70.1105~~ applies in specific situations. The manual shall state that assessors are required to comply with s. 70.32 (1g) and shall suggest procedures for doing so. The manual or a supplement to it shall specify per acre value guidelines for each municipality for various categories of agricultural land based on the income that could be generated from its estimated rental for agricultural use, as defined by rule, and capitalization rates established by rule. The manual shall include guidelines for classifying land as agricultural land, as defined in s. 70.32 (2) (c) 1. and guidelines for distinguishing between land and improvements to land. The cost of the development, preparation, publication and distribution of the manual and of revisions and amendments to it shall be borne by the assessment districts and requesters at an individual volume cost or a subscription cost as determined by the department. All receipts shall be credited to the appropriation under s. 20.566 (2) (hi). The department shall, on the 4th Monday in August, certify past-due accounts and include them in the next apportionment of state special charges to counties and municipalities under s. 70.60. If the department provides an assessment manual to an assessor who is hired by more than one unit of government, those units of government shall each pay an equal share of the cost of that manual. The department may provide free assessment manuals to other state agencies or exchange them at no cost with agencies of other states or of the federal government for similar information or publications.

NOTE: This bill renumbers s. 70.11 (8) to s. 70.1105.

**SECTION 259.** 76.02 (intro.) of the statutes is amended to read:

**76.02 Definitions.** (intro.) ~~For the purposes of In ss. 76.01 to 76.26 the following provisions and definitions are made:~~

NOTE: Amends provision for conformity with current style.

**SECTION 260.** 76.02 (1) of the statutes is renumbered 76.02 (4) and amended to read:

76.02 (4) ~~The term “department,”~~ “Department”, without other designation, means the department of revenue.

NOTE: Amends provision for conformity with current style.

**SECTION 261.** 76.02 (2) of the statutes is renumbered 76.02 (6) and amended to read:

76.02 (6) ~~Any “Railroad company” means any person, association, company or corporation, owning and operating a railroad, or operating a railroad in this state, or owning or operating any station, depot, track, terminal, or bridge, in this state, for railroad purposes, shall be deemed a railroad company, except that any such property owned by “railroad company” does not include any~~



county, city, village, or town or any combination thereof is exempt from taxation under this chapter of them.

NOTE: Amends provision for conformity with current style.

**SECTION 262.** 76.02 (5) of the statutes, as affected by 1995 Wisconsin Act 225, is renumbered 76.02 (7) and amended to read:

76.02 (7) Any “Sleeping car company” means any person, association, company or corporation, not being that is not a railroad company as defined in sub. (2), owning any cars known as and that owns any dining, buffet, chair, parlor or sleeping cars which that are used upon railroads within this state, unless the ownership of those cars is identical with to that of the railroads on which they are operated, shall be considered a sleeping car company.

NOTE: Amends provision for conformity with current style.

**SECTION 263.** 76.02 (5a) of the statutes is renumbered 76.02 (1) and amended to read:

76.02 (1) Any “Air carrier company” means any person, association, company or corporation engaged in the business of transportation in aircraft of persons or property for hire on regularly scheduled flights shall be deemed an air carrier company. The term, In this subsection, “aircraft” shall mean means a completely equipped operating unit, including spare flight equipment, used as a means of conveyance in air commerce.

NOTE: Amends provision for conformity with current style.

**SECTION 264.** 76.02 (5b) of the statutes is renumbered 76.02 (5) and amended to read:

76.02 (5) Any “Pipeline company” means any person, association, company or corporation which that is not a light, heat and power company, as defined by s. 76.28 (1), and which that is engaged in the business of transporting or transmitting gas, gasoline, oils, motor fuels, or other fuels, by means of pipelines shall be deemed a pipeline company.

NOTE: Amends provision for conformity with current style.

**SECTION 265.** 76.02 (7) of the statutes is renumbered 76.02 (3) and amended to read:

76.02 (3) Any ~~company or corporation~~ “Conservation and regulation company” means any person organized under the laws of this state for the conservation and regulation of the height and flow of water in public reservoirs within this state, shall be deemed a conservation and regulation company.

NOTE: Amends provision for conformity with current style.

**SECTION 266.** 76.02 (9) of the statutes, as affected by 1995 Wisconsin Act 351, is renumbered 76.02 (2).

NOTE: Renumbers provision for more appropriate placement.

**SECTION 267.** 76.02 (10) of the statutes is renumbered 76.025 (1).

NOTE: Renumbers provision for more appropriate placement.

**SECTION 268.** 76.02 (11) of the statutes, as affected by 1995 Wisconsin Act 27, is renumbered 76.025 (2).

NOTE: Renumbers provision for more appropriate placement.

**SECTION 269.** 76.02 (11a) of the statutes is renumbered 76.025 (3) and amended to read:

76.025 (3) Any air carrier as defined in sub. (5a) ~~company~~ engaged solely in intrastate transportation and using the facilities of only one airport within the this state, shall be ~~excepted~~ is exempt from taxation under this subchapter and shall be is subject to local assessment and taxation.

NOTE: Renumbers provision for more appropriate placement, and amends language for greater conformity with current style.

**SECTION 270.** 76.02 (12) of the statutes is renumbered 76.02 (8) and amended to read:

76.02 (8) ~~The “Special property” means the property of the public utilities enumerated in this section and companies that is~~ assessed under ss. 76.01 to 76.26 shall be known as special property.

NOTE: Renumbers provision for more appropriate placement, and amends language for greater conformity with current style.

**SECTION 271.** 76.02 (13) of the statutes is renumbered 76.025 (4) and amended to read:

76.025 (4) Nothing in this subchapter ~~contained~~ shall be construed to result in the levy, assessment, or collection of taxes on property of a municipal water utility created under s. 198.22.

NOTE: Renumbers provision for more appropriate placement, and amends language for greater conformity with current style.

**SECTION 272.** 76.025 (title) of the statutes is created to read:

**76.025 (title) Miscellaneous provisions.**

NOTE: Renumbering by this bill creates a new s. 76.025.

**SECTION 273.** 76.28 (4) (intro.) of the statutes, as affected by 1995 Wisconsin Act 351, is renumbered 76.28 (4) (a).

NOTE: The “(a)” was inadvertently omitted from 1996 Wis. Act 351.

**SECTION 274.** 76.28 (9) of the statutes is amended to read:

76.28 (9) PROPERTY SUBJECT TO LOCAL TAX. The license fees imposed by this section upon the gross revenues of light, heat and power companies as defined in sub. (1) (e) shall be in lieu of all other taxes on all property used and useful in the operation of the business of such companies in this state, except that the same shall be subject to special assessments for local improvements. If a general structure is used and useful in part in the operation of the business of those companies in this state and in part for nonoperating purposes, the license fees imposed by this section are in place of the percentage of all other taxes on the property that fairly measures and represents the extent of the use and usefulness in the operation of the business of those companies in this state, and the balance is subject to local assessment and taxation,

except that the entire general structure is subject to special assessments for local improvements. Property defined in s. 76.02 (11) under s. 76.025 (2) shall not be taxed under this section, but shall be subject to local assessment and taxation.

NOTE: This bill rennumbers s. 76.02 (11) to s. 76.025 (2).

**SECTION 275.** 77.54 (7m) of the statutes is amended to read:

77.54 (7m) Occasional sales of tangible personal property or services, including but not limited to admissions or tickets to an event; by a neighborhood association, church, civic group, garden club, social club or similar nonprofit organization; not involving entertainment for which payment in the aggregate exceeds \$300 for performing or as reimbursement of expenses unless access to the event may be obtained without payment of a direct or indirect admission fee; conducted by the organization if the organization is not engaged in a trade or business and is not required to have a seller's permit. For purposes of this subsection, an organization is engaged in a trade or business and is required to have a seller's permit if its sales of tangible personal property and services, not including sales of tickets to events, and its events occur on more than 20 days during the year, unless its receipts do not exceed \$15,000 during the year. The exemption under this subsection does not apply to gross receipts from the sale of bingo supplies to players or to the sale, rental or use of regular bingo cards, extra regular cards and special bingo cards.

NOTE: Corrects error in transcribing 1989 Wis. Act 31.

**SECTION 276.** 77.54 (20) (a) 7. of the statutes, as affected by 1995 Wisconsin Acts 125 and 225, is amended to read:

77.54 (20) (a) 7. Fruit and fruit juices, as defined in ch. 97, 1967 stats. ~~bottled~~

7m. Bottled water that is for human consumption and that is not carbonated or sweetened or flavored.

NOTE: Reconciles the treatment of this provision by 1995 Wis. Acts 125 and 225.

**SECTION 277.** 77.82 (4) of the statutes, as affected by 1995 Wisconsin Act 27, is amended to read:

77.82 (4) ADDITIONS TO MANAGED FOREST LAND. An owner may petition the department to designate as managed forest land an additional parcel of land in the same municipality if the additional parcel is at least 3 acres in size and is contiguous to any of the owner's designated land. The petition shall be accompanied by a nonrefundable \$10 application fee unless a different amount of the fee is established in the same manner as the fee under sub. (2). The fee fee shall be deposited in the conservation fund and credited to the appropriation under s. 20.370 (1) (cr). The petition shall be submitted on a department form and shall contain any additional information required by the department.

NOTE: 1995 Wis. Act 27 added "fee", but the word was preexisting.

**SECTION 278.** 77.82 (11) of the statutes is amended to read:

77.82 (11) DURATION. An order under this subchapter remains in effect for the period specified in the petition unless the land is withdrawn under s. 77.84 (3) (b) or 77.88. An amendment to or repeal of this subchapter does not affect the terms of an order or management plan, except as expressly agreed to in writing by the owner and the department and except as provided in sub. (11m).

NOTE: Corrects error in transcribing 1989 Wis. Act 31.

**SECTION 279.** 77.84 (2) (c) of the statutes, as affected by 1995 Wisconsin Act 27, is amended to read:

77.84 (2) (c) In 1992 and each 5th year thereafter, the department of revenue shall adjust the amounts under pars. (a) and (b) by multiplying the amount specified by a ratio using as the denominator the department of revenue's estimate of the average statewide tax per acre of property classes under s. 70.32 (2) (b) 4., 1993 stats., s. 70.32 (2) (b) 5., 1993 stats., and s. 70.32 (2) (b) ~~and~~ 6., 1993 stats., for 1986 and, as the numerator, the department of revenue's estimate of the average tax per acre for the same classes of property for the year in which the adjustment is made.

NOTE: 1995 Wis. Act 27 added "and s. 70.32 (2) (b)" without striking the existing "and".

**SECTION 280.** 78.005 (16) of the statutes is amended to read:

78.005 (16) "Terminal operator" means the person who by ownership or ~~contractual~~ contractual agreement is charged with the responsibility for, or physical control over, and operation of a terminal. If co-venturers own a terminal, "terminal operator" means the person who is appointed to exercise the responsibility for, or physical control over, and operation of the terminal.

NOTE: Corrects spelling.

**SECTION 281.** 78.55 (1) of the statutes is amended to read:

78.55 (1) "Air carrier company" has the meaning ~~pre-~~ described given in s. 76.02 (5a) (1).

NOTE: Amends provision for conformity with current style. This bill rennumbers s. 76.02 (5a).

**SECTION 282.** 80.48 (1) of the statutes, as affected by 1995 Wisconsin Act 225, is repealed and recreated to read:

80.48 (1) PETITION FOR. (a) Any cemetery, agricultural or industrial association owning land to which there is no laid out street or highway giving access to the land may file a petition with the clerk of the city, village or town where the land is located, praying that the city, village or town lay out a street or highway to the association's land from the nearest street or highway which can be used as a convenient means of approach.

(b) The petition shall:

1. Be signed by the managing officers, board of trustees or directors of the association.
2. Set forth that:

a. The association owns land in the city, village or town which is used or intended to be used by a cemetery association for the burial of the dead or by an agricultural or industrial association for fairgrounds or industrial expositions; and

b. There is no laid out street or highway giving access to the association's land.

3. Contain a description of the land.

(bm) Whenever a petition is filed under par. (a) the common council, trustees or supervisors of the city, village or town so petitioned shall make out a notice which shall be served on the owner or occupant of the land through which the proposed street or highway is to be laid. The notice shall be published as provided in s. 80.05. The notice shall contain a copy of the petition and state the time when and place where the council, trustees or supervisors will meet to take action upon the petition, which time shall be within 10 days after the notice is served.

(c) If at the meeting to take action on the petition the proper council, trustees or supervisors shall find the recitals in the petition to be true, they shall, within 5 days after the meeting, make an order for the impaneling of a jury to pass upon the necessity of taking for the public use the land through which the proposed street or highway is to be laid.

NOTE: Corrects errors contained in 1995 Wis. Act 225.

**SECTION 283.** The amendment of 80.64 of the statutes by 1995 Wisconsin Act 201 is not repealed by 1995 Wisconsin Act 225. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 284.** 81.11 (1) of the statutes is amended to read:

81.11 (1) The town board, after each annual town meeting and prior to the first day of November following, shall assess the highway taxes for the ensuing year, and certify the same to the town clerk to be entered by the clerk ~~entered~~ in the next town tax roll and collected as other town taxes are entered and collected.

NOTE: Corrects error in transcribing 1991 Wis. Act 316.

**SECTION 285.** 83.01 (7) (b) of the statutes is amended to read:

83.01 (7) (b) Except as provided under s. 83.015 (2) (b), the county highway commissioner shall perform all duties required by the county board and by the county highway committee and shall do or cause to be done all necessary engineering and make all necessary examinations for the establishment, construction, improvement and maintenance of highways. The county highway commissioner shall establish such grades and make such surveys and maps or cause the same to be made as the commissioner ~~deems~~ considers proper, and examine the highways and report as to the condition of roads, bridges and culverts, and make estimates of the cost of the improvement thereof, and of the cost of any relocation when

required to do so or when the commissioner considers the same reasonably necessary.

NOTE: Corrects error in transcribing 1991 Wis. Act 316.

**SECTION 286.** 84.09 (7) of the statutes, as affected by 1995 Wisconsin Act 201, is amended to read:

84.09 (7) When transportation funds or federal aid are involved in financing an expressway project under s. ~~59.83~~ 59.84, the department, proceeding under the general authority in this section, may order that all or certain parts of the required land or interests therein shall be acquired by the county board or its designated standing committee. When so ordered, the county board or its designated standing committee and the department shall appraise and agree on the maximum price, including all damages recoverable in condemnation proceedings, considered reasonable for the lands or interests to be so acquired. The county board or its designated standing committee shall endeavor to obtain easements or title in fee simple by conveyance of the lands or interests required, to the county or the state as grantee, all as directed in the department's order. The instrument of conveyance shall be subject to approval by the department, and shall be recorded in the office of the register of deeds and filed with the department. If the needed lands or interests therein cannot be purchased expeditiously within the agreed appraised price, the county board or its designated standing committee may acquire them by condemnation under ch. 32, but any award by the county board or its designated standing committee in excess of the agreed appraisal price shall be subject to review by the department. For the purposes and in the manner provided in s. ~~59.83~~ 59.84 (2) (d) 1., when so directed in the department's order, the county board or its designated standing committee may acquire remnants, and with the approval of the department the county board may dispose of remnants and may improve, use, maintain or lease lands and interests acquired and held in trust for the state until they are actually needed for expressway construction. The net proceeds of the sales or rentals shall be remitted to the state or retained and used for expressway purposes when so directed by the department.

NOTE: 1995 Wis. Act 201 changed the cross-references in this provision from s. 59.965 to s. 59.83, but renumbered s. 59.965 to be s. 59.84.

**SECTION 287.** The amendment of 84.31 (9) of the statutes by 1995 Wisconsin Act 201 is not repealed by 1995 Wisconsin Act 227. Both amendments stand.

NOTE: There is no conflict of substance.

**SECTION 288.** 91.73 (1) of the statutes, as affected by 1995 Wisconsin Act 201, is amended to read:

91.73 (1) Except as otherwise provided, exclusive agricultural zoning ordinances shall be adopted and administered in accordance with ss. 59.69, 59.692, 59.693, and ~~59.694 and 59.695~~, 61.35 or 62.23 or subch. VIII of ch. 60. ~~No such ordinance may be rescinded from~~

~~May 17, 1988, to June 30, 1991, in any county with a population density of 100 or more persons per square mile.~~

NOTE: Section 59.695 was renumbered from s. 59.972 by 1995 Wis. Act 201, and s. 59.972 was repealed by 1995 Wis. Act 455, without taking the treatment by Act 201 into account. The repeal stands. The 2nd sentence is no longer of any effect and is therefore deleted.

**SECTION 289.** 92.08 (1) of the statutes, as affected by 1995 Wisconsin Acts 225 and 227, is amended to read:

92.08 (1) Every land conservation committee shall prepare annually for its county a plan which describes the soil and water resource activities to be undertaken by that county and the dollar amounts required for personnel to administer and implement activities in that county related to soil conservation activities required under ss. 92.104 and 92.105 to claim a farmland preservation credit under s. subch. IX of ch. 71, activities required under s. 92.17 related to shoreland management or activities required under s. 281.65 (8m) related to the development or implementation of animal waste or construction site erosion ordinances. The land conservation committee shall submit that plan to the county board of that county and to the department.

NOTE: Corrects error in transcribing 1991 Wis. Act 309.

**SECTION 290.** The amendment of 95.25 (2) of the statutes by 1995 Wisconsin Act 79 is not repealed by 1995 Wisconsin Act 225. Both amendments stand.

NOTE: There is no conflict of substance.

**SECTION 291.** 97.18 (3) (c) of the statutes, as affected by 1995 Wisconsin Act 225, is amended to read:

97.18 (3) (c) There appears on the label of the package the word “oleomargarine” or “margarine” in type or lettering at least as large as any other type or lettering on the label in a color of print which clearly contrasts with its background, and a full accurate statement of the ingredients contained in the oleomargarine or margarine; and

NOTE: 1995 Wis. Act 225 showed the quotation marks as stricken. They were to be added and should have been underscored.

**SECTION 292.** The amendment of 97.34 (2) (c) of the statutes by 1995 Wisconsin Act 227 is not repealed by 1995 Wisconsin Act 378. Both amendments stand.

NOTE: There is no conflict of substance.

**SECTION 293.** 97.34 (2) (d) of the statutes, as affected by 1995 Wisconsin Acts 227 and 378, is amended to read:

97.34 (2) (d) No person may manufacture or bottle bottled drinking water for sale or distribution in this state unless the water system used by the manufacturer or bottler complies with ch. ~~162~~ 280 and rules promulgated by the department of natural resources under that chapter ~~280.13~~.

NOTE: Reconciles the treatment of this provision by 1995 Wis. Acts 227 and 378. Chapter 162 was renumbered to ch. 280 by Act 227. Act 378 replaced “s. 162.03” with “that chapter” while Act 227 replaced “162.03” with “280.13” to reflect the renumbering of that provision by Act 227. The substantive change by Act 378 is retained.

**SECTION 294.** The amendment of 101.143 (3) (a) 5. of the statutes by 1995 Wisconsin Act 227 is not repealed by 1995 Wisconsin Act 247. Both amendments stand.

NOTE: There is no conflict of substance.

**SECTION 294m.** 101.761 (3) of the statutes is amended to read:

101.761 (3) The department or a county may not enforce this subchapter or an ordinance adopted under s. 101.76 (1) (a) or provide inspection services in a municipality unless requested to do so by a person with respect to a particular manufactured building or by the municipality. A request by a person or a municipality with respect to a particular manufactured building does not give the department or a county authority with respect to any other manufactured building. Costs shall be collected under s. 101.76 (1) (c) or ss. 101.73 (12) and 101.76 (2) from the person or municipality making the request.

NOTE: Corrects error in transcribing chapter 314, laws of 1981.

**SECTION 294p.** 102.07 (5) (c) of the statutes is amended to read:

102.07 (5) (c) A shareholder–employee of a family farm corporation shall be deemed a “farmer” for purposes of this chapter and shall not be deemed an employee of a farmer. A “family farm corporation” means a corporation engaged in farming all of whose shareholders are related as lineal ancestors or lineal descendants, or as spouses, brothers, sisters, uncles, aunts, cousins, sons–in–law, daughters–in–law, fathers–in–law, a mothers–in–law, brothers–in–law or sisters–in–law of such lineal ancestors or lineal descendants.

NOTE: Corrects error in transcribing chapter 224, laws of 1975.

**SECTION 295.** 102.07 (13) of the statutes, as affected by 1995 Wisconsin Act 77, is amended to read:

102.07 (13) A ~~child~~ juvenile performing uncompensated community service work as a result of a deferred prosecution agreement under s. 938.245, a consent decree under s. 938.32 or an order under s. 938.34 is an employe of the county in which the court ordering the community service work is located. No compensation may be paid to that employe for temporary disability during the healing period.

NOTE: Replaces “child” with “juvenile” for consistency of references with language of ch. 938.

**SECTION 296.** 102.07 (17) of the statutes, as created by 1995 Wisconsin Act 289, is renumbered 102.07 (17m).

NOTE: 1995 Wis. Act 281 also created a s. 102.07 (17).

**SECTION 297.** The amendment of 102.83 (1) (a) of the statutes by 1995 Wisconsin Act 117 is not repealed by 1995 Wisconsin Act 224. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 298.** 103.49 (2) of the statutes, as affected by 1995 Wisconsin Acts 215 and 225, is repealed and recreated to read:

103.49 (2) PREVAILING WAGE RATES AND HOURS OF LABOR. Any contract hereafter made for the erection, construction, remodeling, repairing or demolition of any project of public works, except contracts for the construction or maintenance of public highways, streets and bridges, to which the state, any state agency or the University of Wisconsin Hospitals and Clinics Authority is a party shall contain a stipulation that no person described in sub. (2m) may be permitted to work a greater number of hours per day or per calendar week than the prevailing hours of labor determined under sub. (3), except that any such person may be permitted or required to work more than such prevailing hours of labor per day and per calendar week if he or she is paid for all hours worked in excess of the prevailing hours of labor at a rate of at least 1.5 times his or her hourly basic rate of pay; nor may he or she be paid less than the prevailing wage rate in the same or most similar trade or occupation in the area wherein such project of public works is situated determined under sub. (3). A reference to the prevailing wage rates and prevailing hours of labor determined under sub. (3) shall be published in the notice issued for the purpose of securing bids for the project. If any contract or subcontract for a project that is subject to this section is entered into, the prevailing wage rates and prevailing hours of labor determined under sub. (3) shall be physically incorporated into and made a part of the contract or subcontract, except that for a minor subcontract, as determined by the department, the department shall prescribe by rule the method of notifying the minor subcontractor of the prevailing wage rates and prevailing hours of labor applicable to the minor subcontract. The prevailing wage rates and prevailing hours of labor applicable to a contract or subcontract may not be changed during the time that the contract or subcontract is in force.

NOTE: Reconciles conflicts in the treatment of this provision by 1995 Wis. Acts 215 and 225 by eliminating the treatment by the revisor's correction bill (Act 225), which was nonsubstantive, and reenacting the provision as affected by Act 215.

**SECTION 299.** 103.49 (3g) of the statutes, as affected by 1995 Wisconsin Act 215, section 57, and 1995 Wisconsin Act 225, section 350, is amended to read:

103.49 (3g) NONAPPLICABILITY. This section does not apply to ~~(a) (intro.)~~ any single-trade project for which the estimated cost of completion is less than \$30,000 or an amount determined under s. 66.293 (5) or to any multiple-trade project for which the estimated cost of completion is less than \$150,000 or an amount determined by the department under s. 66.293 (5).

NOTE: The stricken language was inserted by 1995 Wis. Act 225, but rendered surplusage by the treatment of this provision by 1995 Wis. Act 215.

**SECTION 300.** 103.49 (5) (b) of the statutes, as affected by 1995 Wisconsin Act 215, section 55, is amended to read:

103.49 (5) (b) It shall be the duty of the department to enforce this section. To this end it may demand and examine, and it shall be the duty of every contractor, subcontractor and agent thereof to keep and furnish to the department, copies of payrolls and other records and information relating to the wages paid to persons described in sub. (2m) for work to which this section applies. The department may inspect records in the manner provided in this chapter and chs. 104 to 106. Every contractor, subcontractor or agent performing work on a project that is subject to this section is subject to the requirements of ~~ch. 104~~ this chapter and chs. 104 to 106 relating to the examination of records. Section 111.322 (2m) applies to discharge and other discriminatory acts arising in connection with any proceeding under this section.

NOTE: Amends cross-reference for correct parallel construction with prior sentence. Chapter 101 authority is transferred to the department of commerce effective 7-1-96. 1995 Wis. Act 215 changed the first cross-reference to reflect the statutory authority for the department of industry, labor and job development, but failed to change the 2nd.

**SECTION 301.** 103.49 (7) (a) of the statutes, as affected by 1995 Wisconsin Act 215, is amended to read:

103.49 (7) (a) Except as provided under pars. (b) and (c), the department shall distribute to all state agencies and to the University of Wisconsin Hospitals and Clinics Authority a list of all persons whom the department has found to have failed to pay the prevailing wage rate determined under sub. (3) or has found to have paid less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor determined under sub. (3) at any time in the preceding 3 years. The department shall include with any such name the address of such person and shall specify when such person failed to pay the prevailing wage rate and when such person ~~failed to pay~~ paid less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor. A state agency or the University of Wisconsin Hospitals and Clinics Authority may not award any contract to such person unless otherwise recommended by the department or unless 3 years have elapsed from the date the department issued its findings or date of final determination by a court of competent jurisdiction, whichever is later.

NOTE: Eliminates double negative for internal parallel construction and conformity with other sections created by 1995 Wis. Act 215.

**SECTION 50.** 103.50 (1) (a) of the statutes, as affected by 1995 Wisconsin Act 215, is amended to read:

103.50 (1) (a) "Area" means the county in which a proposed project that is subject to this section is located or, if the department determines that there is insufficient wage data in that county, "area" means those counties that are contiguous to that county or, if the department determines that there is insufficient wage data in those

counties, “area” means those counties that are contiguous to those counties or, if the department determines that there is insufficient wage data in those counties, “area” means the entire state.

NOTE: Inserts word inadvertently omitted from 1995 Wis. Act 215.

**SECTION 302.** 103.50 (2) of the statutes, as affected by 1995 Wisconsin Acts 215 and 225, is repealed and recrafted to read:

**103.50 (2) PREVAILING WAGE RATES AND HOURS OF LABOR.** No person described in sub. (2m) in the employ of a contractor, subcontractor, agent or other person performing any work on a project under a contract based on bids as provided in s. 84.06 (2) to which the state is a party for the construction or improvement of any highway may be permitted to work a longer number of hours per day or per calendar week than the prevailing hours of labor determined under sub. (3); nor may he or she be paid a lesser rate of wages than the prevailing wage rate in the area in which the work is to be done determined under sub. (3); except that any such person may be permitted or required to work more than such prevailing hours of labor per day and per calendar week if he or she is paid for all hours worked in excess of the prevailing hours of labor at a rate of at least 1.5 times his or her hourly basic rate of pay.

NOTE: Reconciles conflicts in the treatment of this provision by 1995 Wis. Acts 215 and 225 by eliminating the treatment by the revisor’s correction bill (Act 225), which was nonsubstantive, and reenacting the provision as affected by Act 215.

**SECTION 303.** 103.62 (1) (c) of the statutes, as affected by 1995 Wisconsin Act 225, is amended to read:

**103.62 (1) (c)** Between one or more employes or associations of employes and one or more employes or associations of employes; or

NOTE: Deletes word unintentionally retained by 1995 Wis. Act 225.

**SECTION 304.** The amendment of 106.21 (1) (g) of the statutes by 1995 Wisconsin Act 201 is not repealed by 1995 Wisconsin Act 289. Both amendments stand.

NOTE: There is no conflict of substance.

**SECTION 305.** The amendment of 106.215 (1) (fm) of the statutes by 1995 Wisconsin Act 201 is not repealed by 1995 Wisconsin Act 289. Both amendments stand.

NOTE: There is no conflict of substance.

**SECTION 305m.** 108.04 (17) (a) 1. of the statutes is amended to read:

**108.04 (17) (a) 1.** During the period between 2 successive academic years or terms, if the school year employe performed such services for an educational institution in the first such year or term and if there is reasonable assurance that he or she will perform such services for an educational institution in the 2nd such year or term; or

NOTE: Corrects error in transcribing 1993 Wis. Act 373.

**SECTION 306.** 108.09 (4) (d) 2. of the statutes, as affected by 1995 Wisconsin Act 118, is amended to read:

**108.09 (4) (d) 2.** If the appellant delivers or transmits a written explanation for nonappearance to the department which is received before a decision under subd. 1., is mailed, the department may so notify each party and schedule a hearing concerning whether there was good cause for the appellant’s nonappearance. The department may also provisionally schedule a hearing concerning any matter in the determination. If, after hearing testimony, the appeal tribunal finds that the appellant’s explanation does not establish good cause for nonappearance, the appeal tribunal shall issue a decision containing this finding and dismissing the appeal. If, after hearing testimony, the appeal tribunal finds that the appellant’s explanation establishes good cause for nonappearance, the appeal tribunal shall issue a decision containing this finding. The same or another appeal tribunal established by the department for this purpose shall then issue a decision under sub. (3) (b) after conducting a hearing concerning any matter in the determination.

NOTE: Deletes unnecessary comma.

**SECTION 307.** The amendment of 108.141 (1) (d) of the statutes by 1995 Wisconsin Act 118 is not repealed by 1995 Wisconsin Act 225. Both amendments stand.

NOTE: There is no conflict of substance.

**SECTION 308.** The amendment of 111.37 (5) (c) of the statutes by 1995 Wisconsin Act 314 is not repealed by 1995 Wisconsin Act 448. Both amendments stand.

NOTE: There is no conflict of substance.

**SECTION 309.** 111.81 (7) (d) of the statutes, as created by 1995 Wisconsin Act 324, is renumbered 111.81 (7) (e).

NOTE: 1995 Wis. Act 27 also created a s. 111.81 (7) (d).

**SECTION 310.** 111.91 (2) (k) of the statutes, as created by 1995 Wisconsin Act 302, is renumbered 111.91 (2) (km).

NOTE: 1995 Wis. Act 289 also created a s. 111.91 (2) (k).

**SECTION 311.** The treatment of 114.14 (2) of the statutes by 1995 Wisconsin Act 225 is not repealed by 1995 Wisconsin Act 405. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 312.** 114.20 (2) (a) of the statutes is amended to read:

**114.20 (2) (a)** Aircraft ~~included within, as defined in~~ s. 76.02 ~~(5a)~~ **(1)**;

NOTE: Amends provision for greater conformity with current style. This bill renumbers s. 76.02 (5a) to s. 76.02 (1).

**SECTION 313.** 114.20 (5) of the statutes, as affected by 1995 Wisconsin Act 113, is amended to read:

**114.20 (5) UNAIRWORTHY AIRCRAFT.** Any person desiring to have an aircraft designated as an unairworthy aircraft may apply to the department in the manner the department prescribes. No application may be acted upon unless all information requested is supplied. Upon receipt of an application and a registration fee to be established by rule and after determining from the facts submitted and investigation that the aircraft qualifies as an

unairworthy aircraft, the department shall issue an unairworthy aircraft certificate. The certificate shall expire upon transfer of ownership or restoration. An aircraft is presumed restored if it is capable of operation. The annual or biennial registration fee is due on the date of restoration. Operation of the aircraft is conclusive evidence of restoration. ~~A~~ A late payment charge to be established by rule shall be assessed on all applications filed later than 30 days after the date of restoration.

NOTE: Deletes word inadvertently retained by 1995 Wis. Act 113.

**SECTION 314.** 114.20 (9m) (intro.) of the statutes, as created by 1995 Wisconsin Act 113, is amended to read:

114.20 (9m) BIENNIAL REGISTRATION FEES. (intro.) Except as provided in sub. (10), the owner of an aircraft subject to the biennial registration requirements under sub. (1) shall pay a biennial registration fee established in accordance with the following gross weight schedule:

[Maximum gross	[Annual <u>Biennial</u>
<u>Weight weight</u> in pounds]	fee]

NOTE: Conforms form to text.

**SECTION 315.** 115.29 (3) of the statutes, as affected by 1995 Wisconsin Act 111, is amended to read:

115.29 (3) AUXILIARY INSTRUCTIONAL EMPLOYEES. By order, establish classes of auxiliary instructional employes and authorize their employment in the instructional program of the elementary and high schools for specific purposes and their reimbursement from the instructional budget. Auxiliary instructional employes shall not be covered as teachers as defined in s. 40.02 (55) or under s. 118.21, ~~118.215~~, 118.22 or 121.006 (2) but shall be eligible under the public employe trust fund as participating employes as defined in s. 40.02 (46), if it is made applicable, other than through s. 40.21 (3), to the school district employing them.

NOTE: Section 118.215 was repealed by 1995 Wis. Act 66.

**SECTION 316.** 115.85 (2m) of the statutes, as affected by 1995 Wisconsin Act 77, is amended to read:

115.85 (2m) PLACEMENT DISPUTES. If a dispute arises between the school board and the department of health and family services, the department of corrections or a county department under s. 46.215, 46.22 or 46.23, or between school boards under s. 115.815 (4) (c), over the placement of a child in an appropriate program under sub. (2), the department shall resolve the dispute. This subsection applies only to placements in nonresidential educational programs made under s. ~~48.48 (4)~~, 48.57 (1) (c), 938.48 (4) or 938.57 (1) (c) and to placements in child caring institutions made under s. 115.815.

NOTE: Section 48.48 (4) was repealed by 1995 Wis. Act 27, effective 7-1-96.

**SECTION 317.** The treatment of 118.01 (2) (d) 2. c. of the statutes by 1995 Wisconsin Act 229 is not repealed by 1995 Wisconsin Act 448. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 318.** 118.12 (2) (b) of the statutes is amended to read:

118.12 (2) (b) No cooperative educational service agency employe may receive for his or her personal benefit anything of value from any person other than his or her employing agency to sell, promote the sale of or act as an agent or solicitor for the sale of any goods or services to any public school pupil while on the property or at an activity of ~~of~~ his or her employing agency or while on the property or at an activity of a school district in the agency.

NOTE: Corrects error in transcribing 1985 Wis. Act 214.

**SECTION 318m.** 118.163 (2) (e) of the statutes, as affected by 1997 Wisconsin Act 3, is amended to read:

118.163 (2) (e) An order for the department of workforce development to revoke, under s. 103.72, a permit under s. 103.70 authorizing the employment of the person.

NOTE: 1997 Wis. Act 3 added "development" without showing it as underscored. The change was intended.

**SECTION 319.** 119.55 (1) (a) of the statutes, as affected by 1995 Wisconsin Act 27, section 7299m, is amended to read:

119.55 (1) (a) The board shall establish one or more youth service centers for the counseling of children who are taken into custody under s. ~~48.19 (1) (d) 9~~ or 938.19 (1) (d) 10. for being absent from school without an acceptable excuse under s. 118.15. The board shall contract with the boys and girls clubs of Greater Milwaukee for the operation of the centers.

NOTE: 1995 Wis. Act 77 repealed s. 48.19 (1) (d) 9. and 10. and created s. 938.19 (1) (d) 10. which is substantively identical to s. 48.19 (1) (d) 10.

**SECTION 320.** 125.07 (4) (cg) 1. of the statutes, as affected by 1995 Wisconsin Act 77, is amended to read:

125.07 (4) (cg) 1. A supervised work program ordered under par. (bs) or (c) shall be administered by the county department under s. 46.215 or 46.22 or by a community agency approved by the court. The court shall set standards for the supervised work program within the budgetary limits established by the county board of supervisors. The supervised work program may provide the person with reasonable compensation reflecting the market value of the work performed or it may consist of uncompensated community service work. Community service work ordered under par. (bs) or (c), other than community service work performed under a supervised work program, shall be administered by a public agency or nonprofit charitable organization approved by the court. The court may use any available resources, including any community service work program, in ordering the child person to perform community service work under par. (bs) or (c).

NOTE: Inserts correct word. This provision applies to underage drinkers which include certain adults as well as children.

**SECTION 321.** 125.085 (3) (bh) 1. of the statutes, as affected by 1995 Wisconsin Act 77, is amended to read:

125.085 (3) (bh) 1. A supervised work program ordered under par. (bd) shall be administered by the county department under s. 46.215 or 46.22 or by a community agency approved by the court. The court shall set standards for the supervised work program within the budgetary limits established by the county board of supervisors. The supervised work program may provide the person with reasonable compensation reflecting the market value of the work performed or it may consist of uncompensated community service work. Community service work ordered under par. (bd), other than community service work performed under a supervised work program, shall be administered by a public agency or nonprofit charitable organization approved by the court. The court may use any available resources, including any community service work program, in ordering the ~~child~~ person to perform community service work under par. (bd).

NOTE: Inserts correct word. This provision applies to underage drinkers which include certain adults as well as children.

**SECTION 322.** The amendment of 125.12 (2) (ag) 5. of the statutes by 1995 Wisconsin Act 417 is not repealed by 1995 Wisconsin Act 448. Both amendments stand.

NOTE: There is no conflict of substance.

**SECTION 323.** 134.24 (3) (a) of the statutes, as created by 1995 Wisconsin Act 284, is amended to read:

134.24 (3) (a) No performing rights society may ~~offer to~~ enter into, or offer to enter into, a contract for the payment of royalties by a proprietor unless the performing rights society, at the time of the offer or between the time of the offer and 72 hours before the execution of the contract, provides to the proprietor a written notice of all of the obligations of the performing rights society as specified under sub. (2). The written notice shall also contain a statement as to whether the performing rights society is in compliance with any applicable federal law or court order that relates to the rates and terms of royalties to be paid by the proprietor or that relates to the circumstances or methods under which contracts subject to this section are offered to the proprietor.

NOTE: Deletes phrase "offer to" inadvertently repeated by 1995 Wis. Act 284.

**SECTION 324.** 134.85 (4) (a) of the statutes is amended to read:

134.85 (4) (a) No motor fuel grantor may require a motor ~~vehicle~~ fuel dealer, who has a dealership with the motor fuel grantor on May 17, 1988, to keep his or her business open for more than 16 hours per day.

NOTE: Corrects error in transcribing 1989 Wis. Act 31.

**SECTION 325.** The amendment of 138.05 (6) of the statutes by 1995 Wisconsin Act 328 is not repealed by 1995 Wisconsin Act 329. Both amendments stand.

NOTE: There is no conflict of substance.

**SECTION 326.** The amendment of 139.39 (6) of the statutes by 1995 Wisconsin Act 233 is not repealed by 1995 Wisconsin Act 408. Both amendments stand.

NOTE: There is no conflict of substance.

**SECTION 327.** 144.441 (2) (b) 2m. of the statutes, as created by 1995 Wisconsin Act 377, is renumbered 289.41 (1m) (b) 2m. and amended to read:

289.41 (1m) (b) 2m. The owner of an approved mining facility that commences operation after June 14, 1996, shall maintain proof of financial responsibility as provided in ~~s. 144.443~~ this section during the operation of the approved mining facility and after the closing of the approved mining facility. The owner's obligation to maintain proof of financial responsibility terminates only as provided in par. (g).

NOTE: 1995 Wis. Act 227 renumbered s. 144.441 (2) to s. 289.41 (1m) and s. 144.443 to s. 289.41.

**SECTION 328.** 144.441 (2) (g) of the statutes, as created by 1995 Wisconsin Act 377, is renumbered 289.41 (1m) (g).

NOTE: 1995 Wis. Act 227 renumbered s. 144.441 (2) to s. 289.41 (1m).

**SECTION 329.** 144.78 of the statutes, as created by 1995 Wisconsin Act 290, is renumbered 299.62, and 299.62 (1) (am), as renumbered, is amended to read:

299.62 (1) (am) "Discharge" has the meaning given in s. ~~144.76(1)(a)~~ 292.01(3).

NOTE: Effective January 1, 1997, ch. 144 was renumbered in its entirety by 1995 Wis. Act 227 into several new chapters. This provision is renumbered to ch. 299, "General Environmental Provisions", because its subject matter does not closely match the subject matter of any of the other new chapters. Section 144.76 (1) (a) is renumbered s. 292.01 (3) by Act 227.

**SECTION 330.** 144.783 of the statutes, as created by 1995 Wisconsin Act 290, is renumbered 299.64, and 299.64 (1) (b), as renumbered, is amended to read:

299.64 (1) (b) "Open burning" has the meaning given in s. ~~144.436(1)(b)~~ 289.51(1)(b).

NOTE: Effective January 1, 1997, ch. 144 was renumbered in its entirety by 1995 Wis. Act 227 into several new chapters. This provision is renumbered to ch. 299, "General Environmental Provisions", because its subject matter does not closely match the subject matter of any of the other new chapters and to correspond with the renumbering of s. 144.78 by this bill.

**SECTION 331.** 144.985 of the statutes, as created by 1995 Wisconsin Act 290, is renumbered 299.66 and amended to read:

**299.66 Inspecting vessels.** An employe or agent of the department may board and inspect any vessel that is subject to s. ~~144.78~~ 299.62 or ~~144.783~~ 299.64 to determine the state of compliance with those provisions.

NOTE: Effective January 1, 1997, ch. 144 was renumbered in its entirety by 1995 Wis. Act 227 into several new chapters. This provision is renumbered to ch. 299, "General Environmental Provisions", because its subject matter does not closely match the subject matter of any of the other new



chapters and to correspond with the renumbering of ss. 144.78 and 144.783 by this bill.

**SECTION 332.** 146.0255 (2) of the statutes, as affected by 1995 Wisconsin Acts 386 and 448, is amended to read:

146.0255 (2) **TESTING.** Any hospital employe who provides health care, social worker or intake worker under ch. 48 may refer an infant to a physician for testing of the infant's bodily fluids for controlled substances or controlled substance analogs if the hospital employe who provides health care, social worker or intake worker suspects that the infant has controlled substances or controlled substance analogs in the infant's bodily fluids because of the mother's use of controlled substances or controlled substance analogs while she was pregnant with the infant. The physician may test the infant to ascertain whether or not the infant has controlled substances or controlled substance analogs in the infant's bodily fluids, if the physician determines that there is a serious risk that there are controlled substances or controlled substance analogs in the infant's bodily fluids because of the mother's use of controlled substances or controlled substance analogs while she was pregnant with the infant and that the health of the infant may be adversely affected by the controlled substances or controlled substance analogs. If the results of the test indicate that the infant does have controlled substances or controlled substance analogs in the infant's bodily fluids, the physician shall make a report under s. 46.238.

NOTE: 1995 Wis. Act 448 changed the term "controlled substances" to "controlled substances or controlled substance analogs" throughout this section. 1995 Wis. Act 386 added a reference to "controlled substances", but that act did not take the treatment by Act 448 into account.

**SECTION 333.** 146.40 (title) of the statutes is amended to read:

**146.40 (title) Instructional programs for nurse's assistants and home health and hospice aids aides.**

NOTE: Corrects error in transcribing 1991 Wis. Act 39.

**SECTION 334.** 146.82 (2) (a) 9. b. of the statutes, as affected by 1995 Wisconsin Act 169, is amended to read:

146.82 (2) (a) 9. b. Except as provided in subd. 9. c. and d., to staff members of the protection and advocacy agency designated under s. 51.62 (2) or to staff members of the private, nonprofit corporation with which the agency has contracted under s. 51.62 (3) (a) 3., if any, for the purpose of protecting and advocating the rights of a person with developmental ~~development~~ disabilities, as defined under s. 51.62 (1) (am), who resides in or who is receiving services from an inpatient health care facility, as defined under s. 51.62 (1) (b), or a person with mental illness, as defined under s. 51.62 (1) (bm).

NOTE: Corrects spelling.

**SECTION 335.** 150.84 (2) of the statutes, as affected by 1995 Wisconsin Act 27, is amended to read:

150.84 (2) "Health care facility" means a facility, as defined in s. 647.01 (4), or any hospital, nursing home,

community-based residential facility, county home, county infirmary, county hospital, county mental health center, tuberculosis sanatorium or other place licensed or approved by the department under s. 49.70, 49.71, 49.72, 50.02, 50.03, 50.35, 51.08, 51.09, 58.06, 252.073 or 252.076 or a facility under s. 45.365, 51.05, 51.06, 233.40, 233.41, 233.42 or 252.10 ~~or ch. 142~~.

NOTE: 1995 Wis. Act 27 renumbered ch. 142 to be ss. 233.40 to 233.42 effective 6-29-96.

**SECTION 336.** 155.01 (6) of the statutes, as affected by 1995 Wisconsin Act 27, is amended to read:

155.01 (6) "Health care facility" means a facility, as defined in s. 647.01 (4), or any hospital, nursing home, community-based residential facility, county home, county infirmary, county hospital, county mental health center, tuberculosis sanatorium or other place licensed or approved by the department under s. 49.70, 49.71, 49.72, 50.02, 50.03, 50.35, 51.08, 51.09, 58.06, 252.073 or 252.076 or a facility under s. 45.365, 51.05, 51.06, 233.40, 233.41, 233.42 or 252.10 ~~or ch. 142~~.

NOTE: 1995 Wis. Act 27 renumbered ch. 142 to be ss. 233.40 to 233.42 effective 6-29-96.

**SECTION 337.** The amendment of 160.27 (5) of the statutes by 1995 Wisconsin Act 227 is not repealed by 1995 Wisconsin Act 378. Both amendments stand.

NOTE: There is no conflict of substance.

**SECTION 338.** 161.01 (12m) (f) of the statutes, as created by 1995 Wisconsin Act 281, is renumbered 961.01 (12m) (f).

NOTE: 1995 Wis. Act 448 renumbered ch. 161 to be ch. 961.

**SECTION 339.** 161.36 (1m) of the statutes, as created by 1995 Wisconsin Act 305, is renumbered 961.36 (1m).

NOTE: 1995 Wis. Act 448 renumbered the remainder of this section to be s. 961.36.

**SECTION 340.** 161.48 (2m) of the statutes, as created by 1995 Wisconsin Act 402, is renumbered 961.48 (2m).

NOTE: 1995 Wis. Act 448 renumbered the remainder of this section to be s. 961.48.

**SECTION 341.** 165.76 (2) (b) 4. of the statutes, as affected by 1995 Wisconsin Act 440, is repealed and recreated to read:

165.76 (2) (b) 4. If subs. 1. to 3m. do not apply, the department of justice shall specify in its order the time and procedure for the person to provide the specimen under par. (a).

NOTE: 1995 Wis. Act 440 stated that it created s. 165.76 (2) (b) 4., but that provision already existed in identical form except that Act 440 changed "3." to "3m." This treatment is to clarify that the Act 440 version of s. 165.76 (2) (b) 4. replaces the previously existing version.

**SECTION 342.** The amendment of 166.03 (4) (b) of the statutes by 1995 Wisconsin Act 201 is not repealed by 1995 Wisconsin Act 247. Both amendments stand.

NOTE: There is no conflict of substance.

**SECTION 343.** The amendment of 166.03 (4) (c) of the statutes by 1995 Wisconsin Act 201 is not repealed by 1995 Wisconsin Act 247. Both amendments stand.

NOTE: There is no conflict of substance.

**SECTION 344.** 167.10 (6m) (f) of the statutes, as affected by 1995 Wisconsin Act 27, section 9130 (4), and 1995 Wisconsin Act 330, is amended to read:

167.10 (6m) (f) The department of ~~industry, labor and job development~~ commerce may inspect at reasonable times the premises on which each person licensed under this subsection manufactures fireworks or devices listed under sub. (1) (e), (f) or (i) to (n).

NOTE: Inserts correct department name. 1995 Wis. Act 27 transferred the enforcement of this section from the department of industry, labor and human relations (DILHR) (now industry, labor and job development) to the department of development (now commerce). 1995 Wis Act 330, which inserted the reference to DILHR, did not take into account the treatment of s. 167.10 by Act 27.

**SECTION 345.** The amendment of 174.001 (3) of the statutes by 1995 Wisconsin Act 79 is not repealed by 1995 Wisconsin Act 316. Both amendments stand.

NOTE: There is no conflict of substance.

**SECTION 346.** 178.06 (3) of the statutes is renumbered 178.06 (3) (intro.) and amended to read:

178.06 (3) (intro.) Unless authorized by the other partners or unless they have abandoned the business, one or more but less than all of the partners have no authority to do any of the following:

(a) Assign the partnership property in trust for creditors or on the assignee's promise to pay the debts of the partnership;

(b) ~~dispose~~ Dispose of the ~~good-will~~ goodwill of the business;

(c) ~~do~~ Perform any other act which would make it impossible to carry on the ordinary business of the partnership;

(d) ~~confess~~ Confess a judgment; ~~or,~~

(e) ~~submit~~ Submit a partnership claim or liability to arbitration or reference.

NOTE: Subdivides provision consistent with current style.

**SECTION 347.** 178.46 (1) (c) of the statutes, as created by 1995 Wisconsin Act 97, is amended to read:

178.46 (1) (c) Contain the name of the drafter, if required by s. ~~14.38 (14)~~ 182.01 (3).

NOTE: 1995 Wis. Act 27 renumbered s. 14.38 (14) to be s. 182.01 (3) effective 7-1-96.

**SECTION 348.** 180.0126 (1) of the statutes, as affected by 1995 Wisconsin Act 27, is amended to read:

180.0126 (1) If the department refuses to file a document received by ~~his or her office~~ the department for filing, the domestic corporation or foreign corporation may appeal the refusal by filing a petition in circuit court to compel the department to file the document. The domestic corporation or foreign corporation shall file the petition in the circuit court for the county where the domestic corporation's or foreign corporation's principal office or,

if none in this state, its registered office is or will be located. The domestic corporation or foreign corporation shall attach to the petition the document and any explanation by the department of the reasons for the refusal to file.

NOTE: Inserts correct word.

**SECTION 349.** 182.01 (3) (title) of the statutes is reenacted to read:

182.01 (3) (title) NAME OF DRAFTER ON DOCUMENTS.

NOTE: Corrects error in transcribing 1995 Wis. Act 27, section 53ad. The title was inadvertently deleted.

**SECTION 350.** 182.025 (2) of the statutes is amended to read:

182.025 (2) Any foreign corporation licensed to transact any business in this state defined in ss. 76.02 ~~(5b)~~ (5) and 76.28 (1) and duly authorized to do so in accordance with the laws of the state of incorporation and by its charter may borrow money and execute its bonds or notes therefor; and to secure the payment of such bonds or notes to a fixed amount or in amounts to be from time to time determined by the board of directors may mortgage or trust deed any or all of the property, rights, privileges and franchises that it may own or thereafter acquire in this state and may, in and by mortgage or deed of trust, provide for the disposal of any of such property and the substitution of other property in its place. Every such mortgage or deed of trust may be recorded in the office of the register of deeds of the county designated by the corporation as its registered office in this state at the time of such recording and such record shall have the same effect as if such instrument were filed in the proper office as a chattel mortgage or financing statement and so remain until satisfied or discharged without any further affidavit, continuation statement or proceeding whatever.

NOTE: This bill renumbers s. 76.02 (5b) to s. 76.02 (5).

**SECTION 351.** 182.40 (1) of the statutes is amended to read:

182.40 (1) The following government agencies are to be exempt from the payment of tolls: All armed forces of the United States including the Wisconsin national ~~guards~~ guard and national guard units from other states; the Wisconsin state defense force; and civilian defense organizations.

NOTE: Corrects spelling.

**SECTION 352.** 183.0114 (2) (intro.) of the statutes is amended to read:

183.0114 (2) (intro.) The ~~secretary of state~~ department may not collect a fee for any of the following:

NOTE: 1995 Wis. Act 27 transferred filing and registration responsibility under ch. 183 from the secretary of state to the department of financial institutions.

**SECTION 353.** 186.098 (3) (title) of the statutes is created to read:

186.098 (3) (title) LOAN APPLICATIONS.

NOTE: The other subsections of s. 186.098 have titles.

**SECTION 354.** 186.11 (4) (c) of the statutes, as created by 1995 Wisconsin Act 151, is amended to read:

186.11 (4) (c) A service corporation may be subject to audit by the ~~commissioner~~ office of credit unions.

NOTE: 1995 Wis. Act 151 was intended to replace all references to the commissioner of credit unions, effective 7-1-96. This reference was unintentionally retained.

**SECTION 355.** 186.113 (1m) (title) of the statutes is created to read:

186.113 (1m) (title) LIMITED SERVICE OFFICES.

NOTE: The other subsections of s. 186.113 have titles.

**SECTION 356.** 186.235 (15) (b) of the statutes, as created by 1995 Wisconsin Act 151, is amended to read:

186.235 (15) (b) Witness fees shall be the same as fees under s. 814.67 (1) (b) and (c). The fees of witnesses who are called by the office in the interests of the state shall be paid by the state upon presentation of proper vouchers approved by the ~~commissioner~~ office of credit unions and charged to the appropriation under s. ~~20.141-1~~ 20.144 (2) (g). A witness subpoenaed by the office at the instance of a party other than the office shall not be entitled to payment of fees by the state unless the office certifies that the testimony was material to the purpose for which the subpoena was issued.

NOTE: 1995 Wis. Act 27 renumbered s. 20.141 (1) (g) to be s. 20.144 (2) (g) and changed references to the "commissioner of credit unions" to the "office of credit unions", all effective 7-1-96.

**SECTION 357.** 190.01 (2) of the statutes, as affected by 1995 Wisconsin Act 27, is amended to read:

190.01 (2) The articles of incorporation and amendments thereto shall be filed with the department of ~~revenue~~ financial institutions; in the case of articles, the department of ~~revenue~~ financial institutions shall thereupon issue a certificate of incorporation and the corporation then has legal existence. The articles of incorporation or special charter of any railroad company may be amended by a majority vote of all the stock in the respects and for the purposes provided in s. 180.1001. The fees for filing articles and amendments thereto are as provided in s. 180.0122 (1) (a) and (m) except that the fees for filing an amendment which authorizes the issuance of redeemable preference shares for sale to the U.S. secretary of transportation under sections 505 and 506 of P.L. 94-210 is \$15 for the amendment and an additional sum equal to \$1 for each \$100,000 or fraction thereof of par value redeemable preference shares authorized by the amendment.

NOTE: The governor's budget proposal provided for the transfer of corporate filings to the department of revenue, but was changed to the department of financial institutions as enacted in 1995 Wis. Act 27. That change inadvertently was not made to the treatment of this provision by Act 27.

**SECTION 357m.** 196.491 (2) (g) of the statutes is amended to read:

196.491 (2) (g) Within 180 days after the plan is filed, the commission shall hold a hearing thereon. The hearing shall be held in an administrative district, established by executive order 22, issued August 24, 1970, which the commission determines will be significantly affected by

facilities proposed in the plan to be constructed in the following 3 years. The commission may thereafter adjourn the hearing to other locations or may conduct the hearing by interactive video conference or other electronic method. Notice of such hearing shall be given by class 1 notice, under ch. 985, published in the official state newspaper and such other regional papers of general circulation as may be designated by the commission. At such hearing the commission shall briefly describe the plan and give all interested persons an opportunity, subject to reasonable limitations on the presentation of repetitious material, to express their views on any aspect of the plan. The presentation of such views need not be under oath nor subject to cross-examination. The commission shall advise all persons present of their right to express their views orally or in writing, under oath or otherwise, and of the legal effect of each such form of testimony. A ~~written~~ record of unsworn testimony shall be made and considered by the commission as comments on the plan under par. (e). Persons presenting such views shall not be parties. The utility, any state agency, county, municipality, town, or any person whose substantial rights may be adversely affected by the testing for or construction of facilities described in an advance plan, shall, upon filing written notice setting forth its interest at least 10 days in advance, be afforded all the rights of a party in a contested case.

NOTE: Corrects error in transcribing 1995 Wis. Act 27.

**SECTION 357p.** 196.857 (2g) (title) of the statutes is amended to read:

196.857 (2g) (title) FARM SERVICE SERVICES FEES.

NOTE: Corrects error in transcribing 1995 Wis. Act 27.

**SECTION 358.** 214.26 (2) (c) of the statutes, as affected by 1995 Wisconsin Act 27, is amended to read:

214.26 (2) (c) After 3 years of corporate existence, the board of directors may petition the division for authority to repay the incorporators, on a proportional basis, any unused portion remaining in the expense fund. If the division determines that the operations of the mutual savings bank at that point are of such degree as ~~so~~ to enable the mutual savings bank to operate without the subsidy, the division may authorize repayment.

NOTE: Inserts correct word.

**SECTION 359.** 214.345 (5) of the statutes, as affected by 1995 Wisconsin Act 103, sections 8 and 9, is repealed and recreated to read:

214.345 (5) (a) Subject to the approval of the division, a savings bank's bylaws shall provide for reasonable indemnification to its officers, directors and employes in connection with the faithful performance of their duties for the savings bank. For stock savings banks, the provisions shall be consistent with those under ss. 180.0850 to 180.0859. For mutual savings banks, the provisions shall be consistent with those under ss. 215.512 to 215.525.

(b) The provisions relating to the limited liability of directors under s. 180.0828, as they apply to a director of a corporation, apply to a director of a stock savings bank. The provisions relating to the limited liability of directors and officers under s. 215.525, as they apply to a director or officer of a mutual savings and loan association, apply to a director or officer of a mutual savings bank.

NOTE: 1995 Wisconsin Act 103, section 8, repeals and recreates s. 214.345 (5) effective on July 1, 1996. 1995 Wisconsin Act 103, section 9, repealed and recreated s. 214.345 (5) effective on the day after publication of the act. The section 8 treatment was intended to take effect on publication, to be replaced by the section 9 treatment on July 1, 1996. This bill recreates the section 9 treatment.

**SECTION 360.** 214.65 (2) (b) of the statutes, as affected by 1995 Wisconsin Act 103, section 31, is amended to read:

214.65 (2) (b) The proposed sale is approved by the stockholders if it receives an affirmative vote from a majority of the total number of votes that are entitled to be cast. A proposal for the voluntary liquidation of the savings bank may be submitted to the stockholders at the same meeting or at any later meeting called for that purpose. A certified summary of proceedings setting forth the terms of the proposed sale, the form and timing of the notice given, the vote on the proposal and the total number of votes entitled to be cast shall be filed with the division.

NOTE: Inserts missing words.

**SECTION 361.** 214.825 of the statutes, as affected by 1995 Wisconsin Act 27, is amended to read:

**214.825 Purposes of taking custody.** The purposes of taking custody of a savings bank may include examination; production of an audited financial statement; reconstruction of books and records; conservation of assets; restoration of impaired capital; the making of any necessary or equitable adjustment, including changes in officers and management, considered necessary by the division under any plan of reorganization or liquidation; restructuring of the savings bank through a merger or formation of ~~a~~ an interim institution; establishment of a conservatorship to operate and manage a savings bank as an ongoing concern until the grounds for custody and conservatorship are remedied; or the maturing of an obligation of the deposit insurance corporation.

NOTE: Inserts correct word.

**SECTION 362.** 215.02 (6) (a) 3. of the statutes, as affected by 1995 Wisconsin Act 104, section 7, is amended to read:

215.02 (6) (a) 3. For the purpose of comparing notes as to matters affecting an association with an examiner of ~~the~~ a deposit insurance corporation or a federal regulatory agency as to any association whose savings accounts are insured by the deposit insurance corporation.

NOTE: Deletes unnecessary word consistent with the treatment of s. 215.02 (6) (a) 4. by 1995 Wis. Act 104.

**SECTION 362m.** 215.04 (1) (a) to (e) of the statutes are amended to read:

215.04 (1) (a) Advise the division in respect to improvement in the condition and service of associations;₂

(b) Review the acts, orders and determinations of the division under sub. (4);₂

(c) Act promptly on matters and questions, pertaining to associations, that may be submitted to it by the division;₂

(d) Serve as an appeal board for associations under ~~s.~~ ss. 215.40 (18) and 215.60 (15);₂

(e) Perform such other review functions in relation to associations as may be provided by law;₂

NOTE: Replaces punctuation consistent with current style; and replaces "s." with "ss."

**SECTION 362p.** 215.04 (1) (f) of the statutes, as affected by 1997 Wisconsin Act 3, is amended to read:

215.04 (1) (f) Conduct hearings and take testimony, and to subpoena and swear witnesses at such hearings. The review board shall have the same subpoena powers as are possessed by the department of workforce development and also the powers granted by s. 885.01 (4);₂

NOTE: Replaces punctuation consistent with current style.

**SECTION 363.** 215.32 (6) (a) of the statutes, as affected by 1995 Wisconsin Act 27, is amended to read:

215.32 (6) (a) *Notice, allowance and payment of claims.* The special deputy ~~commissioner~~ shall publish a class 3 notice, under ch. 985, requiring all persons who have claims against the association, other than savers whose claims are shown in the records of the association, to file proof of their claims at a place and by a date not earlier than 30 days after the last insertion of the notice. The special deputy shall mail a copy of the notice to all persons, at their last-known addresses, who appear as creditors upon the books of the association. Proof of publication and service of the notice shall be filed with the clerk of circuit court. A claim, other than that of a saver whose claim is shown on the records of the association, for which no proof of claim is filed by the date fixed in the notice is barred. Savers whose claims are shown in the records of the association need not file proof of their claims. Any interested party may file written objections to any claim with the special deputy. The special deputy may reject any claim, including a claim of a saver. After notice by registered mail of rejection, the claim is barred unless the claimant commences an action within 90 days after the date of mailing of the notice of rejection.

NOTE: The stricken word should have been deleted by 1995 Wis. Act 27 which eliminated the office of the commissioner of savings and loan.

**SECTION 363m.** 215.32 (6) (d) of the statutes is amended to read:

215.32 (6) (d) *Conservation of assets; collection of claims; sale of assets and performance of any other acts upon order of the court.* ~~A special deputy commissioner appointed under this section may take any action neces-~~

sary to conserve the assets and business of an association subject to this section and shall proceed to liquidate its affairs. The special deputy commissioner shall collect all claims belonging to the association, and, with the prior approval of the commissioner and the circuit court, may sell or compound all bad or doubtful claims, do any act or execute any necessary instruments, or sell the property of the association. A special deputy appointed under this section may take any action necessary to conserve the assets and business of an association subject to this section and shall proceed to liquidate its affairs. The special deputy shall collect all claims belonging to the association, and, with the prior approval of the division and the circuit court, may sell or compound all bad or doubtful claims, do any act or execute any necessary instruments, or sell the property of the association.

NOTE: Corrects error in transcribing 1995 Wis. Act 27.

**SECTION 364.** 215.32 (6) (h) (title) of the statutes, as affected by 1995 Wisconsin Act 27, is amended to read:

215.32 (6) (h) (title) *Transfer of residual assets to commissioner division.*

NOTE: The stricken word should have been deleted by 1995 Wis. Act 27 which eliminated the office of the commissioner of savings and loan and replaced it with the division of savings and loan in the department of financial institutions.

**SECTION 365.** 217.12 (2) of the statutes is amended to read:

217.12 (2) **TOKENS.** No licensee shall issue ~~script scrip~~ or tokens other than checks to be used in lieu of money for the purchase of goods or services from any enterprise.

NOTE: Inserts correct word.

**SECTION 366.** 218.05 (4) (b) of the statutes, as affected by 1995 Wisconsin Act 225, is amended to read:

218.05 (4) (b) If the division ~~shall~~ finds that the conditions under par. (a) 1. to 3. are not met, the division shall not issue the license and shall notify the applicant of the denial, retaining the investigation fee to cover the cost of investigating the applicant. The division shall approve or deny every application within 30 days from the filing thereof. No application shall be denied unless the applicant has had notice of a hearing on the application and an opportunity to be heard thereon. If the application is denied, the division shall, within 20 days thereafter, prepare and keep on file with the division a written order of denial which shall contain the division's findings with respect thereto and the reasons supporting the denial. The division shall mail a copy of the order of denial to the applicant at the address set forth in the application, within 5 days after the filing of the order.

NOTE: Deletes word unintentionally retained by 1995 Wis. Act 225.

**SECTION 367.** 220.04 (1) (b) of the statutes, as affected by 1995 Wisconsin Act 55, section 5, is amended to read:

220.04 (1) (b) In lieu of any examination required to be made by the division, the division may accept any examination that may have been made of any bank or trust company bank within a reasonable period by a bank supervisory agency, as defined in s. ~~221.59~~ 221.0901 (2) (d), if a copy of the examination is furnished to the division.

NOTE: Inserts correct cross-reference. Chapter 221 was repealed and recreated by 1995 Wis. Act 336. The definition of "bank supervisory agency" now appears at s. 221.0901 (2) (d).

**SECTION 368.** 221.0216 (4) of the statutes, as created by 1995 Wisconsin Act 336, is amended to read:

221.0216 (4) **LIABILITY OF HOLDERS OF PREFERRED STOCK.** Preferred stock of a bank is not subject to a an assessment to restore an impairment in the capital of the bank. A holder of preferred stock of a bank is not individually responsible, in the shareholder's capacity as a shareholder, for any debt, contract or acknowledgment of a bank.

NOTE: Inserts correct word.

**SECTION 369.** 221.0321 (5) of the statutes, as created by 1995 Wisconsin Act 336, is amended to read:

221.0321 (5) **CERTAIN SECURED LOANS.** A bank may make loans secured by assignment or transfer of stock certificates or other evidence of the borrower's ownership interest in a corporation formed for the cooperative ownership of real estate. Sections 846.10 and 846.101, as they apply to a foreclosure of a mortgage involving a one-family residence, apply to a proceeding to enforce the lender's rights in security given for a loan under this subsection. The division shall promulgate joint rules with the ~~division~~ office of credit unions and the division of savings and loan that establish procedures for enforcing a lender's rights in security given for a loan under this subsection.

NOTE: Inserts correct word.

**SECTION 370.** 221.0402 (2) (b) of the statutes, as affected by 1995 Wisconsin Act 336, is amended to read:

221.0402 (2) (b) Mortgage bankers registered under s. ~~440.72~~ 224.72 may use the designation "mortgage banker".

NOTE: Inserts correct cross-reference. Section 440.72 was renumbered to s. 224.72 by 1995 Wis. Act 27.

**SECTION 371.** 221.0802 of the statutes, as affected by 1995 Wisconsin Act 336, is amended to read:

**221.0802 Banks may be placed in hands of division.** A bank doing business under this chapter may place its affairs and assets under the control of the division by posting a notice on its front door, as follows: "This bank is in the hands of the Division of Banking of the Department of Financial Institutions". Immediately upon posting such notice, the bank shall notify the division of this action. The posting of the notice, or the taking possession of a bank by the division, places the bank's assets and property in the possession of the division, and bars any

attachment proceedings. For each day the division is placed in possession of the bank, and until such time as a special deputy is appointed under s. 220.08 (4), the bank shall pay to the division the actual cost of such liquidation proceedings. The division shall pay the amounts to the state treasurer and the percentage specified in s. ~~20.124~~ 20.144 (1) (g) shall be credited to the appropriation account under s. ~~20.124~~ 20.144 (1) (g).

NOTE: Inserts correct cross-reference. Section 20.124, the appropriation for the office of the commissioner of banking, was repealed by 1995 Wis. Act 27. The office of the commissioner of banking was replaced by the department of financial institutions, the appropriation for which appears at s. 20.144. The percentage and appropriation now appear at s. 20.144 (1) (g).

**SECTION 372.** The amendment of 223.08 of the statutes by 1995 Wisconsin Act 336 is not repealed by 1995 Wisconsin Act 417. Both amendments stand.

NOTE: There is no conflict of substance.

**SECTION 373.** 223.105 (4) of the statutes, as affected by 1995 Wisconsin Act 27, is amended to read:

223.105 (4) NOTICE OF FIDUCIARY OPERATION. Except for those organizations licensed under ch. 221 or this chapter, any organization engaged in fiduciary operations as defined in this section shall, as required by rule, notify the division of banking, the office of credit unions or the division of savings and loan of that fact, directing the notice to the agency then exercising regulatory authority over the organization or, if there is none, to the division of banking. Any organization which intends to engage in fiduciary operations shall, prior to engaging in such operations, notify the appropriate agency of this intention. The notifications required under this subsection shall be on forms and contain information required by the rules promulgated by the division of banking.

NOTE: Inserts missing word.

**SECTION 374.** 223.12 (2) of the statutes, as affected by 1995 Wisconsin Act 273, section 8, is amended to read:

223.12 (2) SERVICE OF PROCESS. Any foreign corporation acting in this state in a fiduciary capacity is considered to have appointed the division of banking to be its true and lawful attorney upon whom may be served all legal process in any action or proceeding against it relating to or growing out of any trust, estate or matter in respect of which the foreign corporation has acted or is acting in this state in any such fiduciary capacity. Engagement in this state in any acts in a fiduciary capacity signifies agreement that any process against the foreign corporation which is served under this subsection shall be of the same legal force and validity as though served upon the foreign corporation personally. Service of process under this subsection shall be made by delivering to the division of banking a copy of the process, together with any fee for service of process required by the ~~commissioner~~ division. Service of process is sufficient if notice of such service and a copy of the process are, within 10 days after

delivery to the division of banking, sent by registered mail by the plaintiff to the defendant at its principal office in such other state or territory and the plaintiff's affidavit of compliance with this requirement is appended to the summons. The court in which the action is pending may order such continuances as may be necessary to afford the defendant reasonable opportunity to defend the action. The fee paid by the plaintiff to the division at the time of the service may be recovered as taxable costs by the plaintiff if the plaintiff prevails in the action. The division shall keep a record of all processes served upon the division under this subsection and shall record the time of the service.

NOTE: 1995 Wis. Act 273 inserted "division" without showing it underscored and deleted "commissioner" without showing it stricken. The change was intended.

**SECTION 375.** 223.12 (4) (c) of the statutes, as affected by 1995 Wisconsin Act 273, section 11, is amended to read:

223.12 (4) (c) Each foreign corporation making application for a certificate of authority shall pay reasonable fees to the ~~office of the~~ division of banking as determined by the division for the services of that division.

NOTE: 1995 Wis. Act 273 deleted "office of the" without showing it stricken. The change was intended.

**SECTION 376.** 224.72 (5) (b) 1. of the statutes, as affected by 1995 Wisconsin Act 465, is amended to read:

224.72 (5) (b) 1. Upon receiving a properly completed application for registration as a mortgage banker, the fee specified in sub. (8) (b) and, except as provided in s. 224.85 (2), satisfactory evidence of compliance with sub. (4), the department shall issue to the applicant a temporary certificate of registration as a mortgage banker. A temporary certificate of registration is valid for 6 months after the date of issuance.

NOTE: 1995 Wis. Act 465 deleted "in" without showing it as stricken. No change was intended.

**SECTION 377.** 226.14 (1) of the statutes, as affected by 1995 Wisconsin Act 27, is amended to read:

226.14 (1) No common law trust organized in this state, and no such trust formed or organized under or by authority of the laws of any state or foreign jurisdiction, for the purpose of doing business under a declaration of trust which shall have issued to ~~five~~ 5 or more persons, or which shall sell or propose to sell beneficial interests, certificates or memberships therein, shall transact business, or acquire, hold or dispose of property in this state until the trustees named in said declaration of trust shall have caused to be filed with the department of financial institutions the original declaration of trust, or a true copy thereof, and all amendments which may be made, verified as such by the affidavits of ~~two~~ 2 of the signers thereof. A like verified copy of the declaration and such amendments, and a certificate of the department of financial institutions, showing the date when such declaration was filed and accepted by the department of financial

institutions, within ~~thirty~~ 30 days of such filing and acceptance, shall be recorded with the register of deeds of the county in which such trust has its principal office or place of business in this state. No such trust shall transact business in this state until such declaration or such copy thereof be left for record. The register of deeds shall forthwith transmit to the department of financial institutions a certificate stating the time when such copy was recorded and shall be entitled to a fee of ~~twenty-five~~ 25 cents therefor, to be paid by the person presenting such papers for record. Upon receipt of such certificate the department of financial institutions shall issue to said trustee a certificate of filing.

NOTE: Corrects error in transcribing 1991 Wis. Act 316 and replaces word form of number with digits for conformity with current style.

**SECTION 378.** 227.01 (13) (zs) of the statutes, as created by 1995 Wisconsin Act 363, is renumbered 227.01 (13) (zt).

NOTE: 1995 Wis. Act 289 also created a s. 227.01 (13) (zs).

**SECTION 379.** 233.04 (7s) of the statutes, as affected by 1995 Wisconsin Act 216, is amended to read:

233.04 (7s) Prior to the initial 5-year review by the joint committee on finance under s. 13.094, notify the legislative audit bureau and cooperate with the legislative audit bureau in its performance of the audit required under s. 13.94 (1) (o).

NOTE: The underscored language was added by 1995 Wis. Act 216 without being shown as underscored. The change was intended.

**SECTION 379m.** 233.40 (1) (intro.) of the statutes is amended to read:

233.40 (1) RATES. (intro.) The University of Wisconsin ~~Hospital~~ Hospitals and Clinics shall treat patients so admitted at rates computed in the following manner:

NOTE: Corrects error in transcribing 1995 Wis. Act 27.

**SECTION 380.** 234.15 (3) (a) 1. of the statutes, as affected by 1995 Wisconsin Act 225, is amended to read:

234.15 (3) (a) 1. All interest payable during the fiscal year on all bonds secured in whole or in part by the capital reserve fund outstanding on the date of computation.

NOTE: "[T]he" is added to improve grammar.

**SECTION 381.** The amendment of 234.265 (2) of the statutes by 1995 Wisconsin Act 116 is not repealed by 1995 Wisconsin Act 150. Both amendments stand.

NOTE: There is no conflict of substance.

**SECTION 382.** 234.54 (3) (b) of the statutes, as affected by 1995 Wisconsin Act 225, is amended to read:

234.54 (3) (b) The annual debt service calculation made under par. (a) shall be calculated on the assumption that the bonds will after the date of computation cease to be outstanding by reason, but only by reason, of the payment of bonds when due, and the payment when due and application in accordance with the resolution authorizing those bonds, of all of the sinking fund payments payable at or after the date of computation. However, in comput-

ing the annual debt service for any calendar year, bonds considered to have been paid in accordance with the defeasance provisions of the resolution of the authority authorizing the issuance thereof ~~shall~~ may not be included in bonds outstanding on the date of computation.

NOTE: 1995 Wis. Act 225 deleted "may" without showing it as stricken and inserted "shall" without showing it as underscored. No change was intended.

**SECTION 383.** 243.10 (9) (i) of the statutes is amended to read:

243.10 (9) (i) Prepare, sign, file and deliver reports, compilations of information, returns or other papers with respect to a business which are required by a governmental agency or instrumentality or which the agent considers desirable, and make related payments.

NOTE: Inserts missing period.

**SECTION 384.** 252.14 (1) (d) of the statutes, as affected by 1995 Wisconsin Act 27, is amended to read:

252.14 (1) (d) "Inpatient health care facility" means a hospital, nursing home, community-based residential facility, county home, county mental health complex, tuberculosis sanatorium or other place licensed or approved by the department under ss. 49.70, 49.71, 49.72, 50.02, 50.03, 50.35, 51.08, 51.09, 58.06, 252.073 and 252.076 or a facility under s. 45.365, 48.62, 51.05, 51.06, 233.40, 233.41, 233.42 or 252.10 ~~or ch. 142~~.

NOTE: 1995 Wis. Act 27 renumbered ch. 142 to be ss. 233.40 to 233.42 effective 6-29-96.

**SECTION 385.** 281.13 (1) (a) (intro.) of the statutes, as affected by 1995 Wisconsin Act 227, section 372, and 1995 Wisconsin Act 378, section 40, is amended to read:

281.13 (1) (a) (intro.) ~~Aet~~ The department is authorized to act with the U.S. geological survey in determining the sanitary and other conditions and nature of the natural water sources in this state, for the following purposes:

NOTE: The underscored language was deleted in an early draft of 1995 Wis. Act 378 and replaced with a section "(intro.)". The section "(intro.)" was dropped but this provision was not changed accordingly, leaving it incomplete.

**SECTION 386.** The treatment of 281.17 (3) of the statutes, as renumbered, by 1995 Wisconsin Act 227, section 387, is not repealed by 1995 Wisconsin Act 378, section 43. Both treatments stand.

NOTE: There is no conflict of substance. This provision was renumbered to s. 281.17 (3) by 1995 Wis. Act 227.

**SECTION 387.** 281.43 (2) (a) 3. of the statutes, as affected by 1995 Wisconsin Act 225, section 408, and 1995 Wisconsin Act 227, section 408, is amended to read:

281.43 (2) (a) 3. If the service rendered does not come under the provisions of a) ~~or b)~~ subd. 1. or 2., the charges for the service shall be placed upon the tax roll of the member governmental unit as a special tax upon each parcel of real estate benefited; and when collected it shall be paid to the treasurer of the member governmental unit rendering the service. Where the charges are to be extended on the tax roll under the provisions of this subdivision, the clerk of the member governmental unit

furnishing the service shall itemize the statement showing separately the amount charged to each parcel of real estate benefited.

NOTE: 1995 Wis. Act 225 deleted “a) or b)” without showing it as stricken. The change was intended.

**SECTION 388.** The treatment of 281.53 (1) of the statutes, as renumbered, by 1995 Wisconsin Act 227, section 399, is not repealed by 1995 Wisconsin Act 378, section 44. Both treatments stand.

NOTE: There is no conflict of substance. This provision was renumbered to s. 281.53 (1) by 1995 Wisconsin Act 227.

**SECTION 388m.** 283.13 (3) (d) of the statutes is amended to read:

283.13 (3) (d) *No modification for toxic pollutants.* Notwithstanding pars. (a) and (b), the department may not modify any requirement of this subsection or sub. (2) applicable to any toxic pollutant which is on the list promulgated under s. ~~283.33~~ 283.21 (1).

NOTE: Corrects error in transcribing 1995 Wis. Act 227.

**SECTION 389.** 285.01 (6) of the statutes, as affected by 1995 Wisconsin Act 227, is renumbered 285.01 (9m).

NOTE: Alphabetizes definitions consistent with current style.

**SECTION 389m.** 285.21 (1) (a) of the statutes is reenacted to read:

285.21 (1) (a) *Similar to federal standard.* If an ambient air quality standard is promulgated under section 109 of the federal clean air act, the department shall promulgate by rule a similar standard but this standard may not be more restrictive than the federal standard except as provided under sub. (4).

NOTE: Corrects error in transcribing 1995 Wis. Act 227. The wrong paragraph was inadvertently inserted into the statutes.

**SECTION 390.** 285.60 (2) (a) of the statutes, as affected by 1995 Wisconsin Act 27, section 4310, and 1995 Wisconsin Act 227, section 485, is amended to read:

285.60 (2) (a) *Operation permit requirement.* Except as provided in sub. (6) or s. 285.62 (8), no person may operate an existing source after the operation permit requirement date specified under s. 285.62 (11) (a) unless the person has an operation permit under s. ~~444.3925~~ 285.62 from the department.

NOTE: Inserts correct cross-reference. The prior reference was inserted by 1995 Wis. Act 27 and was not taken into account by 1995 Wis. Act 227.

**SECTION 391.** The treatment of 285.62 (8) of the statutes, as renumbered, by 1995 Wisconsin Act 27, section 4312, is not repealed by 1995 Wisconsin Act 227, section 487. Both treatments stand.

NOTE: There is no conflict of substance. 1995 Wis. Act 227 stated that the treatment of this provision by that act was as affected by 1995 Wis. Act 27, but it was not. This provision was renumbered to s. 285.62 (8) by Act 227.

**SECTION 392.** The treatment of 285.69 (2) (b) of the statutes, as renumbered, by 1995 Wisconsin Act 27, section 4316, is not repealed by 1995 Wisconsin Act 227, section 496. Both treatments stand.

NOTE: There is no conflict of substance. 1995 Wis. Act 227 stated that the treatment of this provision by that act was as affected by 1995 Wis. Act 27, but it was not. This provision was renumbered to s. 285.69 (2) (b) by Act 227.

**SECTION 393.** The amendment of 287.01 (9) of the statutes, as renumbered, by 1995 Wisconsin Act 201, section 601, is not repealed by 1995 Wisconsin Act 227, section 885. Both treatments stand.

NOTE: There is no conflict of substance. This provision is renumbered to s. 287.01 (9) by 1995 Wis. act 227.

**SECTION 393m.** 289.10 (title) of the statutes is amended to read:

**289.10 (title) County solid waste management plans.**

NOTE: Corrects error in transcribing 1995 Wis. Act 227.

**SECTION 394.** 289.24 (4) (title) of the statutes is created to read:

289.24 (4) (title) DISTRIBUTION.

NOTE: The other subsections of s. 289.24 have titles.

**SECTION 395.** 289.33 (3) (d) of the statutes, as affected by 1995 Wisconsin Act 201, section 596, and 1995 Wisconsin Act 227, section 626, is amended to read:

289.33 (3) (d) “Local approval” includes any requirement for a permit, license, authorization, approval, variance or exception or any restriction, condition of approval or other restriction, regulation, requirement or prohibition imposed by a charter ordinance, general ordinance, zoning ordinance, resolution or regulation by a town, city, village, county or special purpose district, including without limitation because of enumeration any ordinance, resolution or regulation adopted under s. 59.03 (2), 59.11 (5), 59.42 (1), 59.48, 59.51 (1) and (2), 59.52 (2), (5), (6), (7), (8), (9), (11), (12), (13), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25), (26) and (27), 59.53 (1), (2), (3), (4), (5), (7), (8), (9), ~~(10)~~, (11), (12), (13), (14), (15), (19), (20), ~~(51)~~, ~~(52)~~ and ~~(53)~~ (23), 59.535 (2), (3) and (4), 59.54 (1), (2), (3), (4), (4m), (5), (6), (7), (8), (10), (11), (12), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25), and (26), ~~(28)~~, ~~(30)~~, ~~(31)~~, ~~(32)~~ and (33) 59.55 (3), (4), (5) and (6), 59.56 (1), (2), (4), (5), (6), (7), (9), (10), (11), (12), (12m), (13) and (16), 59.57 (1), 59.58 (1) and (5), 59.62, 59.69, 59.692, 59.693, 59.696, 59.697, 59.698, 59.70 (1), (2), (3), (5), (7), (8), (9), (10), (11), (21), (22) and (23), 59.79 (1), (2), (3), (4), (5), (6), (7), (8), (9), (10) and (11), 59.80, 59.82, 60.10, 60.22, 60.23, 60.54, 60.77, 61.34, 61.35, 61.351, 61.354, 62.11, 62.23, 62.231, 62.234, 66.01, 66.052, 66.24 (8), 87.30, 91.73, 196.58, 236.45, 281.43 or 349.16 or subch. VIII of ch. 60.

NOTE: 1995 Wis. Act 201 renumbered the provisions of ch. 59. The cross-references in this provision were amended according to the original draft of Act 201, but not all subsequent changes were accounted for.

**SECTION 396.** The treatment of 289.41 (1m) (b) 1. of the statutes, as renumbered, by 1995 Wisconsin Act 227, section 588, is not repealed by 1995 Wisconsin Act 377, section 1. Both treatments stand.



NOTE: There is no conflict of substance. This provision was renumbered to s. 289.41 (1m) (b) 1 by Act 227.

**SECTION 397.** The amendment of 289.43 (7) (c) of the statutes, as renumbered, by 1995 Wisconsin Act 201, section 595, is not repealed by 1995 Wisconsin Act 227, section 580. Both treatments stand.

NOTE: There is no conflict of substance. This provision was renumbered to s. 289.43 (7) (c) by Act 227.

**SECTION 397m.** 291.23 (title) of the statutes is amended to read:

**291.23 (title) Transportation Licenses; transportation.**

NOTE: Corrects error in transcribing 1995 Wis. Act 227.

**SECTION 398.** 292.11 (9) (d) 1. d. of the statutes, as affected by 1995 Wisconsin Act 227, section 707, is amended to read:

292.11 (9) (d) 1. d. “Registered” means registered under the federal insecticide, fungicide, and rodenticide act, as amended (7 USC 136 et. seq.), and regulations issued under that act or registered under the rules of the department of agriculture, trade and consumer protection.

NOTE: Deletes unnecessary period.

**SECTION 398m.** 293.13 (title) of the statutes is amended to read:

**293.13 (title) Department powers duties.**

NOTE: Corrects error in transcribing 1995 Wis. Act 227.

**SECTION 399.** The amendment of 295.13 (1) of the statutes, as renumbered, by 1995 Wisconsin Act 201, section 598, is not repealed by 1995 Wisconsin Act 227, section 803. Both treatments stand.

NOTE: There is no conflict of substance. This provision was renumbered to s. 295.13 (1) by 1995 Wis. Act 227.

**SECTION 400.** The amendment of 295.13 (2) of the statutes, as renumbered, by 1995 Wisconsin Act 225, section 411, is not repealed by 1995 Wisconsin Act 227, section 803. Both treatments stand.

NOTE: There is no conflict of substance. This provision was renumbered to s. 295.13 (2) by 1995 Wis. Act 227.

**SECTION 401.** 299.95 of the statutes, as affected by 1995 Wisconsin Act 227, section 829, and 1995 Wisconsin Act 290, section 12, is amended to read:

**299.95 Enforcement; duty of department of justice; expenses.** The attorney general shall enforce chs. 281 to 285 and 289 to 295 and this chapter, except ~~ss. and 144.783~~ 281.48, 285.57 ~~and~~, 285.59 ~~and~~ 299.64, and all rules, special orders, licenses, plan approvals and permits of the department, except those promulgated or issued under ~~ss. and 144.783~~ 281.48, 285.57 ~~and~~, 285.59 ~~and~~ 299.64. The circuit court for Dane county or for any other county where a violation occurred in whole or in part has jurisdiction to enforce chs. 281 to 285 and 289 to 295 or this chapter or the rule, special order, license, plan approval or permit by injunctive and other relief appropriate for enforcement. For purposes of this proceeding where chs. 281 to 285 and 289 to 295 or this chapter or the rule, special order, license, plan approval or permit prohibits in whole or in part any pollution, a violation is

~~deemed considered~~ a public nuisance. The department of natural resources may enter into agreements with the department of justice to assist with the administration of chs. 281 to 285 and 289 to 295 and this chapter. Any funds paid to the department of justice under these agreements shall be credited to the appropriation account under s. 20.455 (1) (k).

NOTE: This bill renumbers s. 144.783 to s. 299.64. References in this provision to “this chapter” were changed by 1995 Wis. Act 227 to “chs. 281 to 285 and 289 to 295 and this chapter” to reflect the replacement of ch. 144 with several new chapters. The last reference was inadvertently retained.

**SECTION 402.** 299.97 (1) of the statutes, as affected by 1995 Wisconsin Act 227, section 830, and 1995 Wisconsin Act 290, section 14, is amended to read:

299.97 (1) Any person who violates this chapter, except s. 144.78 ~~(2)~~, 144.783 ~~(2)~~, 299.15 (1), 299.51 (4) (b) ~~or~~, 299.53 (2) (a) or (3), ~~299.62 (2) or 299.64 (2)~~, or any rule promulgated or any plan approval, license or special order issued under this chapter, except under those sections, shall forfeit not less than \$10 nor more than \$5,000, for each violation. Each day of continued violation is a separate offense. While the order is suspended, stayed or enjoined, this penalty does not accrue.

NOTE: This bill renumbers ss. 144.78 and 144.783 to ss. 299.62 and 299.64.

**SECTION 403.** 301.03 (10) (c) of the statutes, as affected by 1995 Wisconsin Act 77, is amended to read:

301.03 (10) (c) Promote the enforcement of laws for the protection of delinquent children. To this end, the department shall cooperate with courts assigned to exercise jurisdiction under chs. 48 and 938, county departments under ~~ss.~~ ss. 46.215, 46.22 and 46.23 and licensed child welfare agencies and institutions in providing community-based programming, including in-home programming and intensive supervision, for delinquent children. The department shall also establish and enforce standards for the development and delivery of services provided by the department under ch. 938 in regard to ~~children~~ juveniles who have been adjudicated delinquent.

NOTE: Replaces “children” with “juveniles” for consistency of references with language of ch. 938.

**SECTION 404.** 301.03 (10) (g) of the statutes, as affected by 1995 Wisconsin Act 77, is amended to read:

301.03 (10) (g) Keep statistics, by race, age and gender, of the number of juveniles over whom the court assigned to exercise jurisdiction under chs. 48 and 938 waives its jurisdiction under s. 938.18 as well as the nature of the waiver that was ordered and annually report those statistics to the governor, and to the appropriate standing committees under s. 13.172 (3).

NOTE: Inserts missing word.

**SECTION 405.** The amendment of 301.031 (1) (a) of the statutes by 1995 Wisconsin Act 77 is not repealed by 1995 Wisconsin Act 225. Both amendments stand.

NOTE: There is no conflict of substance.

**SECTION 406.** 301.20 of the statutes, as affected by 1995 Wisconsin Act 77, is amended to read:

**301.20 Training school for delinquent boys.** The department, with the approval of the governor, may purchase or accept a gift of land for a suitable site for an additional training school for delinquent boys and erect and equip such buildings as it deems considers necessary at such time as funds may be allocated for that purpose by the building commission. The training school or other additional facilities for delinquent boys financed by the authorized 1965–67 building program shall be located north of a line between La Crosse and Manitowoc. The department shall operate and maintain the institution for the treatment of delinquent boys who are placed under the supervision of the department under s. 938.34 (4h) or (4m). All laws pertaining to the care of children juveniles received under s. 938.34 shall apply. Officers and employees of the institution are subject to the same laws as apply to other facilities described in s. 938.52.

NOTE: Replaces “children” with “juveniles” for consistency of references with language of ch. 938.

**SECTION 407.** 301.26 (4) (bm) of the statutes, as created by 1995 Wisconsin Act 27, is amended to read:

301.26 (4) (bm) Notwithstanding par. (b), the county department under s. 46.21, 46.22 or 46.23 of the county of residency of a child juvenile who has been adjudicated delinquent by a court of another county or by a court of another multicounty jurisdiction may voluntarily assume liability for the costs payable under par. (a). A county department may assume liability under this paragraph by a written agreement signed by the director of the county department that assumes liability under this paragraph and the director of the county department that is otherwise liable under par. (b).

NOTE: Replaces “child” with “juvenile” for consistency of references with language of ch. 938.

**SECTION 408.** 301.26 (4) (cm) 1. of the statutes, as affected by 1995 Wisconsin Acts 77 and 352, is amended to read:

301.26 (4) (cm) 1. Notwithstanding pars. (a), (b) and (bm), the department shall transfer funds from the appropriation under s. 20.410 (3) (cg) to the appropriations under s. 20.410 (3) (hm), (ho) and (hr) for the purpose of reimbursing juvenile correctional institutions, secured child caring institutions, as defined in s. 938.02 (15g), alternate care providers, aftercare supervision providers and corrective sanctions supervision providers for costs incurred beginning on July 1, 1996, for the care of any child juvenile 14 years of age or over who has been placed in a juvenile correctional facility based on a delinquent act that is a violation of s. 939.31, 939.32 (1) (a), 940.03, 940.21, 940.225 (1), 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g), (1m) or (1r), 943.32 (2), 948.02 (1), 948.025, 948.30 (2), 948.35 (1) (b) or 948.36 and for the care of any child juvenile 10 years of age or over who has been placed in a juvenile correctional institution or a secured child caring institution

for attempting or committing a violation of s. 940.01 or for committing a violation of s. 940.02 or 940.05.

NOTE: Replaces “child” with “juvenile” for consistency of references with language of ch. 938.

**SECTION 409.** 301.26 (4) (cm) 2. of the statutes, as affected by 1995 Wisconsin Act 77, is amended to read:

301.26 (4) (cm) 2. Notwithstanding pars. (a), (b) and (bm), the department shall transfer funds from the appropriation under s. 20.410 (3) (cg) to the appropriations under s. 20.410 (3) (hm), (ho) and (hr) for the purpose of reimbursing juvenile correctional institutions, secured child caring institutions, as defined in s. 938.02 (15g), alternate care providers, aftercare supervision providers and corrective sanctions supervision providers for costs incurred beginning on July 1, 1996, for the care of any child juvenile 14 years of age or over and under 18 years of age who has been placed in a juvenile correctional facility under s. 48.366 based on a delinquent act that is a violation of s. 940.01, 940.02, 940.05 or 940.225 (1).

NOTE: Replaces “child” with “juvenile” for consistency of references with language of ch. 938.

**SECTION 410.** 301.26 (4) (e) of the statutes, as affected by 1995 Wisconsin Act 77, is amended to read:

301.26 (4) (e) For foster care, treatment foster care, group home care and institutional child care to delinquent children juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14) and 938.52 all payments and deductions made under this subsection and uniform fee collections under s. 46.03 (18) shall be deposited in the appropriation under s. 20.410 (3) (ho).

NOTE: Replaces “children” with “juveniles” for consistency of references with language of ch. 938.

**SECTION 411.** 301.26 (4) (f) of the statutes, as created by 1995 Wisconsin Act 27, is amended to read:

301.26 (4) (f) For services under s. 51.35 (3), payments made under par. (d) for services to children juveniles who are ineligible for medical assistance under subch. IV of ch. 49 and uniform fee collections under s. 46.03 (18) shall be deposited in the appropriation under s. 20.435 (2) (gk) and all other payments made under this subsection shall be deposited in the general fund and treated as a nonappropriated receipt.

NOTE: Replaces “children” with “juveniles” for consistency of references with language of ch. 938 and this section, as affected by 1995 Wis. Act 77.

**SECTION 412.** 301.26 (7) (h) of the statutes, as affected by 1995 Wisconsin Act 77, is amended to read:

301.26 (7) (h) For counties that are participating in the corrective sanctions program under s. 938.533 (2), \$1,062,400 in the last 6 months of 1996 and \$1,062,400 in the first 6 months of 1997 for the provision of corrective sanctions services for children juveniles from that county. In distributing funds to counties under this paragraph, the department shall determine a county’s distribution by dividing the amount allocated under this paragraph by the number of slots authorized for the pro-

gram under s. 938.533 (2) and multiplying the quotient by the number of slots allocated to that county by agreement between the department and the county. The department may transfer funds among counties as necessary to distribute funds based on the number of slots allocated to each county.

NOTE: Replaces "children" with "juveniles" for consistency of references with language of ch. 938.

**SECTION 413.** 301.263 (3) of the statutes, as affected by 1995 Wisconsin Act 77, is amended to read:

301.263 (3) The department shall distribute 33% of the amounts distributed under sub. (1) based on each county's proportion of the violent Part I juvenile arrests reported statewide under the uniform crime reporting system of the office of justice assistance in the department of administration, during the most recent 2-year period for which that information is available. The department shall distribute 33% of the amounts distributed under sub. (1) based on each county's proportion of the number of ~~children~~ juveniles statewide who are placed in a juvenile correctional institution or a secured child caring institution, as defined in s. 938.02 (15g), during the most recent 2-year period for which that information is available. The department shall distribute 34% of the amounts distributed under sub. (1) based on each county's proportion of the total Part I juvenile arrests reported statewide under the uniform crime reporting system of the office of justice assistance, during the most recent 2-year period for which that information is available.

NOTE: Replaces "child" with "juvenile" for consistency of references with language of ch. 938.

**SECTION 414.** The amendment of 301.37 (1) of the statutes by 1995 Wisconsin Act 201 is not repealed by 1995 Wisconsin Act 281. Both amendments stand.

NOTE: There is no conflict of substance.

**SECTION 414m.** 301.45 (6) (c) of the statutes, as created by 1995 Wisconsin Act 440, is amended to read:

301.45 (6) (c) Notwithstanding pars. (a) and (b), a person who first became subject to subs. (2) to (4) under 1995 Wisconsin Act 440 and who was in prison or a secured correctional facility or a secured child caring institution, in institutional care, or on probation, parole, supervision, aftercare supervision, corrective sanctions supervision, conditional transfer or conditional release during the period beginning on December 25, 1993, and ending on May 30 ~~31~~, 1997, shall be allowed until January 1, 1998, to comply with the requirements under subs. (2) to (4).

NOTE: Corrects error in transcribing 1995 Wis. Act 440.

**SECTION 415.** 302.38 (4) of the statutes, as affected by 1995 Wisconsin Act 281, is amended to read:

302.38 (4) The governmental unit paying the costs of medical or hospital care under this section, regardless of whether the care is provided in or out of the jail or house of correction, may collect the value of the same from the prisoner or the prisoner's estate ~~as provided for in s. 49.08~~. If applicable, the governmental unit may proceed

to collect under this section or may seek reimbursement under s. 302.372, but may not collect for the same expenses twice.

NOTE: 1995 Wis. Act 281 provided that it amended this provision "as affected by 1995 Wisconsin Act 43". However, the language stricken above was stricken by 1995 Wis. Act 43, but reinserted by Act 281 without being underscored. No change was intended.

**SECTION 416.** 302.425 (2g) of the statutes, as affected by 1995 Wisconsin Act 77, is amended to read:

302.425 (2g) COUNTY DEPARTMENTS AND DEPARTMENT; GENERAL AUTHORITY. Subject to the limitations under sub. (3m), a county department or the department ~~of~~ may place in the home detention program any ~~child~~ juvenile who is in its custody or under its supervision.

NOTE: Replaces "child" with "juvenile" for consistency of references with language of ch. 938 and this chapter, as affected by 1995 Wis. Act 77. Deletes unnecessary word.

**SECTION 417.** The amendment of 302.425 (3) of the statutes by 1995 Wisconsin Act 77 is not repealed by 1995 Wisconsin Act 281. Both amendments stand.

NOTE: There is no conflict of substance.

**SECTION 418.** 302.425 (3m) of the statutes, as affected by 1995 Wisconsin Act 77, is amended to read:

302.425 (3m) (title) PLACEMENT OF A ~~CHILD~~ JUVENILE IN THE PROGRAM. The department or, upon the agreement of the department, the county department may place the ~~child~~ juvenile in the home detention program and provide that the ~~child~~ juvenile be detained at the ~~child's~~ juvenile's place of residence or other place designated by the department or the county department and be monitored by an active electronic monitoring system. The department or the county department shall provide reasonable terms of detention and ensure that the ~~child~~ juvenile receives a written statement of those terms, including a description of the detention monitoring procedures and requirements and of any applicable liability issues. The terms may include a requirement that the ~~child~~ juvenile or his or her parent or guardian pay the county or state a daily fee to cover the costs associated with monitoring him or her.

NOTE: Replaces "child" with "juvenile" for consistency of references with language of ch. 938 and this chapter, as affected by 1995 Wis. Act 77.

**SECTION 419.** 302.425 (4) of the statutes, as affected by 1995 Wisconsin Act 77, is amended to read:

302.425 (4) DEPARTMENTAL DUTIES. The department shall ensure that electronic monitoring equipment units are available, pursuant to contractual agreements with county sheriffs and county departments, throughout the state on an equitable basis. If a prisoner is chosen under sub. (3) or a ~~child~~ juvenile is chosen under sub. (3m) to participate in the home detention program, the department shall install and monitor electronic monitoring equipment. The department shall charge the county a daily per prisoner fee or per ~~child~~ juvenile fee, whichever is applicable, to cover the department's costs for these services.

NOTE: Replaces “child” with “juvenile” for consistency of references with language of ch. 938 and this chapter, as affected by 1995 Wis. Act 77.

**SECTION 420.** 341.03 (1) of the statutes, as created by 1995 Wisconsin Act 128, is amended to read:

341.03 (1) **PROHIBITION.** No person may operate or knowingly permit the operation of a motor vehicle if the registration for that vehicle is suspended, revoked or canceled under s. ~~144.42~~ 285.30 (6) (d) or 342.255, ch. 344 or this chapter, or if the registration for that vehicle is suspended, canceled or revoked under the law of another jurisdiction.

NOTE: Inserts correct cross-reference. Section 144.42 was renumbered to s. 285.30 by 1995 Wis. Act 227.

**SECTION 421.** 341.308 (1) of the statutes is amended to read:

341.308 (1) The owner of a fleet of 100 or more trailers, each having a gross weight ~~of~~ of 4,500 pounds or less and used for hire or rental, may register the trailers for a 6-year period under this section.

NOTE: Corrects error in transcribing 1987 Wis. Act 212.

**SECTION 422.** 343.10 (1) (a) of the statutes, as affected by 1995 Wisconsin Acts 269, 401 and 448, is amended to read:

343.10 (1) (a) If a person’s license or operating privilege is revoked or suspended under this chapter or s. ~~767.303~~ or 961.50 and if the person is engaged in an occupation, including homemaking or full-time or part-time study, or a trade making it essential that he or she operate a motor vehicle, the person, after payment of the fee provided in sub. (6), may file an application with the department setting forth in detail the need for operating a motor vehicle. No person may file more than one application with respect to each revocation or suspension of the person’s license or operating privilege under this chapter or s. ~~161.50~~ 767.303 or 961.50, except that this limitation does not apply to an application to amend an occupational license restriction.

NOTE: Corrects syntax that resulted from the treatments by 1995 Wis. Acts 401 and 448 and corrects cross-reference resulting from Act 269.

**SECTION 423.** 343.10 (2) (a) 1. of the statutes, as affected by 1995 Wisconsin Act 269, is amended to read:

343.10 (2) (a) 1. Except for a revocation or suspension that arose out of the same incident or occurrence for which the person’s license or operating privilege is currently revoked or suspended, the person’s license or operating privilege was not revoked or suspended previously under this chapter or ch. 344 or s. ~~161.50~~ 961.50 within the one-year period immediately preceding the present revocation or suspension, except as provided in s. 344.40.

NOTE: Inserts correct cross-reference. Section 161.50 was renumbered to s. 961.50 by 1995 Wis. Act 448.

**SECTION 424.** The amendment of 343.10 (5) (a) 1. of the statutes by 1995 Wisconsin Act 269 is not repealed by 1995 Wisconsin Act 448. Both amendments stand.

NOTE: There is no conflict of substance.

**SECTION 425.** The amendment of 343.10 (5) (a) 2. of the statutes by 1995 Wisconsin Act 269 is not repealed by 1995 Wisconsin Act 436. Both amendments stand.

NOTE: There is no conflict of substance.

**SECTION 426.** 343.10 (5) (b) of the statutes, as affected by 1995 Wisconsin Acts 401 and 448, is amended to read:

343.10 (5) (b) *Limitations.* Occupational licenses are subject to the limitations specified in ss. 343.30 (1q) (b) and (h), 343.305 (8) (d) and (10) (b) and (em), 343.31 (3m), 343.32 (1m) ~~and~~, 767.303 and 961.50.

NOTE: Corrects phrasing that resulted from merging the treatment by Wis. Acts 401 and 448.

**SECTION 427.** 343.10 (6) of the statutes, as affected by 1995 Wisconsin Acts 201 and 269, is amended to read:

343.10 (6) **FEE.** No person may file an application for an occupational license under sub. (1) unless he or she first pays a fee of \$40 to the department ~~59.25 (3) (m).~~

NOTE: The stricken language was inserted by 1995 Wis. Act 201, but was rendered surplusage by the treatment of this provision by 1995 Wis. Act 269.

**SECTION 428.** The treatments of 343.23 (2) of the statutes by 1995 Wisconsin Acts 113 and 184 are not repealed by 1995 Wisconsin Act 338. All treatments stand.

NOTE: There is no conflict of substance.

**SECTION 429.** 343.30 (5) of the statutes, as affected by 1995 Wisconsin Act 448, section 346, is amended to read:

343.30 (5) No court may suspend or revoke an operating privilege except as authorized by this chapter or ch. 345, 351 or 938 or s. ~~767.303, 800.09 (1) (c), 800.095 (4) (b) 4.~~ or 961.50. When a court revokes, suspends or restricts a ~~child’s~~ juvenile’s operating privilege under ch. 938, the department of transportation shall not disclose information concerning or relating to the revocation, suspension or restriction to any person other than a court, district attorney, county corporation counsel, city, village or town attorney, law enforcement agency, or the minor whose operating privilege is revoked, suspended or restricted, or his or her parent or guardian. Persons entitled to receive this information shall not disclose the information to other persons or agencies.

NOTE: 1995 Wis. Act 448, section 346, repealed and recreated this provision without taking into account the treatments of this provision by 1995 Wis. Acts 338 and 401, which are added here. Replaces “child” with “juvenile” for consistency of references with the language of ch. 938.

**SECTION 430.** The amendment of 343.305 (5) (d) of the statutes by 1995 Wisconsin Act 436 is not repealed by 1995 Wisconsin Act 448. Both amendments stand.

NOTE: There is no conflict of substance.

**SECTION 431.** 343.305 (9) (d) of the statutes is amended to read:

343.305 (9) (d) At the close of the hearing, or within 5 days thereafter, the court shall determine the issues under par. (a) 5. or (am) 5. If all issues are determined adversely to the person, the court shall proceed under sub.

(10). If one or more of the issues is determined favorably to the person, the court shall order that no action be taken on the operating privilege on account of the person's refusal to take the test in question. This section does not preclude the prosecution of the person for violation of s. 346.63 (1), (2m), (5) or (7) or a local ordinance in conformity therewith, or s. 346.63 (2) or (6), 940.09 (1) or 940.25.

NOTE: Inserts missing word.

**SECTION 432.** The amendment of 343.305 (10) (em) of the statutes by 1995 Wisconsin Act 113 is not repealed by 1995 Wisconsin Act 425. Both amendments stand.

NOTE: There is no conflict of substance.

**SECTION 433.** 346.57 (4) (a) to (g) and (i) to (k) of the statutes are amended to read:

346.57 (4) (a) ~~45~~ Fifteen miles per hour when passing a schoolhouse at those times when children are going to or from school or are playing within the sidewalk area at or about the school.

(b) ~~45~~ Fifteen miles per hour when passing an intersection properly marked with a "school crossing" sign of a type approved by the department when children are present.

(c) ~~45~~ Fifteen miles per hour when passing a safety zone occupied by pedestrians and at which a public passenger vehicle has stopped for the purpose of receiving or discharging passengers.

(d) ~~45~~ Fifteen miles per hour in any alley.

(e) ~~25~~ Twenty-five miles per hour on any highway within the corporate limits of a city or village, other than on highways in outlying districts in such city or village.

(em) ~~25~~ Twenty-five miles per hour on any service road within the corporate limits of a city or village unless modified by the authority in charge of the highway.

(f) ~~35~~ Thirty-five miles per hour in any outlying district within the corporate limits of a city or village.

(g) ~~35~~ Thirty-five miles per hour on any highway in a semiurban district outside the corporate limits of a city or village.

(i) ~~45~~ Fifteen miles per hour on any street or town road, except a state trunk highway or connecting highway, within, contiguous to or adjacent to a public park or recreation area when children are going to or from or are playing within such area, when the local authority has enacted an ordinance regulating such traffic and has properly marked such area with official traffic control devices erected at such points as said authority deems necessary and at those points on the streets or town roads concerned where persons traversing the same would enter such area from an area where a different speed limit is in effect.

(j) ~~35~~ Thirty-five miles per hour on any town road where on either side of the highway within any 1,000 feet along such highway the buildings in use for business, industrial or residential purposes fronting thereon average less than 150 feet apart, provided the town board has adopted an ordinance determining such speed limit and

has posted signs at such points as the town board deems necessary to give adequate warning to users of the town road.

(k) ~~45~~ Forty-five miles per hour on any highway designated as a rustic road under s. 83.42.

NOTE: Changes digits to words consistent with current style for the treatment of numbers that begin statutory units.

**SECTION 434.** 346.57 (4) (gm) of the statutes, as affected by 1995 Wisconsin Act 318, is amended to read:

346.57 (4) (gm) ~~65~~ Sixty-five miles per hour on any freeway or expressway.

NOTE: Changes digits to words consistent with current style for the treatment of numbers that begin statutory units.

**SECTION 435.** The amendment of 348.27 (9m) of the statutes by 1995 Wisconsin Act 113 is not repealed by 1995 Wisconsin Act 163. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 436.** 348.27 (12) of the statutes is amended to read:

348.27 (12) TRANSPORTATION OF GARBAGE OR REFUSE. The department may issue an annual or consecutive month permit for the transportation of garbage, as defined in s. 289.01 (9), or refuse, in a self-compactor equipped vehicle which exceeds statutory weight and length limitations and for the return of the vehicle when empty. A permit under this subsection may be issued for use on any highway within this state. In this subsection, "refuse" means combustible and noncombustible rubbish, including paper, wood, metal, glass, cloth ~~an~~ and products thereof, litter and street rubbish, ashes, and lumber, concrete and other debris resulting from the construction or demolition of structures.

NOTE: Corrects spelling.

**SECTION 437.** 349.135 of the statutes, as created by 1995 Wisconsin Act 434, is renumbered 349.137.

NOTE: 1995 Wis. Act 373 also created an s. 349.135.

**SECTION 438.** 349.135 (1) of the statutes, as created by 1995 Wisconsin Act 373, is amended to read:

349.135 (1) Notwithstanding s. 346.94 (16), the governing body of any town, city, village or county may, by ordinance, provide that, except as provided in s. 347.38 (1), no person may operate or park, stop or leave standing a motor vehicle while using a radio or other electric sound amplification ~~device~~ device emitting sound from the vehicle that is clearly audible under normal conditions from a distance of 50 or more feet, unless the electric sound amplification device is being used to request assistance or warn against an unsafe condition. The ordinance may provide that any person violating the ordinance may be required to forfeit not less than \$40 nor more than \$80 for the first violation and not less than \$100 nor more than \$200 for the 2nd or subsequent violation within a year.

NOTE: Corrects spelling.

**SECTION 439.** 350.01 (6) of the statutes is amended to read:

350.01 (6) "~~Head lamp~~" "Headlamp" has the meaning designated in s. 340.01 (21).

NOTE: Makes spelling consistent with s. 340.01 (21).

**SECTION 440.** 350.01 (6m) of the statutes is amended to read:

350.01 (6m) “~~Head lamp~~ Headlamp barrier” means a fence, natural growth, difference in elevation or other means of restricting the view that users of an adjacent roadway have of ~~head lamps~~ headlamps on a snowmobile trail.

NOTE: Makes spelling consistent with s. 340.01 (21).

**SECTION 441.** 351.07 (1g) of the statutes, as created by 1995 Wisconsin Act 269, is amended to read:

351.07 (1g) No person may file a petition for an occupational license under sub. (1) unless he or she first pays a fee of \$40 to the clerk of the circuit court. The clerk of the circuit court shall give the person a receipt and forward the fee to the county treasurer. That treasurer shall pay 50% of the fee to the state treasurer under s. ~~59.20 (8r)~~ 59.25 (3) (m) and retain the balance for the use of the county.

NOTE: Inserts correct cross-reference. Section 59.20 (8r) was renumbered to s. 59.25 (3) (m) by 1995 Wis. Act 201.

**SECTION 442.** 402.305 (3) of the statutes is amended to read:

402.305 (3) When a price left to be fixed otherwise than by agreement of the parties fails to be fixed through fault of one party the other party may at his or her option treat the contract as canceled or fix a reasonable price.

NOTE: Corrects error in transcribing 1991 Wis. Act 316.

**SECTION 443.** 404.501 of the statutes, as affected by 1995 Wisconsin Act 449, is amended to read:

**404.501 Handling of documentary drafts; duty to send for presentment and to notify customer of dishonor.** A bank that takes a documentary draft for collection shall ~~prepare present~~ or send the draft and accompanying documents for presentment and, upon learning that the draft has not been paid or accepted in due course, shall seasonably notify its customer of the fact even though it may have discounted or bought the draft or extended credit available for withdrawal as of right.

NOTE: Corrects error in transcribing chapter 158, laws of 1963.

**SECTION 444.** 408.313 (3) of the statutes is amended to read:

408.313 (3) Notice of an adverse claim received by the financial intermediary or by the purchaser after the financial intermediary takes delivery of a certificated security as a holder for value or after the transfer, pledge or release of an uncertificated security has been registered free of the claim to a financial intermediary who has given value is not effective either as to the financial intermediary or as to the purchaser. However, as between the financial intermediary and the purchaser, the purchaser may demand transfer of an equivalent security as to which no notice of adverse claim has been received.

NOTE: Inserts comma.

**SECTION 445.** 408.316 of the statutes is amended to read:

**408.316 Purchaser’s right to requisites for registration of transfer, pledge or release on books.** Unless otherwise agreed, the transferor of a certificated security or the transferor, pledgor or pledgee of an uncertificated security on due demand must supply his or her purchaser with any proof of his or her authority to transfer, pledge or release or with any other requisite necessary to obtain registration of the transfer, pledge or release of the security; but if the transfer, pledge or release is not for value a transferor need not do so unless the purchaser furnishes the necessary expenses. Failure within a reasonable time to comply with a demand made gives the purchaser the right to reject or rescind the transfer, pledge or release.

NOTE: Adds comma.

**SECTION 446.** 422.201 (1) of the statutes is amended to read:

422.201 (1) With respect to a consumer credit transaction other than one pursuant to an open-end credit plan, the parties may agree to the payment by the customer of a finance charge not in excess of that permitted by subs. (2) ~~to (4)~~ and (3).

NOTE: Section 422.201 (4) was repealed by 1995 Wis. Act 329.

**SECTION 447.** The amendment of 426.104 (2) (intro.) of the statutes by 1995 Wisconsin Act 216 is not repealed by 1995 Wisconsin Act 329. Both amendments stand.

NOTE: There is no conflict of substance.

**SECTION 448.** 440.01 (2) (cm) of the statutes, as created by 1995 Wisconsin Act 333, is renumbered 440.01 (2) (cs).

NOTE: 1995 Wis. Act 233 also created an s. 440.01 (2) (cm).

**SECTION 449.** 448.525 (2) of the statutes, as created by 1995 Wisconsin Act 166, is amended to read:

448.525 (2) The affiliated credentialing board may promulgate rules relating to the circumstances under which and the extent to which a chiropractor licensed under ~~this chapter ch. 446~~ may claim to render physical therapy or physiotherapy services within the scope of the practice of chiropractic only as provided under sub. (1).

NOTE: Inserts correct cross-reference. Chiropractors are licensed under ch. 446.

**SECTION 450.** The treatment of 455.02 (2m) (d) of the statutes, as renumbered, by 1995 Wisconsin Act 188, section 11, is not repealed by 1995 Wisconsin Act 225, section 466. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 451.** 455.07 (3) of the statutes is amended to read:

455.07 (3) The late renewal fees are specified under s. 440.08 (3) (a).

NOTE: Corrects error in transcribing 1991 Wis. Act 39.

**SECTION 452.** 458.01 (11) of the statutes is amended to read:

458.01 (11) “General appraiser” means an individual who conducts appraisals of commercial real estate, or of

both commercial real estate, and residential real estate, without regard to transaction value.

NOTE: Corrects error in transcribing 1991 Wis. Act 78.

**SECTION 453.** 553.51 (4) of the statutes, as affected by 1995 Wisconsin Act 415, section 9, is amended to read:

553.51 (4) No action may be maintained against any person to enforce any liability under this section unless it is brought before the expiration of 3 years after the act or transaction constituting the violation upon which the liability is based or 90 days after delivery to the franchisee of a written notice from or on behalf of that person ~~disclosing that discloses~~ any violation of ~~s. 553.21 or 553.41, which notice shall be approved as to form by this chapter and that is filed with~~ the division, whichever first expires.

NOTE: 1995 Wis. Act 415, section 9, repealed and recreated this provision without taking into account the treatment of this provision by 1995 Wis. Act 364. This treatment inserts the Act 364 treatment.

**SECTION 453m.** 553.55 (1) of the statutes is reenacted to read:

553.55 (1) The division may make such public or private investigations within or outside of this state as the division deems necessary to determine whether any person has violated or is about to violate this chapter or any rule or order hereunder or to aid in the enforcement of this chapter or in the prescribing of rules and forms hereunder, and publish information concerning the violation of this chapter or any rule or order hereunder.

NOTE: Corrects error in transcribing 1995 Wis. Act 27. The wrong paragraph was inadvertently inserted into the statutes.

**SECTION 454.** Subchapter II (title) of chapter 563 [precedes 563.04] of the statutes, as affected by 1995 Wisconsin Act 27, section 9123, is amended to read:

### CHAPTER 563

#### SUBCHAPTER II

#### DUTIES AND POWERS OF THE BOARD

NOTE: Corrects error in transcribing 1991 Wis. Act 269.

**SECTION 454m.** 565.30 (5m) of the statutes, as affected by 1997 Wisconsin Act 3, is amended to read:

565.30 (5m) WITHHOLDING OF CHILD SUPPORT, SPOUSAL SUPPORT, MAINTENANCE OR FAMILY SUPPORT. The administrator shall report to the department of workforce development the name, address and social security number of each winner of a lottery prize that is payable in instalments. Upon receipt of the report, the department of workforce development shall certify to the administrator whether any payee named in the report is obligated to provide child support, spousal support, maintenance or family support under s. 767.02 (1) (f) or (g), 767.10, 767.23, 767.25, 767.26, 767.261, 767.465 (2m), 767.51 (3) or 948.22 (7) or ch. 769 and the amount required to be withheld from the lottery prize under s. 767.265. The administrator shall withhold the certified amount from each

payment made to the winner and remit the certified amount to the department of ~~industry, labor and job work-~~force development.

NOTE: 1997 Wis. Act 3 was intended to replace all occurrences of "industry, labor and job development" with "workforce development".

**SECTION 455.** The amendment of 600.01 (1) (b) 8. of the statutes by 1995 Wisconsin Act 116 is not repealed by 1995 Wisconsin Act 150. Both amendments stand.

NOTE: There is no conflict of substance.

**SECTION 456.** 611.40 (1) of the statutes is amended to read:

611.40 (1) MEETINGS, NOTICES, QUORUMS AND VOTING. Sections 180.0701 to 180.0703, 180.0705, 180.0721 to 180.0727 and 180.1708 (3) apply to stock corporations. Each director of a stock corporation shall be elected by a plurality of the votes cast by the shares entitled to vote in the election at a meeting at which a quorum is present.

NOTE: Inserts missing period.

**SECTION 457.** 611.51 (9) (title) of the statutes is reenacted to read:

611.51 (9) (title) BOOKS AND RECORDS.

NOTE: Corrects error in transcribing 1991 Wis. Act 316. The title was inadvertently deleted.

**SECTION 458.** 614.80 of the statutes, as affected by 1995 Wisconsin Act 27, is amended to read:

**614.80 Tax exemption.** Every domestic and nondomestic fraternal, except those that offer a health maintenance organization as defined in s. 609.01 (2) or a limited service health organization as defined in s. 609.01 (3) is exempt from all state, county, district, municipal and school taxes or fees, except the fees required by s. 601.31 (2), but is required to pay all taxes and special assessments on its real estate and office equipment, except as provided in ~~s. ss. 70.11 (4) and (8) 70.1105.~~

NOTE: This bill renumbers s. 70.11 (8) to s. 70.1105.

**SECTION 459.** 632.68 (1) (a) of the statutes, as created by 1995 Wisconsin Act 371, is amended to read:

632.68 (1) (a) "Catastrophic or life-threatening illness or condition" includes AIDS, as defined in s. 49.486 ~~49.686~~ (1) (a), and HIV infection, as defined in s. 49.486 ~~49.686~~ (1) (d).

NOTE: Inserts correct cross-reference. Section 49.486 was renumbered to s. 49.686 by 1995 Wis. Act 27.

**SECTION 460.** 632.895 (8) (a) 3. b. of the statutes is amended to read:

632.895 (8) (a) 3. b. Before ~~July 1~~ March 31, 1990, has successfully completed a formal one-year academic program that prepares registered nurses to perform an expanded role in the delivery of primary care, includes at least 4 months of classroom instruction and a component of supervised clinical practice, and awards a degree, diploma or certificate to individuals who successfully complete the program.

NOTE: Corrects error in transcribing 1989 Wis. Act 129.

**SECTION 461.** 632.898 (2) (d) of the statutes, as created by 1995 Wisconsin Act 453, is amended to read:

632.898 (2) (d) An employer that establishes a medical savings account on behalf of an employe is not required to deposit in the account more than \$2,000 per year for the employe if the employe's coverage is single, or more than \$2,000 per year for the employe, \$2,000 per year for the employe's spouse or \$1,000 per year for each nonspouse dependent of the employe if the employe's coverage is family. Beginning in 1998, the amounts specified in this paragraph shall be increased each year in the manner provided in s. 71.05 (6) (b) ~~22.~~ 24.

NOTE: Inserts correct cross-reference. Section 71.05 (6) (b) 22., as created by 1995 Wis. Act 453, is renumbered to s. 71.05 (6) (b) 24. by this bill.

**SECTION 462.** 632.898 (3) (c) of the statutes, as created by 1995 Wisconsin Act 453, is amended to read:

632.898 (3) (c) A self-employed person who establishes a medical savings account is not required to deposit in the account more than \$2,000 per year for himself or herself if the self-employed person's coverage is single, or more than \$2,000 per year for himself or herself, \$2,000 per year for his or her spouse or \$1,000 per year for each nonspouse dependent if the self-employed person's coverage is family. Beginning in 1998, the amounts specified in this paragraph shall be increased each year in the manner provided in s. 71.05 (6) (b) ~~22.~~ 24.

NOTE: Inserts correct cross-reference. Section 71.05 (6) (b) 22., as created by 1995 Wis. Act 453, is renumbered to s. 71.05 (6) (b) 24. by this bill.

**SECTION 463.** 645.22 (1) (a) of the statutes, as affected by 1995 Wisconsin Act 225, is amended to read:

645.22 (1) (a) Direct the commissioner to take possession and control of all or a part of the property, books, accounts, documents and other records of an insurer and of the premises occupied by it for the transaction of its business, ~~and~~.

NOTE: Deletes comma and word unintentionally retained by 1995 Wis. Act 225.

**SECTION 464.** 646.01 (1) (a) 2. i. of the statutes, as created by 1995 Wisconsin Act 396, is renumbered 646.01 (1) (a) 2. j.

NOTE: 1995 Wis. Act 236 also created a s. 646.01 (1) (a) 2. i.

**SECTION 465.** 706.05 (2m) (b) 2. of the statutes is amended to read:

706.05 (2m) (b) 2. Descriptions of property that is subject to liens granted on property thereafter acquired by a rural electric cooperative, or a telephone cooperative, organized under ch. 185, by a pipeline company under s. 76.02 (~~5b~~) (5), by a public utility under s. 196.01 (5) or by a railroad under s. 195.02 (1) or (5).

NOTE: This bill renumbers s. 76.02 (5b) to s. 76.02 (5).

**SECTION 466.** 707.37 (4) (d) of the statutes, as affected by 1995 Wisconsin Acts 225 and 227, is amended to read:

707.37 (4) (d) A lien under s. 292.31 (8) (i), ~~144.77~~ 292.41 (6) (d) or 292.81.

NOTE: "144.77" was added by 1995 Wis. Act 225, but was rendered surplusage by the treatment of this provision by 1995 Wis. Act 227.

**SECTION 467.** 708.10 (1) (c) of the statutes, as created by 1995 Wisconsin Act 394, is amended to read:

708.10 (1) (c) "Lender" means all lenders identified under s. 706.11 (1), loan solicitors, as defined under s. ~~440.71~~ 224.71 (2), and savings and loan associations organized under ch. 215, except that "lender" does not include any federal, state or local unit of government or any agency, political subdivision or instrumentality of such a unit of government.

NOTE: Inserts correct cross-reference. Section 440.71 was renumbered to s. 224.71 by 1995 Wis. Act 27.

**SECTION 468.** 753.35 (1) of the statutes, as affected by 1995 Wisconsin Act 225, is amended to read:

753.35 (1) A circuit court may, subject to the approval of the chief judge of the judicial administrative district, adopt and amend rules governing practice in that court that are consistent with rules adopted under s. 751.12 and statutes relating to pleading, practice and procedure. The court shall file each adopted or amended rule with the clerk of circuit court. Except for a rule adopted or amended as an emergency rule, the court shall file an adopted or amended rule prior to the rule's effective date. The clerk of circuit court shall send a copy of the filed adopted or amended rule to the secretary of the local bar association in that circuit, the court administrator for that judicial administrative district, the state bar of Wisconsin ~~and~~, the state law library and the office of the director of state courts. A person may submit to the court written comments on a rule for the court's consideration in determining whether revision of the rule is needed. The clerk of circuit court shall print and make available to the public, at cost, all rules adopted or amended under this section.

NOTE: 1995 Wis. Act 225 deleted the comma without showing it as stricken and inserted "and" without showing it as underscored. No change was intended.

**SECTION 469.** 757.295 (1) to (3) of the statutes are amended to read:

757.295 (1) SOLICITING LEGAL BUSINESS. Except as provided under SCR ~~20.08~~ 20:7.1 to 20:7.5, no person may solicit legal matters or a retainer, written or oral, or any agreement authorizing an attorney to perform or render legal services.

(2) SOLICITATION OF A RETAINER FOR AN ATTORNEY. Except as provided under SCR ~~20.08~~ 20:7.1 to 20:7.5, no person may communicate directly or indirectly with any attorney or person acting in the attorney's behalf for the purpose of aiding, assisting or abetting the attorney in the solicitation of legal matters or the procurement through solicitation of a retainer, written or oral, or any agreement authorizing the attorney to perform or render legal services.

(3) EMPLOYMENT BY ATTORNEY OF PERSON TO SOLICIT LEGAL MATTERS. Except as provided under SCR ~~20.08~~



20:7.1 to 20:7.5, no attorney may employ any person for the purpose of soliciting legal matters or the procurement through solicitation of a retainer, written or oral, or of any agreement authorizing the attorney to perform or render legal services.

NOTE: Corrects cross-reference.

**SECTION 470.** 767.001 (7) of the statutes, as created by 1995 Wisconsin Act 279, is amended to read:

767.001 (7) “Support collection designee” means the county support collection designee under s. ~~59.07 (97m)~~ 59.53 (5m).

NOTE: Section 59.07 (97m) is renumbered s. 59.53 (5m) by this bill.

**SECTION 471.** The amendment of 767.075 (2) (a) and (b) of the statutes by 1995 Wisconsin Act 201 is not repealed by 1995 Wisconsin Act 404. Both amendments stand.

NOTE: There is no conflict of substance.

**SECTION 472.** The amendment of 767.08 (3) of the statutes by 1995 Wisconsin Act 201 is not repealed by 1995 Wisconsin Act 404. Both amendments stand.

NOTE: There is no conflict of substance.

**SECTION 473.** The amendment of 767.15 (1) of the statutes by 1995 Wisconsin Act 201 is not repealed by 1995 Wisconsin Act 289. Both amendments stand.

NOTE: There is no conflict of substance.

**SECTION 474.** The amendment of 767.24 (2) (b) 2. c. of the statutes by 1995 Wisconsin Act 275 is not repealed by 1995 Wisconsin Act 343. Both amendments stand.

NOTE: There is no conflict of substance.

**SECTION 475.** The amendment of 767.25 (4m) (d) 2. of the statutes by 1995 Wisconsin Act 201 is not repealed by 1995 Wisconsin Act 404. Both amendments stand.

NOTE: There is no conflict of substance.

**SECTION 476.** 767.262 (4) (b) of the statutes, as affected by 1995 Wisconsin Acts 201 and 279, is amended to read:

767.262 (4) (b) The court may order payment of costs under this section by a county in an action in which the court finds that the record of payments and arrearages kept by the clerk of court under s. 59.40 (2) (h) or the support collection designee under s. ~~59.07 (97m)~~ 59.53 (5m) (b) 1. is substantially incorrect and that the clerk of court or support collection designee has failed to correct the record within 30 days after having received information that the court determines is sufficient for making the correction.

NOTE: Section 59.07 (97m) is renumbered s. 59.53 (5m) by this bill.

**SECTION 477.** The amendment of 767.27 (3) (b) of the statutes by 1995 Wisconsin Act 201 is not repealed by 1995 Wisconsin Act 404. Both amendments stand.

NOTE: There is no conflict of substance.

**SECTION 478.** 767.29 (1) of the statutes, as affected by 1995 Wisconsin Act 27, section 9126 (19), and 1995 Wisconsin Act 404, is amended to read:

767.29 (1) All orders or judgments providing for temporary or permanent maintenance, child support or family support payments shall direct the payment of all such sums to the clerk of the court, or support collection designee in a county that has designated a support collection designee under s. ~~59.07 (97m)~~ 59.53 (5m), for the use of the person for whom the same has been awarded. A party securing an order for temporary maintenance, child support or family support payments shall forthwith file the order, together with all pleadings in the action, with the clerk of the court or support collection designee. Except as provided in sub. (1m), the clerk or support collection designee shall disburse the money so received under the judgment or order within 15 days and take receipts therefor, unless the clerk or support collection designee is unable to disburse the moneys because they were paid by check or other draft drawn upon an account containing insufficient funds. All moneys received or disbursed under this section shall be entered in a record kept by the clerk or support collection designee, whichever is appropriate, which shall be open to inspection by the department for the administration of the child and spousal support and establishment of paternity program under s. 49.22, the parties to the action and their attorneys, and the family court commissioner. If the maintenance, child support or family support payments adjudged or ordered to be paid shall not be paid to the clerk or support collection designee at the time provided in the judgment or order, the clerk or support collection designee or the family court commissioner of the county shall take such proceedings as he or she considers advisable to secure the payment of the sum including enforcement by contempt proceedings under ch. 785 or by other means. Copies of any order issued to compel the payment shall be mailed to counsel who represented each party when the maintenance, child support or family support payments were awarded. In case any fees of officers in any of the proceedings, including the compensation of the family court commissioner at the rate of \$50 per day unless the commissioner is on a salaried basis, is not collected from the person proceeded against, the fees shall be paid out of the county treasury upon the order of the presiding judge and the certificate of the clerk of court or support collection designee.

NOTE: Section 59.07 (97m) is renumbered s. 59.53 (5m) by this bill.

**SECTION 479.** The amendment of 767.32 (1) (a) of the statutes by 1995 Wisconsin Act 201 is not repealed by 1995 Wisconsin Act 404. Both amendments stand.

NOTE: There is no conflict of substance.

**SECTION 480.** 767.455 (5g) (form) 1. of the statutes, as affected by 1995 Wisconsin Act 100, is amended to read:

767.455 (5g) (form) 1. You have been named in a petition alleging paternity. A judgment of paternity

would legally designate the child as your child, grant parental rights to you, create the right of inheritance for the child, obligate you to pay child support until the child reaches the age of 18, or the age of 19 if the child is enrolled full-time in high school or its equivalent, and make your failure to pay child support punishable by imprisonment as a contempt of court or as a criminal violation.

NOTE: Inserts missing word.

**SECTION 481.** The amendment of 767.455 (5g) (form) 2. of the statutes by 1995 Wisconsin Act 27 is not repealed by 1995 Wisconsin Act 100. Both amendments stand.

NOTE: There is no conflict of substance.

**SECTION 482.** The amendment of 767.51 (3m) (d) 2. of the statutes by 1995 Wisconsin Act 201 is not repealed by 1995 Wisconsin Act 404. Both amendments stand.

NOTE: There is no conflict of substance.

**SECTION 483.** 767.52 (2m) of the statutes, as affected by 1995 Wisconsin Acts 27 and 100, is amended to read:

767.52 (2m) Representation by an attorney appointed under sub. (1) shall be provided only after the results of any genetic tests that were ordered by the court have been completed and only if all of the results fail to show that the alleged father is excluded and fail to give rise to the rebuttable presumption under s. 767.48 (1m) that the alleged father is the father of the child. ~~genetic~~

NOTE: 1995 Wis. Act 27 deleted the last sentence of this provision, rendering the insertion of "genetic" by 1995 Wis. Act 100 surplusage.

**SECTION 484.** The amendment of 767.52 (3) of the statutes by 1995 Wisconsin Act 201 is not repealed by 1995 Wisconsin Act 404. Both amendments stand.

NOTE: There is no conflict of substance.

**SECTION 485.** 779.01 (4) of the statutes, as affected by 1995 Wisconsin Acts 225 and 227, is amended to read:

779.01 (4) PRIORITY OF CONSTRUCTION LIEN. The lien provided in sub. (3) shall be prior to any lien which originates subsequent to the visible commencement in place of the work of improvement, except as otherwise provided by ss. 144.77 (6) (d) 215.21 (4) (a), 292.31 (8) (i), 292.41 (6) (d), 292.81 and 706.11 (1). When new construction is the principal improvement involved, commencement is ~~deemed~~ considered to occur no earlier than the beginning of substantial excavation for the foundations, footings or base of the new construction, except where the new construction is to be added to a substantial existing structure, in which case the commencement is the time of the beginning of substantial excavation or the time of the beginning of substantial preparation of the existing structure to receive the added new construction, whichever is earlier. The lien also shall be prior to any unrecorded mortgage given prior to the commencement of the work of improvement, if the lien claimant has no actual notice of the mortgage before the commencement. Lien claimants who perform work or procure its performance or furnish any labor or materials or plans or specifications for an improvement prior to the visible com-

mencement of the work of improvement shall have lien rights, but shall have only the priority accorded to other lien claimants.

NOTE: Section "144.77" was added by 1995 Wis. Act 225, but was rendered surplusage by the treatment of this provision by 1995 Wis. Act 227.

**SECTION 486.** 779.40 (1) of the statutes, as affected by 1995 Wisconsin Acts 225 and 227, is amended to read:

779.40 (1) Any person who shall perform any labor for an employer not the owner of the real estate, engaged in quarrying, crushing, cutting or otherwise preparing stone for use or for manufacturing lime and any bona fide holder of any draft, time check or order for the payment of money due for any such labor issued by such employer, shall have a lien for wages owed and for the amount due on such draft, check or order upon the personal property connected with such industry owned by such employer, including interest in the product of such quarry or factory and machinery and other personal property used in the operation of such quarry or factory, and all interest in any lease of the real estate connected with such business, which lien shall take precedence of all other debts, judgments, decrees, liens or mortgages against such employer, except taxes, fines or penalties and mortgages or judgments recorded or entered before such labor is performed and except liens under ss. 292.31 (8) (i), 144.77 292.41 (6) (d) and 292.81.

NOTE: Section "144.77" was added by 1995 Wis. Act 225, but was rendered surplusage by the treatment of this provision by 1995 Wis. Act 227.

**SECTION 487.** 779.41 (1m) of the statutes, as created by 1995 Wisconsin Act 331, is renumbered 779.41 (1s).

NOTE: 1995 Wis. Act 107 also created an s. 779.41 (1m).

**SECTION 488.** 803.01 (2) of the statutes is amended to read:

803.01 (2) REPRESENTATIVES. A personal representative, executor, administrator, guardian, bailee, trustee of an express trust, a party with whom or in whose name a contract has been made for the benefit of another, or a party authorized by statute may sue in the party's own name without joining the person for whose benefit the action is brought. A partner asserting a partnership claim may sue in the partner's own name without joining the other members of the partnership, but the partner shall indicate in the pleading that the claim asserted belongs to the partnership.

NOTE: Corrects error in transcribing chapter 218, laws of 1975.

**SECTION 489.** 803.03 (3) (intro.) of the statutes is amended to read:

803.03 (3) DETERMINATION BY COURT WHENEVER JOINDER NOT FEASIBLE. (intro.) If any such person has not been so joined, the judge to whom the case has been assigned shall order that the person be made a party. If the ~~party~~ person should join as a plaintiff but refuses to do so, the ~~party~~ person may be made a defendant, or, in a proper case, an involuntary plaintiff. If a person as described in

subs. (1) and (2) cannot be made a party, the court shall determine whether in equity and good conscience the action should proceed among the parties before it, or should be dismissed, the absent person being thus regarded as indispensable. The factors to be considered by the court include:

NOTE: Corrects error in transcribing chapter 218, laws of 1975.

**SECTION 490.** 804.01 (2) (d) (intro.), 1. and 2. of the statutes are amended to read:

804.01 (2) (d) *Trial preparation: experts.* (intro.) Discovery of facts known and opinions held by experts, otherwise discoverable under par. (a) and acquired or developed in anticipation of litigation or for trial, may be obtained only as follows:

1. A party may through written interrogatories require any other party to identify each person whom the other party expects to call as an expert witness at trial. A party may depose any person who has been identified as an expert whose opinions may be presented at trial. Upon motion, the court may order further discovery by other means, subject to such restrictions as to scope and such provisions, pursuant to subd. 3. concerning fees and expenses as the court ~~may deem~~ considers appropriate.

2. A party may, through written interrogatories or by deposition, discover facts known or opinions held by an expert who has been retained or specially employed by another party in anticipation of litigation or preparation for trial and who is not expected to be called as a witness at trial only upon a motion showing ~~of that~~ exceptional circumstances exist under which it is impracticable for the party seeking discovery to obtain facts or opinions on the same subject by other means.

NOTE: Effectuates the treatment of this provision by Supreme Court Order 95-03 which was inadvertently not included in the 1995-96 Statutes.

**SECTION 491.** 804.05 (2) (c) of the statutes is amended to read:

804.05 (2) (c) The court may upon motion order that the testimony at a deposition be recorded by other than stenographic means or videotape means as provided in ss. 885.40 to 885.47, in which event the order shall designate the manner of recording, preserving, and filing the deposition, and may include other provisions to assure that the recorded testimony will be accurate and trustworthy. If the order is made, a party may nevertheless arrange to have a stenographic transcription made at the party's ~~own~~ expense.

NOTE: Removes punctuation. Corrects error in transcribing chapter 218, laws of 1975; "own" was deleted by that chapter.

**SECTION 492.** 808.03 (1) (intro.) of the statutes, as affected by 1995 Wisconsin Acts 139 and 224, is amended to read:

808.03 (1) APPEALS AS OF RIGHT. (intro.) A final judgment or a final order of a circuit court may be appealed as a matter of right to the court of appeals unless

otherwise expressly provided by law. A final judgment or final order is a judgment, order or disposition ~~court record~~ that disposes of the entire matter in litigation as to one or more of the parties, whether rendered in an action or special proceeding, and that is one of the following:

NOTE: The treatment of this provision by 1995 Wis. Act 139 rendered the insertion of "court record" by 1995 Wis. Act 224 surplusage.

**SECTION 493.** 808.075 (4) (fn) 4. of the statutes, as created by 1995 Wisconsin Act 77, is amended to read:

808.075 (4) (fn) 4. Hearing for ~~child~~ juvenile held in custody under s. 938.21.

NOTE: Replaces "child" with "juvenile" for consistency of references with language of ch. 938.

**SECTION 494.** The amendment of 809.11 (2) of the statutes by 1995 Wisconsin Act 201 is not repealed by 1995 Wisconsin Act 224. Both amendments stand.

NOTE: There is no conflict of substance.

**SECTION 495.** 809.19 (8) (b) 3. b. of the statutes is amended to read:

809.19 (8) (b) 3. b. If a monospaced font is used: 10 characters per inch; double-spaced; a 1.5 inch margin on the left side and 1-inch margins a one-inch margin on the all other 3 sides.

NOTE: Corrects spelling.

**SECTION 496.** 812.44 (4) (form) 2. of the statutes is amended to read:

812.44 (4) (form) 2. You receive aid to families with dependent children, relief funded by a relief block grant under ch. 49, relief provided by counties under section 59.07 (154) of the Wisconsin Statutes, medical assistance, supplemental security income, food stamps, or veterans benefits based on need under 38 USC 501 to 562 or section 45.351 (1) of the Wisconsin Statutes, or have received these benefits within the past 6 months.

NOTE: Inserts missing number.

**SECTION 497.** 814.61 (12) (b) (intro.) of the statutes, as affected by 1995 Wisconsin Acts 201 and 279, is amended to read:

814.61 (12) (b) *Maintenance payments and support.* (intro.) Except in counties that have designated a county support collection designee under s. ~~59.07 (97m)~~ 59.53 (5m), for receiving and disbursing money deposited as payment for maintenance payments, child support or family support payments, under interim or final orders in an action affecting the family, and for maintaining the records required under s. 59.40 (2) (h), an annual fee of up to \$25 to be paid by each party ordered to make payments. Except in counties that have designated a county support collection designee under s. ~~59.07 (97m)~~ 59.53 (5m), the court shall order each party ordered to make payments to pay the annual fee under this paragraph at the time of, and in addition to, the first payment to the clerk in each year for which payments are ordered. At the time of ordering the payment of an annual fee under this paragraph, the court shall notify each party ordered to make payments of the requirement to pay the annual fee and of the

amount of the annual fee. If the annual fee under this paragraph is not paid when due, the clerk may not deduct the annual fee from the maintenance or support payment, but:

NOTE: Section 59.07 (97m) is renumbered s. 59.53 (5m) by this bill.

**SECTION 498.** 814.612 (intro.) of the statutes, as created by 1995 Wisconsin Act 279, is amended to read:

**814.612 Fees of designee for receiving and disbursing support.** (intro.) In a county that has designated a county support collection designee under s. ~~59.07 (97m)~~ 59.53 (5m), the support collection designee, for receiving and disbursing money deposited as payment for maintenance payments, child support or family support payments, under interim or final orders in an action affecting the family, and for maintaining the records required under s. ~~59.07 (97m)~~ 59.53 (5m) (b) 1., shall collect an annual fee of up to \$25 to be paid by each party ordered to make payments. In such a county, the court shall order each party ordered to make payments to pay the annual fee under this section at the time of, and in addition to, the first payment to the support collection designee in each year for which payments are ordered. At the time of ordering the payment of an annual fee under this section, the court shall notify each party ordered to make payments of the requirement to pay the annual fee and of the amount of the annual fee. If the annual fee under this section is not paid when due, the support collection designee may not deduct the annual fee from the maintenance or support payment, but:

NOTE: Section 59.07 (97m) is renumbered s. 59.53 (5m) by this bill.

**SECTION 498m.** 814.69 (1) (b) of the statutes is amended to read:

814.69 (1) (b) For a transcript under s. 757.57 (5), a fee from the party requesting the transcript at the rate of \$1.75 per 25–line page for the original and 60 cents per 25–line page for each copy. If the request is by the state or any political subdivision thereof, the fees of the reporter shall be at the rates provided in par. ~~(1) (a)~~.

NOTE: Corrects error in transcribing 1995 Wis. Act 27.

**SECTION 499.** 885.235 (1) of the statutes, as affected by 1995 Wisconsin Acts 436 and 448, is renumbered 885.235 (1g).

NOTE: Section 885.235 (5) is renumbered to s. 885.235 (1) by this bill.

**SECTION 500.** The amendment of 885.235 (1) (a) 1. of the statutes by 1995 Wisconsin Act 436 is not repealed by 1995 Wisconsin Act 448. Both amendments stand.

NOTE: There is no conflict of substance. This provision is renumbered to s. 885.235 (1g) (a) 1. by this bill.

**SECTION 501.** The amendment of 885.235 (1) (a) 2. of the statutes by 1995 Wisconsin Act 436 is not repealed by 1995 Wisconsin Act 448. Both amendments stand.

NOTE: There is no conflict of substance. This provision is renumbered to s. 885.235 (1g) (a) 2. by this bill.

**SECTION 502.** 885.235 (5) of the statutes, as affected by 1995 Wisconsin Act 448, is renumbered 885.235 (1).

NOTE: Relocates definitions to the beginning of the section for conformity with current style.

**SECTION 503.** 895.035 (2m) of the statutes, as affected by 1995 Wisconsin Acts 77 and 352, is amended to read:

895.035 (2m) (a) If a child juvenile fails to pay restitution under s. 938.245, 938.32, 938.34 (5), 938.343 (4) or 938.345 as ordered by a court assigned to exercise jurisdiction under chs. 48 and 938 or a municipal court or as agreed to in a deferred prosecution agreement or if it appears likely that the child juvenile will not pay restitution as ordered or agreed to, the victim, the victim’s insurer, the representative of the public interest under s. 938.09 or the agency, as defined in s. 938.38 (1) (a), supervising the child juvenile may petition the court assigned to exercise jurisdiction under chs. 48 and 938 to order that the amount of restitution unpaid by the child juvenile be entered and docketed as a judgment against the child juvenile and the parent with custody of the child juvenile and in favor of the victim or the victim’s insurer, or both. A petition under this paragraph may be filed after the expiration of the deferred prosecution agreement, consent decree, dispositional order or sentence under which the restitution is payable, but no later than one year after the expiration of the deferred prosecution agreement, consent decree, dispositional order or sentence or any extension of the consent decree, dispositional order or sentence. A judgment rendered under this paragraph does not bar the victim or the victim’s insurer, or both, from commencing another action seeking compensation from the child or the parent, or both, if the amount of restitution ordered under this paragraph is less than the total amount of damages claimed by the victim or the victim’s insurer.

(b) If a child juvenile fails to pay a forfeiture as ordered by a court assigned to exercise jurisdiction under chs. 48 and 938 or a municipal court or if it appears likely that the child juvenile will not pay the forfeiture as ordered, the representative of the public interest under s. 938.09, the agency, as defined in s. 938.38 (1) (a), supervising the child juvenile or the law enforcement agency that issued the citation to the child juvenile may petition the court assigned to exercise jurisdiction under chs. 48 and 938 to order that the amount of the forfeiture unpaid by the child juvenile be entered and docketed as a judgment against the child juvenile and the parent with custody of the child juvenile and in favor of the county or appropriate municipality. A petition under this paragraph may be filed after the expiration of the dispositional order or sentence under which the forfeiture is payable, but no later than one year after the expiration of the dispositional order or sentence or any extension of the dispositional order or sentence.

(bm) 1. Before issuing an order under par. (a) or (b), the court assigned to exercise jurisdiction under chs. 48 and 938 shall give the ~~child~~ juvenile and the parent notice of the intent to issue the order and an opportunity to be heard regarding the order. The court shall give the ~~child~~ juvenile and the parent an opportunity to present evidence as to the amount of the restitution or forfeiture unpaid, but not as to the amount of the restitution or forfeiture originally ordered. The court shall also give the ~~child~~ juvenile and the parent an opportunity to present evidence as to the reason for the failure to pay the restitution or forfeiture and the ability of the ~~child~~ juvenile or the parent to pay the restitution or forfeiture. In considering the ability of the ~~child~~ juvenile or the parent to pay the restitution or forfeiture, the court may consider the assets, as well as the income, of the ~~child~~ juvenile or the parent and may consider the future ability of the ~~child~~ juvenile or parent to pay the restitution or forfeiture within the time specified in s. 893.40.

2. In proceedings under this subsection, the court assigned to exercise jurisdiction under chs. 48 and 938 may take judicial notice of any deferred prosecution agreement, consent decree, dispositional order, sentence, extension of a consent decree, dispositional order or sentence or any other finding or order in the records of the ~~child~~ juvenile maintained by that court or the municipal court.

3. In proceedings under this subsection, the ~~child~~ juvenile and the parent may retain counsel of their own choosing at their own expense, but a ~~child~~ juvenile or a parent has no right to be represented by appointed counsel in a proceeding under this subsection.

(c) The court assigned to exercise jurisdiction under chs. 48 and 938 may order that the ~~child~~ juvenile perform community service work for a public agency or nonprofit charitable organization that is designated by the court in lieu of making restitution or paying the forfeiture. If the parent agrees to perform community service work in lieu of making restitution or paying the forfeiture, the court may order that the parent perform community service work for a public agency or a nonprofit charitable organization that is designated by the court. Community service work may be in lieu of restitution only if also agreed to by the public agency or nonprofit charitable organization and by the person to whom restitution is owed. The court may utilize any available resources, including any community service work program, in ordering the ~~child~~ juvenile or parent to perform community service work. The number of hours of community service work required may not exceed the number determined by dividing the amount owed on the restitution or forfeiture by the minimum wage established under ch. 104 for adults in nonagriculture, nontipped employment. The court shall ensure that the ~~child~~ juvenile or parent is provided with a written statement of the terms of the community service order and that the community service order is monitored.

NOTE: Replaces "child" with "juvenile" for consistency of references with language of ch. 938.

**SECTION 504.** 895.035 (3) of the statutes, as affected by 1995 Wisconsin Act 77, is amended to read:

895.035 (3) An adjudication under s. 938.31 that the ~~child~~ juvenile violated a civil law or ordinance, is delinquent or is in need of protection and services under s. 938.13 (12), based on proof that the ~~child~~ juvenile committed the act, subject to its admissibility under s. 904.10, shall, in an action under sub. (1), stop a ~~child's~~ juvenile's parent or parents from denying that the ~~child~~ juvenile committed the act that resulted in the injury, damage or loss.

NOTE: Replaces "child" with "juvenile" for consistency of references with language of ch. 938.

**SECTION 505.** 895.035 (4) of the statutes, as affected by 1995 Wisconsin Act 262, is amended to read:

895.035 (4) Except for recovery for retail theft under s. 943.51, the maximum recovery from any parent or parents may not exceed the amount specified in s. 799.01 (1) (d) for damages resulting from any one act of a ~~child~~ juvenile in addition to taxable costs and disbursements and reasonable attorney fees, as determined by the court. If 2 or more ~~children~~ juveniles in the custody of the same parent or parents commit the same act the total recovery may not exceed the amount specified in s. 799.01 (1) (d), in addition to taxable costs and disbursements. The maximum recovery from any parent or parents for retail theft by their minor child is established under s. 943.51.

NOTE: Replaces "child" and "children" with "juvenile" and "juveniles", respectively, for consistency of references with language of ch. 938.

**SECTION 506.** 895.056 (3) (intro.) of the statutes is amended to read:

895.056 (3) (intro.) If the wagerer does not sue for and recover the property, which was put up, staked or deposited, within the time specified under sub. (1), any other person may, in the person's behalf and the person's name, sue for and recover the property for the use and benefit of the wagerer's family or heirs, in case of the ~~wager's~~ wagerer's death. The suit may be brought against and property recovered from any of the following:

NOTE: Corrects spelling.

**SECTION 507.** 895.056 (3) (a) of the statutes, as affected by 1995 Wisconsin Act 225, section 516, is amended to read:

895.056 (3) (a) The stakeholder or a 3rd person if the ~~the~~ property is still held by the stakeholder or 3rd person, within 6 months after the putting up, staking or depositing of the property.

NOTE: Deletes unnecessary "the".

**SECTION 508.** 895.46 (6) of the statutes, as affected by 1995 Wisconsin Act 227, is amended to read:

895.46 (6) The protection afforded by this section applies to any criminal action under s. 444.74 ~~291.97~~ (2) or ~~444.93~~ 293.87 (2) or under 7 USC 136L (b), 15 USC 2616 (b), 33 USC 1319 (c), 42 USC 2284, 6928 (d) and (e),

6973 (b), 6992 (b) and (c), 7413 (c), 9603 (b), 9606 (b) and 11045 (b) or 49 USC appendix 1809 (b) that is commenced against a state officer or state employe who is proceeded against in his or her official capacity or as an individual because of acts committed in the storage, transportation, treatment or disposal of hazardous substances, as defined in s. 289.01 (11), if that officer or employe is found to be acting within the scope of his or her employment and if the attorney general determines that the state officer or state employe acted in good faith. Regardless of the determination made by the attorney general, the protection afforded by this section applies if the state officer or agent is not found guilty of the criminal action commenced under this subsection. This protection includes the payment of reasonable attorney fees in defending the action and costs or fines arising out of the action.

NOTE: Sections 144.74 and 144.93 were renumbered ss. 291.97 and 293.87 by 1995 Wis. Act 227.

**SECTION 509.** 895.487 (1) (a) of the statutes, as created by 1995 Wisconsin Act 441, is amended to read:

895.487 (1) (a) “Employe” has the meaning given in s. 101.01 (2)-(a) (3) and also includes a former employe.

NOTE: Inserts correct cross-reference. Section 101.01 (2) (a) was renumbered to s. 101.01 (3) by 1995 Wis. Act 27.

**SECTION 510.** 895.487 (1) (b) of the statutes, as created by 1995 Wisconsin Act 441, is amended to read:

895.487 (1) (b) “Employer” has the meaning given in s. 101.01 (2)-(b) (4).

NOTE: Inserts correct cross-reference. Section 101.01 (2) (b) was renumbered to s. 101.01 (4) by 1995 Wis. Act 27.

**SECTION 511.** 895.55 (1) (i) of the statutes, as created by 1995 Wisconsin Act 192, is amended to read:

895.55 (1) (i) “State contingency plan” means the plan prepared and published under s. ~~444.76~~ 292.11 (5).

NOTE: Inserts correct cross-reference. Section 144.76 was renumbered to s. 292.11 by 1995 Wis. Act 227.

**SECTION 512.** 895.55 (2) (intro.) of the statutes, as created by 1995 Wisconsin Act 192, is amended to read:

895.55 (2) (intro.) Notwithstanding any provision of ~~ch. 29, s. 299.11, 299.13, 299.31, 299.41, 299.43, 299.45, 299.51, 299.53 or 299.55,~~ subchs. II and IV of ch. 30, subchs. II, IV, VI and VII of ch. 144, ch. 147 ~~or 29,~~ 166, ~~281, 283, 289, 291 or 292 or subch. II of ch. 295,~~ or any other provision of this chapter, a person is immune from liability for damages resulting from the person’s acts or omissions and for the removal costs resulting from the person’s acts or omissions if all of the following conditions are met:

NOTE: Inserts correct cross-references. 1995 Wis. Act 192 did not take into account the renumbering of chs. 144 and 147 by 1995 Wis. Act 227.

**SECTION 513.** 895.55 (3) (a) of the statutes, as created by 1995 Wisconsin Act 192, is amended to read:

895.55 (3) (a) Who is required to act under s. ~~144.76~~ 292.11 (3) because the person possessed or controlled the

oil that was initially discharged into the navigable waters of this state or caused the initial discharge or initial threat of discharge of the oil into the navigable waters of this state.

NOTE: Inserts correct cross-reference. Section 144.76 was renumbered to s. 292.11 by 1995 Wis. Act 227.

**SECTION 514.** The amendment of 938.02 (15m) of the statutes by 1995 Wisconsin Act 216 is not repealed by 1995 Wisconsin Act 352. Both amendments stand.

NOTE: There is no conflict of substance.

**SECTION 515.** 938.02 (17) of the statutes, as created by 1995 Wisconsin Act 77, is amended to read:

938.02 (17) “Shelter care facility” means a nonsecure place of temporary care and physical custody for juveniles, including a holdover room, licensed by the department of health and family services under s. 48.66 (1).

NOTE: “Department” is defined as the department of corrections in ch. 938. The department of health and family services licenses shelter care facilities.

**SECTION 516.** 938.065 (3) (b) of the statutes, as created by 1995 Wisconsin Act 77, is amended to read:

938.065 (3) (b) Conduct fact-finding or dispositional hearings except on petitions or citations under s. 938.125 and except as provided in sub. (2) (gm).

NOTE: Inserts missing word.

**SECTION 517.** 938.125 (2) of the statutes, as created by 1995 Wisconsin Act 77, is amended to read:

938.125 (2) That the court has exclusive jurisdiction over any juvenile alleged to have violated an ordinance enacted under s. 118.163 (2) only if evidence is provided by the school attendance officer that the activities under s. 118.16 (5) have been completed or were not completed due to the ~~child’s~~ juvenile’s absence from school as provided in s. 118.16 (5m).

NOTE: Replaces “child” with “juvenile” for consistency of references within ch. 938.

**SECTION 518.** 938.13 (6) of the statutes, as created by 1995 Wisconsin Act 77, is amended to read:

938.13 (6) Who is habitually truant from school, if evidence is provided by the school attendance officer that the activities under s. 118.16 (5) have been completed or were not completed due to the ~~child’s~~ juvenile’s absence from school as provided in s. 118.16 (5m), except as provided under s. 938.17 (2).

NOTE: Replaces “child” with “juvenile” for consistency of references within ch. 938.

**SECTION 519.** 938.18 (5) (d) of the statutes, as created by 1995 Wisconsin Act 77, is amended to read:

938.18 (5) (d) The desirability of trial and disposition of the entire offense in one court if the juvenile was allegedly associated in the offense with persons who will be charged with a crime in ~~circuit~~ the court of criminal jurisdiction.

NOTE: Waiver of jurisdiction is from the juvenile court to the court of criminal jurisdiction, both of which are part of the circuit court.

**SECTION 520.** The amendment of 938.183 (1) (a) of the statutes by 1995 Wisconsin Act 216 is not repealed by 1995 Wisconsin Act 352. Both amendments stand.

NOTE: There is no conflict of substance.

**SECTION 521.** 938.183 (2) (c) of the statutes, as created by 1995 Wisconsin Act 77, is amended to read:

938.183 (2) (c) If the juvenile is placed outside the juvenile's home under this subsection, the order shall contain a designation of the amount of support, if any, to be paid by the juvenile's parent, guardian or trustee, specifying that the support obligation begins on the date of the placement, or a referral to the county designee under s. 59.07 (97) ~~59.53 (5)~~ for establishment of child support.

NOTE: 1995 Wis. Act 201 renumbered s. 59.07 (97) to be s. 59.183 (2) (c) effective 9-1-96.

**SECTION 522.** 938.20 (2) (d) of the statutes, as created by 1995 Wisconsin Act 77, is amended to read:

938.20 (2) (d) If the ~~child~~ juvenile is a runaway, the person who took the ~~child~~ juvenile into custody may release the ~~child~~ juvenile to a home authorized under s. 48.227.

**SECTION 523.** 938.205 (1) (intro.) of the statutes, as created by 1995 Wisconsin Act 77, is amended to read:

938.205 (1) (intro.) A juvenile may be held under s. 938.207, 938.208 or 938.209 if the intake worker determines that there is probable cause to believe the juvenile is within the jurisdiction of the court and if probable cause exists to believe ~~one~~ any of the following:

NOTE: Inserts preferred term.

**SECTION 524.** 938.209 (intro.) of the statutes, as created by 1995 Wisconsin Act 77, is amended to read:

**938.209 Criteria for holding a juvenile in a county jail.** (intro.) Subject to ~~the provisions of~~ s. 938.208, a county jail may be used as a secure detention facility if the criteria under either sub. (1) or (2) are met:

NOTE: Deletes unnecessary language.

**SECTION 525.** 938.21 (2) (intro.) of the statutes, as created by 1995 Wisconsin Act 77, is renumbered 938.21 (2) (ag).

NOTE: Makes a technical correction. This provision is not an introductory paragraph under current drafting standards.

**SECTION 526.** 938.21 (2) (a) of the statutes, as created by 1995 Wisconsin Act 77, is renumbered 938.21 (2) (am).

NOTE: See the previous section of this bill.

**SECTION 527.** 938.21 (2) (d) of the statutes, as created by 1995 Wisconsin Act 77, is amended to read:

938.21 (2) (d) If the juvenile is not represented by counsel at the hearing and the juvenile is continued in custody as a result of the hearing, the juvenile may request through counsel subsequently appointed or retained or through a guardian ad litem that the order to hold in custody be reheard. If the request is made, a rehearing shall take place as soon as ~~may be~~ possible. Whether or not counsel was present, any order to hold the

juvenile in custody shall be subject to rehearing for good cause.

NOTE: Deletes unnecessary language.

**SECTION 528.** 938.21 (3) (intro.) of the statutes, as created by 1995 Wisconsin Act 77, is renumbered 938.21 (3) (ag).

NOTE: Makes a technical correction. This provision is not an introductory paragraph under current drafting standards.

**SECTION 529.** 938.21 (3) (a) of the statutes, as created by 1995 Wisconsin Act 77, is renumbered 938.21 (3) (am).

NOTE: See the previous section of this bill.

**SECTION 530.** 938.21 (3) (e) of the statutes, as created by 1995 Wisconsin Act 77, is amended to read:

938.21 (3) (e) If the parent, guardian or legal custodian or the juvenile is not represented by counsel at the hearing and the juvenile is continued in custody as a result of the hearing, the parent, guardian, legal custodian or juvenile may request through counsel subsequently appointed or retained or through a guardian ad litem that the order to hold the juvenile in custody be reheard. If the request is made, a rehearing shall take place as soon as ~~may be~~ possible. Any order to hold the juvenile in custody shall be subject to rehearing for good cause, whether or not counsel was present.

NOTE: Deletes unnecessary language.

**SECTION 531.** 938.22 (1) (c) of the statutes, as created by 1995 Wisconsin Act 77, is amended to read:

938.22 (1) (c) In counties having a population of 500,000 or more, the nonjudicial operational policies of the secure detention facility and the detention section of the ~~juvenile delinquency~~ children's court center shall be established by the county board of supervisors, and the execution thereof shall be the responsibility of the director of the children's court center.

NOTE: Inserts correct term. There is no "juvenile delinquency court center".

**SECTION 532.** 938.243 (2) of the statutes, as created by 1995 Wisconsin Act 77, is renumbered 938.243 (4).

NOTE: Renumbers provision for more logical placement.

**SECTION 533.** 938.25 (4) of the statutes, as created by 1995 Wisconsin Act 77, is amended to read:

938.25 (4) Section 939.74 applies to delinquency petitions filed under this ~~subchapter~~ chapter.

NOTE: An early draft of the material contained in the present ch. 938 placed that material in a single new subchapter of ch. 48. This cross-reference was not corrected when the material was created in the new ch. 938.

**SECTION 534.** 938.273 (2) of the statutes, as created by 1995 Wisconsin Act 77, is amended to read:

938.273 (2) Service of summons or notice required by this ~~subchapter~~ chapter may be made by any suitable person under the direction of the court. Notification of the victim or alleged victim of a juvenile's act or of a family member of a homicide victim or of an alleged homi-

cide victim under s. 938.27 (4m) shall be made by the district attorney or corporation counsel.

NOTE: An early draft of the material contained in the present ch. 938 placed that material in a single new subchapter of ch. 48. This cross-reference was not corrected when the material was created in the new ch. 938.

**SECTION 535.** 938.28 of the statutes, as created by 1995 Wisconsin Act 77, is amended to read:

**938.28 Failure to obey summons; *capias*.** If any person summoned under this ~~subchapter~~ chapter fails without reasonable cause to appear, he or she may be proceeded against for contempt of court. In case the summons cannot be served or the parties served fail to obey the same, or in any case when it appears to the court that the service will be ineffectual a *capias* may be issued for the parent, guardian and legal custodian or for the juvenile. Subchapter IV governs the taking and holding of a juvenile in custody.

NOTE: An early draft of the material contained in the present ch. 938 placed that material in a single new subchapter of ch. 48. This cross-reference was not corrected when the material was created in the new ch. 938.

**SECTION 536.** 938.293 (2) of the statutes, as affected by 1995 Wisconsin Act 387, is amended to read:

938.293 (2) All records relating to a juvenile which are relevant to the subject matter of a proceeding under this ~~subchapter~~ chapter shall be open to inspection by a guardian ad litem or counsel for any party, upon demand and upon presentation of releases where necessary, at least 48 hours before the proceeding. Persons entitled to inspect the records may obtain copies of the records with the permission of the custodian of the records or with the permission of the court. The court may instruct counsel not to disclose specified items in the materials to the juvenile or the parent if the court reasonably believes that the disclosure would be harmful to the interests of the juvenile. Sections 971.23 and 972.11 (5) shall be applicable in all delinquency proceedings under this ~~subchapter~~ chapter, except that the court shall establish the timetable for the disclosures required under ss. 971.23 (1), (2m) and (8) and 972.11 (5).

NOTE: An early draft of the material contained in the present ch. 938 placed that material in a single new subchapter of ch. 48. This cross-reference was not corrected when the material was created in the new ch. 938.

**SECTION 537.** 938.297 (3) of the statutes, as created by 1995 Wisconsin Act 77, is amended to read:

938.297 (3) Motions to suppress evidence as having been illegally seized or statements as having been illegally obtained shall be made before fact-finding on the issues. The court may entertain the motion at the fact-finding hearing if it appears that a party is surprised by the attempt to introduce such evidence and that party waives jeopardy. Only the juvenile may waive jeopardy in cases under s. 938.12, 938.125 or 938.13 (12).

NOTE: Repeats phrase for better parallel construction.

**SECTION 538.** 938.299 (1) (a) of the statutes, as created by 1995 Wisconsin Act 77, is amended to read:

938.299 (1) (a) Except as provided in par. (ar), the general public shall be excluded from hearings under this chapter unless a public fact-finding hearing is demanded by a juvenile through his or her counsel. The court shall refuse to grant the public hearing, however, if the victim of an alleged sexual assault objects or, in a nondelinquency proceeding, if a parent or guardian objects. If a public hearing is not held, only the parties, their counsel, witnesses, a representative of the news media who wishes to attend the hearing for the purpose of reporting news without revealing the identity of the ~~child~~ juvenile involved and other persons requested by a party and approved by the court may be present. Any other person the court finds to have a proper interest in the case or in the work of the court, including a member of the bar, may be admitted by the court.

NOTE: Replaces "child" with "juvenile" for consistency of references within ch. 938.

**SECTION 539.** 938.299 (1) (b) of the statutes, as affected by 1995 Wisconsin Act 352, is amended to read:

938.299 (1) (b) Except as provided in par. (av) and s. 938.396, any person who divulges any information which would identify the juvenile or the family involved in any proceeding under this ~~subchapter~~ chapter is subject to ch. 785. This paragraph does not preclude a victim of the juvenile's act from commencing a civil action based upon the juvenile's act.

NOTE: An early draft of the material contained in the present ch. 938 placed that material in a single new subchapter of ch. 48. This cross-reference was not corrected when the material was created in the new ch. 938.

**SECTION 540.** 938.299 (6) (a) of the statutes, as affected by 1995 Wisconsin Act 275, is amended to read:

938.299 (6) (a) The court shall refer the matter to the state or to the attorney responsible for support enforcement under s. ~~59.458 (1)~~ 59.53 (6) (a) for a determination, under s. 767.45, of whether an action should be brought for the purpose of determining the paternity of the juvenile.

NOTE: 1995 Wisconsin Act 201 renumbered s. 59.458 (1) to s. 59.53 (6) (a).

**SECTION 541.** 938.299 (6) (e) 4. of the statutes, as created by 1995 Wisconsin Act 275, is amended to read:

938.299 (6) (e) 4. If the genetic tests show that an alleged father is not excluded and that the statistical probability that the alleged father is the ~~child's~~ juvenile's biological father is 99.0% or higher, the court may determine that for purposes of a proceeding under this chapter or ch. 48, other than a proceeding under subch. VIII of ch. 48, the man is the juvenile's biological parent.

NOTE: Replaces "child" with "juvenile" for consistency of references within ch. 938.

**SECTION 542.** 938.299 (7) of the statutes, as created by 1995 Wisconsin Act 275, is amended to read:

938.299 (7) If a man who has been given notice under s. 938.27 (3) (b) 1. appears at any hearing for which he received the notice but does not allege that he is the father



of the juvenile and state that he wishes to establish the paternity of the juvenile or if no man to whom such notice was given appears at a hearing, the court may refer the matter to the state or to the attorney responsible for support enforcement under s. ~~59.458 (1)~~ 59.53 (6) (a) for a determination, under s. 767.45, of whether an action should be brought for the purpose of determining the paternity of the juvenile.

NOTE: 1995 Wis. Act 201 renumbered s. 59.458 (1) to s. 59.53 (6) (a).

**SECTION 543.** 938.30 (1) of the statutes, as created by 1995 Wisconsin Act 77, is amended to read:

938.30 (1) Except as provided in this subsection, the hearing to determine the juvenile's plea to a citation or a petition under s. 938.12, 938.125 or 938.13 (12), or to determine whether any party wishes to contest an allegation that the ~~child~~ juvenile is in need of protection or services under s. 938.13 (4), (6), (6m), (7) or (14) shall take place on a date which allows reasonable time for the parties to prepare but is within 30 days after the filing of a petition or issuance of a citation for a juvenile who is not being held in secure custody or within 10 days after the filing of a petition or issuance of a citation for a juvenile who is being held in secure custody. In a municipal court operated jointly by 2 or more cities, towns or villages under s. 755.01 (4), the hearing to determine the juvenile's plea shall take place within 45 days after the filing of a petition or issuance of a citation for a juvenile who is not being held in secure custody.

NOTE: Replaces "child" with "juvenile" for consistency of references within ch. 938.

**SECTION 544.** 938.30 (5) (c) 1. of the statutes, as created by 1995 Wisconsin Act 77, is amended to read:

938.30 (5) (c) 1. If the court finds that there is probable cause to believe that the juvenile meets the conditions specified under s. 51.20 (1) (a) 1. and 2., order the county department under s. ~~46.215~~, 46.22, or 46.23 ~~or~~ 46.215 in the county of the juvenile's residence or the district attorney or corporation counsel who filed the petition under s. 938.12 or 938.13 (12) to file a petition under s. 51.20 (1).

NOTE: Reorders cross-references consistent with current style.

**SECTION 545.** 938.30 (5) (d) 1. of the statutes, as created by 1995 Wisconsin Act 77, is amended to read:

938.30 (5) (d) 1. If the court finds that there is probable cause to believe that the juvenile meets the conditions specified under s. 51.20 (1) (a) 1. and 2., order the county department under s. ~~46.215~~, 46.22, or 46.23 ~~or~~ 46.215 in the county of the juvenile's residence or the district attorney or corporation counsel who filed the petition under s. 938.12 or 938.13 (12) to file a petition under s. 51.20 (1).

NOTE: Reorders cross-references consistent with current style.

**SECTION 546.** 938.30 (6) of the statutes, as created by 1995 Wisconsin Act 77, is amended to read:

938.30 (6) If a petition is not contested, the court shall set a date for the dispositional hearing which allows reasonable time for the parties to prepare but is no more than 10 days from the plea hearing for a juvenile who is held in secure custody and no more than 30 days from the plea hearing for a juvenile who is not held in secure custody. If it appears to the court that disposition of the case may include placement of the juvenile outside the juvenile's home, the court shall order the juvenile's parent to provide a statement of income, assets, debts and living expenses to the court or the designated agency under s. 938.33 (1) at least 5 days before the scheduled date of the dispositional hearing or as otherwise ordered by the court. The clerk of court shall provide, without charge, to any parent ordered to provide a statement of income, assets, debts and living expenses a document setting forth the percentage standard established by the department of ~~health and family services~~ industry, labor and job development under s. ~~46.25~~ 49.22 (9) and listing the factors that a court may consider under s. 46.10 (14) (c). If all parties consent the court may proceed immediately with the dispositional hearing. If a citation is not contested, the court may proceed immediately to enter a dispositional order.

NOTE: Inserts correct department name and cross-reference. Section 46.25 was renumbered to s. 49.22 by 1995 Wis. Act 404, moving responsibility for that section from the department of health and family services (DHFS) to the department of industry, labor and job development (DILJD).

**SECTION 547.** 938.31 (7) of the statutes, as created by 1995 Wisconsin Act 77, is amended to read:

938.31 (7) At the close of the fact-finding hearing, the court shall set a date for the dispositional hearing which allows a reasonable time for the parties to prepare but is no more than 10 days after the fact-finding hearing for a juvenile in secure custody and no more than 30 days after the fact-finding hearing for a juvenile not held in secure custody. If it appears to the court that disposition of the case may include placement of the juvenile outside the juvenile's home, the court shall order the juvenile's parent to provide a statement of income, assets, debts and living expenses to the court or the designated agency under s. 938.33 (1) at least 5 days before the scheduled date of the dispositional hearing or as otherwise ordered by the court. The clerk of court shall provide, without charge, to any parent ordered to provide a statement of income, assets, debts and living expenses a document setting forth the percentage standard established by the department of ~~health and family services~~ industry, labor and job development under s. ~~46.25~~ 49.22 (9) and listing the factors that a court may consider under s. 46.10 (14) (c). If all parties consent, the court may immediately proceed with a dispositional hearing.

NOTE: Inserts correct department name and cross-reference. Section 46.25 was renumbered to s. 49.22 by 1995 Wis. Act 404, moving responsibility for that section from DHFS to DILJD.

**SECTION 548.** 938.33 (3) (b) of the statutes, as created by 1995 Wisconsin Act 77, is amended to read:

938.33 (3) (b) A recommendation for an amount of child support to be paid by either or both of the juvenile's parents or for referral to the county designee under s. ~~59.07 (97)~~ 59.53 (5) for the establishment of child support.

NOTE: 1995 Wis. Act 201 renumbered s. 59.07 (97) to be s. 59.53 (5).

**SECTION 549.** 938.33 (4) (b) of the statutes, as created by 1995 Wisconsin Act 77, is amended to read:

938.33 (4) (b) A recommendation for an amount of child support to be paid by either or both of the juvenile's parents or for referral to the county designee under s. ~~59.07 (97)~~ 59.53 (5) for the establishment of child support.

NOTE: 1995 Wis. Act 201 renumbered s. 59.07 (97) to be s. 59.53 (5).

**SECTION 550.** 938.33 (4m) (a) of the statutes, as created by 1995 Wisconsin Act 77, is amended to read:

938.33 (4m) (a) Its recommendation for juvenile child support.

NOTE: Inserts correct term.

**SECTION 551.** 938.34 (3) (f) (intro.) of the statutes, as created by 1995 Wisconsin Act 77, is amended to read:

938.34 (3) (f) (intro.) A secure detention facility or juvenile portion of a county jail that meets the standards promulgated by the department of ~~corrections~~ by rule, or in a place of nonsecure custody designated by the court, subject to all of the following:

NOTE: "Department" is defined as the department of corrections in ch. 938.

**SECTION 552.** 938.34 (7d) (a) 1. of the statutes, as created by 1995 Wisconsin Act 77, is amended to read:

938.34 (7d) (a) 1. A nonresidential educational program, including a program for juveniles children at risk under s. 118.153, provided by the school district in which the juvenile resides.

NOTE: Inserts correct term.

**SECTION 553.** 938.34 (8) of the statutes, as affected by 1995 Wisconsin Act 352, is amended to read:

938.34 (8) **FORFEITURE.** Impose a forfeiture based upon a determination that this disposition is in the best interest of the juvenile and in aid of rehabilitation. The maximum forfeiture that the court may impose under this subsection for a violation by a juvenile is the maximum amount of the fine that may be imposed on an adult for committing that violation or, if the violation is applicable only to a person under 18 years of age, \$100. Any such order shall include a finding that the juvenile alone is financially able to pay the forfeiture and shall allow up to 12 months for payment. If the juvenile fails to pay the forfeiture, the court may vacate the forfeiture and order other alternatives under this section, in accordance with the conditions specified in this ~~subchapter~~ chapter; or the court may suspend any license issued under ch. 29 for not less than 30 days nor more than 5 years, or suspend the

juvenile's operating privilege as defined in s. 340.01 (40) for not less than 30 days nor more than 5 years. If the court suspends any license under this subsection, the clerk of the court shall immediately take possession of the suspended license and forward it to the department which issued the license, together with a notice of suspension clearly stating that the suspension is for failure to pay a forfeiture imposed by the court. If the forfeiture is paid during the period of suspension, the suspension shall be reduced to the time period which has already elapsed and the court shall immediately notify the department which shall then return the license to the juvenile.

NOTE: An early draft of the material contained in the present ch. 938 placed that material in a single new subchapter of ch. 48. This cross-reference was not corrected when the material was created in the new ch. 938.

**SECTION 554.** 938.34 (16) of the statutes, as affected by 1995 Wisconsin Act 352, is amended to read:

938.34 (16) **STAY OF ORDER.** After ordering a disposition under this section, enter an additional order staying the execution of the dispositional order contingent on the juvenile's satisfactory compliance with any conditions that are specified in the dispositional order and explained to the juvenile by the court. If the juvenile violates a condition of his or her dispositional order, the agency supervising the juvenile shall notify the court and the court shall hold a hearing within 30 days after the filing of the notice to determine whether the original dispositional order should be imposed, unless the juvenile signs a written waiver of any objections to imposing the original dispositional order and the court approves the waiver. If a hearing is held, the court shall notify the parent, juvenile, guardian and legal custodian, all parties bound by the original dispositional order and the district attorney or corporation counsel in the county in which the dispositional order was entered at of the time and place of the hearing at least 3 days before the hearing. If all parties consent, the court may proceed immediately with the hearing. The court may not impose the original dispositional order unless the court finds by a preponderance of the evidence that the juvenile has violated a condition of his or her dispositional order.

NOTE: Inserts correct words.

**SECTION 555.** 938.35 (1) (intro.) of the statutes, as created by 1995 Wisconsin Act 77, is amended to read:

938.35 (1) (intro.) The court shall enter a judgment setting forth the court's findings and disposition in the proceeding. A judgment in a proceeding on a petition under this ~~subchapter~~ chapter is not a conviction of a crime, does not impose any civil disabilities ordinarily resulting from the conviction of a crime and does not operate to disqualify the juvenile in any civil service application or appointment. The disposition of a juvenile, and any record of evidence given in a hearing in court, is not admissible as evidence against the juvenile in any case or proceeding in any other court except for the following:

NOTE: An early draft of the material contained in the present ch. 938 placed that material in a single new subchapter of ch. 48. This cross-reference was not corrected when the material was created in the new ch. 938.

**SECTION 556.** 938.355 (2) (b) 4. of the statutes, as created by 1995 Wisconsin Act 77, is amended to read:

938.355 (2) (b) 4. If the juvenile is placed outside the juvenile's home, a designation of the amount of support, if any, to be paid by the juvenile's parent, guardian or trustee, specifying that the support obligation begins on the date of the placement, or a referral to the county designee under s. ~~59.07 (97)~~ 59.53 (5) for establishment of child support.

NOTE: 1995 Wis. Act 201 renumbered s. 59.07 (97) to be s. 59.53 (5).

**SECTION 557.** 938.355 (6) (d) 1. of the statutes, as created by 1995 Wisconsin Act 77, is amended to read:

938.355 (6) (d) 1. Placement of the juvenile in a secure detention facility or juvenile portion of a county jail that meets the standards promulgated by the department of ~~corrections~~ by rule or in a place of nonsecure custody, for not more than 10 days and the provision of educational services consistent with his or her current course of study during the period of placement. The juvenile shall be given credit against the period of detention or nonsecure custody imposed under this subdivision for all time spent in secure detention in connection with the course of conduct for which the detention or nonsecure custody was imposed.

NOTE: "Department" is defined as the department of corrections in ch. 938.

**SECTION 558.** 938.357 (1) of the statutes, as affected by 1995 Wisconsin Acts 275 and 352, is amended to read:

938.357 (1) The person or agency primarily responsible for implementing the dispositional order or the district attorney may request a change in the placement of the juvenile, whether or not the change requested is authorized in the dispositional order and shall cause written notice to be sent to the juvenile or the juvenile's counsel or guardian ad litem, parent, foster parent, treatment foster parent or other physical custodian described in s. 48.62 (2), guardian and legal custodian. The notice shall contain the name and address of the new placement, the reasons for the change in placement, a statement describing why the new placement is preferable to the present placement and a statement of how the new placement satisfies objectives of the treatment plan ordered by the court. Any person receiving the notice under this subsection or notice of the specific foster or treatment foster placement under s. 938.355 (2) (b) 2. may obtain a hearing on the matter by filing an objection with the court within 10 days after receipt of the notice. Placements shall not be changed until 10 days after such notice is sent to the court unless the parent, guardian or legal custodian and the juvenile, if 12 or more years of age, sign written waivers of objection, except that placement changes which were authorized in the dispositional order may be

made immediately if notice is given as required in this subsection. In addition, a hearing is not required for placement changes authorized in the dispositional order except where an objection filed by a person who received notice alleges that new information is available which affects the advisability of the court's dispositional order. If a hearing is held under this subsection and the change in placement would remove a juvenile from a foster home ~~or treatment foster home~~, treatment foster home or other placement with a physical custodian described in s. 48.62 (2), the court shall permit the foster parent ~~or treatment foster parent~~, treatment foster parent or other physical custodian described in s. 48.62 (2) to make a written or oral statement during the hearing or to submit a written statement prior to the hearing relating to the juvenile and the requested change in placement.

NOTE: Reconciles the treatment of this provision by 1995 Wis. Acts 275 and 352.

**SECTION 559.** 938.357 (5m) of the statutes, as created by 1995 Wisconsin Act 77, is amended to read:

938.357 (5m) If a proposed change in placement changes a juvenile's placement from a placement in the juvenile's home to a placement outside the juvenile's home, the court shall order the juvenile's parent to provide a statement of income, assets, debts and living expenses to the court or the person or agency primarily responsible for implementing the dispositional order by a date specified by the court. The clerk of court shall provide, without charge, to any parent ordered to provide a statement of income, assets, debts and living expenses a document setting forth the percentage standard established by the department of ~~health and family services~~ workforce development under s. ~~46.25~~ 49.22 (9) and listing the factors that a court may consider under s. 46.10 (14) (c). If the juvenile is placed outside the juvenile's home, the court shall determine the liability of the parent in the manner provided in s. 46.10 (14).

NOTE: Inserts correct department name and cross-reference. Section 46.25 was renumbered to s. 49.22 by 1995 Wis. Act 404, moving responsibility for that section from DHFS to DILJD. 1997 Wis. Act 3 renamed DILJD to DWD.

**SECTION 560.** 938.36 (1) (b) of the statutes, as created by 1995 Wisconsin Act 77, is amended to read:

938.36 (1) (b) In determining the amount of support under par. (a), the court may consider all relevant financial information or other information relevant to the parent's earning capacity, including information reported to the department of ~~health and family services~~ workforce development, or the county child and spousal support agency, under s. ~~46.25~~ 49.22 (2m). If the court has insufficient information with which to determine the amount of support, the court shall order the juvenile's parent to furnish a statement of income, assets, debts and living expenses, if the parent has not already done so, to the court within 10 days after the court's order transferring custody or designating an alternative placement is entered or at such other time as ordered by the court.

NOTE: Inserts correct department name and cross-reference. Section 46.25 was renumbered to s. 49.22 by 1995 Wis. Act 404, moving responsibility for that section from DHFS to DILJD. 1997 Wis. Act 3 renamed DILJD to DWD.

**SECTION 561.** 938.363 (1) of the statutes, as affected by 1995 Wisconsin Act 27, section 9126 (19), and 1995 Wisconsin Act 275, is amended to read:

938.363 (1) A juvenile, the juvenile's parent, guardian or legal custodian, any person or agency bound by a dispositional order or the district attorney or corporation counsel in the county in which the dispositional order was entered may request a revision in the order that does not involve a change in placement, including a revision with respect to the amount of child support to be paid by a parent, or the court may on its own motion propose such a revision. The request or court proposal shall set forth in detail the nature of the proposed revision and what new information is available that affects the advisability of the court's disposition. The request or court proposal shall be submitted to the court. The court shall hold a hearing on the matter if the request or court proposal indicates that new information is available which affects the advisability of the court's dispositional order and prior to any revision of the dispositional order, unless written waivers of objections to the revision are signed by all parties entitled to receive notice and the court approves. If a hearing is held, the court shall notify the juvenile, the juvenile's parent, guardian and legal custodian, all parties bound by the dispositional order, the juvenile's foster parent, treatment foster parent or other physical custodian described in s. 48.62 (2), and the district attorney or corporation counsel in the county in which the dispositional order was entered at least 3 days prior to the hearing. A copy of the request or proposal shall be attached to the notice. If the proposed revision is for a change in the amount of child support to be paid by a parent, the court shall order the juvenile's parent to provide a statement of income, assets, debts and living expenses to the court and the person or agency primarily responsible for implementing the dispositional order by a date specified by the court. The clerk of court shall provide, without charge, to any parent ordered to provide a statement of income, assets, debts and living expenses a document setting forth the percentage standard established by the department of ~~health and family services~~ workforce development under s. ~~46.25~~ 49.22 (9) and listing the factors that a court may consider under s. 46.10 (14) (c). If all parties consent, the court may proceed immediately with the hearing. No revision may extend the effective period of the original order, or revise an original order under s. 938.34 (3) (f) or (6) (am) to impose more than 30 days of detention, nonsecure custody or inpatient treatment on a child juvenile.

NOTE: Replaces "child" with "juvenile" for consistency of references within ch. 938. Inserts correct department name and cross-reference. Section 46.25 was renumbered to s. 49.22 by 1995 Wis. Act 404, moving responsibility for that

section from DHFS to DILJD. 1997 Wis. Act 3 renamed DILJD to DWD.

**SECTION 562.** 938.363 (1m) of the statutes, as created by 1995 Wisconsin Act 275, is amended to read:

938.363 (1m) If a hearing is held under sub. (1), any party may present evidence relevant to the issue of revision of the dispositional order. In addition, the court shall permit a foster parent, treatment foster parent or other physical custodian described in s. 48.62 (2) of the child juvenile to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant to the issue of revision.

NOTE: Replaces "child" with "juvenile" for consistency of references within ch. 938.

**SECTION 563.** 938.365 (1m) of the statutes, as created by 1995 Wisconsin Act 77, is amended to read:

938.365 (1m) The parent, juvenile, guardian, legal custodian, any person or agency bound by the dispositional order, the district attorney or corporation counsel in the county in which the dispositional order was entered or the court on its own motion, may request an extension of an order under s. 938.355. The request shall be submitted to the court which entered the order. No order under s. 938.355 that placed a child juvenile in detention, nonsecure custody or inpatient treatment under s. 938.34 (3) (f) or (6) (am) may be extended. No other order under s. 938.355 may be extended except as provided in this section.

NOTE: Replaces "child" with "juvenile" for consistency of references within ch. 938.

**SECTION 564.** The treatment of 938.371 of the statutes by 1995 Wisconsin Act 275 is not repealed by 1995 Wisconsin Act 352. All treatments stand.

NOTE: There is no conflict of substance.

**SECTION 565.** 938.38 (4) (bm) of the statutes, as created by 1995 Wisconsin Act 275, is amended to read:

938.38 (4) (bm) The availability of a placement with a relative of the child juvenile and, if a decision is made not to place the child juvenile with an available relative, why placement with the relative is not appropriate.

NOTE: Replaces "child" with "juvenile" for consistency of references within ch. 938.

**SECTION 566.** 938.38 (5) (c) 6. am. of the statutes, as created by 1995 Wisconsin Act 275, is amended to read:

938.38 (5) (c) 6. am. Being placed in the home of a relative of the child juvenile.

NOTE: Replaces "child" with "juvenile" for consistency of references within ch. 938.

**SECTION 567.** 938.396 (1t) of the statutes, as affected by 1995 Wisconsin Act 352, is amended to read:

938.396 (1t) If a juvenile ~~who~~ has been ordered to make restitution for any injury, loss or damage caused by the juvenile and if the juvenile has failed to make that restitution within one year after the entry of the order, the victim's insurer may request a law enforcement agency to disclose to the insurer any information in its records

relating to the injury, loss or damage suffered by the victim, including the name and address of the juvenile and the juvenile's parents, and the law enforcement agency may, subject to official agency policy, disclose to the victim's insurer that information. The insurer may use and further disclose the information only for the purpose of investigating a claim arising out of the juvenile's act.

NOTE: Deletes unnecessary word.

**SECTION 568.** 938.396 (4) of the statutes, as created by 1995 Wisconsin Act 77, is amended to read:

938.396 (4) When a court revokes, suspends or restricts a juvenile's operating privilege under this chapter, the department of transportation shall not disclose information concerning or relating to the revocation, suspension or restriction to any person other than a court, district attorney, county corporation counsel, city, village or town attorney, law enforcement agency, or the ~~minor~~ juvenile whose operating privilege is revoked, suspended or restricted, or his or her parent or guardian. Persons entitled to receive this information may not disclose the information to other persons or agencies.

NOTE: Replaces word for internal consistency and for consistency with the terminology used in ch. 938.

**SECTION 569.** 938.45 (3) of the statutes, as created by 1995 Wisconsin Act 77, is amended to read:

938.45 (3) If it appears at a court hearing that any person 17 years of age or older has violated s. 948.40, the court shall refer the record to the district attorney for criminal proceedings as may be warranted in the district attorney's judgment. This subsection does not prevent prosecution of violations of s. 948.40 without the prior reference by the court to the district attorney, as in other criminal cases.

NOTE: Adds "years of age" for clarity and consistency with current style.

**SECTION 570.** 938.533 (2) of the statutes, as created by 1995 Wisconsin Act 77, is amended to read:

938.533 (2) CORRECTIVE SANCTIONS PROGRAM. From the appropriation under s. 20.410 (3) (hr), the department shall provide a corrective sanctions program to serve an average daily population of 105 juveniles, or an average daily population of more ~~that~~ than 105 juveniles if the appropriation under s. 20.410 (3) (hr) is supplemented under s. 13.101 or 16.515 and the positions for the program are increased under s. 13.101 or 16.505 (2), in not less than 3 counties, including Milwaukee County. The juvenile offender review program in the department shall evaluate and select for participation in the program juveniles who have been placed under the supervision of the department under s. 938.183, 938.34 (4h) or (4m) or 938.357 (4). The department shall place a program participant in the community, provide intensive surveillance of that participant and provide an average of \$5,000 per year per slot to purchase community-based treatment services for each participant. The department shall make the intensive surveillance required under this subsection

available 24 hours a day, 7 days a week, and may purchase or provide electronic monitoring for the intensive surveillance of program participants. The department shall provide a report center in Milwaukee County to provide on-site programming after school and in the evening for juveniles from Milwaukee County who are placed in the corrective sanctions program. A contact worker providing services under the program shall have a case load of approximately 10 juveniles and, during the initial phase of placement in the community under the program of a juvenile who is assigned to that contact worker, shall have not less than one face-to-face contact per day with that juvenile. Case management services under the program shall be provided by a corrective sanctions agent who shall have a case load of approximately 15 juveniles. The department shall promulgate rules to implement the program.

NOTE: Inserts correct word.

**SECTION 571.** 938.533 (3) (b) of the statutes, as created by 1995 Wisconsin Act 77, is amended to read:

938.533 (3) (b) The department shall operate the corrective sanctions program as a Type 2 secured correctional facility. The secretary may allocate and reallocate existing and future facilities as part of the Type 2 secured correctional facility. The Type 2 secured correctional facility is subject to s. ~~46.03 (1)~~ 301.02. Construction or establishment of a Type 2 secured correctional facility shall be in compliance with all state laws except s. 32.035 and ch. 91. In addition to the exemptions under s. 13.48 (13), construction or establishment of a Type 2 secured correctional facility is not subject to the ordinances or regulations relating to zoning, including zoning under ch. 91, of the county and city, village or town in which the construction or establishment takes place and is exempt from the investigations permitted under s. 46.22 (1) (c) 1. b.

NOTE: Corrects cross-reference. Section 46.03 (1) governs institutions operated by the department of health and family services. Section 301.02 governs institutions operated by the department of corrections.

**SECTION 572.** 938.538 (6m) (b) of the statutes, as created by 1995 Wisconsin Act 77, is amended to read:

938.538 (6m) (b) In the selection of classified service employees for a secured correctional facility authorized under 1993 Wisconsin Act 377, section 9108 (1) (a), the appointing authority shall make every effort to use the expanded certification program under s. 230.25 (1n) or rules of the administrator of the division of merit recruitment and selection in the department of employment relations to ensure that the percentage of employees who are minority group members approximates the percentage of the ~~children~~ juveniles placed at that secured correctional facility who are minority group members. The administrator of the division of merit recruitment and selection in the department of employment relations shall provide guidelines for the administration of this selection procedure.

NOTE: Replaces “children” with “juveniles” for consistency of references within ch. 938.

**SECTION 573.** 938.57 (4) of the statutes, as created by 1995 Wisconsin Act 77, is amended to read:

938.57 (4) A county department may provide aftercare supervision under s. 48.34 ~~938.34~~ (4n) for juveniles who are released from secured correctional facilities or secured child caring institutions operated by the department. If a county department intends to change its policy regarding whether the county department or the department shall provide aftercare supervision for juveniles released from secured correctional facilities or secured child caring institutions operated by the department, the county executive or county administrator, or, if the county has no county executive or county administrator, the chairperson of the county board of supervisors, or, for multicounty departments, the chairpersons of the county boards of supervisors jointly, shall submit a letter to the department stating that intent before July 1 of the year preceding the year in which the policy change will take effect.

NOTE: 1995 Wis. Act 77 repealed s. 48.34 (4n) and created s. 938.34 (4n) which is substantively identical to the former s. 48.34 (4n).

**SECTION 574.** 938.993 (2) of the statutes, as affected by 1995 Wisconsin Act 77, section 393, is amended to read:

938.993 (2) The compact administrator shall determine for this state whether to receive juvenile probationers and parolees of other states under s. 938.991 (7) and shall arrange for the supervision of each such probationer or parolee received, either by the department or by a person appointed to perform supervision service for the court assigned to exercise jurisdiction under this chapter and ch. 48 for the county where the juvenile is to reside, whichever is more convenient. Those persons shall in all such cases make periodic reports to the compact administrator regarding the conduct and progress of the juveniles.

NOTE: Inserts missing word.

**SECTION 575.** 939.51 (3) (a) of the statutes is amended to read:

939.51 (3) (a) For a Class A misdemeanor, a fine of not to exceed \$10,000 or imprisonment not to exceed 9 months, or both.

NOTE: Deletes word for consistency with the remainder of the section.

**SECTION 576.** 940.20 (1m) (a) of the statutes, as created by 1995 Wisconsin Act 343, is amended to read:

940.20 (1m) (a) Any person who is subject to an injunction under s. 813.12 or a tribal injunction filed under s. ~~813.12 (9) (a)~~ 806.247 (3) and who intentionally causes bodily harm to the petitioner who sought the injunction by an act done without the consent of the petitioner is guilty of a Class E felony.

NOTE: Section 813.12 (9) (a) does not exist. 1995 Wis. Act 343 created this provision without taking into account the repeal and recreation of s. 813.12 (9) by 1995 Wis. Act 306.

The filing of tribal injunctions is now under s. 806.247 (3) as created by Act 306.

**SECTION 577.** 943.017 (4) of the statutes, as created by 1995 Wisconsin Act 24, is amended to read:

943.017 (4) If more than one item of property is marked, drawn or written upon or etched into under a single intent and design, the markings, drawings or writings on or etchings into all of the property may be prosecuted as a single ~~forfeiture~~ crime.

NOTE: 1995 Wis. Act 24 mistakenly included the word “forfeiture”. There is no provision for forfeitures under s. 943.017. Also adds “of” to correct grammar.

**SECTION 578.** The amendment of 946.13 (2) (g) of the statutes by 1995 Wisconsin Act 225 is not repealed by 1995 Wisconsin Act 227. Both amendments stand.

NOTE: There is no conflict of substance.

**SECTION 579.** 946.42 (1) (c) of the statutes, as affected by 1995 Wisconsin Act 77, is amended to read:

946.42 (1) (c) “Legal arrest” includes without limitation an arrest pursuant to process fair on its face notwithstanding insubstantial irregularities and also includes taking a ~~child~~ juvenile into custody under s. 938.19.

NOTE: Replaces “child” with “juvenile” for consistency of references with language of ch. 938.

**SECTION 580.** The amendments of 946.82 (4) of the statutes by 1995 Wisconsin Acts 249 and 336 are not repealed by 1995 Wisconsin Act 448. All amendments stand.

NOTE: There is no conflict of substance.

**SECTION 581.** 948.22 (4) (b) of the statutes, as affected by 1995 Wisconsin Act 289, is amended to read:

948.22 (4) (b) For a person not subject to a court order requiring child, grandchild or spousal support payments, when the person knows or reasonably should have known that he or she has a dependent, failure to provide support equal to at least the amount established by rule by the department of ~~health and family services~~ workforce development under s. ~~46.25~~ 49.22 (9) (a) or causing a spouse, grandchild or child to become a dependent person, or continue to be a dependent person, as defined in s. 49.01 (2).

NOTE: Inserts correct cross-reference and department name. Section 46.25 was renumbered to s. 49.22 by 1995 Wis. Act 404, moving responsibility for that section from DHFS to DILJD. 1997 Wis. Act 3 renamed DILJD to DWD.

**SECTION 582.** The amendment of 949.03 (1) (b) of the statutes by 1995 Wisconsin Act 374 is not repealed by 1995 Wisconsin Act 456. Both amendments stand.

NOTE: There is no conflict of substance.

**SECTION 583.** 950.02 (1m) of the statutes, as affected by 1995 Wisconsin Act 77, is amended to read:

950.02 (1m) “Crime” means an act committed in this state which, if committed by a competent adult, would constitute a crime, as defined in s. 939.12, or which, if committed by a responsible ~~child~~ juvenile, would constitute a delinquent act under ch. 938.

NOTE: Replaces “child” with “juvenile” for consistency of references with language of ch. 938.

**SECTION 584.** The treatment of 961.48 (2) of the statutes, as renumbered, by 1995 Wisconsin Act 402, section 2, is not repealed by 1995 Wisconsin Act 448, section 288. Both treatments stand.

NOTE: There is no conflict of substance. This provision is renumbered to s. 961.48 (2) by 1995 Wis. Act 448.

**SECTION 585.** 968.255 (1) (a) 3. of the statutes, as affected by 1995 Wisconsin Act 77, is amended to read:

968.255 (1) (a) 3. Taken into custody under s. 938.19 and there are reasonable grounds to believe the child juvenile has committed an act which if committed by an adult would be covered under subd. 1. or 2.

NOTE: Replaces "child" with "juvenile" for consistency of references with language of ch. 938.

**SECTION 586.** 968.50 of the statutes, as affected by 1996 Supreme Court Order 96-08, section 35, is renumbered 968.505.

NOTE: Supreme Court Order 96-08 renumbered both ss. 756.17 and 756.18 to be s. 968.50.

**SECTION 587.** 970.032 (title) and (1) of the statutes, as affected by 1995 Wisconsin Act 77, are amended to read:

**970.032 (title) Preliminary examination; child juvenile under original adult court jurisdiction.** (1) Notwithstanding s. 970.03, if a preliminary examination is held regarding a child juvenile who is subject to the original jurisdiction of the court of criminal jurisdiction under s. 938.183 (1), the court shall first determine whether there is probable cause to believe that the child juvenile has committed the violation of which he or she is accused under the circumstances specified in s. 938.183 (1) (a), (am), (b) or (c), whichever is applicable. If the court does not make that finding, the court shall order that the child juvenile be discharged but proceedings may be brought regarding the child juvenile under ch. 938.

NOTE: Replaces "child" with "juvenile" for consistency of references with language of ch. 938.

**SECTION 588.** 970.032 (2) (c) of the statutes, as affected by 1995 Wisconsin Act 77, is amended to read:

970.032 (2) (c) That retaining jurisdiction is not necessary to deter the child juvenile or other children juveniles from committing the violation of which the child juvenile is accused under the circumstances specified in s. 938.183 (1) (a), (am), (b) or (c), whichever is applicable.

NOTE: Replaces "child" and "children" with "juvenile" and "juveniles", respectively, for consistency of references with language of ch. 938.

**SECTION 589.** 970.035 of the statutes, as affected by 1995 Wisconsin Act 448, section 502, is amended to read:

**970.035 (title) Preliminary examination; child juvenile younger than 16 years old.** Notwithstanding s. 970.03, if a preliminary examination under s. 970.03 is held regarding a child juvenile who was waived under s. 938.18 for a violation which is alleged to have occurred prior to his or her 15th birthday, the court may bind the child juvenile over for trial only if there is probable cause

to believe that a crime under s. 940.03, 940.06, 940.225 (1) or (2), 940.305, 940.31 or 943.10 (2), 943.32 (2) or 961.41 (1) has been committed or that a crime that would constitute a felony under chs. 939 to 948 or 961 if committed by an adult has been committed at the request of or for the benefit of a criminal gang, as defined in s. 939.22 (9). If the court does not make any of those findings, the court shall order that the child juvenile be discharged but proceedings may be brought regarding the child juvenile under ch. 938.

NOTE: Replaces "child" with "juvenile" for consistency of references with language of ch. 938.

**SECTION 590.** 971.17 (1) of the statutes, as affected by 1995 Wisconsin Act 27, section 9126 (19), and 1995 Wisconsin Acts 425 and 448, is amended to read:

971.17 (1) COMMITMENT PERIOD. When a defendant is found not guilty by reason of mental disease or mental defect, the court shall commit the person to the department of health and family services for a specified period not exceeding two-thirds of the maximum term of imprisonment that could be imposed under s. 973.15 (2) (a) against an offender convicted of the same crime or crimes, including imprisonment authorized by ss. 346.65 (2) (f), (2j) (d) or (3m), 939.62, 939.621, 939.63, 939.635, 939.64, 939.641, 939.645, 940.09 (1b) and 940.25 (1b) and 961.48 and other penalty enhancement statutes, as applicable, subject to the credit provisions of s. 973.155. If the maximum term of imprisonment is life, the commitment period specified by the court may be life, subject to termination under sub. (5).

NOTE: Reconciles the treatment of this provision by 1995 Wis. Acts 425 and 448.

**SECTION 591.** The amendment of 971.37 (1m) (a) 2. of the statutes by 1995 Wisconsin Act 343 is not repealed by 1995 Wisconsin Act 353. Both amendments stand.

NOTE: There is no conflict of substance.

**SECTION 592.** The amendment of 972.085 of the statutes by 1995 Wisconsin Act 225 is not repealed by 1995 Wisconsin Act 400. Both amendments stand.

NOTE: There is no conflict of substance.

**SECTION 593.** The amendments of 973.05 (1) of the statutes by 1995 Wisconsin Acts 227 and 438 is not repealed by 1995 Wisconsin Act 448. Both amendments stand.

NOTE: There is no conflict of substance.

**SECTION 594.** The amendment of 973.055 (1) (a) 1. of the statutes by 1995 Wisconsin Act 343 is not repealed by 1995 Wisconsin Act 353. Both amendments stand.

NOTE: There is no conflict of substance.

**SECTION 595.** 973.075 (1) (d) of the statutes, as created by 1995 Wisconsin Act 290, is amended to read:

973.075 (1) (d) A tank vessel that violates s. 444.78 299.62 (2) that is owned by a person who, within 5 years before the commission of the current violation, was previously convicted of violating s. 444.78 299.62 (2), but if the tank vessel is encumbered by a bonafide bona fide perfected security interest that was perfected before the

date of the commission of the current violation and the holder of the security interest neither had knowledge of nor consented to the commission of that violation, the holder of the security interest shall be paid from the proceeds of the forfeiture.

NOTE: This bill renumbers s. 144.78 to s. 299.62. Corrects spelling.

**SECTION 595m.** 973.135 (1) (intro.) of the statutes is reenacted to read:

973.135 (1) (intro.) In this section:

NOTE: Corrects error in transcribing 1995 Wis. Act 27. This provision was inadvertently omitted from the statutes.

**SECTION 596.** 977.05 (6) (b) 1. of the statutes, as created by 1995 Wisconsin Act 27, is amended to read:

977.05 (6) (b) 1. The action is not brought by the state, its delegate under s. ~~59.458 (4)~~ 59.53 (6) (a) or an attorney appointed under s. 767.045 (1) (c).

NOTE: 1995 Wis. Act 201 renumbered s. 59.458 (1) to be s. 59.53 (6) (a) effective 9-1-96.

**SECTION 597.** The amendment of 977.076 (2) of the statutes by 1995 Wisconsin Act 352 is not repealed by 1995 Wisconsin Act 417. Both amendments stand.

NOTE: There is no conflict of substance.

**SECTION 598.** The amendment of 978.05 (6) (a) of the statutes by 1995 Wisconsin Act 201 is not repealed by 1995 Wisconsin Act 448. Both amendments stand.

NOTE: There is no conflict of substance.

**SECTION 599.** The amendment of 978.06 (6) of the statutes by 1995 Wisconsin Act 201 is not repealed by 1995 Wisconsin Act 404. Both amendments stand.

NOTE: There is no conflict of substance.

**SECTION 600.** 1995 Wisconsin Act 225, section 270 is amended by replacing "is renumbered" with "is amended".

NOTE: The wrong action phrase was used.

**SECTION 601.** 1995 Wisconsin Act 225, section 551 (3) is amended to read:

[1995 Wisconsin Act 225] Section 551 (3) The treatment of sections 20.370 (7) (aa), ~~20.485 (2) (e)~~, 111.02 (3) and 111.11 (1) (by SECTION 378) of the statutes takes effect on July 1, 1997.

NOTE: The effective date for the treatment of this provision was intended to correspond with the effective date of the treatment of that provision by 1995 Wis. Act 27, which was January 1, 1997. This section and the next section of this bill replace the wrong effective date with the correct one.

**SECTION 602.** 1995 Wisconsin Act 225, section 551 (4) is created to read:

[1995 Wisconsin Act 225] Section 551 (4) The treatment of section 20.485 (2) (c) of the statutes takes effect on January 1, 1997.

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

**SECTION 603.** 1995 Wisconsin Act 302, section 54 (1) is amended to read:

[1995 Wisconsin Act 302] Section 54 (1) PROHIBITED SUBJECTS OF COLLECTIVE BARGAINING. The treatment of section 111.91 (2) (~~k~~) (km), (L) and (m) of the statutes first applies to participants, who are affected by a collective bargaining agreement that contains provisions inconsistent with that treatment, on the day on which the collective bargaining agreement expires or is extended, modified or renewed, whichever occurs first.

NOTE: This bill renumbers s. 111.91 (2) (k) to s. 111.91 (2) (km).

**SECTION 604.** 1995 Wisconsin Act 352, section 53, is amended by replacing "895.034 (2m) (b)" with "895.035 (2m) (b)".

NOTE: Inserts correct citation.



**1997 Assembly Bill 378**

**SECTION 605. Effective dates.** This act takes effect on the day after publication, except as follows:

(1) The treatment of section 51.15 (1) (a) (intro.) (by SECTION 141), (4) (a) (by SECTION 144) and (5) (by SECTION 147) of the statutes and the repeal and recreation of section 51.20 (7) (d) of the statutes take effect on December 1, 2001.

(2) The treatment of sections 48.57 (3p) (g) 3. and 349.135 of the statutes takes effect on July 1, 1997.

(3) The treatment of section 76.28 (4) (intro.) of the statutes takes effect on May 1, 1998.

(4m) The treatment of section 13.48 (18) of the statutes takes effect on July 1, 2002, or upon completion of acquisition of property sufficient for the construction of a facility to meet the space needs of the state law library, the legislative reference bureau library and legislative and judicial branch agencies and support staffs.

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