

No. 646, S.]

[Published August 12, 1949.

**CHAPTER 634.**

AN ACT to amend, renumber and repeal various provisions of the statutes, for the purpose of correcting errors, correcting references, clarifying language, renumbering for better location, reconciling conflicts and repelling unintended repeals, supplying omissions and eliminating unnecessary, obsolete or unconstitutional provisions, mostly in or caused by acts of the 1949 session of the legislature.

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

SECTION 1. 6.245 (1) is amended to read:

6.245 (1) The qualified electors of the state or of any county or of any congressional, judicial or legislative district may petition for the recall of any elective officer after the first year of the term for which he was elected, by filing a petition with the officer with whom the petition for nomination to such office in the primary election is filed, demanding the recall of such officer. Such petition \* \* \* shall be signed by electors equal in number to at least 25 per cent of the vote cast for the office of governor at the last preceding election, in the state, county or district from which such officer is to be recalled.

SECTION 2. 14.68 (5), as amended by chapter 197, Laws 1949, is amended by substituting "20.052 (2)" for "205.02 (2)."

SECTION 3. 35.84 (13), as amended by chapter 52, Laws 1949, is repealed.

SECTION 4. 35.92 (10) is repealed.

SECTION 5. 57.04 (1), as amended by chapter 195, Laws 1949, is amended to read:

57.04 (1) When a person is convicted of a misdemeanor or of a violation of section 351.30 the court having jurisdiction (whether a court of record or otherwise) may, by order, withhold sentence or impose sentence and stay its execution and in either case place him on probation for a period not less than one year nor more than 2 years (except that in counties having a population of over 500,000 a shorter minimum period of probation may be ordered) and may, as a condition of such order or continuing it, require him to pay the costs of prosecution, to pay a fine and costs, \* \* \* to make restitution, or \* \* \* any combination, as the court determines, and the court may authorize the probation officer to accept payment in instalments. *The period of probation may be made consecutive to a sentence of imprisonment on a different charge, whether imposed at the same time or previously. Consecutive periods of probation may be imposed. In case the conditions of probation are violated, the current probation and all subsequent consecutive probations shall be revoked.*

SECTION 6. 59.80, as amended by chapter 111, Laws 1949, is amended by inserting "or" after "semimonthly".

SECTION 7. 66.93 is amended by substituting "(9)" for "(28)" in the reference to section 70.11 (28).

SECTION 8. 70.11 (9), as revised by ch. 63, Laws 1949, is amended to read:

70.11 (9) All memorial halls and the real estate upon which the same are located, owned and occupied by any organization of United States war veterans organized pursuant to act of congress and domesticated in this state pursuant to chapter 180 or 188, containing permanent memorial tablets with the names of former residents of any given town, village, city or county, who lost their lives in the military or naval service of the state or the United States in any war inscribed thereon, *and all personal property owned by such organizations*, and all buildings erected, purchased or maintained by any county, city, town or village as memorials under section 45.05 or section 45.055. The renting of such halls or buildings for public purposes shall not render them taxable, provided that all income derived therefrom be used for the upkeep and maintenance thereof. Where such hall or building is used in part for exempt purposes and in part for pecuniary profit, it shall be assessed for taxation to the extent of such use for pecuniary profit as provided in subsection (8).

SECTION 9. 70.113 (3) as created by chapter 63, Laws 1949, is amended by substituting "section" for "subsection" wherever that word occurs.

SECTION 10. 70.18 (2) is amended by substituting "section 70.111 (10)" for "subsection (37) of section 70.11".

SECTION 11. 71.12 (2), as amended by chapter 30, Laws 1949, is amended by substituting "subsection" for "paragraph" in the second from the last sentence.

SECTION 12. Subsections (1) to (7) of 72.75 are renumbered 72.75 to 72.81, and the paragraphs thereof are made subsections; and the statute references therein are changed to correspond with this renumbering.

SECTION 13. 76.38 (5) and (8) are amended to read:

76.38 (5) When the annual license fee upon the total gross receipts as computed at the rates specified in this section is less than 5 cents for each telephone instrument owned and operated, or operated within this state by any person, copartnership, association, company or corporation, a sum equal to 5 cents for each telephone instrument shall be paid as an annual license fee by such company, except that no license fee shall be paid by any telephone company having no income during the preceding calendar year. \* \* \*

(8) Subject to the foregoing provisions, the amount arising from such license fees based upon gross receipts shall be paid by the company as follows, viz.: The license fee upon 85 per cent of the gross receipts from the local and rural exchange service or business in each such town, village or city, respectively, shall, on or before the first day of March, in each year, be paid to the respective treasurer of each town, city or village in which any portion of the local or rural exchange property is located, and any portion of the gross receipts therefrom are derived, for the use and benefit of each such town, city or village; the balance of the license fee upon 15 per cent of such gross receipts from local and rural exchange service shall be paid to the \* \* \* *department of taxation* and become a part of the general fund for the use of the state. The license fees on all of the gross receipts from the toll line service and the alternative 5 cents tax for each telephone instrument provided for in subsection (5) shall be paid to the \* \* \* *department of taxation* and become a part of the general fund for the use of the state. Every such person, copartnership, association, company or corporation, upon filing such verified statement with the \* \* \* *department of taxation* and the filing of statement as provided in subsection (1a) and upon the payment of the license fees herein prescribed to

the \* \* \* *department of taxation* and to the respective town, city and village treasurers shall apply for and receive from the \* \* \* *department of taxation* a license to carry on such business for the calendar year commencing on the first day of January preceding and ending on the succeeding 31st day of December, unless sooner revoked.

SECTION 14. 85.08 (25c) (a), as amended by chapter 38, Laws 1949, is amended to read:

85.08 (25c) (a) Upon verified petition setting forth in detail the need of any person convicted of violating any law or ordinance prohibiting a person from operating a motor vehicle while under the influence of intoxicating liquor, a judge of a *court of record* \* \* \* or of a municipal court having criminal jurisdiction in the county of residence may order the commissioner to issue an occupational license to such person provided that such person has not been convicted of any such offense within the preceding 18-month period. A copy of the petition shall be mailed to the department with the occupational order. No occupational license shall be ordered or issued until after 90 days following the date of the conviction.

SECTION 15. The third sentence of 102.12, as amended by chapter 107, Laws 1949, is amended to read:

102.12 (3rd sentence) Absence of notice shall *not* bar recovery if it is found that the employer was not misled thereby.

SECTION 16. The 4th sentence of 111.59 is amended to read:

111.59 (4th sentence) A certified copy thereof shall be filed in the office of the clerk of the circuit *court* of the county wherein the dispute arose or where the majority of the employes involved in the dispute resides.

SECTION 17. The second sentence of 147.07, as amended by chapter 89, Laws 1949, is amended to read:

147.07 (2d sentence) If he fails in one subject only, he may *be* reexamined in that subject at any examination within one year without further examination fee.

SECTION 18. 158.11 (3), as amended by chapter 312, Laws 1949, is amended to read:

158.11 (3) All master barbers' licenses shall expire on June 1 \* \* \* *of the license year* and *may* be renewed on application on or before the expiration date at a renewal fee of \$4 \* \* \*. For the restoration of an expired master barber's license the renewal fee shall be \$5.

SECTION 19. 166.11 (2), as amended by chapter 73, Laws 1949, is amended by substituting "69.33" for "59.33".

SECTION 20. 168.03 (2), as amended by chapter 197, Laws 1949, is amended to read:

168.03 (2) He shall on the first day of each month make in writing to the \* \* \* *division of petroleum products and to the motor fuel tax division of the state department of taxation* a full statement of the number of barrels of all products inspected, for whom inspected, the date and place of such inspection and such other information as the \* \* \* *department of taxation* may require.

SECTION 21. 186.015 (5) is amended to read:

186.015 (5) The board shall advise with the commissioner of banks, supervisor of credit unions and others in improving the condition and service of credit unions, shall review the acts and decisions of the commissioner in relation to credit unions, shall serve as an appeal board for credit unions (with the same procedure and powers as the banking review board has \* \* \* under chapter 220) and perform such other review functions in relation to credit unions as may be provided by law. The board shall have power to issue subpoenas, take testimony and administer oaths to witnesses.

SECTION 21a. 192.04 is repealed.

SECTION 22. 208.35 is amended by substituting "section 70.11 (4) and (8)" for "subsections (4) and (4a) of section 70.11."

SECTION 23. 216.05 is amended by substituting "215.67" for "215.52".

SECTION 24. 235.701 and 289.01 (2) (b) are amended by substituting "215.22" for "215.15".

SECTION 25. 245.37 is amended to read:

245.37 INTERPRETATION OF MARRIAGE LAW. \* \* \* *Sections 245.12 to 245.38* shall be so interpreted and construed as to effectuate \* \* \* *their general purpose* to make uniform the law of those states which enact \* \* \* *them*.

SECTION 25a. SECTION 3 of chapter 391, laws of 1949, is amended to read:

(Chapter 391, Laws 1949) SECTION 3. This act shall take effect \* \* \* *90 days after publication*, it being the legislative intent to make the amendments effected

by this act apply retroactively to all nonoutlawed tax certificates, or tax deeds heretofore as well as hereafter taken.

Approved August 8, 1949.

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