

**CHAPTER 41, Laws of 1975**

AN ACT to repeal, renumber, renumber and amend, amend, reenact and create various provisions of the statutes for the purpose of correcting errors, supplying omissions, clarifying language, correcting titles of departments, officers and institutions, correcting and clarifying references, renumbering for better location and arrangement, 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. 1.07 (intro.) and (1st par.) of the statutes are amended to read:

**1.07 State coat of arms.** (intro.) and (1st par.) The coat of arms of the state of Wisconsin is declared to be as follows, ~~viz.~~:

ARMS.--Or, quartered, the quarters bearing respectively a plow, a crossed shovel and pick, an arm and held hammer, and an anchor, all proper; the base of shield resting upon a horn of plenty and pyramid of pig lead, all proper; over all, on fesse point, the arms and motto of the United States, ~~viz., namely:~~ Arms, palewise of 13 pieces argent and gules; a chief azure; motto (on garter surrounding inescutcheon), "E pluribus unum".

SECTION 2. 8.16 (2) of the statutes is amended by substituting "s. 8.18 (2)" for the reference to "s. 8.18 (2) (c)".

SECTION 2m. 9.01 (1) (b) 1m of the statutes is amended to read:

9.01 (1) (b) 1m. The board of canvassers shall then examine the absentee ~~ballots~~ ballot envelopes. Any defective absentee ~~ballots~~ ballot envelopes shall be laid aside, properly marked and carefully preserved. The number of voting electors shall be reduced by the number of ~~ballots~~ ballot envelopes set aside under this subdivision. An absentee ballot envelope is defective only if it is neither notarized nor witnessed, if it is not signed by the voter or if the affidavit supporting the absentee ballot envelope has such a number of technical errors that the board of canvassers is doubtful of the legal effect of the affidavit.

SECTION 3. 10.72 (7) (a) 2 of the statutes is amended to read:

10.72 (7) (a) 2. No later than the day of the general election, the board mails to each candidate for state office or his campaign treasurer, to each committee or individual supporting or opposing a candidate and to each group or individual supporting or opposing a statewide referendum who is registered with it, forms for the post-election report. See s. 11.21 (2).

SECTION 4. 11.22 (6) (h) of the statutes is amended by substituting "pars. (c) and (d)" for the reference to "s. 11.20 (3) and (5)".

SECTION 5. 14.361 (intro.) of the statutes is amended by deleting "In addition:".

SECTION 6. 15.07 (2) (c) of the statutes is repealed.

SECTION 7. 15.099 of the statutes is amended to read:

**15.099 Program responsibilities; effect of omissions.** Sections 14.011, 14.311, 14.361, 14.561, 15.101, 15.131, 15.151, 15.161, 15.191, 15.221, 15.251, 15.281,

15.311, 15.341, 15.371, 15.401, 15.431, 15.461, 15.491, 15.551, 15.571, 15.581, 15.591, 15.611, 15.621, 15.671, 15.701, 15.731, 15.761, 15.791, 15.821, 15.851, 15.911 and 15.941 are intended to set forth the program responsibilities of the several units of the executive branch. No statutory power, duty or function specified elsewhere for a unit shall be deemed impliedly repealed for the sole reason that reference to it has been omitted in these sections.

SECTION 8. 15.61 of the statutes, is amended by substituting "s. 5.02 (12)" for the reference to "s. 5.01 (12)".

SECTION 9. 15.791 of the statutes is amended to read:

**15.791 Same; program responsibilities.** The public service commission shall have the program responsibilities specified for the commission under chs. 184 and 190 to 198 and ss. 25.40 (1) (b), 26.20, 30.21 (2) (b), 30.33, 31.02 (5), 31.095, 31.185 (3), 32.02 (13), 32.03 (3), 32.07 (4), 32.075, 35.28, 35.29 (2), 35.84, 59.965 (5) (g) and (h), 60.30 to 60.315, 62.16 (2) (b), 66.03 (4), 66.047, 66.06 to 66.072, 66.076, 66.077, 66.24 (6), 66.30 (3n), 66.94 (30), 66.941 (4) (g), 71.18 (2), 84.05, 84.13 (1), 88.66 (2), 88.87 (4), 88.88 (2), 103.37 (4), 146.07, 146.085, 182.0135, 182.017, 182.018, 182.36, ~~346.45~~ and 347.43.

SECTION 10. 16.30 (1) (a) (intro.) of the statutes is amended to read:

16.30 (1) (a) (intro.) Except as provided in ~~par. (f) and~~ sub. (1m), heads of departments shall grant to each person in their employ, except limited-term employes, based on his accumulated continuous state service, annual leave of absence without loss of pay at the rate of:

SECTION 11. 16.30 (1) (f) of the statutes is repealed.

SECTION 12. 16.30 (4) (d) of the statutes is amended by substituting "appointing authority" for the words "appointing officer" in 2 places.

SECTION 13. 16.73 of the statutes is renumbered 16.72 (3).

SECTION 14. 16.74 of the statutes is renumbered 16.72 (4) and amended to read:

16.72 (4) (a) Except as otherwise provided in ~~ss. 16.71 to 16.82~~ this subchapter and ~~in~~ the rules adopted pursuant thereto, all supplies, materials, equipment and contractual services shall be purchased for and furnished to any office only upon requisition to the department. The department shall prescribe the form, contents, number and disposition of requisitions and shall prescribe rules as to time and manner of submitting such requisitions for processing. ~~It~~

(b) The department shall ~~also~~ provide rules for the declaration as surplus of supplies, materials and equipment in any agency and for the transfer to other agencies or for the disposal by private or public sale of supplies, materials and equipment. In either case due credit shall be given to the agency releasing the same.

SECTION 15. 16.80 and 16.81 of the statutes are renumbered 16.61 and 16.62, respectively.

SECTION 16. 16.93 of the statutes is renumbered 16.843.

SECTION 17. 19.48 (8) (intro.) of the statutes is amended to read:

19.48 (8) (intro.) In addition to the referrals in sub. (6), the board shall, if it finds probable cause concerning any misconduct by a state public official or state public employe constituting a violation of this ~~chapter~~ subchapter, submit such determination and copies of any records, reports and transcripts in its possession, together with any other relevant evidence:

SECTION 18. 20.866 (2) (zm) of the statutes is amended to read:

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20.866 (2) (zm) (title) *Veterans affairs, Wisconsin veterans home*. As a continuing appropriation from the capital improvement fund, the amounts in the schedule to the department of veterans affairs to acquire, construct, develop, enlarge or improve facilities at the ~~Grand Army Wisconsin veterans~~ home. The state may contract public debt in an amount not to exceed \$2,206,000 for this purpose.

SECTION 19. 36.11 (6) (b) of the statutes is amended by substituting "s. 47.40" for the reference to "ch. 55".

SECTION 20. 42.30 of the statutes is repealed.

SECTION 21. 42.46 (2) (b) of the statutes is amended to read:

42.46 (2) (b) The board shall certify the contribution rate derived in accordance with sub. (3) to the department of administration and to each state department or agency and each public school employing or paying the salaries of teachers. The heads of the respective departments and agencies and of each public school which make the salary deductions in accordance with s. 42.40 shall at the time that the salary deductions are sent to the board, by applying the appropriate contribution rate to the compensation of the respective employes of that department or agency, or public school determine the amount of the corresponding employer contribution to be transmitted with the payroll report submitted to the system, except that until July 1, 1974, employer contributions for vocational, technical and adult education districts shall be paid by the state, and the system shall determine the required employer contribution and transmit summaries of such payroll reports to the department of administration together with a voucher for payment to the state teachers retirement system, from the appropriate state funds and appropriations of the amounts payable thereto as indicated by the payroll reports. Thereupon the department of administration shall approve such voucher for payment within 5 days after its receipt and the treasurer shall issue his check therefor to the state teachers retirement system.

SECTION 22. 46.10 (8) (g) of the statutes is amended by substituting "51.437" for the reference to "51.427".

SECTION 23. 49.046 (1) of the statutes is reenacted as printed in the 1973 statutes.

SECTION 24. 51.24 of the statutes is reenacted as printed in the 1973 statutes.

SECTION 25. 55.06 (5) (2nd sent.) of the statutes is amended to read:

55.06 (5) (2nd sent.) Upon service of the notice the person sought to be protected shall be ~~the~~ informed of the complete contents of the notice.

SECTION 26. 57.072 of the statutes is amended to read:

**57.072 Period of probation or parole tolled.** The period of probation or parole ceases running upon the offender's absconding or committing a crime or some other violation of the terms of his probation or parole which is sufficient in the opinion of the court or the department to warrant revocation of probation or parole. It remains tolled until the happening of one of the following events: Receipt of the offender at the penal institution to which he has been sentenced or from which he has been paroled; in cases supervised by the department, reinstatement of the offender's parole or probation by order of the department; in cases of misdemeanants ~~and in cases under s. 973.11,~~ reinstatement of probation by order of the court. The date of the order of reinstatement is the date on which the period of probation or parole again begins to run.

SECTION 27. 59.04 (1) (a) of the statutes is amended to read:

59.04 (1) (a) Every board shall hold an annual meeting on the Tuesday after the 2nd Monday of November in each year for the purpose of transacting business. Any board may by its rules establish an earlier date during October or November for such

annual meeting and may by rule establish regular meeting dates throughout the year at which to transact general business. When the day of the meeting falls on ~~the 4th Monday of October (which is the day of celebration for November 11)~~, the meeting shall be held on the next succeeding day.

SECTION 28. 59.201 (2nd sent.) of the statutes is amended to read:

59.201 (2nd sent.) This section is not applicable to the clerk of circuit court or any other depository specifically designated by a court of law or by a donor or other bailor even if the other depository retains control over such funds and the ultimate deposition disposition.

SECTION 29. 61.28 of the statutes is amended to read:

**61.28 Marshal.** The village marshal shall execute and file an official bond. He shall possess the powers, enjoy the privileges and be subject to the liabilities conferred and imposed by law upon constables, and be taken as included in all writs and papers addressed to constables. He shall obey all lawful written orders of the village board; and arrest with or without process every person found in such village ~~in a state of intoxication or~~ engaged in any disturbance of the peace or violating any law of the state or ordinance of such village. He may command all persons present in such case to assist him therein, and if any person, being so commanded, refuses or neglects to render assistance he shall forfeit not exceeding \$10. He shall be entitled to the same fees allowed to constables for similar services; for other service rendered the village compensation as the board fixes.

SECTION 30. 62.09 (13) (a) of the statutes is amended to read:

62.09 (13) (a) The chief of police shall have command of the police force of the the city under the direction of the mayor. It is his duty to obey all lawful written orders of the mayor or common council. The chief and each policeman shall possess the powers, enjoy the privileges and be subject to the liabilities conferred and imposed by law upon constables, and be taken as included in all writs and papers addressed to constables; shall arrest with or without process and with reasonable diligence take before the municipal justice or other proper court every person found in the city ~~in a state of intoxication or~~ engaged in any disturbance of the peace or violating any law of the state or ordinance of such city and he may command all persons present in such case to assist him therein, and if any person, being so commanded, refuses or neglects to render such assistance he shall forfeit not exceeding \$10. They shall collect the same fees allowed to constables for similar services.

SECTION 31. 66.03 (5) (4th sent.) of the statutes is amended to read:

66.03 (5) (4th sent.) Thereafter payments of ~~income taxes under s. 71.14, of occupational taxes on intoxicating liquor under s. 139.13 from the shared tax account made pursuant to ch. 79, payments of forest crop taxes under s. 77.05, of public utility taxes under s. 76.28, 1969 stats., of highway state aids under s. 20.395, of state aids for school purposes under ch. 121, and all payments due from a department or agency of the state, from a county, from a municipality, or from any other entity from which payments would have become due if such dissolved municipality from which such territory was transferred had continued in existence, shall be paid to the interested municipality as provided by such agreement for apportionment of assets or by any order of apportionment by the circuit court and such payments shall have the same force and effect as if made to the dissolved municipality from which such territory was transferred.~~

SECTION 32. 71.01 (2) (1st sent.) of the statutes is amended to read:

71.01 (2) (1st sent.) For the privilege of exercising its franchise or doing business in this state in a corporate capacity every domestic or foreign corporation, except corporations specified in sub. (3), shall annually pay a franchise tax according to or

measured by its entire net income of the preceding income year at the rates set forth in s. 71.09 (2am), ~~(2k)~~ and ~~(2m)~~.

SECTION 33. 77.51 (12) (a) 4 of the statutes is amended to read:

77.51 (12) (a) 4. Any tax included in or added to the purchase price including the taxes imposed by ss. 78.01, 78.40, 139.02, 139.03, and 139.31 ~~and 139.60~~ and the federal motor fuel tax and including also any manufacturers' or importers' excise tax; but not including any tax imposed by the United States, any other tax imposed by this state, or any tax imposed by any municipality of this state upon or with respect to retail sales whether imposed on the retailer or consumer, if measured by a stated percentage of sales price or gross receipts, and not including the federal communications tax imposed upon the services set forth in s. 77.52 (2) (a) 3 and 4.

SECTION 34. 95.235 of the statutes is amended to read:

**95.235 Sale of certain painted utensils.** Any person who sells, for the purpose of feeding livestock, any utensil painted with a substance having a toxic effect upon livestock when taken orally shall be punished under s. ~~97.72~~ 95.69 (1).

SECTION 35. 119.04 of the statutes is amended to read:

**119.04 Public instruction laws applicable.** Subchapter I of ch. 121 and ss. 66.03 (3) (c), 115.01 (1) and (2), 115.345, 115.76, 115.77, 115.79 to 115.94, 118.03, 118.04, 118.06, 118.07, 118.10, 118.12 (1), 118.125, 118.14, 118.15, 118.16 (1), (2) and (4) to (6), 118.18, 118.19 (7), 118.20, 118.24 (2) to (5), 118.255, 120.13 (1) and (19), 120.16 (6), 120.49 (6), 120.61, 121.52, 121.53, 121.54 (1), (3) and (4), 121.55, 121.58 (2) (b), (4) and (6), 121.77 (1), 121.79, 121.80, 121.81 (2), 121.82 (1), 121.83 and 121.84 (1) are applicable to the board of school directors and to schools in cities of the 1st class. The board shall exercise the powers, perform the functions and be entitled to all school aid therein provided insofar as the same are relevant to cities of the 1st class. The board and the schools in cities of the 1st class shall be governed in all matters by the general laws of the state, except as altered or modified by express amendments.

SECTION 36. 139.60 (2) of the statutes is repealed.

SECTION 37. 145.045 (3) of the statutes is amended to read:

145.045 (3) PLUMBERS AND SEPTIC TANK INSTALLERS. A plumber or septic tank installer may also be a soil tester and install any system after approval of the site or project by the ~~state board of health~~ department or local county appointed administrator.

SECTION 38. 174.04 of the statutes is amended to read:

**174.04 Treble damages.** Any person suffering personal injury by any dog in the manner set forth in ~~the first section of this chapter~~ s. 174.01 may give notice to the owner or keeper of the act done, and if after such notice such dog shall injure any person, or wound or kill any horses, cattle, sheep or lambs, or do any other mischief or injury the owner or keeper shall be liable to pay to the person injured thereby treble damages.

SECTION 39. 182.60 (7) of the statutes is amended by substituting "department of local affairs and development" for "department of resource development".

SECTION 40. 247.37 (3) of the statutes is amended to read:

247.37 (3) Every judge who grants a judgment of divorce shall inform the parties appearing in court that the judgment, so far as it affects the marital status of the parties except to bar cohabitation, will not become effective until one year 6 months from the date when such judgment is granted; and where either party to the marriage being so dissolved is obligated under such judgment or by other judgment or court

order to support any minor issue of the marriage not in his custody, the judge shall inform him that he is prohibited from marrying again in this state or elsewhere after such judgment becomes final unless permission to marry is granted by order of either the court of this state which granted such judgment or support order, or the court having divorce jurisdiction in the county of this state where such minor issue resides or where the marriage license application is made.

SECTION 41. 252.017 (4) (a) 3 of the statutes is repealed.

SECTION 42. 345.11 (3) (b) of the statutes is amended to read:

345.11 (3) (b) A member of the enforcement ~~division~~ bureau of the division of motor vehicles.

SECTION 43. 346.45 (4) of the statutes is repealed.

SECTION 44. 409.401 (1) (a) of the statutes is amended to read:

409.401 (1) (a) When the collateral is equipment used in farming operations, or farm products, or accounts, or general intangibles arising from or relating to the sale of farm products by a farmer, or consumer goods, then in the office of the register of deeds in the county of the debtor's residence or if the debtor is not a resident of this state then in the office of the register of deeds in the county where the goods are kept, and in addition when the collateral is crops growing or to be grown in the office of the register of deeds in the county where the land is located;

SECTION 45. A centered subtitle to precede s. 409.901 of the statutes is created to read:

TRANSITIONAL PROVISIONS

SECTION 46. 605.09 (1) (b) 3 of the statutes is amended to read:

605.09 (1) (b) 3. The manager terminates insurance in the property fund ~~or on~~ property of an agency of the state because the agency does not comply with s. 605.21 (1).

SECTION 47. 909.01 of the statutes is amended to read:

**909.01 General provision.** The requirements of authentication or identification as a condition precedent to admissibility ~~is~~ are satisfied by evidence sufficient to support a finding that the matter in question is what its proponent claims.

SECTION 48. 968.04 (3) (b) 1 of the statutes is amended to read:

968.04 (3) (b) 1. The summons shall command the defendant to appear before a court at a certain time and place and shall be in substantially the form set forth in ~~par-~~ (a) subd. 3.

SECTION 49. 973.10 (3) of the statutes is repealed.

SECTION 50. 973.11 of the statutes is repealed.

SECTION 51. **Word changes.** Wherever the abbreviation "viz." appears in the following sections of the statutes it is deleted: 16.94 (1), 60.47, 107.01 (intro.), 261.01 (1) and (2), 891.14 and 979.05.

SECTION 52. **Cross-reference changes.** In the sections of the statutes listed 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 References	New Cross References
13.92 (1)(b) 3. a	subd. 3. e	subd. 3. d
14.011 (intro.)	16.93 (3)(c)	16.843 (3)(c)
15.101 (4)	16.80	16.61
15.251 (intro.)	16.80	16.61
15.431	11.04 (2)	19.44 (2)
15.701	16.80	16.61
16.52 (6)(b)	16.74	16.72

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16.61 (7)(b)(as renumbered)	16.80	16.61
16.70 (intro.)	16.70 to 16.81	this subchapter
16.84 (2)	16.93 (2)	16.843 (2)
19.21 (5)(b)	16.80 (3)(e)	16.61 (3)(e)
(5)(c)	16.80 (7)	16.61 (7)
19.23 (1)	16.80	16.61
20.285 (1)(fb)	36.063	36.25 (5)
(2)(d)	36.165	36.27 (3)(a) and (b)
20.435 (8)(j)	16.74	16.72 (4)
20.521 (1)(b)	11.08	19.48
20.865 (2)(b)	16.93	16.843
39.155 (1)	36.16	36.27
39.14 (4)	36.063	36.25 (5)
56.01 (1)	16.74	16.72
72.30 (2)(intro.)	72.30 (1)(b)	72.30 (1)
72.33 (1)	72.30 (1)(b)	72.30 (1)
144.82	36.23 to 36.30	36.25 (6)
204.31 (3)(am) 1	200.26 (6)(d)	200.26 (6)(f)
215.02 (12)	16.80	16.61
428.103 (1)(e) 2	ch. 297	816.51 to 816.72
601.46 (1)	16.80	16.61
816.102	816.11	816.10

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