

1969 Senate Bill 589

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CHAPTER 241, LAWS OF 1969

AN ACT to repeal, renumber, amend, create and revise various provisions of the statutes for the purpose of correcting errors, supplying omissions, clarifying language, correcting titles of departments, correcting references, eliminating unnecessary and obsolete provisions and reconciling conflicts. (Revisor's Correction Bill.)

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

SECTION 1. 8.15 (3) of the statutes is amended to read:

8.15 (3) All signers on each separate nomination paper for all state offices, United States senators, congressmen, county offices, and state legislators ~~and national convention delegates~~ shall reside in the same county and in the district which the candidate named therein will represent, if elected.

SECTION 2. 13.90 (6) of the statutes is amended to read:

13.90 (6) ~~Beginning July 1, 1966, employ~~ *Employ* an outside staff of professional consultants for the purpose of studying ways to improve legislative staff services and organization. Without limitation because of enumeration, this study shall cover legislative service agencies, the management of legislative business, legislative compensation, legislative office space, and the increasing amounts of time required by legislative duties. ~~The recommendations made by the consultants under this subsection shall be submitted to the committee under s. 15.70 for their review and recommendation before they are reported to the joint committee on legislative organization.~~

SECTION 3. 14.01 of the statutes is amended to read:

14.01 A governor, lieutenant governor, secretary of state, treasurer and an attorney general shall be elected at the general election in ~~each even numbered year 1970 and quadrennially thereafter.~~ *A state superintendent shall be elected on the first Tuesday in April, 1917 and quadrennially thereafter.*

SECTION 4. 14.29 (14) of the statutes is amended to read:

14.29 (14) No articles of incorporation, articles of amendment, articles of merger or consolidation, statement of intention to dissolve, articles of dissolution, restated articles of incorporation, certificate of abandon-

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ment, or statement of revocation of voluntary dissolution, provided for pursuant to ch. 180, 181, 185 or 187, shall be ~~recorded~~ filed by the secretary of state unless the name of the person who, or the governmental agency which, drafted such document is printed, typewritten, stamped or written thereon in a legible manner. A document complies with this subsection if it contains a statement in the following form: "This document was drafted by _____ (Name)". This subsection shall not apply to a document executed prior to ~~July~~ December 1, 1967, or to:

- (a) A decree, order, judgment or writ of any court;
- (b) A document executed or acknowledged outside this state.

SECTION 5. 14.75 (1) of the statutes is amended by substituting "s. 20.505 (5) (a)" for the reference to "s. 20.505 (6) (a)".

SECTION 6. 15.31 (last sent.) of the statutes is repealed.

SECTION 7. 16.85 (4) of the statutes is amended to read:

16.85 (4) To approve the appointment of a ~~director~~ chief operating engineer connected with each state-owned power and electric plant and pumping and heating station and to provide for the methods of operating said plants and stations and to design records and forms for reporting accurately the cost per unit of product or service. The superintendent or other person having charge of said plants shall not only report to his governing body but to the director in the manner provided and at such times as the director ~~shall determine~~ determines.

SECTION 8. 24.24 (1) of the statutes is amended to read:

24.24 (1) The certificate of sale, issued pursuant to s. 24.17, until the same ~~shall become~~ becomes void by forfeiture as ~~herein provided under~~ s. 24.28, shall entitle the purchaser, his heirs or assigns, to all the rents, benefits and provisions of any lease existing thereon at the time of such purchase and thereafter accruing, and shall be sufficient evidence of title, and shall vest in him, his heirs and assigns, the same rights of possession, enjoyment, descent, transmission and alienation of the lands therein described, and the same remedies for the protection of said rights, as against all persons except the state, that he would possess if he were the owner thereof in fee.

SECTION 9. 29.546 (3) of the statutes is amended to read:

29.546 (3) The ~~commission and its deputies~~ shall have the same police and enforcement powers in respect to this section as it has in respect to ch. 29. ~~It~~ department shall erect or cause to be erected in suitable places near public waters or public property where the American lotus is found or the restricted areas where the arbutus or lady's-slipper or trillium are prevalent, substantial and permanent signs warning all persons against violations of this section. It may also erect or cause to be erected similar signs on private property with the consent of the owner thereof. When the American lotus causes damage to property bordering on public waters, the ~~commission~~ department may authorize the removal of all or part of the American lotus growing in such waters.

SECTION 10. 35.84 (4) (d), 5 and 6 of the statutes are repealed.

SECTION 11. 35.84 (4) (d) 7 and 8 of the statutes are renumbered lines 5 and 6.

SECTION 12. 41.18 (2) of the statutes is amended by substituting "s. 55.01" for the reference to "s. 41.71".

SECTION 13. 41.19 (7) of the statutes is amended by substituting "s. 55.01" for the reference to "s. 41.71".

SECTION 15. 59.96 (7) (c) (1st sent.) of the statutes, as amended by chapter 52, laws of 1969, is amended to read:

59.96 (7) (c) (1st sent.) Whenever the sewerage commission of such city of the 1st class requires funds out of which to pay for the protection,

planning, construction and maintenance of a sewerage system for the collection, transmission and treatment or disposal of house, unpolluted industrial and processed waters and other sewage, or for the improvement of any watercourse within the district by deepening and widening or otherwise changing the same, or for constructing, maintaining and operating flushing stations and tunnels or for constructing, building and maintaining its sewage disposal or treatment plants in connection therewith, it shall place the same in the budget.

SECTION 16. 60.06 (1) of the statutes is amended by deleting the words "or homesteaders".

SECTION 17. 60.06 (2) of the statutes is amended by deleting the words "and homesteaders".

SECTION 18. 66.29 (3) of the statutes is amended to read:

66.29 (3) No bid shall be received from any person who has not submitted the sworn statement as provided in ~~the preceding section sub. (2)~~, provided that any prospective bidder who has once qualified to the satisfaction of the municipality, board, public body or officer, and who wishes to become a bidder upon subsequent public contracts under the jurisdiction of the same, to whose satisfaction the prospective bidder has qualified under ~~the provision of the preceding section sub. (2)~~, need not separately qualify on each public contract unless required so to do by the said municipality, board, public body or officers.

SECTION 19. 67.01 (8) (f) of the statutes is repealed.

SECTION 20. 67.05 (11) of the statutes is amended to read:

67.05 (11) Every municipality that has first complied with all the requirements prescribed for and made applicable to it by ~~the preceding~~ the satisfaction of the municipality, board, public body or officer, and ~~subsections of this section subs. (1) to (10)~~, may, but not otherwise, borrow money and issue and sell or hypothecate its municipal bonds to the amount and for the ~~purpose or~~ purposes specified in the initial resolution.

SECTION 21. 68.15 of the statutes is repealed.

SECTION 22. 70.60 (2) of the statutes is repealed.

SECTION 23. 71.13 (3) (i) of the statutes is amended to read:

71.13 (3) (i) The provisions of this section shall be in addition to all other methods for the collection of income taxes, and the department of ~~taxation revenue~~ may exercise the powers vested in it by virtue of ~~section ss. 73.03 (20), section and 73.04, and section 70.64 (9)~~ or any of the powers vested in it by virtue of any other ~~section of the statute~~ *statute* for the purpose of enforcing collection of income taxes.

SECTION 24. 72.08 (2) of the statutes is amended to read:

72.08 (2) When any amount of said tax ~~shall have~~ *has* been paid erroneously into the state treasury and a transcript from the county court record showing the facts ~~shall have~~ *has* been filed with the department of ~~taxation revenue~~, it shall be unlawful for the state treasurer, upon proper certification by the department of ~~taxation revenue~~, to refund the amount of such erroneous or illegal payment to the executor, administrator, trustee, person, or persons who have paid any such tax in error, from the treasury; or the department of ~~taxation revenue~~ may order, direct, and allow the treasurer of any county to refund the amount of any illegal or erroneous payment of such tax out of the funds in his hands or custody to the credit of such taxes, and credit him with the same in his ~~quarterly~~ *monthly* account rendered to the department of ~~taxation~~ under this chapter. ~~Provided, however, that all~~ *All* applications for such refunding of erroneous taxes shall be made within one year from the payment thereof, or within one year after the reversal or modification of the order fixing such tax.

SECTION 25. 116.03 (11) of the statutes is revised to read:

116.03 (11) Establish the salaries of the agency coordinator and other professional and nonprofessional employees. State reimbursement for the cost of the salary of the agency coordinator shall be equal to the actual salary paid or the maximum of the salary range for public instruction supervisors under the state superintendent, whichever is less.

SECTION 26. 130.06 of the statutes is amended to read:

130.06 REGULATION BY CITIES, VILLAGES AND TOWNS. The common council of any city and the board of trustees of any village or town board of any town may regulate by ordinances the sale by auction, within the meaning of this chapter, of goods, wares and merchandise, except household furniture which has been used as such, or other property within their respective cities, villages or towns; and thereby may prohibit, under proper ~~fin~~ ~~es~~ or penalties, any sales at auction therein by any person without license; require daily reports of any sales made, verified by affidavits, to be made by every auctioneer to the clerk of such city, village or town, require sufficient bonds from the licensee for compliance with any such ordinance, and the payment of a license fee of not less than \$10 nor more than \$25 per day, or when fixed by the year not less than \$10 nor more than \$300 per year, in addition to any percentage they may fix, which shall not be less than ~~\$10~~ 10 nor more than 20 ~~per cent~~ % upon the gross amount of sales made ~~except this~~. This section shall not apply when sale is made by virtue of a chattel mortgage or conditional sales contract or of a rule, order or judgment of a court, or of some law of the state or the United States respecting the collection of some tax or duty; or in consequence of a general assignment of property or effects for the benefit of creditors; or when made of property belonging to the state or of the United States; or when made by or on behalf of any executor or administrator; or when made of his farm property by or on behalf of a resident farmer who has paid the taxes lawfully levied on his property; or when made of farm personal property at a market licensed under s. 95.70.

SECTION 27. 144.21 (8) (b) (intro.) of the statutes is amended to read:

144.21 (8) (b) (intro.) If a municipality with which the department has entered into an agreement pursuant to sub. (6) (b) is delinquent in making rental payments to the state under such agreement, the department shall notify the department of administration of such delinquency as it stands on October 1 each year. On or before the 3rd Monday of October in each year, the department of administration shall notify the secretary of state of the rental delinquency of each municipality. On or before the 4th Monday ~~of October~~ of October in each year, the secretary of state shall certify to the county clerk the delinquency as it exists in said county. The county clerk shall charge such delinquency to the proper municipality as follows:

SECTION 28. 170.05 (last sent.) of the statutes, as amended by chapter , laws of 1969 (Assembly Bill 9), is amended to read:

170.05 (last sent.) If the finder of ~~any~~ the stray neglects or refuses to cause the sale to be made when required by law he shall pay to the town the value of the stray, to be recovered in an action by the town.

SECTION 29. 176.05 (10) (b) of the statutes is amended to read:

176.05 (10) (b) No retail "Class B" liquor license shall be issued to "any person who does not have, or to whom is not issued, a "~~Class B~~" Class "B" retailer's license to sell fermented malt beverages under ~~section~~ s. 66.054.

SECTION 30. 176.05 (23) (e) of the statutes is repealed.

SECTION 31. 344.18 (1) (d) (3rd sent.) of the statutes is repealed.

SECTION 32. Title XLA of the statutes is created to read:

TITLE XLA.
SECURITIES REGULATION
(to precede chapter 551)

SECTION 33. RECONCILIATION. The statutes affected by SECTIONS 3, 4, 5, 12 and 13 remain subject to renumbering by chapter —, laws of 1969 (Senate Bill 355).

Approved November 13, 1969.
