

No. 559, S.

Published
September 28, 1963.

CHAPTER 343

AN ACT to repeal, renumber and amend various provisions of the statutes for the purpose of correcting errors, supplying omissions, clarifying language, correcting titles of officers, correcting and clarifying references, renumbering for better location and arrangement and eliminating unnecessary and obsolete provisions.

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

SECTION 1. 13.350 of the statutes is renumbered 13.353.

SECTION 2. 20.545 of the statutes is repealed.

SECTION 3. 20.555 (41a) of the statutes is repealed.

SECTION 4. 20.670 (61c) and (61d) of the statutes are repealed.

SECTION 5. 37.33 of the statutes remains in effect but need not be printed in the Wisconsin statutes.

SECTION 6. 40.303 of the statutes is repealed.

SECTION 7. 41.74 of the statutes is amended by deleting the words "or municipal" in the phrase "county or municipal judge". The revisor of statutes shall show the change in printing the 1963 Statutes.

SECTION 8. 50.12 and 50.13 of the statutes are repealed.

SECTION 9. 59.075 of the statutes is repealed.

SECTION 10. 66.029 of the statutes is amended to read:

66.029 In proceedings whereby territory is attached to or detached from any town, the town is an interested party, and the town board may institute, maintain or defend an action brought to test the validity of such proceedings, and may * * * *intervene or be impleaded* in any such action.

SECTION 11. 66.903 (2) (a) 1. b. of the statutes is amended by deleting the words "full-time judges of a court of record, municipal or inferior (other than a county court),".

SECTION 12. 66.903 (2) (a) 1. d. of the statutes is amended to read:

66.903 (2) (a) 1. d. For supreme court justices, circuit judges * * * and county judges, * * * 7 per cent on earnings in excess of the amount subject to contributions pursuant to s. 66.99.

SECTION 13. 66.906 (1c) of the statutes is repealed.

SECTION 14. 66.906 (3) (f) of the statutes is amended to read:

66.906 (3) (f) A justice of the supreme court, a circuit judge * * * or a county judge * * * who is eligible to receive an ordinary retirement annuity under s. 66.906 (2) may elect, in lieu of such annuity, to take the actuarial equivalent thereof as a retirement annuity payable monthly for the life of the participating employe as the annuitant, with a guaranty of 120 monthly payments, in which event all of the provisions of pars. (a) to * * * (d) shall be applicable except that wherever the figure "180" appears in said paragraphs the figure "120" shall be substituted.

SECTION 15. 66.907 (2) (a) 1. of the statutes, as amended by chapter 20 (Bill 185, S.), laws of 1963, is amended to read:

66.907 (2) (a) 1. Any participating employe who has not attained age 65 and is totally disabled, either mentally or physically, by a disability which is likely to be permanent. A person shall not be deemed to be disqualified solely because he is able to perform the duties of any position for which the compensation does not exceed \$1,200 in any calendar year. Totally disabled means inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or to be of permanent duration. The participating municipality shall certify to the fund that the participating employe is unable to continue in employment because of a total disability of such a nature as to reasonably prevent performance of the duties of any position and as a consequence is not entitled to any earnings from such municipality. For the purposes of this subsection a participant shall, within the limitations of s. 66.908 (1) (b), be considered to be a participating employe on leave of absence, notwithstanding the fact that no formal leave of absence is in effect, if no other employment has intervened since service for the participating municipality, and if the termination of active service for the participating municipality was due to such disability. *For the purposes of this subsection* a participant who is an official elected by the voters shall be considered as a participating employe for 30 days after the cessation of his earnings as an elected official.

SECTION 16. 66.99 (3) of the statutes, as amended by Ch. 20 (Bill 185, S.), Laws 1963, is amended to read:

66.99 (3) Every state employe and state officer while employed in any position which is not included under any retirement system established by statute is included under the agreement authorized by sub. (4) if eligible for inclusion, and all participating municipalities which have acted pursuant to s. 66.902 to be included under the Wisconsin retirement funds are included when the participating employes thereof are eligible, * * * and each city and village is pursuant to ss. 62.13 (9) (e) and (9a) and 61.65 (6) included under the agreement as to policemen, and each public agency affected by s. 66.902 (5) (b) is pursuant thereto included under the agreement as to the employes affected by such paragraph. This subsection is not applicable to services performed in any fireman's position.

SECTION 17. 70.41 (1) to (3) of the statutes are amended by deleting the words ", copartnership, association, company or corporation" wherever they appear in conjunction with the word "person".

SECTION 18. 70.41 (4) of the statutes is amended to read:

70.41 (4) If the assessor or board of review * * * has reason to believe that the list or statement made by any person * * * is incorrect, or when any such person * * * has failed or refused to furnish a list or statement as

required by law, the assessor or board of review shall place on the assessment roll such taxes against such person * * * as * * * they * * * deem true and just, and in case such change or assessment is made by the assessor, the assessor shall give written notice of the amount of such assessment at least 6 days before the first or some adjourned meeting of the board of review; in case such change or assessment is made by the board of review, notice shall be given in time to allow such person * * * to appear and be heard before the board of review in relation to said assessment; said notice may be served * * * *as a circuit court summons is served or by registered mail.*

SECTION 19. 70.415 (4) of the statutes is amended to read:

70.415 (4) If the assessor or board of review * * * *has* reason to believe that the list or statement made by any person is incorrect, or when any such person has failed or refused to furnish a list or statement as required by law, the assessor or board of review shall place on the assessment roll such taxes against such person as * * * they * * * deem true and just, and in case such change or assessment is made by the assessor, the assessor shall give written notice of the amount of such assessment at least 6 days before the first or some adjourned meeting of the board of review; in case such change or assessment is made by the board of review, notice shall be given in time to allow such person to appear and be heard before the board of review in relation to said assessment; said notice may be served * * * *as a circuit court summons is served or by registered mail.*

SECTION 20. 70.42 (1) to (3) of the statutes are amended by deleting the words “, copartnership, association, company or corporation” wherever they are used in conjunction with the word “person”.

SECTION 21. 70.42 (4) of the statutes is amended to read:

70.42 (4) If the assessor or board of review * * * *has* reason to believe that the list or statement made by any person * * * is incorrect, or when any such person * * * has failed or refused to furnish a list or statement as required by law, the assessor or board of review shall place on the assessment roll such taxes against such person * * * as * * * they * * * deem true and just, and in case such change or assessment is made by the assessor, the assessor shall give written notice of the amount of such assessment at least 6 days before the first or some adjourned meeting of the board of review; in case such change or assessment is made by the board of review, notice shall be given in time to allow such person * * * to appear and be heard before the board of review in relation to said assessment; said notice may be served * * * *as a circuit court summons is served or by registered mail.*

SECTION 22. 70.421 (4) of the statutes is amended to read:

70.421 (4) If the assessor or board of review has reason to believe that the list or statement made by any person is incorrect, or when any such person has failed or refused to furnish a list or statement as required by law, the assessor or board of review shall place on the assessment roll such taxes against such person as he deems true and just, and in case such change or assessment is made by the assessor, the assessor shall give written notice of the amount of such assessment at least 6 days before the first or some adjourned meeting of the board of review; in case such change or assessment is made by the board of review, notice shall be given in time to allow such person to appear and be heard before the board of review in relation to said assessment; said notice may be served * * * *as a circuit court summons is served or by registered mail.*

SECTION 23. 70.56 (1) of the statutes is amended by substituting “70.47 (2)” for the reference to “70.46”. The revisor shall show the change in printing the 1963 Statutes.

SECTION 24. 70.64 (14) of the statutes is repealed.

SECTION 25. 70.75 (2) (last sentence) of the statutes is amended to read:

70.75 (2) (last sentence) A blank assessment roll and all property statements and other blank forms needful for the purposes of such reassessment shall be furnished by the county clerk at the expense of the county upon the application of the * * * *supervisor of assessments*.

SECTION 26. 76.06 of the statutes is amended by substituting "department of administration" for "director of budget and accounts".

SECTION 27. 93.07 (4) of the statutes is amended to read:

93.07 (4) To receive and examine, prior to their transmission to the department of administration, the biennial request for state aid of * * * the Wisconsin horticultural society, the Wisconsin crop improvement association, * * * the Wisconsin live stock breeders association, * * * *the Wisconsin co-operative poultry improvement association*, * * * *and the foreign type cheesemakers' association*; to transmit and make recommendations upon these requests to the department of administration and the governor; and to advise as to the manner of expending and accounting for state moneys appropriated to all such * * * organizations.

SECTION 28. 94.80 of the statutes is amended to read:

94.80 The secretaries of the Wisconsin crop improvement association, the Wisconsin state horticultural society, * * * the foreign type cheesemakers' association, * * * the Wisconsin live stock breeders' association * * * *and the Wisconsin co-operative poultry improvement association* * * * shall on and after July 1 of each year make a report to the state department of agriculture, signed by the president, treasurer and secretary of * * * *the society* setting forth in detail the receipts and disbursements of the society or association for the preceding fiscal year in such form and detail together with such other information as the department may require. On receipt of such reports, if the department is satisfied that the business of each society has been efficiently conducted during the preceding fiscal year and in the interest of and for the promotion of the special agricultural interests of the state and for the purpose for which the society was organized and if the final statement shows that all the receipts together with the state aid have been accounted for and disbursed for the proper and necessary purposes of the society, and in accordance with the laws of the state, then the department shall file a certificate with the department of administration and it shall draw its warrant and the state treasurer shall pay to the respective treasurers of each of said societies named in this section the amount of the appropriation made available for each such society by s. 20.140 (25) to * * * (30). Any society or association receiving state aid may upon application to the state purchasing agent, upon such terms as he may require, obtain printing for the society or association under the state contract.

SECTION 29. 115.09 (4) of the statutes is amended to read:

115.09 (4) The commissioner for the purpose of discovering violations of this chapter may cause an investigation to be made of the business of the licensee transacted under * * * this section, and shall cause an investigation to be made of convictions reported to it by any district attorney for violation by a licensee of any of the provisions of this chapter. The place of business, books of account, papers, records, safes and vaults of said licensee shall be open to inspection and examination by the commissioner or his representative for the purpose of such investigation and the commissioner * * * *may* examine under oath all persons whose testimony he may

require relative to said investigation. The commissioner may, upon notice to the licensee and reasonable opportunity to be heard, suspend or revoke such license after such hearing, (a) if the licensee has violated any provision of this chapter and if he * * * *determines* such violation justifies the suspension or revocation of the license; (b) if any fact or condition exists which, if it had existed at the time of the original application for such license, would have warranted the commissioner in refusing to issue such license; and (c), if the licensee has failed to pay the annual licensee fee or to maintain in effect the bond, if any, required under sub. (2).

(4a) Any licensee and any other person * * * aggrieved by any order of the commissioner * * * *has* the right to appeal to the board of review under this section, provided a written notice of appeal is served upon the commissioner and upon the chairman or secretary of the consumer credit review board under s. 220.037 within 10 days from the date of the commissioner's order. Upon service of a written notice of appeal as herein provided the review board shall hold a hearing within a reasonable time thereafter. The review board shall give the parties a written notice of the time and place said hearing will be held. The cost of any investigation or examination or hearing, including witness fees or any other expenses, conducted by the commissioner or the review board shall be paid by the licensee so examined or by the appellant within 30 days after demand therefor by the commissioner, and the state may maintain an action for the recovery of such costs and expenses in any court of competent jurisdiction, except that no cost shall be charged an appellant by the review board unless the board * * * *sustains* the commissioner.

SECTION 30. 218.01 (3) (g) of the statutes is amended to read:

218.01 (3) (g) Any * * * person in interest * * * *aggrieved by an order of the * * * department may have a review thereof as provided in ch. 227 or aggrieved by an order of the commissioner may have a review thereof as provided in s. 220.037.*

SECTION 31. 218.02 (9) of the statutes is amended to read:

218.02 (9) The commissioner may make such rules and require such reports as he * * * *deems* necessary for the enforcement of this section. * * * Sections 214.08, 214.09, 214.12, 214.26 and 214.27 * * * apply to and * * * *are* available for the purposes of this section. Orders of the commissioner under this section * * * *are* subject to review * * * *by the consumer credit review board under s. 220.037.*

SECTION 32. 218.05 (13) of the statutes is amended to read:

218.05 (13) Any * * * person * * * *aggrieved by any order of the commissioner made under this section may have a review thereof * * * by the consumer credit review board under s. 220.037.*

SECTION 33. 253.08 (4) of the statutes is amended by substituting "s. 251.183" for the reference to "s. 251.182".

SECTION 34. 267.16 of the statutes is amended to read:

267.16 When the answer of the garnishee discloses that any third person claims the debt or property in his hands and the name and residence of such claimant the court may order that such claimant be * * * *impleaded* as a defendant in the garnishee action; and that notice thereof, setting forth the facts, with a copy of such order and answer be served upon him, and that after such service is made the garnishee may pay or deliver to the officer or the clerk such debt or property and have a receipt therefor, which shall be a complete discharge from all liability for the amount so paid or property so delivered. Such notice shall be served in the manner required

for service of a summons. Upon such service being made such claimant shall be deemed a defendant in the garnishee action, and within 20 days shall answer setting forth his claim or any defense which the garnishee might have made.

SECTION 35. 299.20 (3) of the statutes is amended to read:

299.20 (3) If the court grants a motion * * * *to implead a third party*, from that time the entire action may be tried by circuit court procedure.

SECTION 36. 342.18 (1) (a) of the statutes is amended to read:

342.18 (1) (a) Endorse upon the certificate of title in the spaces provided therefore the name and address of the transferee together with a statement of all liens and encumbrances on the vehicle. The seller shall sign the title in the space provided. If the * * * *transferor* is a dealer, distributor or manufacturer registered under s. 341.51, he shall endorse upon the certificate of title in the spaces provided for such registered dealer the name and address of the purchaser, the required information on all liens and encumbrances, the firm name, the counter signature and dealer license number; and

SECTION 37. 956.01 (13) (e) of the statutes is amended to read:

956.01 (13) (e) The county where the plea is made shall pay the costs of prosecution if the defendant does not pay them, and is entitled to retain fees for receiving and paying to the state any fine which may be paid by the defendant. The clerk of court where the plea is made shall file a certificate of conviction substantially in the form prescribed in s. 959.03 with the clerk of circuit court in each county where a crime covered by the plea was committed except that in a county having a population of 500,000 or more the certificate shall be filed with the * * * *chief deputy clerk, criminal division, of the clerk of circuit court*. Upon the filing of this certificate the district attorney shall move to dismiss any charges covered by the plea of guilty, which are pending against the defendant in his county, and the same shall thereupon be dismissed.

Approved September 18, 1963.
