

No. 657, S.

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CHAPTER 459

AN ACT to repeal, renumber, amend, repeal and recreate, reenact and create various provisions of the statutes for the purpose of correcting errors, supplying omissions, clarifying language, correcting titles of officers, correcting references, renumbering for better location and arrangement, eliminating unnecessary and obsolete provisions, 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. 6.82 (3) of the statutes is amended to read:

6.82 (3) Compensation for publishing all notices and certificates relative to primaries and elections, unless otherwise provided, shall be the same as compensation for legal notices as provided in s. * * * 985.08.

SECTION 2. 20.280 (72) of the statutes, as amended by Chapter 345 (Bill 160, A.), Laws 1963, is repealed and 20.280 (72), as amended by Chapter 317 (Bill 768, A.), Laws 1963, is reenacted.

SECTION 3. 20.280 (78) (c) of the statutes, as amended by Chapter 345 (Bill 160, A.), Laws 1963, is amended to read:

20.280 (78) (c) County forest aids pursuant to s. 28.11 (8) * * *. *Such sum sufficient outlays shall be charged (added) to the appropriation made under s. 20.280 (72).*

SECTION 4. 20.410 (49) of the statutes, as created by Chapter 224 (Bill 615, S.), Laws 1963, is renumbered 20.410 (54).

SECTION 5. 20.460 (77) of the statutes, as created by Chapter 344 (Bill 571, A.), Laws 1963, is renumbered to be 20.460 (44).

SECTION 6. The amendment made to 20.530 (2m) (b) by Chapter 7, Laws 1963 (Bill 166, S.), was not repealed by Chapter 148, Laws 1963 (Bill 252, S.). Both amendments stand.

SECTION 7. 20.840 (84) of the statutes, as created by Chapter 381 (Bill 525, A.), Laws 1963, is renumbered 20.840 (86).

SECTION 8. 20.930 (1) (a) (line 57) of the statutes is amended to substitute "superintendent" for "custodian" in the phrase "custodian of memorial hall".

SECTION 9. 28.11 (8) (a) of the statutes, as created by Chapter 345 (Bill 160, A.), Laws 1963, is amended to read:

28.11 (8) (a) As soon after April 20 of each year as feasible, the conservation commission shall pay to each town treasurer 15 cents per acre, based on the * * * *acreage* of such lands as of the preceding June 30, as a grant out of the appropriation made by s. 20.280 (72) on each acre of county lands entered under this section. Payments so made shall be from the general fund transfer made by s. 20.551 (1e) and shall be known as the "general fund account."

SECTION 10. 29.58 (4) (last sentence) of the statutes is amended to read:

29.58 (4) (last sentence) He * * * *has* the right to manage and control said lands and the mink thereon, to take and trap the same at any time or in any manner which he sees fit and deems to the best advantage of his business, and to sell and transport at any time said mink or the pelts taken from them * * *.

SECTION 11. 36.16 (1) (ad) of the statutes is repealed.

SECTION 12. 40.095 (3) (e) of the statutes, as amended by chapter 163 (Bill 297, S.), Laws 1963, is amended to read:

40.095 (3) (e) All vacancies shall be filled as provided by s. 17.26 * * * (1). Such appointees shall serve only until the July 1 after the vacancy is filled in the next spring election and the successor qualifies.

SECTION 13. 40.27 (6) (c) and (d) of the statutes, as created by Chapter 163 (Bill 297, S.), Laws 1963 are amended to read:

40.27 (6) (c) In a union high school district * * * after the annual meeting as provided in s. 40.25;

(d) In a common school district * * * after the annual meeting as provided in s. 40.25.

SECTION 14. 40.27 (8) of the statutes, as amended by Chapter 365 (Bill 220, S.), Laws 1963, is repealed.

SECTION 15. 45.35 (5) (third sentence) of the statutes is amended to read:

45.35 (5) (third sentence) He shall also appoint with the approval of the board a * * * superintendent of memorial hall pursuant to s. 45.04.

SECTION 16. 59.96 (6) (b) of the statutes, as created by chapter 171 (Bill 613, S.), Laws 1963, is renumbered to be 59.96 (6) (ab).

SECTION 17. 62.23 (1) (d) of the statutes is amended to read:

62.23 (1) (d) The additional citizen * * * *members*, if any, shall be first appointed to hold office for a period ending one year from the succeeding * * * *May first*, and thereafter annually during the month of April. Whenever a park board is created, or a city engineer appointed, the president of such board or such engineer shall succeed to a place on the * * * *commission* when the term of an additional citizen member * * * *expires*.

SECTION 18. 66.902 (3) (s) of the statutes, as created by Chapter 362 (Bill 182, S.), Laws 1963, is renumbered to be 66.902 (3) (t).

SECTION 19. The amendment made to 71.01 (3) (a) of the statutes by Chapter 280 (Bill 426, S.), Laws 1963, was not repealed by Chapter 335 (Bill 129, A.). Both amendments stand.

SECTION 20. 71.04 (2c) (a) and (b) of the statutes are created to read:

71.04 (2c) (a) Written notice of election to take amortization of a milkhouse, well, bulk milk tank or milk pipe line under this subsection must be filed with the department of taxation with the taxpayer's return for the first taxable year for which such election under this subsection is made in respect to such milkhouse or well.

(b) No deduction shall be allowed on other than depreciable property, nor shall accelerated amortization or depreciation and accelerated amortization deductions be permitted in excess of the cost of the asset subject to this subsection.

SECTION 21. 71.04 (14) (intro. par.) of the 1961 statutes is repealed.

SECTION 22. 71.05 (2c) (a) and (b) of the statutes are created to read:

71.05 (2c) (a) Written notice of election to take amortization of a milkhouse, well, bulk milk tank or milk pipe line under this subsection must be filed with the assessor of incomes in whose district the taxpayer's farm lies with the taxpayer's return for the first taxable year for which such election under this subsection is made in respect to such milkhouses or well.

(b) No deduction shall be allowed on other than depreciable property, nor shall accelerated amortization or depreciation and accelerated amortization deductions be permitted in excess of the cost of the asset subject to this subsection.

SECTION 23. 71.14 (4a) of the statutes, as created by chapter 84 (Bill 477, S.), Laws 1963, is amended to read:

71.14 (4a) Whenever a municipality files a claim under sub. (3) * * * within the period of time expressed therein, it is not necessary for any such county to file a similar claim. If the amount of the municipality's claim

is approved by the department, the department shall thereafter make a similar adjustment as between respective counties. If after notice by the department the claim is not paid by the county which erroneously received it, such amount shall be deducted from its next apportionment and paid to the county entitled thereto.

SECTION 24. 71.19 (1) (k) of the statutes, as created by Chapter 273 (Bill 355, S.), Laws 1963 is renumbered to be 71.19 (1) (L).

SECTION 25. 71.21 (19) (d) of the statutes, as created by chapter 224 (Bill 615, S.), Laws 1963, is amended to read:

71.21 (19) (d) No * * * employer shall force or attempt to coerce an employe into estimating and prepaying his income taxes. Any employer found guilty of violating this subsection may be fined not less than \$25 nor more than \$200 for each violation.

SECTION 26. The amendment made to 73.01 (6) (a) of the statutes by Chapter 280, section 6 (Bill 426, S.), Laws 1963, is not repealed by Chapter 372 (Bill 305, A.), Laws 1963. Both amendments stand.

SECTION 27. The amendments made to 77.52 (1) (a) 4. of the statutes by Chapter 209 (Bill 30, A.) and Chapter 223 (Bill 639, S.), Laws 1963, are not repealed by Chapter 352 (Bill 264, A.), Laws 1963. All amendments stand.

SECTION 28. The amendments made to 77.52 (2) (a) 4. of the statutes by Chapters 223 (Bill 639, S.), and 224 (Bill 615, S.), laws of 1963, were not repealed by Chapter 250 (Bill 430, S.), laws of 1963. All amendments stand.

SECTION 29. 102.14 of the statutes is renumbered 102.14 (1) and 102.14 (1) of the statutes, as created by chapter 281 (Bill 347, S.), Laws 1963, is renumbered to be 102.14 (2).

SECTION 30. 108.02 (4) (h) of the statutes, as created by Chapter 145 (Bill 409, S.), Laws 1963, is amended to read:

108.02 (4) (h) The commission shall not terminate * * * an employer's coverage under par. (g) 3, if during any calendar year (or year ending on a computation date) of his coverage his payroll for such year was \$20,000 or more or if on any computation date his employer's account was overdrawn, until 6 years have elapsed since the close of the last such year or since the most recent such computation date (next following a calendar year of some payroll).

SECTION 31. 115.05 (3) of the statutes is amended to read:

115.05 (3) A contract to make loans or an evidence of indebtedness may provide for a rate of interest or penalty payable upon the principal amount of an extension of a loan or forbearance or upon any amount in default under a loan or forbearance which shall not exceed the rate allowed in sub. (1) * * * (a).

SECTION 32. 136.05 (3) (a) and (b) of the statutes, as created by Chapter 366 (Bill 102, S.), Laws 1963, are renumbered 136.05 (4) (a) and (b).

SECTION 33. 139.02 of the statutes, as repealed and recreated by Chapter 141, Laws 1963 (Bill 218, S.), is renumbered 139.02 (1).

SECTION 34. 139.01 (2) of the statutes, as created by Chapter 19, Laws 1963 (Bill 38, S.), is renumbered 139.02 (2).

SECTION 35. 139.03 (1) (intro. par.) and (2) (intro. par.) of the statutes, as revised by Chapter 141 (Bill 218, S.), Laws 1963, are amended to read:

139.03 (1) (intro. par.) *Effective July 1, 1961 through August 14, 1963*, the tax is at the rate of \$2 per wine gallon on intoxicating liquors containing one-half of one per cent or more of alcohol by volume and is computed in accordance with the following table:

(2) (intro. par.) *Effective July 1, 1961 through August 14, 1963*, the tax is at the rate of 15 cents per wine gallon on wine containing 14 per cent or less of alcohol by volume and 30 cents per wine gallon on wine containing more than 14 per cent but not in excess of 21 per cent of alcohol by volume, and is computed in accordance with the following table:

SECTION 36. 139.11 (3) of the statutes, as created by Chapter 141, Laws 1963 (Bill 218, S.), is amended by substituting "\$30" for "\$15" in the second sentence.

SECTION 37. 139.26 (1) (intro. par.) and (1b) (intro. par.) of the statutes, as amended by Chapter 224 (Bill 615, S.), Laws 1963, are repealed.

SECTION 38. 139.26 (1c) and (1d) of the statutes, as created by Chapter 224 (Bill 615, S.), Laws 1963, are renumbered 139.03 (2a) and (2b), and as so renumbered 139.03 (2a) (intro. par.) and (2b) (intro. par.) are amended to read:

139.03 (2a) (intro. par.) * * * The rate of such tax, effective August 15, 1963, and thereafter, * * * is \$2.25 per wine gallon on intoxicating liquor containing one-half of one per cent *or more* of alcohol by volume * * *, and * * * is computed in accordance with the following table:

(2b) (intro. par.) The rate of such tax effective August 15, 1963, and thereafter * * * is 16 7/8 cents per wine gallon on wine containing 14 per cent *or less* of alcohol by volume * * *, and 33 3/4 cents per wine gallon on wine containing more than 14 per cent of alcohol by volume, but not in excess of 21 per cent of alcohol by volume, and * * * is computed in accordance with the following table:

SECTION 39. 139.26 (3) (e) of the statutes, as created by Chapter 19, Laws 1963 (Bill 38, S.), is renumbered 139.03 (4).

SECTION 40. 139.26 (4) of the statutes, as created by Chapter 103, Laws 1963 (Bill 87, S.), is renumbered 139.03 (5).

SECTION 41. 139.30 (2a) of the statutes, as created by chapter 207 (Bill 100, A.), Laws of 1963, is renumbered to be 176.03 (2a).

SECTION 42. 140.54 (1) (first sentence) of the statutes, as created by Chapter 325 (Bill 444, S.), Laws 1963, is amended to read:

140.54 (1) (first sentence) Every radiation installation in this state, not exempted by this section or the rules of the board * * * shall be registered by the board by January 1, 1964, by the person in control thereof, and no such radiation installation shall be operated thereafter unless it has been duly registered by January 1 of each year and a notice of such registration is possessed by the person in control.

SECTION 43. 142.10 (3) (2nd sentence) of the statutes, as repealed and recreated by chapter 224 (Bill 615, S.), Laws 1963, is amended to read:

142.10 (3) (2nd sentence) Such determination shall *only* consider * * * benefits * * * which would accrue to the veteran because of hospitalization insurance he may carry.

SECTION 44. The amendment made to 147.13 (1) of the statutes by chapter 6 (Bill 44, S.), Laws 1963, was not repealed by chapter 260 (Bill 513, S.), Laws 1963. Both amendments stand.

SECTION 45. 163.05 (1) of the statutes, as created by chapter 224 (Bill 615, S.), Laws 1963, is amended to read:

163.05 (1) The department shall determine the maximum allowances of a health plan to be administered pursuant to s. 163.06, which, subject to applicable deductible coinsurance and other provisions established by it, shall pay part or all of the charges to beneficiaries for the following: inpatient hospital care in a semiprivate room; skilled nursing home care when authorized by a physician; professional services performed by a physician or doctor of dental surgery in a hospital or skilled nursing home; outpatient services provided through a hospital or by a physician in a hospital; and the following additional services when prescribed by a physician: care by a visiting nurse, diagnostic services which require X-ray or laboratory procedures and pharmaceutical services.

SECTION 46. 185.83 (1) (f) of the statutes, as created by chapter 224, (Bill 615, S.), Laws 1963, is amended to read:

185.83 (1) (f) Checking each domestic or foreign corporate record, and answering inquiry thereon, including giving a list of officers * * * and directors, \$1 plus 50 cents for each additional list of officers * * * and directors. This does not apply to requests for verification of corporate existence or status, or information as to the current location of the principal office or as to the current registered agent or registered office.

SECTION 47. The amendments made to 200.26 (1) and (2) (a) and (c) of the statutes by Chapter 299 (Bill 640, A.), Laws 1963 are not repealed by Chapter 314 (Bill 264, S.), Laws 1963. Both amendments stand.

SECTION 48. 206.41 (4) (b) 1. of the statutes, as repealed and recreated by Chapter 301 (Bill 573, A.), Laws 1963, is amended to read:

206.41 (4) (b) 1. Each applicant for a certificate of registration or agent's license (if no such certificate is required) shall pay an examination fee as required by s. 200.13 (17) and submit to a personal written examination to determine his competence with respect to life insurance and annuity contracts and his familiarity with the pertinent provisions of the laws of this state, and shall pass the same to the satisfaction of the commissioner, except that no such fee or written examination shall be required of an applicant unless a license had not been issued to such applicant within the 2 years immediately preceding the date of filing his application. The commissioner may, upon showing just cause, require any applicant having previously held a certificate of registration to submit to a written examination and pass the same for any certificate before effecting the renewal of such certificate. The commissioner shall require further examination of a certificate holder whenever such person indicates intent to solicit, negotiate or effect kinds of insurance for which he has not been licensed for any insurer within the last * * * 5 years. The commissioner shall establish rules with respect to the scope, frequency, grading of papers, announcements of the results of such written examinations and the times and places within the state where they shall be held. Upon giving the commissioner 3 days' notice in writing of his intention to apply, any applicant shall be permitted to take the examination on any business day by appearing at the office of the commissioner in person. The commissioner shall cause examinations to be conducted throughout the state at places reasonably accessible to applicants at no less frequency than once each month. In advance of such examinations the commissioner shall cause notice to be given to all applicants. The commissioner may appoint representatives to conduct the examination and may pay a fee to each such representative.

SECTION 49. 206.41 (4) (c) of the statutes, as repealed and recreated by chapter 301 (Bill 573, A.), Laws 1963, is amended by substituting "s. 200.13 (16m)" for the reference to "s. 200.13 (15)". The revisor shall show this change in the next edition of the statutes.

SECTION 50. 206.41 (4) (d) of the statutes, as repealed and recreated by Chapter 301 (Bill 573, A.), Laws 1963 is amended by substituting "s. 200.13 (16m)" for the reference to "s. 200.13 (15) (e)". The revisor shall show this change in the next edition of the statutes.

SECTION 51. 206.41 (5) (a) of the statutes, as amended by Chapter 344 (Bill 571, A.), Laws 1963, is repealed. The repeal and recreation of 206.41 (5) by Chapter 301 (Bill 573, A.), Laws 1963, is not affected by this section.

SECTION 52. The amendment made to 209.04 (11) (intro. par.) of the statutes by Chapter 299 (Bill 640, A.), Laws 1963 was not repealed by Chapter 314 (Bill 264, S.), Laws 1963. Both amendments stand.

SECTION 53. 209.05 of the statutes, as created by Chapter 344 (Bill 571, A.), Laws 1963, is renumbered to be 209.047.

SECTION 54. 209.05 (4) (Fourth sentence) of the statutes, as created by chapter 196 (Bill 575, A.), Laws 1963, is amended to read:

209.05 (4) (Fourth sentence) The license shall apply to a specific device or to any device of identical type * * * *which*, after written notice by the agent to the commissioner, is substituted for it.

SECTION 55. 215.26 (1) of the statutes, as created by Chapter 315 (Bill 34, S.), Laws 1963, is amended to read:

215.26 (1) No action may be brought under ch. 286 * * * against any association organized under this chapter.

SECTION 56. 253.21 (2) of the statutes is renumbered 48.10 and amended to read:

48.10 The board of * * * *juvenile court* judges or its duly authorized committee shall adopt uniform forms necessary for the administration of juvenile matters under ch. 48. Duly authenticated copies of these forms shall be furnished to the secretary of state and kept on file in his office. The secretary of state shall transmit copies of these forms to the register in probate in each county in the state and in counties having a population of 500,000 or more to the clerk of the children's court.

SECTION 57. 270.795 of the statutes is created to read:

270.795 All judgments of the civil court of Milwaukee county or of any other court functioning under chapter 254 of the statutes or of any other court which ceases to function on the first Monday in January, 1962, and which were entered prior to said date shall, as of said date, become judgments of the county court, civil division, in the county where said judgment was entered for all purposes but no such judgment shall have any other effect than when originally entered.

SECTION 58. 326.09 (1) (a) of the statutes is amended to read:

326.09 (1) (a) Such deposition, in this state, may be taken by a justice of the peace, notary public, court commissioner or other person authorized to take depositions, except as provided in s. 326.12 * * * (4), at any time after the action or proceeding is commenced or after a submission to arbitration.

SECTION 59. 327.25 of the statutes, as repealed and recreated by Chapter 256 (Bill 407, S.), Laws 1963, is amended to read:

327.25 Any writing or record, whether in the form of an entry in a book or otherwise, made as a memorandum or record of any act, transaction, occurrence or event, shall be admissible as evidence of such act, transaction, occurrence or event, if the custodian or other qualified witness testifies to its identity and mode of preparation, and if made in regular course of any business, and if it was the regular course of such business to make such memorandum or record at the time of such act, transaction, occurrence or event or within a reasonable time thereafter. All other circumstances of the making of such writing or record, including lack of personal knowledge by the entrant or maker, may be shown to affect its weight, but such circumstances shall not affect its admissibility. The term "business" as used in this section, includes business, profession, occupation and calling of every kind.

SECTION 60. 343.10 (1) of the statutes, as amended by Chapters 206 (Bill 412, A.) and 373 (Bill 411, A.), Laws 1963, is repealed and recreated to read:

343.10 (1) If a person has had his chauffeur's license revoked he may file a petition with the commissioner for a limited chauffeur's license as provided in s. 343.126. If a person has had his license revoked under s. 343.31 (1) (b), (c), (d) or (e) and if such person is engaged in an occupation or trade making it essential that he operate a motor vehicle, he may after complying with sub. (2) file with a judge of a court of record or of a municipal court having criminal jurisdiction in the county of residence a verified petition setting forth in detail his need for operating a motor vehicle. Thereupon, if the petitioner has not been convicted of any offense requiring the revocation of his license or resulting in an order revoking his license within the 18-month period immediately preceding the present conviction, the judge may order the commissioner to issue an occupational license to such person. The order for issuance of an occupational license shall contain definite restrictions as to hours of the day (not to exceed 12), type of occupation and areas or routes of travel to be permitted under the license. If the petitioner holds a valid chauffeur's license at the time of filing petition the order for issuance shall further restrict operation under the occupational license to travel only between the licensee's place of residence and his place of employment (in addition to operation permitted under the chauffeur's license). A copy of the petition and the order for the occupational license shall be forwarded to the department. No order for an occupational license shall be issued until at least 90 days have elapsed since the date of conviction, or, in the case of an appeal which is subsequently dropped or affirmed, until at least 90 days have elapsed since the date of revocation following the dropping or affirmance of the appeal.

SECTION 61. 408.320 (5) of the statutes, as created by Chapter 158, laws of 1963 (Bill 1, S.), is amended to read:

408.320 (5) That entries made on the books of the clearing corporation as provided in sub. (1) are not appropriate does not affect the validity or effect of the entries nor the liabilities or * * * obligations of the clearing corporation to any person adversely affected thereby.

Approved December 24, 1963.