

No. 747, S.]

[Published January 12, 1962.

CHAPTER 621

AN ACT to repeal, renumber, amend, repeal and recreate, create and revise various provisions of the statutes for the purpose of correcting errors, supplying omissions, clarifying language, correcting titles of institutions, correcting and clarifying references, renumbering for better location and arrangement, eliminating duplications and unnecessary and obsolete language, 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. The amendments made to 10.15 (1) (a) of the statutes by chapters 33 (Bill 50, S) and 160 (Bill 256, S), laws of 1961, were not repealed by chapter 429 (Bill 472, S), laws of 1961. All three acts stand.

SECTION 2. 20.007 of the statutes, as amended by chapter 191 (Bill 111, A), laws of 1961, is amended to read:

20.007 REVISING SCHEDULE AND TEXT. Immediately following the adjournment sine die of the legislature, the department of administration shall correct the schedule set forth in s. 20.005 to include all fiscal acts of the legislature, and submit such composite corrected schedules to the revisor of statutes who shall print such revised schedules of all state funds in the ensuing issue of the statutes as s. 20.005. The department of administration may insert in such schedule all line budget appropriation

items incorporated in acts passed by the legislature, and the revisor of statutes is authorized to delete such line budget items appearing in the text of acts affecting ss. 20.110 to 20.899 on the recommendation of the department of administration. The dates and dollar amounts shown in ss. 20.100 to 20.899 are changed for each biennium to correspond with the *specific executive budget* appropriations shown in s. 20.005; *except in those instances where the text contains language indicating that the appropriation is not to exceed a specified amount, in which case the text shall not be changed.*

SECTION 3. 20.170 (1) of the statutes is created to read as amended by chapter 509 (Bill 372, S), laws of 1961.

SECTION 4. 20.170 (41) of the statutes, as created by chapter 191 (Bill 111, A), laws of 1961, is repealed. 20.170 (41) of the statutes, as created by chapter 509 (Bill 372, S), laws of 1961, is not affected by the repeal.

SECTION 5. 20.560 (74) of the statutes is repealed, effective June 30, 1962.

SECTION 6. 20.650 (12) (intro. par.) of the statutes, as amended by chapter 191 (Bill 111, A), laws of 1961, is amended to read:

20.650 (12) (intro. par.) Beginning July 1, 1961, \$12,008,000 for the biennium ending June 30, 1963 for transportation of public school pupils under ss. 40.53 to 40.56, of which \$250,000 shall be apportioned upon the approval of the state superintendent among public school districts which are found to be unable to provide the transportation required by said sections on the sum produced by a 2 mill tax levy on their equalized valuations and the normal transportation aids, and for aids to counties for transportation of crippled children to and from the Wisconsin orthopedic hospital for children or any other hospital, *or for mentally handicapped children including those who are mentally retarded or emotionally disturbed, or epileptics referred to any approved evaluation center, such aid to be distributed as provided in s. 142.05 (3).*

SECTION 7. 20.650 (12) (a) and (13) (b) of the statutes, as created by chapter 79, laws of 1959, are amended to read:

20.650 (12) (a) The provisions of s. 16.52 (2) with respect to refunds and s. 16.52 (5) (a) with respect to reimbursements for prior fiscal year shall not apply to this * * * subsection.

(13) (b) The provisions of s. 16.52 (2) with respect to refunds and s. 16.52 (5) (a) with respect to reimbursements for prior fiscal year shall not apply to this * * * subsection.

SECTION 8. 20.650 (17) of the statutes is repealed.

SECTION 9. 27.30 (4) (b) of the statutes, as created by chapter 149 (Bill 567, A), laws of 1961, is amended to read:

27.30 (4) (b) Exercise police supervision over the state fair park, and its duly appointed agents or representatives * * * may arrest, with or without warrant, any person within such park area, committing an offense against the laws of the state or the rules of the department, and deliver such person to a proper court in the county and execute a complaint charging such person with the offense committed.

SECTION 10. 29.05 (1) and (7) of the statutes, as amended by chapter 384 (Bill 326, S), laws of 1961, are amended to read:

29.05 (1) The state conservation commission and its deputies are authorized to execute and serve warrants and processes issued under any

law relating to wild animals and ss. 29.221, 30.50 to 30.80, 346.19, 346.94 (6) * * * and (6m), 940.24, 941.20, 941.22 * * * , 947.03 and 947.047 in the same manner as any constable may serve and execute such process; and to arrest, with or without a warrant, any person detected in the actual violation, or whom such officer has reasonable cause to believe guilty of the violation of any provision of this chapter or ss. 30.50 to 30.80, 346.19, 346.94 (6) * * * and (6m), 940.24, 941.20, 941.22 * * * , 947.03 and 947.047, and to take such person before any court in the county where the offense was committed and make proper complaint. For the purpose of enforcing ss. 30.50 to 30.80, any such officer may stop and board any boat, if he has reasonable cause to believe there is a violation of such sections.

(7) They shall seize and hold subject to the order of the court or judge located in the county in which the alleged offense was committed, any apparatus, appliance, or any vehicle or device, declared by this chapter to be a public nuisance, or which they have reason to believe is being used in violation of this chapter or ss. 346.94 (6) * * * and (6m), 940.24, 941.20 * * * , 941.22 and 947.047, and if it is proven that the same is, or has been within 6 months previous to such seizure, used in violation of this chapter or ss. 346.94 (6) * * * and (6m), 940.24, 941.20 * * * , 941.22 and 947.047, the same shall be confiscated if the court so directs in its order for judgment. Any seizure of perishable property made by the conservation commission or its wardens may be sold at the highest available price, and the proceeds of such sale turned into court to await disposition of such proceeds as the court directs. It is lawful for any conservation warden or other ministerial officers charged with the enforcement of the laws dealing with the conservation of the natural resources of the state, to destroy any dog found running, worrying, or killing any deer, or destroying game birds, their eggs or nests, wherein they deem it advisable and necessary.

SECTION 11. 29.33 (2) (b) 2. of the statutes, as created by chapter 84, laws of 1955, and as affected by chapter 30 (Bill 180, S), laws of 1961, is amended, effective January 1, 1962, to read:

29.33 (2) (b) 2. Fishing without a boat or *with* gear set under the ice, \$200.

SECTION 12. 51.05 (3) of the statutes is amended to read:

51.05 (3) If the patient has a legal settlement in a county which has a county hospital and the court is satisfied that the mental illness or infirmity of the patient is chronic, it may commit him to the county hospital. If he has a legal settlement in a county having a population of 500,000, the commitment shall be to * * * *the county mental health center, north division or south division*, having due regard to the condition of the patient and the nature of his malady. If the patient has no legal settlement he shall be committed to a state hospital. The judge shall, in a summary manner, ascertain the place of the patient's legal settlement. The judge's finding shall be included in the order of commitment.

SECTION 13. 51.13 (1) of the statutes is amended to read:

51.13 (1) The superintendent of the Mendota state hospital and of the Winnebago state hospital and of the Milwaukee county * * * *mental health center, north division and south division* may grant any patient a conditional release if in his opinion it is proper to do so. If within one year after such release it becomes unsafe or improper to allow him to remain at large, the superintendent shall require his return to the hospital. If the superintendent so requests, the sheriff shall return the patient, and the costs incident to such return shall be paid out of the hospital's operating funds and be charged back to the county of the patient's legal settlement.

SECTION 14. 51.21 (6) of the statutes is amended to read:

51.21 (6) If in the judgment of the superintendent of the central or Winnebago state hospital or the Milwaukee county *mental health center, north division or south division*, * * * any person committed under s. 957.11 or 957.13 is not in such condition as warrants his return to the court but is in a condition to be paroled under supervision, the superintendent shall report to the department and the committing court his reasons for his judgment. If the court does not file objection to the parole within 60 days of the date of the report, the superintendent may, with the approval of the department, parole him to a legal guardian or other person, subject to the rules * * * of the department.

SECTION 15. 51.24 (2) of the statutes, as repealed and recreated by chapter 101 (Bill 475, S) and as amended by chapter 394 (Bill 582, S), laws of 1961, is repealed and recreated to read:

51.24 (2) The state shall compensate the county for the care and maintenance of drug addicts, inebriates and mentally ill persons whose mental illness is acute and who are patients in the county mental health center, north division and maintained at public expense, at the rate of \$5 per week for each chronic case for the year beginning July 1, 1950, and annually thereafter, at a rate determined in accordance with s. 51.08 (1). For patients who are maintained at public expense the state shall compensate the county for each acute case at the rate of \$5 per week and, commencing July 1, 1951, at a rate equal in amount to the full average per capita cost of care and maintenance of patients in Mendota state hospital and Winnebago state hospital, excluding the cost of outpatient care provided under s. 51.37, minus the charge made by the state to counties pursuant to s. 51.08. The average of the full per capita cost, excluding the cost of outpatient care provided under s. 51.37, of the Mendota state hospital and Winnebago state hospital for the fiscal year ending June 30 shall be the basis for computation of the compensation for the ensuing calendar year. When a patient is temporarily transferred from the county mental health center, north division to the county hospital for physical or acute mental illness or surgical or medical care or all of them, such state compensation shall be paid for the period of such transfer.

SECTION 16. 59.57 (6) of the statutes, as amended by chapter 554 (Bill 701, A), laws of 1961, is amended to read:

59.57 (6) For filing and entering bills of sale, chattel mortgages, conditional sales contracts, assignments and renewals or copies thereof, foreclosure affidavits, or any other paper relating thereto, \$1; and for filing and entering releases thereof, 50 cents for each instrument released. Chattel mortgages or conditional sales contracts, together with a printed or written assignment thereon, offered for filing at the same time, shall be considered as one instrument receiving but one document number. The filing fee for such instrument shall be \$1. Whenever * * * there is offered for filing any instrument which * * * varies more than one-eighth of an inch from the approved size as prescribed by s. 59.51, an additional filing fee of one-half the regular fee shall be made by such register.

SECTION 17. 66.05 (8) of the statutes, as created by chapter 230 (Bill 275, A), laws of 1961, is repealed.

SECTION 18. 66.05 (8) (b) (third sentence) of the statutes, as created by chapter 433 (Bill 239, S), laws of 1961, is amended to read:

66.05 (8) (b) (third sentence) A copy of the petition shall be served upon the owner as provided in sub. (1) (a) and the owner shall have * * * 20 days following service upon him in which to reply to such petition.

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SECTION 19. 66.919 (4) (a) 2. of the statutes, as amended by chapter 275 (Bill 489, A), by chapter 320 (Bill 274, S), and by chapter 461 (Bill 163, S), laws of 1961, is repealed and recreated to read:

66.919 (4) (a) 2. The definition of employe shall not exclude any individual who, while insured for the group life or health insurance, is retired on an immediate annuity, or is retired on a disability annuity. In the case of group life insurance, however, except in case of disability annuity, such retired employe shall have been a state employe for at least 20 years or have attained age 65, or have attained age 60 and been mandatorily retired pursuant to s. 66.906 (1) (c).

a. For the purposes of this section the term retired employe shall include the surviving spouse of an employe who is currently covered by health insurance at the time of death of the employe, and the spouse shall have the same right of health insurance coverage as the deceased employe but without state contribution, under rules adopted by the board, but such inclusion and right as to a widow shall terminate upon her remarriage.

b. For the purposes of this section the term retired employe shall include the surviving spouse of a retired employe who is currently covered by health insurance at the time of death, and the spouse shall have the same right of health insurance coverage as the deceased retired employe but without state contribution, under rules adopted by the board.

SECTION 20. 71.14 (12) of the statutes, as created by chapter 348 (Bill 577, S), laws of 1961, is amended to read:

71.14 (12) Income taxes collected from nonresident natural persons on income derived from the performance of personal services within this state, shall be paid into the state general fund for the use of the state, except that any loss of revenue to counties and tax districts resulting from the credits granted under s. 71.05 (5) shall be reimbursed from the general fund but if the money available for such reimbursement is less than the amount collected from nonresidents as a tax on income from personal services performed in Wisconsin the reimbursements shall be prorated. Such reimbursement shall be made on or before *December 15, 1962 and each December 15 thereafter*, and may be adjusted by credits or debits to reflect corrections in the amounts eligible for reimbursement.

SECTION 21. 72.11 (4) of the statutes, as created by chapter 19, laws of 1961, is amended to read:

72.11 (4) In all cases in which the certificate of the county * * * *judge* terminating a joint tenancy certifies or finds that no tax was due thereon or that the tax has been determined and paid and that due notice of determination of the tax was given to or duly waived by the department, such certificate or a certified copy thereof shall be conclusive as to the factual matters so certified or found, and nothing further shall be required from the department of taxation or otherwise as a condition precedent to the delivery or transfer of any stocks, bonds or other securities included in the property to which such certificate relates.

SECTION 22. 73.03 (26) of the statutes is amended to read:

73.03 (26) To enter into reciprocal agreements with the appropriate official in any other state having a similar law * * * *relating to information obtained from* returns as authorized by s. 71.11 (44) (bm).

SECTION 23. 95.80 (1) (a) of the statutes, as amended by chapter 191, section 109, subsections (2) and (8) (Bill 111, A), laws of 1961, is repealed and recreated to read:

95.80 (1) (a) "Slaughterer" means any person operating a slaughterhouse licensed under s. 97.07.

SECTION 24. 102.17 (1) (bm) of the statutes is amended to read:

102.17 (1) (bm) * * * Section 326.12 shall not * * * apply to proceedings under this act, except as to a witness:

1. Who is beyond reach of the subpoena of a commissioner or examiner * * * ; or * * *
2. Who is about to go out of the state, not intending to return in time for the hearing; or
3. Who is so sick, infirm or aged as to make it probable that he will not be able to attend the hearing; or
4. Who is a member of the legislature, if any committee of the same or the house of which he is a member, is in session, provided he waives his privilege.

SECTION 25. 102.31 (2) of the statutes is amended to read:

102.31 (2) Each employe shall constitute a separate risk. Five employers or more may join in the organization of a mutual company under * * * s. 201.04 (16) and no such company organized by employers shall be authorized to effect such insurance unless it shall have in force or put in force simultaneously insurance on at least 1,500 separate risks.

SECTION 26. 108.09 (3m) of the statutes is amended to read:

108.09 (3m) The contents of verified or certified reports by qualified experts shall be received in evidence in any proceeding under this section, in the same manner and subject to the same conditions as would apply to such reports under section 102.17 (1) (as).

SECTION 27. 152.02 (2) of the statutes, as created by chapter 400 (Bill 371, S), laws of 1961, is amended to read:

152.02 (2) It is unlawful for any person to practice or offer to practice dentistry or dental surgery, with or under the name of a company, association or corporation, and any individual practicing or offering to practice dentistry or dental surgery shall do so under his own name only. It is lawful for 2 or more dentists licensed and registered in this state to practice dentistry, including any recognized specialty thereof, as bona fide partners, and in the course thereof to use any partnership title or description which is not misleading to the public. It is lawful for a dentist licensed and registered in this state to be employed by another licensed and registered dentist, by a partnership composed of such dentists, or by a partnership composed of physicians licensed in this state. Any person convicted of a violation of this section shall be punished as provided in s. 152.09 (2), and in addition thereto his license may be revoked under s. 152.07 (3) (c). *Nothing contained in this subsection shall prohibit incorporation under s. 180.99.*

SECTION 28. 346.94 (6a) and 346.95 (4) of the statutes, both as created by chapter 384 (Bill 326, S), laws of 1961, are consolidated, renumbered and revised to read:

947.047 METAL OR GLASS DEBRIS IN OR ON THE SHORE OF ANY BODY OF WATER. Whoever throws or deposits any metal cans or glass bottles or any other debris made in whole or in part of metal or glass in or on the shores of any lake or body of water shall be fined not more than \$50 or imprisoned not more than 30 days, or both, for each offense.

Approved January 9, 1962.