

No. 193, A.]

[Published June 3, 1943.]

CHAPTER 242.

AN ACT to amend 66.52 (1), (2) and (3); and to create 17.035 and 66.52 (4), (5) and (6) of the statutes, relating to employes or officers in military service and the creation of temporary vacancies therefor.

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

SECTION 1. 17.035 of the statutes is created to read:

17.035 VACANCIES; MILITARY LEAVES. (1) If an elected or appointed official or employe of any city or village or school district however organized shall enter the armed forces of the United States and shall remove himself temporarily from the municipality or district for which he is an officer or employe such temporary removal shall constitute a temporary vacancy in such office or position.

(2) Such officer or employe may apply for a leave of absence under section 66.52 (1) and if the same is granted shall be entitled to the benefits of section 66.52 (1) to (6). Whether he applies for a leave of absence or not he shall be entitled to all the benefits of section 21.70.

(3) Such temporary vacancies shall be filled as other vacancies are filled, except that no election need be held to fill any part of such temporary vacancy, but the term of the person appointed temporarily shall not extend beyond the expiration of the term of the officer or employe who entered federal service, and such temporary term shall be terminated sooner in case and at such time as the original officer or employe shall return to such district or municipality during his original term of office after completing his federal service and upon his filing within 40 days of such termination with the clerk of the city, village, or school district, his statement under oath of such termination, and that he elects to resume his office or position. On filing such statement the term of the temporary officer or employe shall cease, and the returning officer or employe shall be entitled to resume the duties of his office.

(4) In cities, villages, or school districts in which a vacancy as described in this section does exist and no appointment has been made to fill such vacancy before the effective date of this

enactment, the vacancy therein shall be considered as commencing on the effective date of this enactment.

(5) If any provisions of this section or the application thereof to any person or circumstance is held invalid, the remainder of such subsections or provisions thereof and the application of such provisions to other persons or circumstances shall not be affected thereby.

SECTION 2. 66.52 (1), (2) and (3) of the statutes are amended to read:

66.52 (1) The governing body of any city or village may grant a leave of absence to any employe or officer who is inducted or *who enlists* into the armed forces or the nurses corps of the federal government * * * *at a time when the United States is engaged in a war. No salary or compensation of such employe or officer shall be paid, nor claim therefor exist during such leave of absence.*

(2) The governing body of any city or village may provide for safeguarding the reinstatement and pension rights, *as herein limited*, of any employe or officer so inducted * * * *or enlisted.*

(3) No employe or officer who is appointed to fill the place of * * * *any employe or officer so * * * inducted or enlisted* shall acquire permanent tenure during such period of replacement service.

SECTION 3. 66.52 (4), (5) and (6) of the statutes are created to read:

66.52 (4) If such leave of absence is or has been granted to an elected or appointed official or employe of any city or village, and he has begun his federal service, a temporary vacancy shall be deemed to exist and a successor may be appointed to fill the unexpired term of such official or employe, or until such official or employe returns and files his election to resume his office as hereinafter provided for if the date of such filing be prior to the expiration of such term. Such appointment shall be made in the manner provided by law applicable to such city or village for the filling of vacancies caused by death, resignation or otherwise, except that no election need be held to fill any part of such temporary vacancy. The appointee shall have all the powers, duties, liabilities, and responsibilities and shall be paid and receive the compensation and other emoluments pertaining to the office or position, unless otherwise provided by the governing

body. Within 40 days after the termination of such federal service such elected or appointed official or employe, upon filing with the clerk his statement under oath of such termination and that he elects to resume his office or position, may resume such office or position for the remainder of the term for which he was elected or appointed. The person temporarily filling the vacancy shall thereupon cease to hold the office.

(5) If any provision of section 66.52 or the application thereof to any person or circumstance is held invalid, the remainder of such subsections or provisions thereof and the application of such provisions to other persons or circumstances shall not be affected thereby.

(6) In cities of the third class with a commission plan of government, in case of temporary or permanent vacancies in the office of mayor, the vice-mayor shall temporarily succeed to the office of mayor for the balance of his unexpired term for which he was elected unless sooner terminated as provided in section 17.035 (3). The temporary or permanent vacancy thereby created in the office of councilman may thereupon be filled as provided in section 66.52. The term of the person appointed temporarily to the office of councilman shall not exceed beyond the expiration of the term of the office vacated and such temporary term shall be vacated sooner as provided for in section 17.035 (3).

Approved June 2, 1943.

No. 218, A.]

[Published June 3, 1943.]

CHAPTER 243.

AN ACT to create 343.401 (2m) of the statutes, relating to the issuance of worthless checks, drafts or orders, and providing a penalty.

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

343.401 (2m) of the statutes is created to read:

343.401 (2m) The issuance for any purpose of a check, draft or order which is not honored or paid upon presentation because of no account at, insufficient or no funds in, or credit with the bank upon which such instrument was drawn, shall render the