

No. 50, S.]

[Published April 17, 1959.]

## CHAPTER 19

AN ACT to repeal, renumber, amend, and create 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 unnecessary, obsolete and unconstitutional provisions, and reconciling conflicts.

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

SECTION 1. 5.05 (1) (intro. par.) of the statutes is amended to read:

5.05 NOMINATION PAPERS, SEPTEMBER PRIMARY. (1) (intro. par.) No candidate's name may be printed upon an official ballot used at any September primary unless not later than 5 p.m. \* \* \* on the second Tuesday of July of the year in which such primary is to be held a nomination paper has been filed in his behalf as provided in this chapter, with substantially the following wording printed at the top of each sheet:

SECTION 2. 8.025 of the statutes is repealed.

SECTION 3. 17.21 (5) (last sentence) of the statutes is repealed.

SECTION 4. 20.190 (41) of the statutes is amended to read:

20.190 (41) MUNICIPAL AUDITING AND REPORTING. On July 1, 1947, as a revolving appropriation, the entire balance on that date in the revolving appropriation provided for by s. 20.09 (3), statutes of 1945, on July 1, 1949, \$51,133, as an addition to the revolving appropriation, and from *time to time* sums equal to the charges accruing to the state under the provisions of s. 15.22 (12), for the execution of functions prescribed by said subsection.

SECTION 5. 20.650 (13) (intro. par.) of the statutes is amended to read:

20.650 (13) (intro. par.) Beginning July 1, 1957, \$75,450,000 for the biennium ending June 30, 1959 for the payment of the educational aids provided in ss. 40.655 (1) (a) and 40.66 to 40.73. Of the amounts appropriated by this subsection, \$9,750,000 shall be paid annually out of the normal income tax as provided in s. 71.14 \* \* \* (2a) to (5). Of the amounts appropriated by this subsection there is allotted to the state superintendent a sum sufficient to meet the requirements of s. 40.71 (6).

SECTION 6. 21.025 (11) (a) of the statutes is amended to read:

21.025 (11) (a) Whenever such forces or any part thereof shall be ordered out for active service the \* \* \* *Uniform Code of Military Justice* of the United States applicable to members of the national guard of this state in relation to court martials, their jurisdiction, and the limits of punishment and the rules and regulations prescribed thereunder, shall be in full force and effect with respect to the Wisconsin state guard.

SECTION 7. 21.36 (1) of the statutes is amended to read:

21.36 (1) The rules of discipline and the regulations of the United States army, shall, so far as the same may be applicable, constitute the rules of discipline and the regulations of the national guard; the rules and \* \* \* *Uniform Code of Military Justice* established by congress and the war department for said army, shall be adopted so far as they may be applicable for the government of the national guard, and the system of instruction and the drill regulations prescribed for the different arms and corps of the United States army, shall be followed in the military instruction and practice of the national guard, and the use of any other system is forbidden.

SECTION 8. 25.17 (1) (u) of the statutes is repealed.

SECTION 10. 42.69 (2) of the statutes is amended to read:

42.69 (2) The state of Wisconsin investment board shall have control of the investment and collection of the principal and interest of the state employes' retirement fund the same as of other funds of the state as provided in s. 25.17 (1) and to dispose of securities as provided in s. 25.17 \* \* \* (3). Out of the income of said fund the state of Wisconsin investment board shall be reimbursed at the end of each fiscal year for the expenses incurred by the board in connection with the investment of said fund and the collection of the principal and interest.

SECTION 11. 42.71 (1) (c) of the statutes is amended to read:

42.71 (1) (c) After December 31, 1947, no person may retire or be retired under said system; except that notwithstanding any other provisions of this subsection or ss. 66.90 to 66.918, a member of the state employes' retirement system who can and does elect to retire under said system effective January 1, 1948, or a member thereof who shall have attained age 70 or more prior to January 1, 1948, and whose services shall not have been extended to January 31, 1948, pursuant to s. 42.62 (4) shall be retired under the provisions of said system effective January 1, 1948, unless such member shall be an appointed state officer. A member of the state employes' retirement system who shall have attained age 70 or more prior to January 1, 1948, and whose services shall have been extended to January 31, 1948, pursuant to s. 42.62 (4) shall be retired under the provisions of ss. 66.90 to 66.918 effective January 31, 1948, notwithstanding the provisions of s. 66.906 (1) (a) \* \* \* unless such person can and does elect to retire under the provisions of the state employes' retirement system effective January 1, 1948, or the first day of some month prior thereto, unless such person is an appointed state officer.

SECTION 12. 48.03 (5) of the statutes is repealed.

SECTION 13. 48.26 (3) of the statutes is amended to read:

48.26 (3) This section shall not apply to proceedings for violation of any provision of chs. 340 to 349 or any county or municipal \* \* \* ordinance enacted under s. 349.06.

SECTION 14. 48.36 (2) (c) of the statutes is amended to read:

48.36 (2) (c) In case of moving traffic violations during a period of suspension or revocation under par. (a), it may impose a forfeiture in accordance with the terms of the ordinance and may enforce payment of the forfeiture by an extension of the period of suspension or revocation for not to exceed one year, or until payment of the forfeiture.

SECTION 15. 48.48 (1) of the statutes is amended to read:

48.48 (1) To promote the enforcement of the laws relating to mentally defective, dependent, neglected \* \* \* and delinquent \* \* \* children and children born out of wedlock and to take the initiative in all matters involving the interests of such children where adequate provision therefor is not made. This duty shall be discharged in co-operation with the juvenile courts, county agencies, licensed child welfare agencies and with individuals interested in the welfare of children;

SECTION 16. 49.32 of the statutes is repealed.

SECTION 17. 66.026 of the statutes is amended to read:

66.026 NOTICE OF LITIGATION. Whenever any proceedings under ss. 60.81, 61.11, \* \* \* 61.187, 61.189, 61.74, 62.06, \* \* \* 66.021, 66.022, 62.075, 66.025 or other sections relating to an incorporation, annexation, consolidation, dissolution or detachment of territory of a city or village is contested by instigation of legal proceedings, the clerk of the city or village involved in such proceedings shall forthwith file with the secretary of state 4 copies of a notice of the commencement of such action. He shall also file with the secretary of state 4 copies of any judgments rendered or appeals taken in such cases. The notices or copies of judgments as herein required may also be filed by an officer or attorney of any party of interest. The secretary of state shall forward to the highway commission 2 copies and to the department of taxation one copy of any notice of action or judgment filed with him pursuant to this section.

SECTION 18. 66.03 (3) (b) of the statutes is amended to read:

66.03 (3) (b) The right to possession and control of school buildings and school sites shall pass to the municipality in which the same are situated immediately upon the annexation or detachment of any school district territory to another municipality becoming effective, except that in cities of the first class the right to possession and control of such school buildings and school sites shall pass on July 1 following the adoption of the ordinance authorized by s. \* \* \* 66.021 (?). The municipality thus receiving possession and control of said school buildings and school sites shall be liable to the school district from which the same is annexed or detached for its share of the value of the use thereof, which shall be determined at the time of adjustment of assets and liabilities. The municipality annexing the territory shall provide school facilities for the children residing in the remainder of the school district pending the adjustment of assets and liabilities on payment of tuition based on the per capita cost of instruction.

SECTION 19. 66.29 (9) of the statutes is repealed.

SECTION 20. 66.904 (1) (a) 3 of the statutes is amended to read:

66.904 (1) (a) 3. For re-entrance into service upon termination of an annuity in accordance with s. 66.906 (4) (a) or s. 66.907 (2) (e), each employe so re-entering shall be credited, as of the date such annuity is terminated, with additional, normal, municipality and prior service credits of amounts equal to the then present value of the portion of the terminated annuity which was originally provided by the corresponding type of credit.

SECTION 21. 66.906 (1) (c) of the statutes is amended to read:

66.906 (1) (c) Subject to the provisions of \* \* \* *par.* (a) \* \* \* a participating employe who is a policeman, fireman, state traffic officer, state conservation warden, state forest ranger or other state conservation department employe subject to the 5 per cent normal contribution rate who has attained age 60 or more on the effective date for that participating municipality shall be retired at the end of his first month as a participating employe. Any such participating employe who attains age 60 shall be retired at the end of the month in which such age is attained. Any such participating employe who attains age 60 prior to July 1, 1958, shall be retired as of July 1, 1958.

SECTION 22. 66.906 (1d) of the statutes is amended to read:

66.906 (1d) Each state officer elected by the vote of the people, other than a justice of the supreme court or a judge, who becomes a participating employe pursuant to s. 66.901 (5) (i) and who has attained age 65 when electing to participate shall be retired at the end of the then current term. Any such state officer who attains age 65 after electing to become a participating employe shall be retired on the date of the expiration of the term in which he attained age 65. In either case any subsequent election of such a state officer after age 65 by the voters shall constitute the notice required under sub. (1) \* \* \* (a) authorizing such elected state officer to serve for the duration of the term for which he was elected.

SECTION 23. 67.03 (7) of the statutes is repealed.

SECTION 24. 70.02 of the statutes is amended to read:

70.02 DEFINITION OF GENERAL PROPERTY. General property is all the taxable real and personal property defined in ss. 70.03 and 70.04 except that which is taxed under the provisions of chs. 76 \* \* \*, 77 and 79.

SECTION 25. 70.04 (2) of the statutes is repealed.

SECTION 26. 70.30 (5) of the statutes is repealed and 70.30 (1) of the statutes is amended to read:

70.30 (1) The number and value of \* \* \* asses of all ages.

SECTION 27. 70.32 (2) of the statutes is amended to read:

70.32 (2) The assessor, having fixed a value, shall enter the same opposite the proper tract or lot in the assessment roll, following the instruction prescribed therein.

(a) In cities and villages, he shall segregate into the following classes on the basis of use and set down separately in proper columns the values of the land, exclusive of improvements, and the improvements in each class:

- A. Residential,
- B. Mercantile,
- C. Manufacturing,
- D. Agricultural.

(b) In towns, he shall segregate into the following classes on the basis of use and set down separately in proper columns the acreage and the value of the parts of land, exclusive of improvements, and the improvements which fall within each class:

- A. Residential,
- B. Mercantile,
- C. Manufacturing,
- D. Agricultural,
- E. Marsh, cut-over, or waste,
- F. Timber \* \* \*.

\* \* \*

SECTION 28. 70.33 (2) and (3), 70.76 (1), 70.79, 70.80, 70.81 and 70.82 of the statutes are amended by substituting the words "supervisor of assessments" for "assessor of incomes".

SECTION 29. 71.09 (1), (2), (3) and (4) of the statutes are repealed.

SECTION 30. 71.09 (5) (a) of the statutes is amended by changing the reference to "71.11 (21) (b)" to read "71.11 (21) (bm)".

SECTION 31. 71.11 (21) (b) of the statutes is repealed.

SECTION 32. 71.11 (21) (c) and (d) of the statutes are amended by substituting "par. (bm)" for the words "paragraph (b) of this subsection".

SECTION 33. 71.14 (2) of the statutes is repealed.

SECTION 34. 71.15 (6) of the statutes is repealed.

SECTION 35. 71.17 (4) of the statutes is amended to read:

71.17 (4) In the case of a change by any person in income years, the surtax imposed by this section on the income of any taxable period extending beyond the \* \* \* *period* for which this surtax is in effect shall be computed only on the proportionate part of such income to which the surtax is applicable determined in accordance with regulations to be prescribed by the department of taxation.

SECTION 36. 72.04 (3) of the statutes is amended to read:

72.04 (3) The exemptions granted in \* \* \* subs. (1) and (2) \* \* \* shall extend to transfers to or for the use of corporations, municipal or private, associations, foundations or trustees located in, and those organized or established under the laws of, any other state, commonwealth, territory or district, exclusively for public, municipal, religious, humane, charitable or educational purposes, including institutions maintained by the state, commonwealth, territory or district itself, if the law of such other state, commonwealth, territory or district on the date of death of the decedent granted a like and equal exemption to similar transfers from decedents resident therein to municipal or private corporations, associations, foundations or trustees, as the case may be, located in or organized or established under the laws of Wisconsin, exclusively for such purposes, including institutions maintained by the state of Wisconsin itself.

SECTION 37. 73.02 (3) (a), (b) and (c) of the statutes are amended to read:

73.02 (3) (a) The division of general administration, statistics \* \* \* and research \* \* \*.

(b) The division of general \* \* \* property *taxation*.

(c) The division of income \* \* \* and gift taxation.

SECTION 38. 73.02 (3) (f) and (g) of the statutes are renumbered to be 73.02 (3) (i) and (j), and new paragraphs 73.02 (3) (f) to (h) are created to read:

73.02 (3) (f) The division of motor fuel taxation.

(g) The division of inheritance taxation.

(h) The division of special property taxation.

SECTION 39. 74.03 (1) and (2) (a) of the statutes are amended to read:

74.03 SEMIANNUAL PAYMENT OF TAXES. (1) PERSONALTY TAXES ANNUAL, REALTY SEMIANNUAL. Commencing with the 1943 tax roll,

all personal property taxes shall be paid on or before *the last day of February* \* \* \* and all real estate taxes may be paid in 2 instalments, as provided in this section.

(2) (a) The first instalment shall be paid to the town, city or village treasurer on or before January 31. The governing body of any town, village or city may by resolution adopted by two-thirds of its membership not later than December 15 of the preceding year, fix a later date for the payment of the first instalment, which may be at a date not later than *the last day of February* \* \* \*.

SECTION 40. 95.43 (2) of the statutes is amended to read:

95.43 (2) \* \* \* Every veterinarian who applies the Brucellosis test shall promptly reactor tag and permanently mark all reactors in conformity with the law and the regulations of the department, and shall promptly report the result of each test to the department. No person shall interfere in any way with the identification of reactors as required herein.

SECTION 41. 100.32 (19) of the statutes is amended to read:

100.32 (19) APPLICATION OF FUNDS. All moneys which are collected or otherwise received pursuant to each marketing order created under this section shall be used by the director solely for the administration of the marketing order concerned in accordance with s. \* \* \* 20.140 (42m) and shall not be used for any other marketing order or to influence either state or federal legislation.

SECTION 42. 101.36 of the statutes is repealed.

SECTION 43. 176.121 (4) of the statutes is renumbered 176.05 (8a).

SECTION 44. 189.15 (2) of the statutes is amended to read:

189.15 (2) Except as provided in sub. (1) all registrations of securities shall expire 5 years from the date of registration, unless in each case sooner revoked, terminated or extended by the department. The department, at least 60 days in advance of any such expiration, shall, unless the right to sell securities under the registration is under suspension, mail notice thereof addressed to the applicant at his last known address as the same appears upon the records of the department. Any interested party may at least 30 days before the date of such expiration apply for a renewal of the registration. The applicant for such renewal need pay no additional fees but shall pay the expenses reasonably attributable to any investigation made by the department and shall furnish such additional information as the department may deem necessary to enable it to determine whether the securities are entitled to registration under s. \* \* \* 189.13. If it shall appear that such securities are entitled to registration under s. 189.13, the department shall renew registration for a further term of 5 years upon such terms and conditions as it may prescribe and subject to this chapter. Successive renewals of registration of any security may be granted in like manner.

SECTION 45. 197.20 (1) of the statutes is amended to read:

197.20 STATE STEAM SOLD DANE COUNTY AND MADISON.  
(1) Dane county and the city of Madison are authorized to purchase steam from the state of Wisconsin, and the state of Wisconsin may sell steam to Dane county and the city of Madison, for the purpose of heating a Dane county court house and a city of Madison hall as provided in this section. Contracts for such service may be entered into by the state of Wisconsin with Dane county and the city of Madison jointly or severally. Steam so sold and purchased shall be taken from the state's steam main \* \* \* located

in its utility tunnel and extending along Monona Avenue in the city of Madison. Said steam main shall be tapped as directed by the state chief engineer, \* \* \* and a suitable steam line connected therewith and extended to such court house or city hall at the expense of the purchaser.

SECTION 46. 202.03 (7) of the statutes is amended to read:

202.03 (7) That \* \* \* the new corporation *comply with ss. 202.01 (5) and (8) and 202.02;*

SECTION 47. 206.38 (3) of the statutes is amended to read:

206.38 (3) The commissioner shall thereupon issue an order fixing the time and place of hearing and requiring notice to be given by mail to each policyholder of such company, of such petition, and of the time and place at which hearing thereon will be held, and the publication of said notice in at least 2 newspapers, once in each week, for at least 2 *successive* weeks, *the last publication to be not less than 14 days* before the time appointed for the hearing.

SECTION 48. 214.25 of the statutes is repealed.

SECTION 49. 235.19 (9) (c) of the statutes is amended to read:

235.19 (9) (c) If the acknowledgment is taken without the United States and by a notary public or a judge or clerk of a court of record of the \* \* \* *country* where the acknowledgment is taken, the certificate shall be authenticated by a certificate under the great seal of state of the country, affixed by the custodian of such seal, or by a certificate of a diplomatic, consular or commercial officer of the United States accredited to that country, certifying as to the official character of such officer. The officer authenticating an acknowledgment shall endorse thereon or attach thereto a certificate in substantially the form prescribed in par. (b).

SECTION 50. 252.06 (Twelfth Circuit) of the statutes is amended to read:

TWELFTH CIRCUIT. In the county of Jefferson on the first Monday of February and the third Monday of September; *in the county of Green on the fourth Monday of February and the fourth Monday of October;* and in the county of Rock on the third Monday of March and the third Monday of November.

SECTION 51. 252.06 (Twenty-third Circuit) of the statutes is repealed.

SECTION 52. 253.025 of the statutes is repealed.

SECTION 53. 278.102 and 278.105 of the statutes are renumbered to be 278.162 and 278.165, respectively.

SECTION 55. 327.29 (1) of the statutes is amended to read:

327.29 (1) If any business, institution, member of a profession or calling, or any department or agency of government (except state government), in the regular course of business or activity has kept or recorded any memorandum, writing, entry, print, representation or combination thereof, of any act, transaction, occurrence or event, and in the regular course of business has caused any or all of the same to be recorded, copied or reproduced by any photographic, photostatic, microfilm, micro-card, miniature photographic, or other process which accurately reproduces or forms a durable medium for so reproducing the original, the original may be destroyed in the regular course of business, provided the provisions of ss. \* \* \* *15.65 (7), 59.716 and 59.717* have been met, unless held in a cus-

todial or fiduciary capacity or unless its preservation is required by law. Such reproduction, when satisfactorily identified, is as admissible in evidence as the original itself in any judicial or administrative proceeding whether the original is in existence or not and an enlargement or facsimile of such reproduction is likewise admissible in evidence if the original reproduction is in existence and available for inspection under direction of court. The introduction of a reproduced record, enlargement or facsimile, does not preclude admission of the original.

SECTION 56. 331.20 (3) of the statutes is repealed.

SECTION 57. 343.08 (1) (d) of the statutes is amended to read:

343.08 (1) (d) If the \* \* \* *application* is for a license to operate a power driven cycle, the dealer from whom the power driven cycle was originally purchased or the manufacturer of the vehicle must have certified on a form to be supplied by the department that the vehicle meets all the specifications set forth in sub. (3).

SECTION 58. 343.25 (intro. par.) of the statutes is amended to read:

343.25 CANCELLATION OF LICENSES. The \* \* \* *commissioner* shall cancel a license:

SECTION 59. 346.23 (1) of the statutes is amended to read:

346.23 (1) At an intersection or crosswalk where traffic is controlled by traffic control signals or by a traffic officer, the operator of a vehicle shall yield the right of way to a pedestrian crossing or who has started to cross the highway on a green or "GO" or "WALK" signal and in all other cases pedestrians shall yield the right of way to vehicles lawfully proceeding directly ahead on a green or "GO" signal. The rules stated in this subsection are modified at intersections or crosswalks on divided \* \* \* *highways* or highways provided with safety zones in the manner and to the extent stated in sub. (2).

SECTION 60. 346.81 (1) of the statutes is amended to read:

346.81 (1) No person shall operate a bicycle upon a highway during \* \* \* *hours of darkness* unless such bicycle is equipped with a lamp on the front emitting a white light visible from a distance of at least 500 feet to the front and with a red reflector on the rear so mounted and maintained as to be visible from all distances from 50 to 300 feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of 300 feet to the rear may be used in addition to the red reflector.

SECTION 61. 347.06 (2) of the statutes is amended to read:

347.06 (2) Headlamps need not be lighted on a towed vehicle or on a vehicle having at least 2 lighted adverse weather lamps on the front thereof and being operated under the circumstances described in s. 347.26 \* \* \* (3) (b).

SECTION 62. 954.44 (3) of the statutes is amended to read:

954.44 (3) Any guaranteed arrest bond certificate with respect to which a surety company has become surety, or a guaranteed arrest bond certificate issued by an insurance company authorized to transact both automobile liability insurance and surety business within this state as herein provided, shall, when posted by the person whose signature appears thereon, be accepted in lieu of cash bail or other bond in an amount not



to exceed \$200, as a bail bond, to guarantee the appearance of such person in any court in this state, including all municipal courts in this state, at such time as may be required by such court, when the person is arrested for violation of any \* \* \* vehicle law of this state or any motor vehicle ordinance of any county or municipality in this state except for the offense of driving under the influence of intoxicating liquors or of drugs or for any felony committed prior to the date of expiration shown on such guaranteed arrest bond certificates; provided, that any such guaranteed arrest bond certificates so posted as bail bond in any court in this state shall be subject to the forfeiture and enforcement provisions with respect to bail bonds in criminal cases as otherwise provided by law or as hereafter may be provided by law, and that any such guaranteed arrest bond certificate posted as a bail bond in any municipal court of this state shall be subject to the forfeiture and enforcement provisions, if any, of the charter or ordinance of the particular county or municipality pertaining to bail bonds posted.

SECTION 63. 955.18 (1) of the statutes is amended to read:

955.18 (1) No information shall be filed until the defendant has had a preliminary examination unless he waives such examination, except that informations may be filed without examination \* \* \* against fugitives from justice within the meaning of the constitution and laws of the United States and against corporations. The omission of a preliminary examination shall not invalidate any information unless the defendant moves to dismiss.

SECTION 64. 959.044 of the statutes is amended to read:

959.044 When a statute authorizes imprisonment for its violation but does not prescribe the place of imprisonment, (a) a sentence of less than one year shall be to the county jail, (b) a sentence of more than one year shall be to the state prison and the minimum under the indeterminate sentence law shall be one year, and (c) a sentence of one year may be to either the state prison or the county jail. But in any proper case sentence and commitment may nevertheless be to the state reformatory, the Wisconsin home for women, \* \* \* *the state department of public welfare* or any house of correction or other institution, as provided by law.

SECTION 65. 959.12 (1) (second last sentence) of the statutes is amended to read:

959.12 (1) (second last sentence) The court shall take judicial notice of United States and foreign statutes in determining whether the prior conviction was *for* a felony or a misdemeanor.

SECTION 66. The third sentence of subsection 1 of section 5 of chapter 168, laws of 1951 is amended to read:

(Chapter 168, laws of 1951) Section 5, 1 (third sentence) The judgments of said court shall be enforceable throughout the state as circuit court judgments are enforced, and the executions and other process of said civil court, including garnishment summonses in \* \* \* *aid of execution*, may be issued to, executed, and served, and actions and proceedings to enforce collection of its judgments may be commenced and prosecuted in any court in which a transcript of the judgment docket of said civil court judgment, duly certified by the clerk of said court, shall have been filed in accordance with the provisions of ss. 270.74 and 270.76 of the statutes, to the same extent and with the same force and effect as in actions and proceedings for the collection and enforcement of judgments of the circuit court in similar cases.

Approved April 13, 1959.