

No. 614, S.]

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CHAPTER 610

AN ACT to repeal, renumber, amend and reenact various provisions of the statutes and session laws for the purpose of correcting errors, supplying omissions, clarifying language, correcting and clarifying references, renumbering for better location and arrangement, eliminating duplications and unnecessary and obsolete provisions, reconciling conflicts and repelling unintended repeals.

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

SECTION 1. 6.29 (1) of the statutes is amended to read:

6.29 (1) Each county clerk shall send the ballots printed pursuant to his order as provided by law to the proper town, village and city clerks in his county, so as to be received by them at least 10 days before a spring election and 3 weeks before a general election. Five per cent of

the ballots for each precinct may be sent to the clerk in separate packages to enable him to meet applications for ballots from absent voters, pursuant to ss. 11.54 * * * to 11.68 and 11.70, and the remainder in separate sealed packages with marks on the outside of each clearly designating the polling place for which they are intended and the number of ballots of each kind enclosed.

SECTION 2. 13.52 of the statutes is repealed. This section shall be effective June 30, 1957.

SECTION 3. 15.15 (7) of the statutes, as amended by Chapter 53, Laws of 1957, is amended to read:

15.15 (7) Receive, examine, determine and audit claims, duly certified and approved by the state department of public welfare, from the county clerk of any county in behalf of such county, which are presented for payment to reimburse such county for certain expenses incurred or paid by it on and after July 1, 1937, in reference to all matters growing out of the return of escaped convicts, from the state prison, state reformatory and the Wisconsin home for women. *Expenses shall only include such amounts as 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.*

SECTION 4. 15.18 (1) (c) 8 of the statutes, as created by chapter 53, Laws of 1957, is renumbered to be 15.18 (1) (c) 9, and 15.18 (2a) of the statutes, as created by chapter 141, Laws of 1957, is renumbered to be 15.18 (1) (c) 8.

SECTION 5. 15.18 (1) (d) 3 of the statutes, as created by ch. 4, laws of 1957, is incorporated into 15.18 (1) as repealed and recreated by ch. 53, laws of 1957. Both acts stand.

SECTION 6. 16.352 (2) of the statutes is repealed.

SECTION 7. In 20.950 the reference to "15.18 (1) and (2)" is amended by striking "and (2)".

SECTION 8. 21.16 (1) of the statutes is amended to read:

21.16 (1) Any person not regularly enrolled in the United States army, navy or marine corps, the national guard of one of the states or one of the student cadet companies armed and recognized by the national or a state government or not an inmate of any veterans' or soldiers' home who * * * wears the uniform of the Wisconsin national guard or of the United States army, marine or navy, shall be * * * fined not less than \$10 nor more than \$100, or * * * imprisoned not less than 5 days nor more than 30 days, or * * * both * * *. The district attorney of the county in which any such offense is committed shall bring an action in the name of the state against the offender.

SECTION 9. 27.08 (4) of the statutes is amended to read:

27.08 (4) In every city having no city plan commission under s. 62.23 (1), the common council may provide that the board of park commissioners, if there be such board in * * * the city, shall * * * have the powers enumerated in s. 62.23 (2), (12) and (17). The territory over which the city is given platting jurisdiction by s. * * * 236.10 (1) (b) 2 shall for street, park, parkway, boulevard, pleasure drive and platting purposes be extended to 3 miles beyond the city limits. For the purpose of carrying out * * * s. 62.23 (2) in said extended zone the common council may appropriate out of any available fund a sufficient sum to be used by said board for hiring engineers, surveyors and draftsmen, and other necessary

help and assistants in making a comprehensive map of the said city and zone so as to put in concrete form the ideas of the said board as to how future dedications, openings and plattings of streets, highways, boulevards, pleasure ways and parks, or other public improvements or thoroughfares, shall be made; which said map, when adopted by the common council, shall serve as an advisory guide to the said board of park commissioners in making recommendations to the common council in the future as to approving plats, and shall not be departed from except in cases of necessity or discovered error therein.

SECTION 10. 29.34 (1) of the statutes is amended to read:

29.34 (1) Licenses which authorize the use of nets in the Mississippi river as limited herein and in that part of the St. Croix river downstream from the dam at St. Croix Falls shall be issued subject to the provisions of s. 29.09 by the commission to any resident applying therefor. This subsection *as applicable to the St. Croix river* shall not become effective until Minnesota has enacted similar legislation.

SECTION 11. 38.03 (5) of the statutes is repealed.

SECTION 12. 38.04 (1) (last sentence) of the statutes is repealed.

SECTION 13. 45.22 of the statutes is repealed.

SECTION 14. 46.11 (3) of the statutes, as created by chapter 53, Laws of 1957, is renumbered to be 954.035 and amended to read:

954.035 WHEN ACCUSED TO BE HELD IN STATE PRISON. * * * Any incarceration pending arraignment and all commitments prior to the final disposition of the prisoner charged with any offense or crime referred to in s. 53.02 while in the county whose courts have jurisdiction shall be in the institution, located in such county, wherein the alleged crime or offense was committed and the warden or superintendent of such institution shall be subject to the same laws and court orders as the sheriff of such county would be in a criminal case, and the officer who arrests such prisoner or who shall have him in his custody before arraignment shall forthwith deliver him to such institution unless he can be * * * sooner arraigned.

SECTION 15. 49.19 (4) (c) of the statutes is amended to read:

49.19 (4) (c) The person having the care and custody of such dependent child must be fit and proper to have the same. Aid shall not be denied by the county agency on the grounds that a person is not fit and proper to have such care and custody until the agency has obtained a finding substantiating such fact from a juvenile or other court of competent jurisdiction; but in appropriate cases it is deemed to be the responsibility of the county agency to petition under * * * *ch. 48* or refer the case to a proper child protection agency.

SECTION 16. 49.26 (11) (a) (6th sentence) of the statutes is amended to read:

49.26 (11) (a) (6th sentence) From the proceeds of such checks the cost of such publication, if any, shall first be paid; next there shall be paid * * * *any* filing fee required under s. 253.29 (2); if the remainder is not sufficient to pay all of the above enumerated claims then nursing home care shall next be paid and the balance prorated among the other claimants.

SECTION 17. 53.37 (4) of the statutes is amended to read:

53.37 (4) The sheriff or other keeper of a jail is authorized to use without compensation the labor of those sentenced to actual confinement

in the county jail in the maintaining of, and the housekeeping of the jail, including the property on which it stands. Any prisoner who escapes while working on the grounds outside the jail enclosure shall be punished as provided in s. * * * 946.42.

SECTION 18. 54.34 (1) of the statutes is amended by substituting "48.34" for "54.09".

SECTION 19. 59.07 (60) of the statutes is amended to read:

59.07 (60) Appropriate money to assist in creating and developing watershed protection areas or projects beneficial to the county, which would include or benefit all or a portion of such county, and to pay all or part of said money to any agency of the federal or state government or to a soil conservation district, to be expended for such purposes * * *.

SECTION 20. 59.07 (65) of the statutes, as created by chapter 129, Laws of 1957, is renumbered to be 59.07 (69).

SECTION 21. 59.877 of the statutes, created by Chapter 82, laws of 1957, is renumbered 59.07 (70).

SECTION 22. 60.18 (21) and (22) of the statutes are amended to read:

60.18 (21) To raise money to assist in creating and developing watershed protection areas or projects beneficial to the town, which would include or benefit all or a portion of such town, and to authorize the town board to expend said money for such purposes, or to pay all or part of said money to any agency of the federal or state government or to a soil conservation district to be expended for such purposes * * *.

60.18 (22) To raise money to assist in the development of a soil conservation district including or benefiting all or a portion of such town or in promoting the program of such a district, and to authorize the town board to expend said money for such purposes or to pay all or part of said money to such soil conservation district to be expended by it for such purposes * * *.

SECTION 23. 60.756 (intro. par.) is amended by substituting "44.09" for the reference to "44.02 (9)".

SECTION 24. 62.09 (9) (e) (first sentence) of the statutes is amended to read:

62.09 (9) (e) (first sentence) He shall deposit immediately upon receipt thereof the funds of the city in the name of the city in the public depository designated by the * * * council.

SECTION 25. 62.29 and 62.30 of the statutes are renumbered 66.80 and 66.81 respectively.

SECTION 25m. 66.048 (3) (a) of the statutes is amended to read:

66.048 (3) (a) Any city of the first class shall have the power to lease space over any street, alley or other public place in the city which is more than 12 feet above the level of the street, alley or other public place for any term not exceeding 99 years to the person who owns the fee in the property on both sides of the portion of the street, alley or other public place to be so leased, whenever the governing body of the city is of the opinion that such place is not * * * needed for street, alley or other public purpose, and that the public interest will be served by such leasing.

SECTION 26. 66.47 (14) of the statutes is amended by substituting "(12)" for "(13)" in the two references to "subs. (1) to (13)".

SECTION 27. 66.901 (18) of the statutes is amended by deleting the words "and (4)" from the reference to "66.902 (3) and (4)".

SECTION 28. The amendment to 66.907 (2) (a) 1 of the statutes by chapter 60, laws of 1957, is not repealed by chapter 83, laws of 1957. Both amendments stand.

SECTION 29. 67.155 of the statutes is repealed.

SECTION 30. 70.11 (3) (c) of the statutes is amended to read:

70.11 (3) (c) All buildings, equipment and leasehold interests in lands described in ss. 36.06 (6) and 37.02 (3) * * *.

SECTION 31. 70.114 (1) of the statutes is amended to read:

70.114 (1) Notwithstanding any other provision in this chapter, all land owned by the state, or by any county in such county or in any other county, or by any city, village, town or other municipality, or by any agency of any of the foregoing, which is residential property and is a part of, used by or held and kept for the purposes of a public educational institution shall be subject to any tax levied for school purposes the same as other real estate. If such taxes are not paid, such lands shall be subject to tax sale as are privately owned lands.

SECTION 32. 74.03 (2) (b) of the statutes is amended to read:

74.03 (2) (b) The second instalment shall be paid to the county treasurer, except as provided in * * * subs. (6) and (10), without interest on or before July 31 next succeeding. * * *

SECTION 33. 74.03 (6) of the statutes is amended to read:

74.03 (6) DELINQUENT SECOND INSTALMENT; INTEREST. The second instalment of real estate taxes and special assessments remaining unpaid on August 1 shall be delinquent and shall be subject to interest at the rate of eight-tenths of one per cent per month or fraction thereof from January 1 next preceding until paid or until the property upon which such taxes are levied is sold at the next tax sale as provided by law. *For the purposes of this subsection the payments shall be considered timely made if mailed in a properly addressed envelope, with postage prepaid, which envelope is postmarked before midnight of the date prescribed as the last date of payment, provided that such payment is actually received by the county treasurer within 5 days of such prescribed date.*

SECTION 34. 100.21 of the statutes is renumbered 100.20 (5) and amended to read:

100.20 (5) Any person * * * suffering pecuniary loss because of a violation by any other person of any order issued under *this* section * * * may sue * * * for damages therefor in any court of competent jurisdiction and shall recover twice the amount of such pecuniary loss, together with costs, including a reasonable attorney's fee.

SECTION 35. 115.04 of the statutes is amended to read:

115.04 INTEREST RATES. The rate of interest upon the loan or forbearance of any money, goods or things in action shall be \$5 upon the \$100 for one year and * * * according to that rate for a greater or less sum or for a longer or a shorter time; but * * * parties * * * may contract for the payment and receipt of a rate of interest not exceeding \$10 on \$100 as aforesaid, in which case such rate exceeding \$5 on \$100 shall be clearly expressed in writing.

SECTION 36. 137.01 (2) (b) (next to last sentence) is amended to read:

137.01 (2) (b) (next to last sentence) The impression of such notary's seal bearing the statement hereinbefore mentioned upon any instrument or writing or upon wafer, wax or other adhesive substance affixed to any instrument or writing shall be deemed an affixation of the seal and a writing or stamping or adding of the statement * * * of the date when his commission expires and of his county.

SECTION 37. 146.20 (3) (d) of the statutes, as created by chapter 86, Laws of 1957, is amended to read:

146.20 (3) (d) LICENSING EXCEPTIONS. No license is required of any person for servicing a septic tank, seepage pit, grease trap or privy on real estate owned or leased by him or * * * of a licensed plumber but such servicing shall be in conformity with the law and the rules of the board.

SECTION 38. 147.03 (5th sentence) of the statutes is amended to read:

147.03 (5th sentence) The board shall * * * *elect* a president, secretary and treasurer.

SECTION 39. 147.23 (2) (3rd sentence) of the statutes is amended to read:

147.23 (2) (3rd sentence) The board shall * * * *elect* a chairman and secretary.

SECTION 40. 175.095 (3) of the statutes, as created by chapter 6, laws of 1957, is repealed and 175.095 (1), as created by chapter 6, laws of 1957, is amended to read:

175.095 (1) Notwithstanding s. 175.09 (1), the standard of time shall be as provided in sub. (2) during the period * * * *stated therein*.

SECTION 41. 194.04 (5) of the statutes is repealed.

SECTION 42. 236.03 (2) of the statutes is amended by substituting "236.20 (1) and (2) (a) to (e)" for "236.20 (1) and (2) (a) to (f)".

SECTION 43. 236.13 (2) of the statutes, is renumbered to be 236.13 (2) (a).

SECTION 44. 236.34 (1) (c) of the statutes is amended by substituting "236.20 (2) (a), (b), (c), (e), (f), (g), (i), (j) and (k)" for "236.20 (2) (a), (b), (c), (e), (f), (g), (h), (j), (k) and (l)."

SECTION 45. 236.45 (3) of the statutes is amended by striking the words "and s. 236.12 (2) (c)".

SECTION 46. 251.181 (1) of the statutes is amended by substituting "State Bar of Wisconsin" for "Wisconsin bar association."

SECTION 46m. 253.18 (3) of the statutes is amended to read:

253.18 (3) A record book or books in which shall be recorded in full all wills admitted to probate with the certificate of probate, all letters and all judgments rendered. The judge may require any other documents to be recorded therein. Any documents may be recorded on microfilm instead of in a record book. *These records shall be kept irrespective of s. 59.715 (20) (c) unless recorded on microfilm.*

SECTION 47. 263.13 (2) (b) of the statutes, as renumbered from 66.60 (3) of the statutes by chapter 130, Laws of 1957, is renumbered to be 236.13 (2) (b).

SECTION 48. 276.14 (1) (first sentence) of the statutes is amended to read:

276.14 (1) (first sentence). In partition, a widow's * * * and a widower's * * * *homestead under s. 237.02 (2)* shall be deemed life estates.

SECTION 49. 954.01 (1) of the statutes is amended to read:

954.01 PROCESS, WHO ISSUES. (1) For the arrest of persons accused of crime, the judges of courts of record, court commissioners, justices of the peace, district attorneys and other officers expressly empowered thereto are authorized to issue process. The officials mentioned in this subsection (except district attorneys) are referred to generally in ch. * * * 954 to 963 as magistrates.

SECTION 50. Chapter 139, laws of 1951, section 23m, is created to read:

(Chapter 139, laws of 1951) Section 23m. (1) The deputy clerks of said superior court shall subscribe to the oath of office prescribed in the constitution. They shall serve at the will of the clerk of said court and be subject to removal by said clerk, with the approval of the judge of said court.

(2) Except as provided in section 21, the clerk or deputy clerk shall make and keep the records of said court, and also the records of the juvenile court of Dane county when a judge of the superior court is designated as the judge of the juvenile court, and perform all ministerial acts required of them by and under the direction of the judges.

(3) The clerk and deputy clerks shall have power to administer oaths; take bail in the absence of a judge, subject to his revision; may issue warrants upon sworn complaints filed in writing, and other processes of said court; shall procure at the expense of Dane county, under the direction of the judges and the county board, all necessary record books, blanks, stationery, and other things required for said court; and may in the absence of a judge adjourn said court in the manner provided by law for adjournment of circuit courts.

Approved August 14, 1957.
