

CHAPTER 247.

AN ACT to repeal, renumber, amend, revise and create various provisions of the statutes, for the purpose of correcting errors, correcting references and department titles, clarifying and harmonizing language, renumbering for better arrangement and location, supplying omissions and eliminating duplications, unnecessary, obsolete and unconstitutional provisions.

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

SECTION 1. The last sentence of 7.06 of the statutes is renumbered to be the last sentence of 7.01 (1).

SECTION 2. 8.01 of the statutes is amended to read:

8.01 In this chapter the word "justice" means a justice of the supreme court, "judge" means a judge of a circuit, county, superior, municipal, district, * * * civil or small claims court, and "superintendent" means the state superintendent of public instruction and a county or district superintendent of schools.

SECTION 3. 10.31 of the statutes is amended to read:

10.31 It shall be the duty of all officers and departments of cities aforesaid to cooperate with the board of election commissioners so as to carry out the provisions of * * * sections 10.01 to 10.31.

SECTION 4. 20.41 (2) (ca) of the statutes is amended by substituting "45.395" for "37.32".

SECTION 5. 20.41 (26) (a) of the statutes is amended by substituting "45.396 (1)" for "36.175 (1)"; and 20.41 (26) (b) of the statutes is amended by substituting "45.396 (2)" for "36.175 (2)".

SECTION 6. 21.13 of the statutes is amended to read:

21.13 If any member of the national guard or the state guard shall be prosecuted by any civil or criminal action for any act performed by such member while in the performance of his military duty and in pursuance thereof, the action against such member may, in the discretion of the governor, be defended by counsel appointed therefor by the governor upon the recommendation of the attorney-general. The costs and expenses of any such defense shall be audited by the * * * director of budget and accounts and paid out of the state treasury and charged to the legal expense appropriation provided in section 20.08 (2).

SECTION 7. 23.09 (12) of the statutes is repealed.

SECTION 8. 24.01 (1) of the statutes is amended by substituting "any of the following subsections", for "either of the following paragraphs of this section".

SECTION 9. 25.235 of the statutes is amended by substituting "sections 25.24 and 25.25" for "the following subsections" in the last line.

SECTION 10. 28.05 (1) of the statutes is amended to read:

28.05 (1) Cutting shall be limited to trees marked or designated for cutting by a forester in the professional series of the state classified civil service or by a commission-designated employe equally *qualified by reason of long, practical experience*. The commission is authorized to sell products removed in cultural or salvage cuttings and standing timber designated in a timber sale contract, but all sales shall be based on the scale, measure or count of the cut products.

SECTION 11. 36.175 of the statutes is renumbered 45.396.

SECTION 12. 37.17, 37.18, 37.19 and 37.20 of the statutes are renumbered 21.691, 21.692, 21.693 and 21.694, and 37.19 is amended by substituting "21.694" for "37.20".

SECTION 13. 37.32 of the statutes is renumbered 45.395 and subsection (1) thereof is amended by substituting "45.39" for "37.25".

SECTION 14. The next to the last sentence of 48.013 (5) of the statutes is amended to read:

48.013 (5) (next to last sentence) The reporter of said court shall be deemed an officer of such court *and* shall take and file the constitutional oath of office.

SECTION 15. The last 3 sentences of 48.07 (7) (a) of the statutes are renumbered 48.07 (7) (am), and the first sentence of 48.07 (7) (a) is renumbered 48.07 (7) (a) and amended to read:

48.07 (7)(a) *The court may transfer the permanent care, control and custody of a child to some other person, agency or institution, and may terminate all rights of the*

parents to a child and may appoint a guardian for the person of such child whenever * * * the court finds:

1. That the person or child welfare agency (other than a parent) having the care, control and custody of such child is not fitted therefor; or

2. That the parents * * * have abandoned such child or have substantially and continuously or repeatedly refused or being financially able have neglected to give such child parental care and protection; or

3. * * * After the expiration of one year from the date that the temporary custody of a child has been placed with some person or agency (other than a parent) by order of a court of competent jurisdiction and while said child continues in said custody, * * * that the parents or surviving parent, or the mother of said child, if said child is illegitimate, are not fit or proper by reason of immoral debauchery, habitual use of intoxicating liquor or narcotic drugs, or repeated lewd and lascivious behavior, and said conduct is found by the court as likely to be detrimental to the health, morals or well being of said child; or

4. That the parents or surviving parent of said child or the mother of said child, if said child is illegitimate, has been adjudged * * * *mentally deficient* more than 2 years before by a court of competent jurisdiction and on reexamination is adjudged still to be * * * *mentally deficient* * * *.

SECTION 16. The last sentence of 59.075 (2) of the statutes is amended to read:

59.075 (2) (last sentence) The provisions of section * * * ~~40.374~~ (5) (b) relating to aid shall apply to any such other county which does not comply with the provisions of this subsection.

SECTION 17. 59.08 (6) of the statutes is amended to read:

59.08 (6) The county board may appropriate annually for the benefit of, and pay over to any judge of a juvenile court, appointed or designated in pursuance of the provisions of * * * section 48.01 (2), a sum of money as compensation for the additional services rendered by such juvenile judge.

SECTION 18. 59.08 (22m) of the statutes is repealed.

SECTION 19. The next to the last sentence of 59.82 of the statutes is repealed.

SECTION 20. 66.048 (1) of the statutes is amended to read:

66.048 (1) The privilege of erecting a viaduct above a public street or alley, for the purpose of connecting buildings on each side thereof, may be granted by the city council upon the written petition of the owners of all the frontage of the lots and lands abutting upon the portion thereof sought to be connected, and the owners of more than one-half of the frontage of the lots and lands abutting upon that portion of the remainder thereof which lies within 2,650 feet from the ends of the portion proposed to be so connected. Whenever any of the lots or lands aforesaid is owned by the state, or by a county, city or village, or by a minor or incompetent person, or the title thereof is held in trust, as to all lots and lands so owned or held, said petition may be signed by the governor, the chairman of the county board, the mayor of the city, the president of the board of trustees of the village, the guardian of the minor or incompetent person, or the trustee, respectively, and the signature of any private corporation may be made by its president, secretary or other principal officer or managing agent. Written notice stating when and where the petition will be acted upon, and * * * *describing the location of the proposed viaduct*, shall be given by the city council as follows: By posting copies thereof in 3 public places in said city not less than 3 weeks before the day fixed for the hearing, and when possible, by the publication of said notice in the official or some other newspaper printed in said city, once a week for 3 successive weeks before said day.

SECTION 21. 66.054 (11) (c) of the statutes is amended to read:

66.054 (11) (c) The fee for an operator's license shall not exceed \$5 per year, shall be issued for one year, and shall expire on the thirtieth day of June of * * * *the year for which issued.* * * *

SECTION 22. 67.04 (2) (t) and (5) (o) of the statutes are repealed.

SECTION 23. 67.19 and 67.20 of the statutes are repealed.

SECTION 24. 69.02 (3) (c) of the statutes is amended to read:

69.02 (3) (c) May make transcripts of such records for * * * governmental agencies upon their request and payment of the fees mutually agreed upon. Certified copies or verifications of records may be furnished free to governmental agencies.

SECTION 25. 69.29 (1) of the statutes is amended to read:

69.29 (1) The certificate of birth shall contain such items as the state board of

health may determine are necessary and shall agree in the main with the standard form recommended by the United States * * * *public health service*.

SECTION 26. 69.35 of the statutes is amended to read:

69.35 The certificate of death shall contain such items as the state board of health may determine are necessary and shall agree in the main with the standard form recommended by the United States * * * *public health service*.

SECTION 27. An introductory paragraph to 70.113 of the statutes is created to read:

70.113 (introductory paragraph) The property described in this section is exempted from general property taxes.

SECTION 28. 71.16 (4) (c) of the statutes is amended by substituting "71.06" for "71.08" in the second sentence.

SECTION 29. The last sentence of 72.55 of the statutes is amended to read:

72.55 (last sentence) Any person in interest aggrieved by such determination shall have the same right of rehearing and appeal as is * * * provided for in the determination of inheritance taxes * * *.

SECTION 30. 77.15 (a), (b) and (c) of the statutes are renumbered 77.15 (1), (2) and (3).

SECTION 31. 84.06 (5) of the statutes is amended to read:

84.06 (5) LABOR EMPLOYED DIRECTLY BY COMMISSION. If the commission finds that it would be more feasible and advantageous to have the proposed improvement performed by * * * labor employed directly by the commission, it shall submit a written report of its findings to the governor. If he approves the same he shall indorse his approval upon the report and thereupon the commission may do the work * * * by labor employed directly by the commission, and may rent or purchase necessary small tools or equipment.

SECTION 32. 84.25 (1) of the statutes is amended by substituting "section" for "act" at the end of the last sentence.

SECTION 33. 85.06 (21) of the statutes is amended to read:

85.06 (21) LAMPS ON POWER-DRIVEN CYCLES AND MOTOR BICYCLES. * * * Power-driven cycles and motor bicycles shall be equipped with an electric headlamp, red tail lamp and current source. Such headlamp shall display a white light of sufficient illuminating power to reveal any person, vehicle or substantial object at a distance of 100 feet ahead, and shall be so adjusted or operated that the glaring light rays therefrom are not directed into the eyes of the driver of any oncoming vehicle. The tail light, when illuminated, must be visible on a dark clear night for a minimum of 500 feet from the rear. The electric current source shall be derived from either a wet battery and electric generator; or from a generator connected to the motor direct or by gears, friction wheel, chain or belt; or by means of a current generating coil incorporated into the magneto.

SECTION 34. 85.06 (27) of the statutes is amended to read:

85.06 (27) All reflex reflectors required under this section shall reflect an amber color, except that any reflex reflector mounted on the rear or on either side nearest to the rear of a vehicle or other equipment shall reflect a red color. Red reflex reflector warning devices * * * shall comply with the minimum visibility requirements set forth in subsection (26).

SECTION 35. The last sentence of 85.08 (14) (a) of the statutes is amended by substituting "subsection" for "section."

SECTION 36. 86.106 of the statutes is repealed.

SECTION 37. The last sentence of 93.02 (8) (e) and 93.02 (10), (11) and (12) of the statutes are repealed.

SECTION 38. The last sentence of 101.02 of the statutes is repealed.

SECTION 39. 101.12 of the statutes is repealed.

SECTION 40. 102.07 (5) of the statutes is repealed.

SECTION 41. 108.09 (8) of the statutes is amended by substituting "chapter" for "act".

SECTION 42. 111.64 (a) and (b) of the statutes are renumbered 111.64 (1) and (2).

SECTION 43. The first sentence of 176.38 (2) of the statutes is renumbered 176.38 (2); the last 3 sentences of 176.38 (2) of the statutes are renumbered 176.38 (4); and 176.39 of the statutes is renumbered 176.38 (3).

SECTION 44. The next to the last sentence of 192.29 (1) and the last sentence of 192.29 (2) are amended to read:

192.29 (1) (next to the last sentence) Every railroad corporation violating any

order entered under this * * * subsection shall for every violation forfeit to the state not less than \$10 nor more than \$100.

(2) (last sentence) Any person violating this * * * subsection shall be fined not to exceed \$25.

SECTION 45. 195.01 (11) of the statutes is amended to read:

195.01 (11) DEFINITION. The * * * word "commission" * * * as used in chapters 184 and 190 to 197, * * * means the public service commission of Wisconsin, unless a different meaning is manifest. * * *

SECTION 46. 198.01 (5) of the statutes is amended to read:

198.01 (5) * * * "Commission" means the public service commission of Wisconsin and any other body, commission or agency of the state which may at any time hereafter succeed to the general powers and jurisdiction of said commission.

SECTION 47. 198.21 (2) of the statutes is amended by substituting "chapter for "act".

SECTION 48. 252.07 (9) (e) and (11) of the statutes are amended by substituting "subsections (9) to (11)" for "this act".

SECTION 49. 254.01 (a) and (b) of the statutes are renumbered 254.01 (1) and (2) and are amended by substituting "the elected members" for "its members-elect" wherever that term occurs.

SECTION 50. The first sentence of 256.17 of the statutes is amended to read:

256.17 (first sentence) January 1, February 12, February 22, May 30, July 4, October 12 (which shall be known as "Landing Day" in commemoration of the landing of Columbus), November 11, December 25, the first Monday in September which shall be known as Labor Day, *the fourth Thursday of November* or the day appointed by the governor * * * as a day of public thanksgiving in each year, the day of holding the September primary election, and the day of holding the general election in November, are legal holidays.

SECTION 51. 262.12 (introductory paragraph) of the statutes is amended by substituting "section" for "Rule" in the reference to "Rule 262.13".

SECTION 52. 262.13 (1) and (4) of the statutes are amended by substituting "section" for "Rule" in the references to "Rule 262.12".

SECTION 53. 270.96 (16) of the statutes is amended by substituting "section" for "act".

SECTION 54. 292.44 of the statutes is amended to read:

292.44 This chapter does not restrain the power of courts to issue a writ of habeas corpus, to bring before them any prisoner for trial *or as a witness*.

SECTION 55. 301.24 of the statutes is amended to read:

301.24 If the defendant, on the return day of the process and before any proceedings are had on his part, makes oath that, from prejudice, he believes the justice will not decide impartially in the action and pays to the justice 75 cents for making a copy of his docket and transmitting the papers, then the justice shall immediately transmit all the papers in the action to the nearest justice in the same county who can be found, who shall proceed in the action as if the said action had been commenced before him. * * * This section shall not extend to a second removal.

SECTION 56. 305.23 of the statutes is amended to read:

305.23 At any time before judgment, the defendant may require the return of the property upon delivering to the * * * officer a bond, executed by sufficient sureties, to the effect that they are bound in a sum double the value of the property as stated in the affidavit of the plaintiff for the delivery thereof to the plaintiff, if such delivery be adjudged, and for the payment to him of such sum as may be recovered against the defendant. Upon the receipt of such bond the * * * officer shall promptly notify the plaintiff that the defendant has demanded a return of the property.

SECTION 57. 305.24 of the statutes is amended to read:

305.24 The plaintiff may within 3 days after he is notified by the * * * officer that the defendant demands a return of the property, notify the * * * officer that he excepts to the defendant's sureties, otherwise he waives his right to except. If he excepts, the defendant's sureties shall justify as provided in section 305.25. Upon such justification the * * * officer shall deliver the property to the defendant. The * * * officer shall be responsible for the defendant's sureties until they justify or until justification is waived, and may retain the property until that time.

SECTION 58. 305.25 of the statutes is amended to read:

305.25 (1) The sureties under * * * sections 305.23 and 305.24 shall append to their bond their affidavits, in which each shall swear that he is a resident freeholder and

is worth the sum stated in the bond above his liabilities in property in this state not exempt from execution.

(2) The justification of sureties under * * * sections 305.23 and 305.24 shall be before a * * * justice on not less than 2 nor more than 6 days' notice. Each surety must swear that he is a resident freeholder in this state and is worth the sum stated in his bond above his liabilities in property in this state not exempt from execution, but if there are more than 2 sureties on any bond they may be accepted if they shall justify severally in sums which aggregate double the sum named in the bond.

SECTION 59. 331.31 of the statutes is renumbered 231.295.

SECTION 60. 331.32 of the statutes is renumbered 319.153.

SECTION 61. Section 572d of the statutes is repealed.

SECTION 62. Section 926-171 of the statutes is repealed.

SECTION 63. Section 959-116e of the statutes is repealed.

SECTION 64. Sections 1411s (1) and 1435e-11 of the statutes are repealed.

SECTION 65. Section 1435e-3 (2) of the statutes is repealed.

SECTION 66. The second sentence of section 1435f-13 and section 1436f-16 of the statutes are repealed.

SECTION 67. Subsection 8 of section 1435f-35 of the statutes is repealed.

Approved May 22, 1951.
