

No. 685, S.]

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CHAPTER 641

AN ACT to 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 and officers, correcting and clarifying references, renumbering for better location and arrangement, reconciling conflicts and repelling unintended repeals.

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

SECTION 1. 5.25 (1) of the statutes is amended to read:

5.25 (1) The * * * *name* of each nonpartisan candidate nominated for an office by nomination papers, and no other, shall be printed under a designation of the office for which he is named on the official ballot used at the spring primary, which ballot shall be so arranged as to permit any other person to be voted for by the elector.

SECTION 2. 15.615 of the statutes, as created by chapter 540 (796, A), laws of 1959, is renumbered 16.765.

SECTION 3. 20.420 (85) of the statutes, as created by chapter 547 (946, A), laws of 1959, is renumbered to be 20.420 (86).

SECTION 4. 20.930 (2) (s) of the statutes is amended to read:

20.930 (2) (s) * * * *Department of resource development*: director
* * *

SECTION 5. The amendments made to 29.05 (1) of the statutes by chapter 505 (172, S), laws of 1959, are not repealed by chapter 561 (629, A), laws of 1959. Both amendments stand.

SECTION 6. The amendments made to section 31.14 (8) of the statutes by chapter 126 (126, S), laws of 1959, are not repealed by the renumbering of the subsection to be 30.18 (5) and the amendment thereof by chapter 441 (1, A), laws of 1959. Both amendments stand and the revisor is directed to print the subsection as 30.18 (5) of the statutes.

SECTION 7. 30.77 (3) (a) of the statutes, as created by chapter 505 (172, S), laws of 1959, is amended by substituting "marina" for "marine" in the second sentence.

CHAPTER 641

SECTION 8. 40.02 (4) of the statutes, as amended by chapter 157 (273, S) and by chapter 178 (457, A), laws of 1959, is repealed and recreated to read:

40.02 (4) In counties containing a city of the first class each member of the committee shall receive per diem, as fixed by the county board, of not less than \$4 nor more than \$8 per day for each day he attends a meeting of the committee, mileage at the rate of 6 cents per mile for each mile traveled in going to and returning from the place of meeting by the most usual traveled route and other necessary expenses. In all other counties the members shall be entitled to a per diem and mileage not to exceed the per diem and mileage paid the county board of that county under s. 59.03 (2) (f) and (g); except that in counties where county board members are paid alternative compensation, the county board shall fix the per diem and mileage.

SECTION 9. 40.70 (8) (c) of the statutes, as created by chapter 492 (520, S), laws of 1959, is amended to read:

40.70 (8) (c) In qualifying for receipt of aids for operating only grades 9 and 10 during the first year, any district which is classified as an "integrated aid district" by the department of public instruction shall be credited with the tuition pupils enrolled in grades 11 and 12 who attend schools outside of the district in calculating the district's state aid. The average daily * * * *membership* of pupils in grades 11 and 12 who attend schools outside of the district of residence shall be based upon certifications made to the state superintendent of public instruction and to the clerk of the district of their residence by the principal of the school in which such tuition pupils were enrolled. During the second year of operation when the high school operates grades 9, 10 and 11, the twelfth grade enrollees attending schools outside of the district of residence shall be counted in calculating the state aids due the district if it has received the "integrated aid" classification. In both of the years in which such a district which operates grades 9 and 10 the first year and grades 9, 10 and 11 the second year shall qualify for integrated aids, the flat per pupil state aid paid to the district which educates such tuition pupils who reside in the district operating only a partial high school, shall be deducted in determining the state aid due the latter district.

SECTION 10. 41.01 (1m) (a) of the statutes, as last amended by chapter 439 (413, A), laws of 1959, is amended to read:

41.01 (1m) (a) In any county the county board of supervisors may establish one or more instructional centers or special schools and provide other services for handicapped children for all school districts under the jurisdiction of the county superintendent, and in addition may include in the program or programs the area of one or more school districts or city school systems which do not operate under the jurisdiction of the county superintendent, provided said district or system indicates approval by formal action of the board or boards of education. When the county board of supervisors so elects, it shall create a board to be known as the "Handicapped Children's Education Board". The handicapped children's education board shall consist of 3 or 5 residents of the county, as determined by the county board of supervisors, elected by the county board of supervisors or appointed by the chairman of said county board, as the rules of the board may direct. The handicapped children's education board shall be representative of the area it serves. The handicapped children's education board shall appoint an advisory committee of school administrators representative of the area served and they shall not be voting members of the board. The voting members of such board shall be electors selected from that part of

the county that participates in this program. The handicapped children's education board may include school board members, county board members and other electors. The voting members of the board shall receive compensation *and reimbursement for mileage* and shall hold office for a term of 3 years except that the terms of office of the first board shall be for terms of 3 years, 2 years and one year. The compensation *and mileage reimbursement* of the voting members shall be fixed by the county board but shall not be more than that of the members of the county board.

SECTION 11. 44.15 (1) of the statutes is amended by substituting "director of the planning function in the department of resource development" for "director of regional planning".

SECTION 12. 49.19 (4) (d) of the statutes, as amended by chapter 483 (635, S), laws of 1959, is amended to read:

49.19 (4) (d) The period of aid must be likely to continue for at least 3 months except as hereinafter provided with respect to the wife of a husband committed to the department pursuant to s. 959.15. Aid may not be granted to the mother or stepmother of a dependent child unless such mother or stepmother is without a husband, or the wife of a husband who is incapacitated for gainful work by mental or physical disability, likely to continue for at least 3 months in the opinion of a competent physician, or the wife of a husband who has been sentenced to a penal institution for a period of at least 3 months, or the wife of a husband who has been committed to the department pursuant to s. 959.15 irrespective of the probable period of such commitment, or the wife of a husband who has continuously abandoned her for at least 3 months, if the husband has been legally charged with abandonment under s. 52.05 or in proceedings commenced under s. 52.10 (1) to (31), or if the mother or stepmother has been divorced from her husband for a period of at least 3 months, dating from the interlocutory order, and unable through use of the provisions of law to compel her former husband to support the child for whom aid is sought, or if proceedings have been instituted under s. 52.11 to compel support and a determination has been made by the court requiring the payment of a certain sum which is either insufficient to adequately meet the needs of the child or is unenforceable to the extent of adequately meeting the needs of the child.

SECTION 13. The amendment made to section 61.32 of the statutes by chapter 435 (490, A), laws of 1959, is not repealed by chapter 565 (767, A), laws of 1959. Both amendments stand.

SECTION 14. 62.09 (7) (a) and (b) of the statutes, as renumbered from 62.09 (7) (e) and (f) by chapter 603 (931, A), laws of 1959, are renumbered to be 62.09 (7) (d) and (e).

SECTION 15. The repeal of section 63.075 (1) of the statutes by chapter 603 (931, A), laws of 1959, shall be construed as a repeal of section 64.31 (1) of the statutes as renumbered from 63.075 (1) by chapter 228 (623, S), section 58, laws of 1959. The revisor shall omit it in printing the 1959 statutes.

SECTION 16. The amendment to section 63.075 (2) of the statutes by chapter 603 (931, A), laws of 1959, shall be construed as an amendment of section 64.31 (2) of the statutes as renumbered from section 63.075 (2) by chapter 228 (623, S), section 58, laws of 1959. The revisor shall so show it in printing the 1959 statutes.

SECTION 17. 66.013 (2) (a) of the statutes, as created by chapter 261 (226, A), laws of 1959, is amended to read:

66.013 (2) (a) "Director" means the * * * director of * * * *the planning function in the department of resource development.*

SECTION 18. 66.02 of the statutes, as amended by chapter 261 (226, A), laws of 1959, is amended by substituting "director of the planning function in the department of resource development" for "state director of regional planning".

SECTION 19. 66.021 (7) (a) of the statutes, as amended by chapter 261 (226, A), laws of 1959, is amended by substituting "director of the planning function in the department of resource development" for "state director of regional planning".

SECTION 20. 66.021 (11) (c) of the statutes, as created by chapter 261 (226, A), laws of 1959, is amended by substituting "director of the planning function in the department of resource development" for "state director of regional planning".

SECTION 21. The amendment made to 66.185 of the statutes by chapter 179 (17, S), laws of 1959, is not repealed by chapter 533 (900, A), laws of 1959. Both amendments stand.

SECTION 22. 66.902 (1c) of the statutes, as created by chapter 503 (248, S), laws of 1959, is renumbered to be 66.902 (1d).

SECTION 23. 66.907 (3) (h) of the statutes, as created by chapter 514 (281, S), laws of 1959, is amended to read:

66.907 (3) (h) No payments shall be made under this subsection for any period as to which payments are being made under s. 66.191 or this section. Payments under par. * * * (c) 2 shall be suspended for any period during which the annuitant is employed in a law enforcement or fire-fighting capacity in Wisconsin by any municipality as defined in s. 66.901 (2).

SECTION 24. 66.92 (3) of the statutes, as amended by chapter 228 (623, S), section 70, laws of 1959, is amended to read:

66.92 (3) The state department of veterans' affairs * * * *shall* furnish any county, city, village, town or agency thereof with information and assistance to facilitate housing for veterans and servicemen and said department shall call upon the * * * *director of the planning function in the department of resource development* for assistance in carrying out the purpose of this subsection. * * * *He* shall furnish such assistance when requested and the salaries and expenses therefor shall be paid out of the appropriation for the state department of veterans' affairs.

SECTION 25. 66.945 (1) of the statutes, as amended by chapter 596 (227, A), laws of 1959, is amended by substituting "director of the planning function in the department of resource development" for "state director of regional planning".

SECTION 26. 114.065 (3) of the statutes is amended by substituting "department of administration" for "director of budget and accounts".

SECTION 27. 200.26 (5) (c) of the statutes, as created by chapter 602 (907, A), laws of 1959, is amended by substituting "department of administration" for "director of budget and accounts".

SECTION 28. 204.31 (3) (a) 3. c of the statutes, as created by chapter 534 (908, A), laws of 1959, is amended to read:

204.31 (3) (a) 3. c. Each such policy in which the insurer reserves the right to refuse renewal on an individual basis shall provide, in substance,

in a provision thereof or in an endorsement thereon or in a rider attached thereto, that subject to the right to terminate the policy upon nonpayment of premium when due, such right to refuse renewal shall not be exercised before the renewal date occurring on, or after * * * and nearest, each anniversary, or in the case of lapse and reinstatement at the renewal date occurring on, or after and nearest, each anniversary of the last reinstatement, and that any refusal of renewal shall be without prejudice to any claim originating while the policy is in force. The preceding sentence shall not apply to accident insurance only policies.

SECTION 29. 215.16 of the statutes is amended to read:

215.16 SHARES ELIGIBLE FOR INVESTMENT OF TRUST FUND. An administrator, executor, guardian or trustee, authorized to invest trust funds, may acquire and hold shares in an association, * * * *within the limits of the standards contained in s. 320.01 (1)*, and shall have the same rights and be subject to the same obligations and limitations as other members, except the right to be an officer or director. Share certificates issued to an administrator, executor, guardian or trustee shall specifically name the trust represented.

SECTION 30. 236.12 (2) (a) of the statutes, as amended by chapter 228 (623, S), section 70, laws of 1959, is amended by substituting "director of the planning function in the department of resource development" for "department of administration".

SECTION 31. 331.048 of the statutes, as amended by chapters 413 (569, A) and 505 (172, S), laws of 1959, is repealed and recreated to read:

331.048 The owner of a motor vehicle or motorboat which, while being operated by the spouse or minor child of such owner, is damaged as the result of an accident involving another vehicle or boat, may not recover from the owner or operator of such other vehicle or boat for such damages, if the negligence of such spouse or minor child exceeds that of the operator of such other vehicle or boat. In the event that it is judicially determined that a spouse or minor operator of the motor vehicle or motorboat is found to be guilty of less than 50 per cent of the causal negligence involved in an accident, then in that event the owner of the motor vehicle or motorboat involved shall be entitled to recover in accordance with the contributory negligence principles as laid down in s. 331.045. For the purposes of recovery of damages by the owner under s. 331.048, and for this purpose only, the negligence of the spouse or minor operator shall be imputed to the owner.

SECTION 32. 341.08 (5) of the statutes, as created by chapter 223 (40, A), laws of 1959, is renumbered to be 341.08 (6).

SECTION 33. 343.06 (4) (intro. par.) of the statutes is amended to read:

343.06 (4) (intro. par.) To any person who is an habitual drunkard or who is addicted to the use of narcotic drugs or to the use of dangerous drugs as defined in s. 151.07 (1) (a) * * *, unless one of the following conditions is fulfilled and then only in the discretion of the commissioner:

SECTION 34. The amendment made to 343.07 (2) (a) of the statutes by chapter 338 (350, A), laws of 1959, is not repealed by chapter 542 (856, A), laws of 1959. Both amendments stand.

SECTION 35. 343.16 (1) (b) of the statutes, as created by chapter 542 (856, A), laws of 1959, is amended to read:

CHAPTER 641

343.16 (1) (b) An applicant who holds an expired instruction permit, *expired* out-of-state license or who seeks to reinstate his operating privilege may drive a motor vehicle only when accompanied by an authorized license examiner for the purpose of examining his ability to operate a motor vehicle. Such applicant must be driven to and from the examining area by a licensed driver.

SECTION 36. 345.05 (3) (a) of the statutes is amended by substituting "department of administration" for "director of budget and accounts".

SECTION 37. 346.19 (1) of the statutes, as amended by chapter 542 (856, A), laws of 1959, is amended to read:

346.19 (1) Upon the approach of any authorized emergency vehicle giving audible signal by siren the operator of a vehicle shall yield the right of way and shall immediately drive such vehicle to a position as near as possible and parallel to the * * * *right curb or the right-hand edge* of the shoulder of the roadway, clear of any intersection and, unless otherwise directed by a traffic officer, shall stop and remain standing in such position until the authorized emergency vehicle has passed.

SECTION 38. 346.57 (4) (i) of the statutes, as created by chapter 593 (812, A), laws of 1959, is renumbered to be 346.57 (4) (j).

SECTION 39. 346.63 (3) of the statutes is amended to read:

346.63 (3) In this section, "dangerous drug" means any drug * * * *defined* in s. 151.07 (1) (a) * * *.

SECTION 40. 348.27 (5) of the statutes, as amended by chapter 592 (590, A), laws of 1959, is amended to read:

348.27 (5) POLE, PIPE AND VEHICLE TRANSPORTATION PERMITS. The state highway commission may issue an annual permit to pipeline companies or operators or public service corporations for transportation of poles, pipe, girders and similar materials used in its business *and* to auto carriers operating "haulaways" specially constructed to transport motor vehicles and which exceed the maximum limitations on length of vehicle and load imposed by this chapter. Such permits issued to auto carriers shall be for interstate commerce and shall limit the length of vehicle and load to a maximum of 5 feet in excess of the limitations in s. 348.07 (1) and shall be valid only on a class "A" highway as defined in s. 348.15 (1) (b).

SECTION 41. 941.34 of the statutes, as created by chapter 469 (950, A), laws of 1959, is renumbered to be 941.35.

SECTION 42. 946.42 (5) (b) of the statutes, as amended by chapter 574 (913, A), laws of 1959, is amended by substituting "56.08 (6)" for the reference to "56.08 (8)".

SECTION 43. Chapter 312, laws of 1957, section 6, as amended by chapter 409 (208, S), laws of 1959, is amended by substituting "department of administration" for "director of purchases" and "department" for "director".

Approved January 28, 1960.