

No. 656, S.

Published
December 27, 1963.

CHAPTER 436

AN ACT to amend and repeal and recreate various provisions of the statutes for the purpose of correcting errors, supplying omissions, clarifying language, correcting and clarifying references, 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1. 11.04 of the statutes, as amended by Chapter 136 (Bill 80, A.) and by Chapter 370 (Bill 396, A.), Laws 1963, is repealed and recreated to read:

11.04 The common council of every city and the trustees of every village with a population of 10,000 or more, according to the last federal census, shall before the September 1966 primary election and the common council of any other city, the trustees of any other village and the town board of any town may adopt and purchase for use in the various precincts, any voting machine which complies with the requirements of s. 11.03 and none other. The proper officers of any city, village or town may, not later than 60 days before any election, unite 2 or more precincts or wards into one election precinct for the purpose of using therein at such election a voting machine. In case 2 or more wards are so united, such machine shall be so constructed that it will permit the voters of each ward to vote for any and all candidates nominated for offices in such ward, but will prevent such voters from voting for any and all candidates nominated for offices in all other wards; and a notice of such uniting shall be given in the manner prescribed by law for the change of election districts.

SECTION 2. 16.275 (4) of the statutes is amended by substituting "sub. (6)" for the reference to "s. 14.59 (1)".

SECTION 3. 17.26 (1) of the statutes, as repealed and recreated by Chapter 257 (Bill 219, S.), Laws 1963, is amended to read:

17.26 (1) In the case of common, unified and union high school districts and school districts organized under ch. 38, by appointment by the remaining members. Such appointees shall hold office until * * * a successor

is elected and takes office pursuant to s. 38.03 or 40.27 (6). The appointment shall not be for the unexpired term but shall be until such successor is elected and qualifies.

SECTION 4. 20.650 (47) of the statutes, as amended by chapter 224 (Bill 615, S.), Laws 1963, is amended to read:

20.650 (47) All moneys transferred from the highway fund pursuant to s. * * * 20.551 (74) to be used for driver training in the high schools and schools of vocational and adult education of this state. The apportionment of such funds shall be made by the state superintendent of public instruction to the school districts which operate driver training courses in accordance with s. 40.71 (12) and to the state board of vocational and adult education for distribution to schools of vocational and adult education which operate driver training courses in accordance with s. 40.71 (12); the amounts apportioned to the state board of vocational and adult education to be credited to the appropriation made by s. 20.850 (49). Such apportionment shall be made to school districts and the state board of vocational and adult education upon such reports in such form and containing such information as the state superintendent requires. Of this amount such sums are allotted to the department as may be necessary for the administration of the driver education program.

SECTION 5. 40.03 (5) of the statutes, as amended by Chapter 76 (Bill 169, A.), Laws 1963, is amended to read:

40.03 (5) Any person aggrieved by an order may appeal therefrom to the circuit court of any county in which any territory of the reorganized district lies, by serving written notice of such appeal, stating specifically the grounds upon which it is based, upon the county superintendent with whom the order was filed and filing such notice with the clerk of the court to which the appeal is taken, all within 30 days after the date of mailing of such order. The county superintendent on whom the notice is served shall send notice of such appeal to the secretaries of all other county school committees of counties in which any school district affected lies, the clerks of all towns, villages, cities and school districts affected and to the state superintendent by registered mail within 5 days after notice of appeal was served on him. Service of the notice of appeal and filing of said notice with the clerk of the court shall constitute perfection of the appeal. Each school district clerk shall forthwith post such notice of appeal in 4 public places in the district. * * * *Any party to the circuit court appeal* may secure a review of the final order of the circuit court by appeal to the supreme court. Such appeal shall be taken in the manner provided by law for appeals from the circuit court in other civil cases, except that the time for appeal shall be limited to 60 days from the notice of entry of the order.

SECTION 6. 59.21 (8) (cm) of the statutes is amended to read:

59.21 (8) (cm) Any county board may, by a majority vote, establish by ordinance in connection with the adoption of an ordinance providing for civil service selection and tenure of deputy sheriffs under pars. (a) and (b) or by amendment to such an ordinance previously adopted, a traffic division of the sheriff's department and fix the number of deputy sheriffs as traffic patrolmen and other employes in said division in which case * * * s. 83.016 shall become inoperative as to that county. The board in such ordinance shall further provide that the personnel in such traffic division of the sheriff's department shall be appointed and hold their positions in the manner and under the conditions set forth in pars. (a) and (b). The county board may also provide that traffic patrolmen who have been appointed * * * pursuant to s. 83.016 and who are employed by the county

at the time of the adoption of such ordinance pursuant to this subsection establishing a traffic division in the sheriff's department and providing civil service therefor shall be appointed to positions in such traffic division without examination.

SECTION 7. 59.22 (1) of the statutes is amended to read:

59.22 (1) Except as provided otherwise in * * * subs. (3) and (4), the sheriff shall be responsible for every default or misconduct in office of his undersheriff, jailer and deputies during the term of his office, and after the death, resignation or removal from office of such sheriff as well as before; and an action for any such default or misconduct may be prosecuted against such sheriff and his sureties on his official bond or against the executors and administrators of such sheriff.

SECTION 8. The amendment of 62.09 (9) (g) of the statutes by Chapter 190 (Bill 440, A.), Laws 1963, was not repealed by Chapter 365 (Bill 220, S.), Laws 1963. Both amendments stand.

SECTION 9. 70.11 (21) (a) of the statutes is amended to read:

70.11 (21) (a) All real and personal property purchased, constructed and installed as the result of a recommendation or order of the committee on water pollution, state board of health, a city council, a village board or county board pursuant to s. 59.07 (53) or (85) for the purpose of abating or eliminating pollution of surface waters or the air shall be exempt from local taxation for a period of 5 years provided, that if the operation of such pollution abatement property results in a net income before real and personal property taxes for any year during the 5-year exemption period, such property shall be placed on the next following May 1 assessment roll and assessed in the usual manner, except that the taxes levied thereon shall in no event exceed the net profit before real and personal property taxes for the preceding calendar year.

SECTION 10. 71.04 (2b) (intro. par.) and (b) of the statutes are amended to read:

71.04 (2b) In lieu of the allowance for depreciation for any taxable year or part thereof beginning after December 31, 1952, the owner may elect the accelerated amortization deduction for waste treatment plant and pollution abatement equipment purchased or constructed and installed pursuant to order or recommendation of the committee on water pollution, state board of health, city council, village board or county board pursuant to s. 59.07 (53) or (85) on any undepreciated portion of such treatment plant and equipment computed on an estimated life of 60 months.

(b) The taxpayer shall file with the department of taxation at the time of his election under this subsection copies of recommendations, orders and approvals issued by the committee on water pollution, state board of health, city council, village board or county board pursuant to s. 59.07 (53) or (85) in respect to such treatment plant and pollution abatement equipment, and such other documents and data relating thereto as the department may by rule require.

SECTION 11. 71.05 (2b) (intro. par.) and (b) of the statutes are amended to read:

71.05 (2b) In lieu of the allowance for depreciation for any taxable year or part thereof beginning after December 31, 1952, the owner may elect the accelerated amortization deduction for treatment plant and pollution abatement equipment purchased or constructed and installed pursuant to order or recommendation of the committee on water pollution,

state board of health, city council, village board or county board pursuant to s. 59.07 (53) *or* (85) on any undepreciated portion of such treatment plant and equipment computed on an estimated life of 60 months.

(b) The taxpayer shall file with the department of taxation at the time of his election under this subsection copies of recommendations, orders and approvals issued by the committee on water pollution, state board of health, city council, village board or county board pursuant to s. 59.07 (53) *or* (85) in respect to such treatment plant and pollution abatement equipment, and such other documents and data relating thereto as the department may by rule require.

SECTION 12. 176.31 (2) of the statutes, as created by Chapter 144 (Bill 10, S.), Laws 1963, is amended to read:

176.31 (2) Any person under the age of 21 who procures, seeks to procure, or who consumes in public any intoxicating liquor may be fined not more than \$100 or imprisoned not to exceed 10 days, or both. The court * * * *shall* also restrict or suspend the motor vehicle operating privilege as provided in s. 343.30 (6).

Approved December 18, 1963.
