

**Apr. '74 Spec.Sess.
Senate Bill 8**

**Date published:
July 8, 1974**

CHAPTER 336, Laws of 1973

AN ACT to repeal, renumber, amend, repeal and recreate and reenact various provisions of the statutes for the purpose of correcting errors, supplying omissions,

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correcting titles of departments, correcting and clarifying references, renumbering for better location and arrangement, eliminating duplications 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. 8.50 (2) (b) of the statutes is amended to read:

8.50 (2) (b) The primary shall be on the day 4 weeks before the day of the special election except when the special election is held on the same day as the general election the special primary shall be held on the same day as the general primary or if the special election is held concurrently with the spring election, the primary shall be held concurrently with the spring primary. Notwithstanding par. (a), if a special election is held concurrently with the spring election, the date for the special election shall be not less than 69 nor more than 84 days from the date of the order.

SECTION 1m. 10.24 (4) (b) of the statutes is amended to read:

10.24 (4) (b) *3rd Tuesday before primary.* The 3rd Tuesday before the September primary is the latest county clerks may distribute ~~spring~~ primary ballots and election blanks to municipal clerks. See s. 7.10 (3).

SECTION 2. 10.26 (6) (c) 2 of the statutes is amended to read:

10.26 (6) (c) 2. 4 years after registration cancellation the cards may be destroyed. See s. 6.50 (1) ~~(a)~~ (f) and (2) (f).

SECTION 3. 10.28 (2) (c) 1 and (4) (j) 1 of the statutes are amended to read:

10.28 (2) (c) 1. 5 p.m., on the 3rd Tuesday in July, is the deadline for all persons filing nomination papers on the 2nd Tuesday in July as a candidate for office seeking party indorsement which includes more than one county or a state office to decline nomination. See s. 8.35 (1).

(4) (j) 1. 5 p.m., on the 4th Tuesday in September, is the deadline for all persons filing nomination papers on the 3rd Tuesday in September as an independent candidate for office which includes more than one county or a state office to decline nomination. See s. 8.35 (1).

SECTION 4. 13.56 (2) of the statutes, as affected by chapters 90 and 162, laws of 1973, is repealed and recreated to read:

13.56 (2) REVIEW OF RULES AND CERTAIN GUIDELINES BY COMMITTEE. The committee shall promote adequate and proper rules, statements of general policy and interpretations of statutes by agencies and an understanding upon the part of the public respecting such rules, statements and interpretations. When the committee determines that a statement of policy or an interpretation of a statute is a rule, as defined in s. 227.01 (3) and (5), it may direct the agency to promulgate the statement or interpretation as an emergency rule pursuant to s. 227.027 within 30 days of the committee's action. It may hold public hearings to investigate complaints with respect to guidelines adopted under s. 11.08 (1) (a) and to rules and portions of rules if it considers such complaints meritorious and worthy of attention and may, on the basis of the testimony received at such public hearings, suspend any such rule or portion of a rule or such guideline by the affirmative vote of at least a majority of the members

present. When the committee suspends a rule or portion of a rule, it shall give a class 1 notice, under ch. 985, of the suspension in the official state newspaper and such other notice as it deems appropriate. If any rule or portion of a rule or such guideline is so suspended, the committee shall as soon as possible place before the legislature, at any regular session and at any special session upon the consent of the governor, a bill to repeal the suspended rule or portion of a rule. If such bill is defeated, or fails of enactment in any other manner, the rule or portion of a rule or such guideline shall stand and the committee may not suspend it again. If the bill becomes law, the rule or portion of a rule or such guideline is repealed and shall not be enacted again unless a properly enacted law specifically authorizes the adoption of that rule or such guideline. The committee shall make a biennial report to the legislature and governor of its activities and include therein its recommendations.

SECTION 5. 14.011 (intro.) of the statutes is amended by deleting the reference to "604.02 (2)" which was inserted by chapter 117, laws of 1973.

SECTION 6. 14.361 (intro.) of the statutes is amended by deleting the reference to s. 70.57 (3).

SECTION 7. 15.101 (intro.) of the statutes is amended by inserting references to sections 26.14 (4), 70.57 (3), 76.24 (1) and 79.13 (1).

SECTION 8. 15.161 (3) of the statutes is amended by deleting the reference to s. 25.17 (4).

SECTION 9. 15.161 (4) and (5) of the statutes are amended by deleting the reference to s. 25.17 (14).

SECTION 10. 15.371 (2) of the statutes, as affected by chapter 300, laws of 1973, is amended by substituting "146.36" for the reference to "146.35".

SECTION 11. 15.377 (4) of the statutes, as created by chapter 220, laws of 1973, is renumbered 15.377 (5).

SECTION 12. 15.731 of the statutes, as affected by chapter 3, laws of 1973, is amended by deleting the references to subch. II of ch. 41 and to s. 41.17.

SECTION 13. 20.145 (3) (a) of the statutes, as affected by chapter 117, laws of 1973, is reenacted to read:

20.145 (3) (a) *Reinsurance*. From the general fund, a sum sufficient for the purchase of reinsurance for the state property insurance fund as authorized under s. 604.04 (6).

SECTION 14. 20.255 (4) of the statutes, as affected by chapter 300, laws of 1973, is amended by substituting "s. 146.36" for the reference to "s. 146.35".

SECTION 15. 20.370 (5) (e) of the statutes, as created by chapter 296, laws of 1973, is renumbered 20.370 (5) (dm).

SECTION 16. 20.395 (2) (r) of the statutes, as created by chapter 142, laws of 1973, is renumbered 20.395 (4) (r).

SECTION 17. 20.395 (6) (m) of the statutes, as affected by chapter 90, laws of 1973, is amended by substituting "s. 114.32 or 114.33" for the reference to "s. 114.32".

SECTION 18. The amendment of 20.435 (2) (a) of the statutes by chapter 90, laws of 1973, was not repealed by chapter 198, laws of 1973. Both amendments stand.

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SECTION 19. 20.455 (4) (g) of the statutes is amended to read:

20.455 (4) (g) *Crime laboratory service fees.* All moneys collected ~~from counties pursuant to s. 165.76 (3) and~~ from contracts with other state agencies for technical services rendered, but revenues in excess of the expenditure amounts shown in the schedule may not be spent unless released in whole or in part by the board on government operations. At the close of each fiscal year any balance under this paragraph shall revert to the general fund, but in event of an overdraft such overdraft shall be carried forward to the succeeding fiscal year.

SECTION 20. 25.17 (1) (st) of the statutes, as created by chapter 117, laws of 1973, is repealed.

SECTION 21. The amendments of s. 25.17 (3) (a) and (bh) of the statutes by chapter 137, laws of 1973, were not repealed by chapter 151, laws of 1973. Both amendments stand.

SECTION 22. The amendment of s. 25.17 (3) (bg) of the statutes by chapter 208, laws of 1973, was not repealed by chapter 209, laws of 1973. Both amendments stand.

SECTION 23. 26.14 (4) of the statutes is amended to read:

26.14 (4) Emergency fire wardens or those assisting them in the fighting of forest fires shall prepare itemized accounts of their services and the services of those employed by them, as well as other expenses incurred, on blanks to be furnished by the department and in a manner prescribed by the department, and make oaths or affirmation that said account is just and correct, which account shall be forwarded and approved for payment by the department. As soon as any such account has been paid by the state treasurer the department shall send to the proper county treasurer a bill for the county's share of such expenses and a copy of the bill shall be filed with the department of administration. The county shall have 60 days within which to pay such bill, but if not paid within that time the county shall be liable for interest at the rate of 6% per annum. If payment is not made within 60 days the ~~secretary of state, upon information certified to him by the~~ department of administration, shall include such amount as a part of the next levy against the county for state taxes, but no county shall be required to pay more than \$5,000 in any one year. Any unpaid levy under this section shall remain a charge against the county and the ~~secretary of state~~ department of administration shall include such unpaid sums in the state tax levy of the respective counties in subsequent years.

SECTION 24. 30.63 of the statutes, as created by chapter 302, laws of 1973, is renumbered 30.635.

SECTION 25. 33.01 (6) of the statutes, as created by chapter 301, laws of 1973, is amended by substituting "sub. (7)" for the reference to "sub. (6)".

SECTION 26. The amendment of 42.243 (5) (c) of the statutes by chapter 20, laws of 1973, was not repealed by chapter 137, laws of 1973. Both amendments stand.

SECTION 27. 49.51 (2) (a) 12 a. of the statutes, as created by chapter 147, laws of 1973, is amended to read:

49.51 (2) (a) 12 a. Persons eligible for or receiving benefits under the supplementary security income program under federal Title XVI, the supplemental payments program under s. 49.177 or aid to families with dependent children under s. 49.19; ~~and.~~

SECTION 28. The amendment of s. 51.09 (1) (b) of the statutes by chapter 90, section 560 (3), laws of 1973, was not repealed by chapter 198, laws of 1973. Both amendments stand.

SECTION 29. 51.42 (5) (h) 6 of the statutes is repealed.

SECTION 30. 52.01 (1) (c) of the statutes, as affected by chapter 147, laws of 1973, is amended to read:

52.01 (1) (c) For the purpose of determining the ability of a parent or spouse to maintain a dependent person, ~~relief~~ credit granted under s. 71.09 (7) shall not be considered.

SECTION 31. 59.03 (1) (a) of the statutes, as created by chapter 118, laws of 1973, is amended to read:

59.03 (1) (a) *Number of supervisors and apportionment of supervisory districts.* In each county having a population of at least 500,000, sub. (2) (a) ~~and (b)~~ shall apply. In counties having a population of less than 500,000 and more than one town, sub. (3) (a) to (c) shall apply. In counties having one town only, sub. (5) shall apply.

SECTION 32. 59.51 (11) of the statutes is amended to read:

59.51 (11) File, indorse, enter and index all bills of sale not pertaining to security interests and all documents pertaining to security interests in personal property, crops or fixtures which are required or authorized by law to be filed with him. ~~These~~ Except as otherwise prescribed by the secretary of state pursuant to ss. 409.403 to 409.406, ~~these~~ documents shall be executed on white or light colored sheets of paper, 8 or 8 1/2 inches wide and 5, 7, 10 1/2 or 14 inches long. Whenever there is offered for filing any document which varies more than one-eighth of an inch from the approved size, or which is not on a standard form prescribed by the secretary of state, then in addition to the regular filing fee an additional filing fee shall be charged by such register of deeds, as prescribed by s. 59.57. No assignment, release or other instrument shall be offered for filing which is executed or indorsed on any other document, but each shall be a separate and distinct document, excepting those assignments or notices thereof printed or written on and immediately following the original agreement or financing statement, offered for filing at the same time, shall be considered as one document. All these documents shall be legibly written, and shall have the names of the debtor and secured party plainly printed or typed thereon and shall provide a space for filing data of the register of deeds on the outside of said document.

SECTION 33. 59.57 (6) of the statutes is amended to read:

59.57 (6) For filing and entering each bill of sale not pertaining to a security interest and each document pertaining to security interests in personal property, crops or fixtures which is required or authorized by law to be filed with him, ~~including those required to be filed with him pursuant to §2, except as otherwise provided in ss. 409.403 to 409.406, §2.~~ For performing functions under s. 409.407, the register shall charge the fees stated in that section. A financing statement and an assignment or notice of assignment of the security interest, offered for filing at the same time, shall be considered as only one document for the purpose of this subsection. Whenever there

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is offered for filing any document which is not on a standard form prescribed by the secretary of state or which varies more than one-eighth of an inch from the approved size as prescribed by s. 59.51, the appropriate fee specified in ss. 409.403 to 409.406 or an additional filing fee of one-half the regular fee, whichever is applicable, shall be charged by such register.

SECTION 34. 59.99 (2) (b) of the statutes is amended to read:

59.99 (2) (b) In counties having a population of 500,000 or more, the board of adjustment shall consist of 3 members who are residents of ~~towns within~~ the county, elected by the county board for terms of 1, 2 and 3 years, respectively, and until their successors are elected and qualify. ~~Each town wherein the county zoning ordinance is in effect shall have at least one member on the board. The terms of the members of the board existing on April 10, 1957 shall expire on that date.~~

SECTION 35. 66.12 (1) (d) of the statutes is amended to read:

66.12 (1) (d) If the defendant desires to enter a not guilty plea, such plea may be entered by certified mail ~~as provided in s. 345.34 (3).~~

SECTION 36. 70.04 (3) of the statutes, as created by chapter 90, laws of 1973, is renumbered 70.111 (18).

SECTION 37. 70.57 (3) of the statutes is amended to read:

70.57 (3) The department ~~shall have authority to~~ may direct that the fees for the attendance of witnesses and officers and other expenses for evidence ~~shall~~ be paid by the county making complaint to the department which is determined adversely to such county, as justice may require, and when such costs and fees are so directed to be paid by any county the amount thereof shall be certified to the secretary of administration, ~~and in turn certified by him to the secretary of state, and by the latter to be~~ apportioned to such county with the state taxes and be levied and collected upon the property of said county with said state taxes.

SECTION 38. 70.997 (1) (a) of the statutes, as created by chapter 90, laws of 1973, is amended by substituting "70.111 (18)" for the reference to "70.04 (3)".

SECTION 39. The title of Chapter 73 of the statutes is amended to read:

CHAPTER 73
TAX APPEALS COMMISSION; AND
DEPARTMENT OF REVENUE

SECTION 40. 74.26 (1) of the statutes, as repealed and recreated by chapter 90, laws of 1973, is amended to read:

74.26 (1) TO STATE TREASURER. On or before March 22 in each year the several county treasurers shall pay to the state treasurer the amounts ~~of~~ due under s. 25.08 for state trust fund loans, state taxes and state special charges certified by the department of administration to such counties under s. 70.60.

SECTION 41. 76.24 (1) (b) of the statutes is amended to read:

76.24 (1) (b) If the state is compelled to refund in whole or in part any of the taxes which have been distributed to municipalities under par. (a), such municipalities shall repay to the state the amount of such tax so received by them, and ~~the secretary of state, upon information certified to him by~~ the department of administration, shall certify the amounts to be repaid to the state to the county clerks of the counties in which such municipalities are located for levy and collection from said municipalities as other state taxes are levied and collected.

SECTION 42. The title of Chapter 77 of the statutes is amended to read:

CHAPTER 77
TAXATION OF FOREST CROP LAND;
SELECTIVE REAL ESTATE TRANSFER FEES;
SALES AND USE TAX LAW TAXES

SECTION 43. The amendments made to s. 79.01 of the statutes by chapters 90 and 243, laws of 1973, were not repealed by chapter 283, laws of 1973. All amendments stand.

SECTION 44. 79.13 (1) of the statutes is amended to read:

79.13 (1) **PERSONAL PROPERTY TAX CREDIT.** When a taxation district has received an overpayment of tax credit under s. 79.12, either before or after the enactment of this section, the excess shall be a direct claim by the state against the taxation district and if not paid on demand it shall be certified as a special charge in the next following ~~secretary of state's~~ department of administration's apportionment of state taxes and charges.

SECTION 45. 88.72 (3) of the statutes is amended to read:

88.72 (3) At the hearing on the petition, any interested person may appear and contest its sufficiency and the necessity for the work. If the court finds that the petition has the proper number of signers and that to afford an adequate outlet it is necessary to remove dams or other obstructions from waters and streams which may be navigable, or to straighten, clean out, deepen or widen any such waters or streams either within or beyond the limits of such district, the court shall direct the board to file an application with the ~~public service commission~~ department of natural resources as provided in s. 88.31. Thereafter, proceedings shall be had as provided in s. 88.31 insofar as the same is applicable.

SECTION 46. 101.13 (5) of the statutes, as created by chapter 202, laws of 1973, is renumbered 101.13 (6).

SECTION 47. 101.14 (3) of the statutes, as created by chapter 326, laws of 1973, is renumbered 101.14 (4).

SECTION 48. The amendment of s. 103.71 (2) of the statutes by chapter 59, laws of 1973, was not repealed by chapter 183, laws of 1973. Both amendments stand.

SECTION 49. 115.85 (1) of the statutes, as amended by chapter 90, laws of 1973, is repealed.

SECTION 50. 115.85 (2) (e) of the statutes, as created by chapter 89, laws of 1973, is amended to read:

115.85 (2) (e) The school board may place a child with ~~special~~ exceptional educational needs in a special education program at the home, residence or other location of the child only if there is a physician's statement in writing that the child is unable to attend school, as required under s. 115.80 (3) (e).

SECTION 51. The amendment of s. 121.15 of the statutes by chapters 90 and 309, laws of 1973, did not repeal the amendment by chapter 89, laws of 1973. All 3 amendments stand.

SECTION 52. The amendment of s. 121.16 of the statutes by chapter 89, laws of 1973, was not repealed by chapter 90, laws of 1973. Both amendments stand.

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SECTION 53. 121.79 (1) (c) of the statutes, as amended by chapter 90, laws of 1973, is repealed and 121.79 (1) (c) of the statutes, as amended by chapter 89, laws of 1973, is reenacted.

SECTION 54. 140.275 of the statutes, as created by chapter 159, laws of 1973, is renumbered 140.42.

SECTION 55. 146.35 of the statutes, as created by chapter 300, laws of 1973, is renumbered 146.36.

SECTION 56. 186.113 (12) of the statutes, as created by chapter 208, laws of 1973, is renumbered 186.113 (14).

SECTION 57. 208.28 (2) of the statutes, as amended by chapter 303, laws of 1973, is amended as of the effective date of chapter 293, laws of 1973, to read:

208.28 (2) The legal minimum standard of valuation for all certificates of life or endowment insurance shall be the national fraternal congress table of mortality, or at the option of the society, any higher table or any table authorized by s. 206.20, 1971 Stats., or s. 206.201 for such benefits, or a table based upon the society's own experience of at least 20 years and covering not less than 100,000 lives. Contracts for annuity or pure endowment benefits, for total and permanent disability benefits in or supplementary to ordinary contracts, or for accidental death benefits in or supplementary to ordinary contracts shall be valued in accordance with s. 206.201 (2) (c), (e) and (f). Interest assumptions shall be those authorized by ~~ss. s. 206.20, 1971 Stats.~~ and s. 206.201. Each report shall set forth fully the mortality and interest basis and the method of valuation.

SECTION 58. 218.14 (1) (intro.) of the statutes, as created by chapter 116, laws of 1973, is amended to read:

218.14 Warranty and disclosure. (1) (intro.) A one-year written warranty is required for every new ~~mobile home~~ primary housing unit sold or leased by a mobile home manufacturer, dealer or salesperson in this state, and for every new ~~mobile home~~ primary housing unit sold by any person who induces a resident of the state to enter into the transaction by personal solicitation in this state or by mail or telephone solicitation directed to the particular customer in this state. The warranty shall contain the following terms:

SECTION 59. 219.07 of the statutes is amended by substituting "ch. 604" for the reference to "ch. 210".

SECTION 60. 234.41 (3) of the statutes, as created by chapter 208, laws of 1973, is amended by substituting "234.03 (18)" for the reference to "234.08 (18)".

SECTION 61. 343.22 (2) of the statutes, as amended by chapter 218, laws of 1973, is repealed and 343.22 (2) of the statutes, as amended by chapter 129, laws of 1973, is reenacted.

SECTION 62. 345.26 (3) (b) of the statutes, as affected by chapters 218 and 228, laws of 1973, is repealed and recreated to read:

345.26 (3) (b) The person receiving the deposit shall furnish a receipt on a serially numbered form, and shall deliver the original receipt to the alleged violator if requested, and shall state to the alleged violator that he may inquire at the office of the clerk of court or justice regarding the disposition of the deposit. The receipt referred to in this subsection may be included as part of the uniform citation under s. 345.25.

SECTION 63. The amendment of s. 346.60 (3) of the statutes by chapter 182, laws of 1973, was not repealed by chapter 218, laws of 1973. Both amendments stand.

SECTION 64. The amendment of s. 346.95 (1) of the statutes by chapter 182, laws of 1973, was not repealed by chapter 314, laws of 1973. Both amendments stand.

SECTION 65. 348.25 (3) and (4) of the statutes, as affected by chapter 316, laws of 1973, are amended by changing the reference "348.27 (8)" to "348.27 (7m)".

SECTION 66. 348.27 (1) of the statutes, as affected by chapter 316, laws of 1973, is amended by changing the reference "348.27 (8)" to "348.27 (7m)".

SECTION 67. 348.27 (8) of the statutes, as created by chapter 316, laws of 1973, is renumbered 348.27 (7m).

SECTION 68. The amendment of s. 349.03 (2) of the statutes by chapter 86, laws of 1973, was not repealed by chapter 87, laws of 1973. Both amendments stand.

SECTION 69. 349.06 of the statutes is repealed and recreated to read:

349.06 Authority to adopt traffic regulations in strict conformity with state law. Except for the suspension or revocation of motor vehicle operator's licenses, any local authority may enact and enforce any traffic regulation which is in strict conformity with one or more provisions of chs. 341 to 348 and 350 for which the penalty for violation thereof is a forfeiture.

SECTION 70. 409.308 (a) and (b) of the statutes, as created by chapter 215, laws of 1973, are renumbered 409.308 (1) and (2).

SECTION 71. 499.02 (3) of the statutes, as created by chapter 305, laws of 1973, is amended by substituting "subch. II of ch. 16 except that s. 16.35 shall apply" for the reference to "ss. 16.01 to 16.29 and 16.301 to 16.32".

SECTION 72. 611.07 (1) of the statutes, as amended by chapter 184, laws of 1973, is repealed and 611.07 (1) of the statutes, as amended by chapter 128, laws of 1973, is reenacted.

SECTION 73. 618.49 (2) of the statutes is amended by substituting "s. 604.04 (5)" for the reference to "s. 210.02".

SECTION 74. The amendment of s. 879.03 (3) of the statutes by chapter 90, laws of 1973, was not repealed by chapter 233, laws of 1973. Both amendments stand.

SECTION 75. The amendment of s. 885.01 (4) of the statutes by chapter 272, laws of 1973, was not repealed by chapter 305, laws of 1973. Both amendments stand.

SECTION 76. 939.22 (24) of the statutes is amended to read:

939.22 (24) "Place of prostitution" means any place where a female habitually engages in nonmarital acts of sexual intercourse or sexual perversion for ~~money~~ any thing of value.

SECTION 77. Section 2 of chapter 322, laws of 1971 (as printed on page 996 of the 1971 edition of the statutes) is renumbered to be 51.434 of the statutes and, as renumbered, 51.434 (title) and (intro.) are amended to read:

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51.434 (title) Definitions relating to developmental disabilities. (intro.) The following definitions shall be used for the purposes of interpreting and administering ~~this act ss. 51.435 to 51.437:~~

SECTION 78. Wherever the term “public service commission” appears in sections 84.11 (7) and 84.12 (7) of the statutes, the term “department of natural resources” is substituted.

SECTION 79. In the sections listed below in column A, the cross references shown in column B are changed to the cross references shown in column C:

A	B	C
Statute Sections	Old Cross Reference	New Cross References
41.07 (3)	20.923 (1)(a)	20.923
342.19 (6)	409.103 (2), (3) & (4)	409.103 (1), (2) & (3)
340.01 (56m)	409.105 (1)(i)	409.105 (1)(m)
(56n)	409.105 (1)(h)	409.105 (1)(L)
404.208 (3)(a)	409.203 (1)(b)	409.203 (1)(a)
880.13 (2)(a)	880.33 (9)	880.60 (9)
