

CHAPTER 660

AN ACT to repeal, renumber, amend and repeal and recreate various provisions of the statutes and session laws for the purpose of correcting errors, supplying omissions, clarifying language, correcting titles of departments, correcting and clarifying references, renumbering for better location and arrangement, eliminating duplications and unnecessary and obsolete provisions, reconciling conflicts and repelling unintended repeals.

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

SECTION 1. 15.22 (3a) of the statutes, as amended by chapter 228 (623, S), section 14, laws of 1959, is amended by substituting "35.84" for "35.84 (14)."

SECTION 2. The amendment made to 16.05 (5) of the statutes by section 44 of chapter 228 (623, S), laws of 1959, is not repealed by chapter 463 (886, A), laws of 1959. Both amendments stand.

SECTION 3. The amendment made to 16.13 (2) of the statutes by chapter 463 (886, A), laws of 1959, is not repealed by chapter 508 (626, A), laws of 1959. Both amendments stand.

SECTION 4. The amendment made to 16.24 (2) of the statutes by section 63 of chapter 228 (623, S), laws of 1959, is not repealed by chapter 463 (886, A), laws of 1959. Both amendments stand.

SECTION 5. 16.33 (1) (s) and (t) of the statutes, as created by ch. 327 (441, S), Laws of 1959, are renumbered to be 63.03 (1) (s) and (t).

SECTION 6. 16.36 (4), (5) and (6) of the statutes, as created by chapter 508 (626, A), laws of 1959, are renumbered to be 63.08 (4), (5) and (6).

SECTION 7. 63.32 and 63.33 of the statutes, as renumbered from 16.57 and 16.58 by chapter 228 (623, S), laws of 1959, are amended as shown in chapter 508 (626, A), laws of 1959, section 4, under the old section numbers.

SECTION 8. 16.92 of the statutes, as renumbered from 15.845 by chapter 228 (623, S) is repealed.

SECTION 9. The unnumbered paragraphs in 20.002 (3) of the statutes are lettered (a), (b) and (c) respectively.

SECTION 10. The unnumbered paragraph in 20.002 (4) of the statutes is lettered (a).

SECTION 11. The amendment made to 20.003 (6) of the statutes by chapter 228 (623, S), laws of 1959, is not repealed by chapter 423 (889, A), laws of 1959. Both amendments stand.

SECTION 12. 20.125 (401) of the statutes, as created by chapter 228 (623, S), laws of 1959, is renumbered to be 20.125 (40).

SECTION 13. 20.270 (1) and (1a) of the statutes are consolidated as 20.270 (1) and amended by substituting the words "this subsection" for "sub. (1)".

SECTION 14. 20.290 (401) of the statutes is renumbered 20.290 (40).

SECTION 15. 20.360 (5n) of the statutes, as created by chapter 403 (103, S), laws of 1959, is renumbered 20.705 (5) and amended to read:

20.705 (5) TOURIST SURVEY. On July 1, 1959, \$25,000 to the * * * *department of resource* development for conducting a tourist survey during the 1959-61 biennium.

SECTION 16. 20.420 (82) (b) of the statutes is amended to read:

20.420 (82) (b) The amount added by sub. (83) (a) *and (84) (a)*.

SECTION 17. 20.460 (401) of the statutes is renumbered 20.460 (40).

SECTION 18. 20.555 (50) of the statutes is amended to read:

20.555 (50) Such sums as may be necessary for repayment of moneys paid into the general fund under the provisions of ss. 46.07 (1) and 46.106, such payments to be made upon the certification of the state department of public welfare * * *.

SECTION 19. 20.560 (70) of the statutes is amended to read:

20.560 (70) All moneys received by the motor vehicle department as motor vehicle registration fees, operator's and chauffeur's license fees, *tuition fees* and motor carrier fees and taxes shall be paid into the state highway fund. * * * *The appropriations* from the state highway fund to the motor vehicle department * * * *are in the amounts and on the dates hereinafter provided.*

SECTION 20. 20.760 (4) of the statutes is amended by substituting "(1)" for "(2)" in the second sentence.

SECTION 21. 20.760 (401) of the statutes is renumbered 20.760 (40) and as so renumbered the first and second sentences are amended by substituting "(1)" for "(2)" in the reference to "sub. (2)".

SECTION 22. 20.830 (401) of the statutes is renumbered 20.830 (40).

SECTION 23. The amendment made to 20.830 (44) of the statutes by chapter 228 (623, S), section 66, laws of 1959, is not repealed by chapter 313 (709, A), laws of 1959. Both amendments stand.

SECTION 24. 20.840 (2) of the statutes, as created by chapter 330 (115, A), laws of 1959, is renumbered to be 20.840 (3).

SECTION 25. 20.979 (2) (a) of the statutes is amended by deleting the reference to "20.410" in the first sentence.

SECTION 26. 25.17 (1) (r) of the statutes is repealed.

SECTION 27. 28.840 (61) (c) of the statutes, as created by chapter 378 (371, S), laws of 1959, is renumbered to be 20.840 (61) (c).

SECTION 28. 29.29 (3) of the statutes is amended by substituting "30.12 (2) (b)" for the reference to "30.02 (1) (ba)."

SECTION 29. 30.03 (1) of the statutes, as created by chapter 441 (1, A), laws of 1959, is amended by substituting "31.25" for the reference to "31.23 (4)."

SECTION 30. 30.06 of the statutes, as created by chapter 441 (1, A), laws of 1959, is not repealed by chapter 505 (172, S), laws of 1959. The repeal of 30.06 was in reference to 30.06 of the statutes of 1957.

SECTION 31. 30.10 of the statutes, as created by chapter 441 (1, A), laws of 1959 is not repealed by chapter 505 (172, S), laws of 1959. The repeal of 30.10 was in reference to 30.10 of the statutes of 1957.

SECTION 32. 30.30 (8) of the statutes, as created by chapter 441 (1, A), laws of 1959, is amended to read:

30.30 (8) LEASE OF WHARFING PRIVILEGES. Lease the wharfing privileges of navigable waters at the ends of streets, giving preference to owners of adjoining land, and prescribe or regulate the fees to be charged for wharfage at such places. No buildings shall be erected on the ends of streets, and a free passage over the same for all persons with their baggage, shall be reserved * * * ; *but nothing herein shall be construed to prohibit the erection of public buildings by a municipality within a filled in area of a lake or river where such municipality has been granted specific authority therefor by the legislature, or in conjunction therewith, in any street end or approaches thereto. No such construction on any street end or approaches shall prevent access to the navigable water.* If the municipality has established a board of harbor commissioners, the municipality may delegate to such board the powers conferred by this subsection.

SECTION 33. 30.45 to 30.50 of the statutes, as created by chapter 441 (1, A), laws of 1959, and the phrase "Regulation of Watercraft" preceding those sections are repealed.

SECTION 34. 30.67 (2) (a) of the statutes, as created by chapter 505 (172, S), laws of 1959, is amended to read:

30.67 (2) (a) If the boating accident results in death or injury to any person or * * * *total property damage* in excess of \$100, every operator of a boat involved in such accident shall, as soon as possible, give notice of the accident to a conservation warden or local law enforcement officer and shall within 10 days after the accident, file a written report thereof with the commission on the form prescribed by it.

SECTION 35. 30.74 (2) of the statutes, as created by chapter 505 (172, S), laws of 1959, is amended to read:

30.74 (2) By rule establish a color scheme for buoys or other markers used to designate traffic lanes, restricted areas, anchorages, or otherwise used to promote safety in navigation. Such color scheme shall be uniform throughout the state and shall conform to the color scheme used by the U. S. coast guard. Any such marker which does not comply with such color scheme is deemed an unlawful obstruction of navigable waters and may be removed in accordance with law.

SECTION 36. In 37.115 of the statutes, as created by chapter 424 (76, S), laws of 1959, the references to sections 320.01, 320.01 (17) and 320.02 of the statutes shall be construed to be references to the statutes of 1957, and the revisor shall so indicate by printing "[Stats. 1957]" after each such reference in the 1959 statutes.

SECTION 37. 40.35 (8a) of the statutes, as created by chapter 393 (875, A), laws of 1959, is amended to read:

40.35 (8a) When orders that reorganize school districts are made effective after May 1 and before October 1 of any year, the clerks of the districts affected shall prepare the statement which they are required to make pursuant to sub. (8) on the basis * * * of the equalized valuation of the districts as changed by the order of reorganization and related to equalized valuation of the year upon which the tax levy is required to be made. If the district clerk has filed the statement prior to the effective date

of the order of reorganization he shall make such a corrected certification which shall be accepted by the municipal clerks concerned and acted upon by them as provided in sub. (8).

SECTION 38. 40.70 (1) of the statutes, as amended by chapter 402 (479, A), laws of 1959, is repealed; 40.70 (1) of the statutes, as created by section 3 of chapter 700, laws of 1957, is amended to read:

40.70 (1) "Pupils in average daily * * * membership" is the sum of actual daily * * * memberships, as expressed by official enrollments, in all schools of the district for each day of the school term divided by the number of days school is actually held. The quotient, if it contains a fraction, shall be expressed as the nearest whole number. In computing the number of pupils in average daily * * * membership no first grade pupil shall be counted unless he attains the age of 6 years on or before December 1 of the school year in which he enters first grade. A pupil enrolled in a recognized half-day kindergarten program shall be counted as one-half pupil provided he attains the age of 5 years on or before December 1 of the year in which he enrolls. A pupil enrolled in a 4-year-old kindergarten program shall not be counted. The same formula shall be used in computing average daily * * * membership for resident pupils, nonresident pupils, or both.

SECTION 39. 42.241 (7) (ab) of the statutes, as created by chapter 4, laws of 1959, is renumbered 42.241 (8).

SECTION 40. 45.35 (5a) (intro. par.) of the statutes is amended by striking the reference to "45.045 (4)".

SECTION 41. 45.365 (5) of the statutes, as created by chapter 378 (371, S), laws of 1959, is renumbered to be 45.365 (6).

SECTION 42. 49.10 (12) (f) 1. of the statutes, as created by ch. 102 (Bill 14, A), laws of 1959, is amended to read:

49.10 (12) (f) 1. Public. Wisconsin state prison; *Wisconsin correctional institution*; Wisconsin state reformatory; Wisconsin home for women; Wisconsin school for boys; Wisconsin school for girls; county jails or houses of correction; Wisconsin child center; northern Wisconsin, southern Wisconsin and central Wisconsin colonies and training schools; Mendota, Winnebago and Central state hospitals; Wisconsin school for visually handicapped; Wisconsin school for the deaf; federal, state, county or municipal hospitals, asylums, infirmaries, tuberculosis sanatoriums or homes for the aged; veterans' hospitals, domiciliaries and homes.

SECTION 43. The amendment made to 49.53 (2) (b) of the statutes by chapter 129 (427, A), laws of 1959, is not repealed by chapter 470 (393, S), laws of 1959. Both amendments stand.

SECTION 44. The amendments made to 62.23 (7) (d) of the statutes by chapter 73 (53, A), laws of 1959, are not repealed by chapter 391 (718, A), laws of 1959. Both amendments stand.

SECTION 45. 65.07 (1) (n) of the statutes, as amended by chapter 357 (304, A), laws of 1959 and by chapter 476 (448, A), laws of 1959 is repealed and recreated to read:

65.07 (1) (n) The funds established under pars. (c), (i), (k), (o) and (r) may be allowed to accumulate from year to year in the discretion of the common council.

SECTION 46. 65.07 (1) (p) of the statutes, as created by chapter 357 (304, A), laws of 1959, is renumbered 65.07 (1) (r).

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SECTION 47. The amendment made to 66.066 (4) of the statutes by chapter 209 (327, A), laws of 1959, is not repealed by chapter 452 (836, A), laws of 1959. Both amendments stand.

SECTION 48. The amendment made to 66.99 (8) of the statutes by chapter 228 (623, S), laws of 1959, is not repealed by chapter 421 (273, A), laws of 1959. Both amendments stand.

SECTION 49. The amendment made to 67.04 (2) (zn) of the statutes by chapter 196 (644, A), laws of 1959, is not repealed by chapter 515 (632, A), laws of 1959. Both amendments stand.

SECTION 50. 95.14 (4) of the statutes is amended to read:

95.14 (4) Any such corporation shall have * * * the general powers of other corporations and its articles of organization shall conform to * * * s. * * * 181.31 * * * with such modifications as * * * this section * * * requires.

SECTION 51. 102.18 (2) of the statutes is amended to read:

102.18 (2) The industrial commission may authorize a commissioner or examiner to make findings and orders, and to review, set aside, modify or confirm compromises of claims for compensation under rules to be adopted by the * * * commission. Any party in interest who is dissatisfied with the findings or order of a commissioner or examiner may file a written petition with the industrial commission as a commission to review the findings or order.

SECTION 52. 108.061 (1m) of the statutes, as created by Ch. 1, Special Session, 1958, is repealed.

SECTION 53. 108.16 (13) (j) of the statutes is repealed.

SECTION 54. 108.162 and 108.163 of the statutes, as created by ch. 1, Special Session, 1958, are repealed.

SECTION 55. The title of Chapter 139 of the statutes is amended to read:

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BEVERAGE * * *, CIGARETTE AND OLEOMARGARINE TAXES

SECTION 56. Chapter 168 (Bill 339, A), laws of 1959, is not to be construed as amending, deleting or repealing 167.10 (2) (a) of the statutes; it was intended to amend only 167.10 (2) (intro. par.) of the statutes.

SECTION 57. 176.06 (6) (e) of the statutes is amended to read:

176.06 (6) (e) Hotels and restaurants whose principal business is the furnishing of food or drinks, as prescribed in s. 176.05 (10), or lodging to patrons, and bowling alleys and golf courses, shall be permitted to remain open for the conduct of their regular business but shall not be permitted to sell intoxicating liquors or any malt beverages during the hours prohibited in pars. (a) * * * and (b) * * *.

SECTION 58. 206.28 (2) of the statutes is amended to read:

206.28 (2) No company mentioned in s. 206.27, shall incur or expend or permit any person * * * to incur or expend on its behalf, or under any agreement with it, during any calendar year, for the purposes specified in * * * s. 206.27 (1) (b), an amount exceeding in the aggregate the total expense charges specified in * * * s. 206.27 (1) (a).

SECTION 59. 206.29 of the statutes is amended to read:

~~206.29~~ No company mentioned in s. 206.27 shall in any calendar year make or incur any expense, or permit any expenses to be made or incurred on its behalf or under any agreement with it, for all purposes (exclusive of such expenses for medical examinations and inspections of risks as are actually paid from the gains on mortality and of such investment expenses, taxes, fees and licenses as are actually paid from the savings on interest and the contingency reserve), in an amount exceeding in the aggregate the total expense charges specified in * * * s. 206.27 (2) (c).

SECTION 60. 215.20 (20) of the statutes, as created by chapter 419 (495, S), laws of 1959, is renumbered to be 215.20 (21).

SECTION 61. 218.01 (3) (a) 21 of the statutes, as created by chapter 236, Laws of 1959, is amended to read:

218.01 (3) (a) 21. Being a dealer who keeps open his place of business on Sunday for the purpose of buying or selling motor vehicles; but nothing in this subsection shall apply to any person who conscientiously believes that the seventh day of the week, from sunset Friday to sunset Saturday, should be observed as the Sabbath and who actually refrains from conducting or engaging in the business of buying, selling or offering for sale motor vehicles, or performing other secular business on that * * * day.

SECTION 62. 218.01 (7b) (fifth sentence) of the statutes, as created by ch. 223, laws of 1959, is amended to read:

218.01 (7b) (fifth sentence) Failure to obtain such consent or to forward it with the application for a certificate of title, shall not * * * void the contract of sale of a motor vehicle in the hands of an innocent holder, without notice, for value and in the ordinary course of business.

SECTION 63. 219.07 of the statutes, as created by chapter 384 (98, S), laws of 1959, is renumbered to be 219.08.

SECTION 64. 220.285 of the statutes, as amended by ch. 151, laws of 1959 (Bill 109, S) is amended to read:

220.285 (1) Any state bank, mutual savings bank, trust company bank, licensees under ss. 115.07 (3), 115.09, 218.01 and ch. 214 or credit union may cause any or all records kept by such bank, licensees under ss. 115.07 (3), 115.09, 218.01 and ch. 214 or credit union to be recorded, copied or reproduced by any photostatic, photographic or miniature photographic process which correctly, accurately and permanently copies, reproduces or forms a medium for copying or reproducing the original record on a film or other durable material, and such bank, licensees under ss. 115.07 (3), 115.09, 218.01 and ch. 214 or credit union may thereafter dispose of the original record after first obtaining the written consent of the commissioner of banks. This section, excepting that part of it which requires written consent of the commissioner of banks, is applicable to national banking associations insofar as it does not contravene federal law.

(2) Any photographic, photostatic or miniature photographic copy or reproduction or copy reproduced from a film record made from a bank record, record of a licensee under ss. 115.07 (3), 115.09, 218.01 and ch. 214 or credit union record is deemed to be an original record for all purposes and shall be treated as an original record in all courts or administrative agencies for the purpose of its admissibility in evidence. A facsimile, exemplification or certified copy of any such photographic copy or reproduction or copy reproduced from a film record shall, for all purposes, be deemed a facsimile, exemplification or certified copy of the original record.

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SECTION 65. The chapter title of Chapter 228 of the statutes, as created by chapter 399 (455, S), laws of 1959, is amended to read:

Chapter 228 (Chapter Title) RECORDING AND COPYING OF PUBLIC RECORDS * * * IN POPULOUS COUNTIES * * * .

SECTION 66. The amendment made to 234.04 (1) of the statutes by chapter 166, laws of 1959, is not repealed by chapter 226, laws of 1959. Both amendments stand.

SECTION 67. 252.015, as amended by chapter 16 (74, A), 315 (282, S) and 427 (138, A), laws of 1959, of the statutes, is repealed and recreated to read:

252.015 MULTI-BRANCH CIRCUIT COURTS. (1) The following judicial circuits shall have branches as follows:

- (a) Second circuit, 13 branches.
- (b) Ninth circuit, 3 branches.
- (c) Fourteenth circuit, 2 branches.
- (d) Twenty-second circuit, 2 branches.

(2) Each such branch constitutes a circuit court with all the powers and jurisdiction possessed by circuit courts in circuits having one judge only, and may be designated in all papers and proceedings either by its respective number or by the name of its presiding judge.

SECTION 68. In repealing and recreating 252.015 of the statutes in section 67, it is the intent that:

(1) In addition to the present 10 branches in the second judicial circuit, the eleventh and twelfth branches shall be established and the judges therefor elected, at the time and in the manner provided in chapter 315 (282, S), laws of 1959, and the judge for the thirteenth branch shall be elected at the time and in the manner provided by section 2 of chapter 427 (138, A), laws of 1959.

(2) The second branch for the fourteenth district shall be established when chapter 315 (282, S), laws of 1959, takes effect, and the judge for the second branch shall be elected at the time and in the manner provided in said chapter 315.

(3) The second branch for the twenty-second judicial circuit shall be established as provided in section 3 of chapter 16 (74, A), laws of 1959 and the judge for the second branch shall be elected at the time and in the manner provided by section 2 of said chapter 16.

SECTION 69. 252.017 of the statutes, as created by chapter 315 (282, S), laws of 1959, is amended effective the first Monday in January, 1962, to read as follows:

252.017 ADMINISTRATION OF WORK IN MULTI-BRANCH COURTS. In circuits in which there are 2 or more branches, the judges may provide for the distribution of the work and assignment of cases among branches except that in the second circuit, branches 11 and 12 shall be designated as the criminal court branches and all cases specified in s. 252.015 for the second circuit criminal branch jurisdiction including all appeals from criminal trials and from ordinance violations from branches 3 and 4 of the county court of Milwaukee county, and all examinations, recognizances and commitments for trial in case of crimes and misdemeanors not triable in said county court branches shall be assigned by the clerk to those branches and shall be reassigned to another branch only in case of disqualification, illness or vacation of the judges or congestion or vacancies in branches 11 and 12. *No grand jury shall hereafter be drawn or summoned for the circuit court of Milwaukee county unless the senior*

judge of the criminal court branches thereof shall make and file with the clerk an order in writing directing a grand jury to be summoned, and specifying the time at which such grand jury shall appear before the court.

SECTION 70. 256.51 of the statutes is amended to read:

256.51 Commencing January 1, 1956, judges of the following courts shall not practice private law while serving a term as judge and shall devote their entire working time to duties of their judicial office: the superior courts of Dane and Douglas counties, the small claims courts of Dane and Kenosha counties, the municipal court for Brown county, the municipal court of Fond du Lac county, the municipal court of Kenosha county, the municipal court of Manitowoc county, the municipal court of Outagamie county, the municipal court of Racine county, the municipal court for Rock county, and the municipal court of the city of Oshkosh and county of Winnebago. * * *

SECTION 71. 256.52 of the statutes, as created by chapter 377 (283, S), laws of 1959, is renumbered to be 256.53.

SECTION 72. 262.17 (2) of the statutes, as created by ch. 226, laws of 1959, is amended to read:

262.17 (2) SERVICE BY PUBLICATION. In case of publication, by the affidavit of the publisher or printer, or his foreman or principal clerk, showing the same and specifying the date of the first and last publication, and an affidavit of mailing of a copy of the summons, with the complaint * * * or notice of the object of the action, as the case may require, made by the person who mailed the same.

SECTION 73. The amendments made to 289.16 (1) of the statutes by chapter 55 (154, S), laws of 1959, are not repealed by chapter 519 (764, A), laws of 1959. Both amendments stand.

SECTION 74. 312.01 of the statutes, as repealed and recreated by chapter 267 (140, S) and as amended by chapter 415 (686, A), laws of 1959, is repealed and recreated to read:

312.01 INVENTORY AND APPRAISAL. (1) CONTENTS AND RETURN. Every personal representative, within 3 months after his appointment, shall make and return to the court a true inventory of all the property of his deceased which shall come to his possession or knowledge. For tax purposes, he shall include property over which the decedent had a power of appointment, life insurance, joint and life tenancies and gifts made in contemplation of death or taking effect upon death or made within 2 years prior to death. A separate inventory shall be made of the household furniture and other personal property allowed to the widow, pursuant to s. 313.15 (1), but the same shall not be assets in the hands of the personal representative. If a special administrator has filed an inventory and appraisal, no other personal representative need file a further inventory unless additional property is found or the court orders otherwise.

(2) APPOINTMENT OF APPRAISERS; CERTIFICATION OF VALUE. The inventoried property shall be appraised by disinterested persons, appointed by the court. The appraisers shall be sworn to a faithful discharge of their duty. Where the estate is situated in 2 or more counties, appraisers may be appointed for each county. The appraisers shall set down opposite each item in such inventory the value thereof, and certify the same.

(3) WHEN APPRAISAL NOT NECESSARY. If the estate consists solely of money or securities listed on recognized stock exchanges or both there need be no appraisal. Where evidence, satisfactory to the court, is produced to establish full market value of inventoried assets, and no formal appraisal

is requested by the public administrator, the court may establish any values necessary for tax purposes and to meet the needs of administering the estate.

(4) LAND CONTRACTS. A land contract and the interest in the real estate described therein belonging to the decedent's estate shall be set forth in the inventory and treated:

- (a) As personal property, when the contract is to sell; and
- (b) As real property, when the contract is to purchase.

SECTION 75. 320.01 (7) of the statutes, as amended by chapter 235 339, S), laws of 1959, is repealed.

SECTION 76. 320.01 (13) of the statutes, as amended by chapter 443 (766, A), laws of 1959, is repealed.

SECTION 77. The paragraphs numbered (a) and (b) in 325.28 of the statutes, as amended by chapter 449, laws of 1959, are renumbered to be subsections (1) and (2), and the last sentence of (2) as so renumbered is amended by substituting "subsection" for "paragraph."

SECTION 78. 341.26 (2) (i) of the statutes, as created by chapter 426 (632, S), laws of 1959, is renumbered to be 341.26 (2) (j).

SECTION 79. 343.01 (2) (e) 5 of the statutes, as created by Chapter 107 (Bill 25, S), Laws of 1959, is renumbered 343.01 (2) (e) 6.

SECTION 80. 343.13 (1) of the statutes, as created by Ch. 35 (Bill 349, A), Laws of 1959, is renumbered to be 343.16 (3) (b).

SECTION 81. 343.16 (3) of the statutes is renumbered to be 343.16 (3) (a).

SECTION 82. 347.35 (5) of the statutes as created by Ch. 58 (Bill No. 270, S), Laws of 1959, is renumbered to be 347.37.

SECTION 83. 349.10 (1) (b) of the statutes is amended to read:

349.10 (1) (b) Designate by mark or markers certain places on highways as safety zones or erect and maintain islands of safety and regulate and control traffic with respect to such safety zones and islands of safety * * * .

SECTION 84. Section 24 of chapter 7, laws 1959, is amended to read:

Section 24. The judge may employ a phonographic reporter for the court, who shall take and subscribe the oath of office provided in the constitution. Such phonographic reporter shall be furnished with all necessary stationery, and shall attend when required by the judge and report the proceedings of trials (and other proceedings when required by the judge) had in the court, and perform such other duties as the judge requires. The judge shall fix the compensation of such reporter at not to exceed \$10 for each day, and \$5 for each one-half day attendance, which shall be full compensation for services and for making transcripts from his notes as may be required by the judge; but in lieu of such salary, the county board of the county *may*, in its discretion, from time to time, fix the salary of the phonographic reporter, which salary shall be paid at the end of each month. Such reporter shall furnish parties to the action on their attorneys requiring them, like transcripts and carbon copies thereof, and be paid therefor the same rate as provided for the circuit court reporter for the county. The fee for such transcripts shall belong to the phonographic reporter.

Approved February 11, 1960.