

1969 Senate Bill 686

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CHAPTER 331, LAWS OF 1969

AN ACT to repeal, renumber, amend and reenact various provisions of the statutes for the purpose of correcting errors, supplying omissions, correcting titles of officers and institutions, correcting and clarifying 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. 13.08 (2) of the statutes, as created by chapter 154, laws of 1969, is amended to read:

13.08 (2) All members of the legislature shall be entitled to an allowance for transportation expenses incurred in going to and returning from the state capitol once every week during ~~each regular~~ any legislative session, at the same rate per mile for each mile traveled in going to and returning from the state capitol on the most usual route as is provided for transportation for state officers and employes under s. 20.916. Such allowances shall be paid monthly upon presentation to the department of administration of a verified written statement containing such information as the department requires.

SECTION 2. 17.26 (1) of the statutes is amended by deleting the reference to "120.43 (6)".

SECTION 4. 20.923 (1) (a) 7 of the statutes is repealed.

SECTION 5. 29.09 (2) of the statutes is amended by deleting the words "settlers' hunting licenses,".

SECTION 6. 29.09 (7m) (a) and (b) of the statutes is amended by substituting "sub. (10)" for the first occurrence of the reference to "sub. (7)".

SECTION 7. 40.01 (2) (b) of the statutes, as created by chapter 154, section 150, laws of 1969, is amended by substituting "subch. II" for the reference to "s. 66.919".

SECTION 8. 40.10 (2) (c) of the statutes, as created by chapter 158, section 21, is reenacted.

SECTION 9. 40.10 (2) (d) of the statutes, as renumbered from 66.919 (30) by chapter 158, section 99, laws of 1969, is repealed.

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SECTION 10. 40.11 (2) (b) 1 and 2 of the statutes, as renumbered from 66.919 (4) (a) 2. a and 2. b by chapter 158, section 97, laws of 1969, are amended by substituting the word "subchapter" for the word "section".

SECTION 11. 40.12 (1) of the statutes, as renumbered from 66.919 (5) (a) by chapter 158, section 97, laws of 1969, is amended by substituting the word "subchapter" for the word "section".

SECTION 12. 40.13 (7) of the statutes, as renumbered and amended by chapter 158, sections 97 and 107, and as amended by chapter 154, section 200, laws of 1969, is amended by substituting "s. 41.02 (4)" for the reference to "s. 66.901 (2)" and "subsection" for the word "paragraph".

SECTION 13. 40.13 (8) of the statutes, as created by chapter 154, section 201, and as renumbered by chapter 154, section 378, laws of 1969, is amended by substituting "sub. (1)" for the reference to "par. (a)".

SECTION 14. 40.15 (2) of the statutes, as renumbered from 66.919 (8) (b) by chapter 158, section 97, laws of 1969, is amended by substituting the word "section" for the word "subsection".

SECTION 15. 40.17 of the statutes, as renumbered from 66.919 (10) by chapter 158, section 97, and as amended by chapter 158, section 25, laws of 1969, is amended by substituting "this subchapter" for the words "this section".

SECTION 16. 40.20 (4) of the statutes, as renumbered from 66.919 (15) (c) by chapter 158, section 99, and as amended by chapter 158, section 25, laws of 1969, is amended by substituting "this subchapter" for the words "this section".

SECTION 17. 40.20 (5) of the statutes, as affected by chapter 158, laws of 1969, is amended to read:

40.20 (5) Whenever any school district is created, the territory of which includes more than one-half of the last assessed valuation of either a school district which was a municipality included under this subchapter at the time of such creation or a city which at the time of such creation was a municipality included under this subchapter ~~in~~ and which the schools operated ~~under the a city school plan district, then in either case~~ the school district so created shall automatically be included under this subchapter from its inception in accordance with rules adopted by the board.

SECTION 18. 40.20 (7) of the statutes, as renumbered from 66.919 (15) (e) by chapter 158, section 97, laws of 1969, is amended by substituting "s. 40.12 (2)" and "s. 40.15 (1)" for "sub. (5) (b)" and "sub. (8) (a)", respectively.

SECTION 19. 40.23, 40.24 and 40.25 of the statutes, as renumbered from 66.919 (26), (27) and (28) by chapter 154, section 378, are renumbered 40.24, 40.25 and 40.26.

SECTION 20. 40.41 (8) of the statutes, as created by chapter 158, section 27, laws of 1969, is amended by substituting "subchapter" for the word "section".

SECTION 21. 40.42 (1) of the statutes, as created by chapter 158, section 27, laws of 1969, is amended by substituting "subchapter" for the word "section".

SECTION 22. 40.42 (5) of the statutes, as created by chapter 158, laws of 1969, is amended by substituting "s. 20.515 (1) (w)" for the reference to "s. 20.515 (2) (t)".

SECTION 23. 40.01 (2) (d) of the statutes, as created by chapter 154, section 150, laws of 1969, is amended by substituting "subch. VI" for the reference to "s. 66.99".

SECTION 24. 41.02 (22) (b) of the statutes, as renumbered from 66.901 (11b) (b) by chapter 158, section 86, laws of 1969, is amended by substituting "subch. VI of ch. 40" for the reference to "s. 66.99".

SECTION 25. 41.02 (23) of the statutes, as amended by chapter 10, laws of 1969, and as renumbered by chapter 158, section 86, laws of 1969, is amended by substituting "s. 41.11 (6) (c) 3" for the reference to "s. 66.906 (2) (c) 3".

SECTION 26. 41.02 (26) of the statutes, as renumbered from 66.901 (14) by chapter 158, section 86, and as amended by chapter 158, section 107, laws of 1969, is reenacted.

SECTION 27. 41.02 (31) of the statutes, as renumbered from 66.901 (19) by chapter 158, section 86, and as amended by chapters 158, section 107, and 66.901 (19) of the statutes as amended by chapter 154, section 185, laws of 1969, are consolidated as 41.02 (31).

SECTION 28. 41.05 (2) of the statutes, as renumbered by chapter 158, laws of 1969, is amended to read:

41.05 (2) Whenever any school district ~~shall be~~ is created, the territory of which includes more than one-half of the last assessed valuation of either a school district which was a participating municipality at the time of such creation or a city which at the time of such creation was a participating municipality ~~in and~~ which the schools operated ~~under the a city school plan district, then in either case~~ the school district so created shall automatically be a participating municipality from its inception, but no prior service credits shall be provided for any personnel thereof.

SECTION 29. 41.10 (3) (c) of the statutes, as renumbered from 66.905 (3) by chapter 158, section 86, laws of 1969, and as repealed and recreated by chapter 154, sections 187m and 378, laws of 1969, is amended by substituting "s. 41.11 (6) (c) 3" for the reference to "s. 66.906 (2) (c) 3".

SECTION 30. 41.11 (5) of the statutes, as renumbered from 66.906 (1e) by chapter 158, section 86, laws of 1969, is amended by substituting "this subchapter" for the reference to "s. 66.90 to 66.919".

SECTION 31. 41.11 (6) (c) of the statutes, as renumbered from 66.909 (6) (c) by chapter 158, section 86, laws of 1969, is amended by substituting the word "subsection" for the word "paragraph".

SECTION 32. 41.21 (1b) of the statutes, as renumbered from 66.917 (1b) by chapter 158, section 91, and as amended by chapter 158, section 45, laws of 1969, is amended by substituting "s. 20.515 (1) (w)" for the references to "20.515 (1) (t)".

SECTION 33. 41.22 (7) (d) of the statutes, as renumbered from 66.918 (7) (d) by chapter 158, section 91, laws of 1969, is amended by deleting the word "executive" in the first sentence.

SECTION 34. 42.35 (1) (b) of the statutes is amended to read:

42.35 (1) (b) Class B. Senior teachers employed in the public schools, the state ~~colleges~~ universities or the university, after July 8, 1921, who prior to said date were teachers in any of said schools but were not members of the teachers' insurance and retirement fund.

SECTION 35. 42.52 of the statutes, as amended by chapter 154, laws of 1969, is reenacted and supersedes the amendment of 42.52 of the statutes by chapter 158, laws of 1969.

SECTION 36. 42.86 (4) of the statutes, as created by chapter 158, laws of 1969, is amended by substituting "s. 42.80 (5)" for the reference to "s. 42.80 (4)".

SECTION 37. 45.37 (9) (d) of the statutes, as created by chapter 154, laws of 1969 (Senate Bill 95), is renumbered 45.37 (9d).

SECTION 38. 51.08 (6m) (b) of the statutes, as amended by chapters 55 and 154, laws of 1969, is amended by substituting "20.435 (2) (j) and (4) (cc)" for the reference to "20.435 (2) (j), (4) (cc) and (cd)".

SECTION 39. 59.471 (4) of the statutes, as amended by chapter 154, laws of 1969 (Senate Bill 95), is amended by substituting "s. 20.855 (2)

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(b)" for the reference to "s. 20.855 (2) (v)".

SECTION 40. 66.023 (title) (1), (2) and (4) of the statutes are amended to read:

66.023 (title) CONSOLIDATION OR ANNEXATION TO A CITY OPERATING A CITY SCHOOL DISTRICT; TAXES. (1) In the absence of an agreement to the contrary under this section, territory in a school district which is annexed to or consolidated with a city operating ~~under the a city school plan~~ district shall be transferred for school purposes on July 1 following the effective date of the annexation or consolidation.

(2) If an action is brought as provided in s. 66.021 (10) to contest the validity of the annexation or is brought to contest the validity of a consolidation within 60 days of the effective date thereof, ~~or if the validity of an annexation or consolidation to a city operating under the city school plan is being litigated on June 26, 1969,~~ the territory shall be transferred for school purposes on July 1 succeeding the final determination of the litigation. A determination of the litigation shall not be deemed final until the expiration of the appeal period to the state supreme court.

(4) Between the date of accomplishment of statutory requirements to effectuate a consolidation or annexation of territory to a city operating ~~under a city school plan~~ district and the date any such territory becomes a part of such city for school purposes, as provided herein, no portion of the city school tax or of taxes levied by the city to repay obligations incurred to finance school facilities shall be levied against the property in ~~said~~ the annexed or consolidated territory, and during such period such territory shall continue to vote on school matters within, and pay school taxes for the support of, the school district of which it was a part when such consolidation or annexation proceedings were commenced and shall not vote on any matter relating to the city school ~~plan within such city district~~. The school district clerk shall certify to the proper clerk as provided in s. 120.17 (8) the proportion of the school taxes to be levied by the city or town.

SECTION 41. 66.03 (2m) of the statutes is amended to read:

66.03 (2m) Whenever territory is attached to or consolidated with a school district or a city operating ~~under the a city school plan~~ district, and such territory or any part thereof is detached therefrom within 5 years after such attachment or consolidation, the school district or city to which it is transferred shall be entitled, in the apportionment of assets and liabilities, only to the assets or liabilities or proportionate part thereof apportioned to the school district or city as the result of such original attachment or consolidation.

SECTION 42. 67.04 (7) of the statutes is amended to read:

67.04 (7) By any common school district, unified school district or vocational, technical and adult education district, by the board thereof: to purchase the school property, including vocational school property, of a city or village therein upon ~~abandonment~~ the abolition of a city school ~~plan~~ district or common school district ~~plan~~, or upon creation of a unified school district or upon the reorganization of vocational, vocational and adult, or vocational, technical and adult schools. Such bonds shall not be subject to a referendum.

SECTION 43. 67.05 (7) (cc) of the statutes is amended to read:

67.05 (7) (cc) An initial resolution adopted by the ~~district~~ school board of a common school district or unified school district for the purpose of purchasing the school property or vocational school property of a city therein which formerly operated ~~schools under the a city school plan~~ district shall not be submitted to a referendum vote.

SECTION 44. 67.12 (12) (aa) of the statutes is amended to read:

67.12 (12) (aa) A school ~~district~~ board of any newly created school

district, including a common school district or unified school district created upon ~~abandonment~~ *abolition* of ~~the a city school plan district, or a vocational, technical and adult education school district,~~ *board* may, pursuant to this section, issue promissory notes to refund any indebtedness assumed by such school district upon its creation.

SECTION 45. The amendment of 95.32 (3) of the statutes by chapter 30, laws of 1969, was not repealed by chapter 87, laws of 1969. Both amendments stand.

SECTION 46. 108.10 (1) and (2) to (7) of the statutes is renumbered 108.10 (intro.) and (1) to (6) and 108.10 (5), as renumbered, is amended by substituting "subs. (1) to (4)" for "subsections (2), (3), (4) and (5)".

SECTION 47. 120.43 (6) of the statutes is amended to read:

120.43 (6) The regular terms of school board members shall be for 3 years. Unexpired terms shall be filled in accordance with s. 17.26 (2). School board members selected for regular ~~or unexpired~~ terms shall take office, provided they have taken *and filed* the official oath, on July 1. *School board members appointed for unexpired terms under s. 17.26 (2) shall take office immediately upon their having taken and filed the official oath.*

SECTION 48. 121.58 (6) of the statutes is amended by substituting "s. 20.255 (3) (bm)" for the reference to "s. 20.255 (2) (bm)".

SECTION 49. 149.01 (5) of the statutes, as amended by chapter 55 and 154, laws of 1969, is amended by substituting "s. 20.165 (2) (iv)" for the reference to "s. 20.165 (2) (it)".

SECTION 50. 159.02 (3) of the statutes, as amended by chapter 153, laws of 1969 (Assembly Bill 83), is amended to read:

159.02 (3) No school teaching cosmetology shall be granted a certificate of registration unless it requires *as a prerequisite to admission, completion, as shown by certificate or affidavit, of the 10th grade or an equivalent education as determined by the extension division of the university of Wisconsin, except that after January 1, 1971, a 12th grade education or its equivalent as determined by the extension division of the university of Wisconsin or having reached the age of 18, is required, and unless it requires as a prerequisite to graduation a course of instruction of not less than 1,500 hours to be completed within a period of not less than 8 months' instruction of not more than 8 hours in any one day. Said instruction shall be given only between the hours of 8 a.m. and 6 p.m. on weekdays. Such course of instruction shall include subjects prescribed by the board.*

SECTION 51. 245.10 (3) and (4) of the 1967 statutes are renumbered 245.10 (4) and (5).

SECTION 52. 253.11 (2) of the statutes is amended to read:

253.11 (2) The county court shall have jurisdiction over all actions for ordinance violations within the county except violations of ordinances of towns, villages or cities which have established municipal justices ~~provided however that,~~ *but* ordinance violation cases shall be transferred from municipal justices to county court if the defendant follows the procedure of s. ~~301.245~~ 300.055.

SECTION 53. The amendment of 289.41 (1) of the statutes by chapter 113, laws of 1969, was not repealed by chapter 119, laws of 1969. Both amendments stand.

SECTION 54. 289.71 (2) of the statutes is amended to read:

289.71 (2) All garments, clothing, wearing apparel or household goods placed in storage, or on which any of the services or labors mentioned in ~~the preceding section~~ *sub. (1)* have been performed and then placed in storage by agreement and remaining in the possession of a person, ~~firm,~~ *partnership or corporation* without the reasonable or agreed charges having

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been paid for a period of more than 18 months, may be sold to pay said charges after giving notice of said sale as specified in ~~subsection~~ sub. (3) to such owner, provided that where property was delivered to be cleaned, pressed, glazed or dyed, and left for storage in addition to having such work done, it shall not be so sold unless at the time of delivery the owner was given a receipt for such property containing a statement that the property will be sold when such 18 months have elapsed unless called for within such 18 months' period. Persons, ~~firms, partnerships or corporations~~ operating as warehouses or warehousemen shall not be affected by this subsection.

SECTION 55. 300.08 of the statutes, as created by chapter 87, laws of 1969 (Assembly Bill 9), is amended by substituting "s. 56.08" for the reference to "s. 54.08".

SECTION 56. 300.11 (intro.) and (1) to (16) of the statutes, as created by chapter 87, laws of 1969, are renumbered 300.11 (1) (intro.) and (a) to (k) and (m) to (q) and (2), respectively.

SECTION 57. 409.402 (1) (a) of the statutes, as amended by chapter 122, laws of 1969, is amended to read:

409.402 (1) (a) A financing statement is sufficient if it is signed by the debtor and the secured party, gives an address of the secured party from which information concerning the security interest may be obtained, gives a mailing address of the debtor and contains a statement indicating the types, or describing the items, of collateral. A financing statement may be filed before a security agreement is made or a security interest otherwise attaches.

SECTION 58. The title of Title XLI of the statutes is repealed and re-created to read:

INSURANCE CODE.

SECTION 59. 625.03 (4) and (5) of the statutes, as created by chapter 144, laws of 1969 (Senate Bill 525), are amended to read:

- 625.03 (4) Life insurance other than credit life insurance; ~~and~~
- (5) Variable and fixed annuities; ~~and~~

SECTION 60. 625.15 (2) of the statutes, as created by chapter 144, laws of 1969 (Senate Bill 525), is amended to read:

625.15 (2) RATE FILING. An insurer may discharge its obligation under s. 625.13 by giving notice to the commissioner that it uses rates and supplementary rate information prepared by a designated rate service organization, with such information about modifications thereof as ~~are~~ is necessary fully to inform the commissioner. The insurer's rates and supplementary rate information shall be those filed from time to time by the rate service organization, including any amendments thereto as filed, subject, however, to the modifications filed by the insurer.

SECTION 61. 943.21 (2) (b) of the statutes, as created by chapter 131, laws of 1969 (Senate Bill 116), is amended to read:

943.21 (2) (b) The failure or refusal of any guest at a hotel, motel, ~~board~~ boarding or lodging house, or restaurant, to pay, upon written demand, the established charge for food, lodging or other service or accommodation.

SECTION 62. In the statutory sections listed in column "A" below, the cross references in column "B" are changed to the references shown in column "C".

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A	B	C
15.251 (intro.)	66.912 (2)	15.165 (2)
20.710 (2) (fp)	20.225 (3) (u)	20.225 (2) (u)
25.28 (3)	42.70 (10)	42.76 (10)
42.52 (2)	s. 66.919	Subch. II of ch. 40

Approved December 15, 1969.
