

CHAPTER 734.

AN ACT to repeal, renumber, amend and reenact various provisions of the statutes, for the purpose of correcting errors and references, clarifying and harmonizing language, renumbering for better location, reconciling conflicts, repelling unintended repeals and eliminating unnecessary and obsolete provisions.

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

SECTION 1. If Bill 69-S, 1951 session, is enacted, 5.05 (6) (d) (first sentence), as reenacted by section 12 of chapter 455 (143-S), laws of 1951, and 5.13 (2), as renumbered, repealed and recreated by section 23, chapter 455 (143-S), laws of 1951, are repealed; and 5.05 (6) (d) of the statutes, as repealed and recreated by chapter 279 (69-S), laws of 1951, is renumbered 5.13 (2) and reenacted.

SECTION 2. 5.15 (4) of the statutes, as amended by chapter 455 (143-S), laws of 1951, is amended to read:

5.15 (4) The canvassers shall meet and canvass such returns at * * * 9 a.m. on the * * * *Thursday* following the September primary. Their returns shall contain the whole number of votes cast for each candidate of each political party. The returns shall be sent to the secretary of state on or before the second Saturday following the primary.

SECTION 2a. 5.19 (4) of the statutes, as renumbered and amended by chapter 455, laws of 1951 (Bill No. 143, S.), is amended as follows:

5.19 (4) Nomination papers for independent candidates for the office of governor, lieutenant governor, secretary of state, attorney-general and state treasurer and United States senator shall be signed by at least 5,000 electors; for independent candidates for the senate or assembly by at least 8 per cent and not more than 10 per cent of the whole number of electors voting in the respective district for governor at the last preceding general election; for candidates to be voted for throughout a county, district, or other division less than the state, by at least 3 per cent and not more than 5 per cent of the whole number of electors voting therein for governor at the last preceding general election. *Except as otherwise provided in this subsection nomination papers for an independent candidate to be voted for throughout the state shall be signed by at least 1,000 electors.*

SECTION 3. If Bill 69-S, 1951 session, is enacted, 5.28 of the statutes, as amended by said bill, is renumbered 5.18 and the amendments made by said act and by section 33 of chapter 455 (143-S), laws of 1951, both stand. The purpose of this enactment is to repel any implication that the later act repeals the earlier one.

SECTION 4. 6.245 (2), 10.43 (2), 10.44 (2) and 38.16 (1) (c) of the statutes, the last as amended by chapter 211, laws of 1951, are amended by substituting "5.05" for the reference to "5.26".

SECTION 5. 7.04 (2) of the statutes is amended to read:

7.04 (2) Every such order shall specify the office to be filled, how the vacancy occurred, the name of the officer, the time when his term of office will expire, the county or district in which and the day on which such election shall be held, which day shall not be less than * * * 55 nor more than * * * 70 days from the date of such order.

SECTION 6. 10.39 (1) and (2) are repealed and 10.39 (3) of the statutes is renumbered 5.245.

SECTION 6m. 13.146 of the statutes is renumbered to be 13.146 (1).

SECTION 6r. 13.146 (2) of the statutes is created to read:

13.146 (2) Upon request of any interim legislative group not to exceed an additional 1,000 copies of bills (identifying the same) resulting from major research studies prepared by legislative groups shall also be ordered printed and may be distributed by such group prior to the convening of the legislature.

SECTION 7. The last sentence of 14.41 of the statutes, as amended by chapter 319 (174-A), laws of 1951, is amended to read:

14.41 (last sentence) Such employes as the treasurer may require shall give bond to the state of Wisconsin in such sum and with such conditions as the treasurer prescribes, conditioned for the faithful discharge of * * * *their duties*; the cost thereof to be charged to the appropriations made by section 20.05.

SECTION 8. 20.052 (1a) of the statutes, as created by chapter 319 (174-A), laws of 1951, is renumbered 20.052 (1b); and 20.052 (1b), as renumbered and amended by that act, is renumbered 20.052 (1a).

SECTION 9. The amendments made to 20.06 (3) of the statutes by chapter 239, laws of 1951, are not repealed by chapter 319 (174-A), laws of 1951. Both amendments stand. The purpose of this enactment is to repel any implication that the later act repealed the earlier one.

SECTION 10. 20.10 (9) (as amended by chapter 319 (174-A), laws of 1951), 35.25 (1) and 35.84 (8) are amended by substituting "Wisconsin Statutes Relating to Local and County Government" for "Wisconsin Town Laws"; and 35.01, 35.25 (2) and 35.37 (5) (intro. par.) of the statutes are amended by substituting "Statutes Relating to Local and County Government" for "town laws".

SECTION 11. 20.20 (1b) of the statutes, as created by chapter 319 (174-A), laws of 1951, is amended by substituting "20.505 (1)" for "20.505".

SECTION 12. 20.21 (11), as amended by chapter 319 (174-A), laws of 1951, is repealed; and 20.21 (11), as amended by chapter 14, laws of 1951, is reenacted.

SECTION 13. 20.43 (3a) of the statutes is repealed.

SECTION 13m. 25.17 (2) of the statutes as amended by chapter 511, laws of 1951 (Bill No. 560, S.) is amended to read:

25.17 (2) To invest any of the funds specified in subsections (1) and (2a) in * * * loans, securities and any other investments authorized by section 206.34 and to dispose of such loans, securities and any other investments when in their judgment it is to the best interest of these funds to do so. Every such loan, security and investment shall be held as an asset of the fund by which purchased and, except as otherwise provided by law, the loss or gain shall inure thereto. All loans, securities and other investments in which moneys of any such fund, including the general fund, are invested shall be under the management and control of the board.

SECTION 14. 27.11 (6) of the statutes is repealed.

SECTION 15. 35.84 (13a) of the statutes, whether or not amended by chapter 540 (197-A), laws of 1951, is amended by deleting the following language: ", and for each regular session 50 mounted railroad wall maps of Wisconsin".

SECTION 16. 40.04 (13) of the statutes, as amended by chapter 272, laws of 1951, is amended to read:

40.04 (13) To vote annual salaries to the members of the school board, but the salary to the treasurer and the director shall not exceed \$100 each and the salary to the clerk shall not exceed \$125, except that in districts with more than one common school the salary of each board member may be \$5 additional for each additional school, unless the district maintains a state graded or a high school. Limitations herein set forth shall not apply to school districts operating state graded schools, high schools with grades or high schools. In districts which vote to suspend their schools the salaries of the treasurer and director shall not exceed \$20 each and the salary of the clerk shall not exceed \$25.

SECTION 17. 40.34 (2), as amended by chapter 25, laws 1951, is amended by substituting "41.03" for "41.03 (1) and (2)"; and 40.34 (4) of the statutes, as amended by chapter 25, laws 1951, is amended by substituting "41.03" for "41.03 (1) and (a)".

SECTION 18. The amendments made to 40.372 (2) (a) of the statutes by chapter 11, laws of 1951, are not repealed by chapter 344 (18-A), laws of 1951. Both amendments stand. The purpose of this enactment is to repel any implication that the later act repealed the earlier one.

SECTION 19. 41.01 (5) of the statutes, as amended by chapter 25, laws of 1951, as amended by substituting "subsection" for "section" in the clause "for the purpose of this subsection".

SECTION 19m. 42.46 (2) of the statutes as recreated by chapter 511, laws of 1951 (Bill No. 560, S.), is amended to read:

42.46 (2) The state retirement system administration board shall annually, prior to July 15, estimate the amount of the state deposit to be made by the state in the retirement deposit fund of the state retirement system for each member on account of service rendered during the * * * current fiscal year and the amount of money which must be placed in the contingent fund of the state retirement system in order to maintain the ratio of assets to liabilities therein required by section 42.33 (1) (c). Thereupon said board shall certify such estimate to the director of budget and accounts who shall prepare a warrant each month for one-twelfth of said estimated amounts and upon such warrants the state treasurer shall transfer the sums specified therein to the state retirement system from funds appropriated for the purpose. When the state retirement administration board shall have determined the exact amounts which were payable by the state to the state retirement system for the retirement deposit fund and the contingent fund thereof respectively for the preceding fiscal year as required by subsection (1) hereof, a final certifica-

tion thereof shall be made by said board to the director of budget and accounts and a final payment pursuant thereto shall be made to or from the state retirement system, whichever the case may be, as determined from the aforesaid final certification.

SECTION 20. 43.09 (1) of the statutes, as and when amended by section 240 of chapter 319 (174-A), laws of 1951, is amended by inserting after the words "director of state historical society" in the first sentence, the words "or their designated representatives".

SECTION 20m. 66.054 (19) of the statutes, as amended by chapter 215, laws of 1951, is amended to read:

66.054 (19) Every keeper of any place, of any nature or character, whatsoever, for the sale of any fermented malt beverage under a "Class * * * B" retailer's license, who shall directly or indirectly suffer or permit any person of either sex under the age of 18 years, unaccompanied by his or her parent or guardian, who is not a resident, employe, or a bona fide lodger or boarder on the premises controlled by the proprietor or licensee of such place, and of which such place consists or is a part, to enter or be on such licensed premises for any purpose, excepting the transaction of bona fide business other than amusement, the purchase, receiving, or consumption of edibles or beverages, shall, for every such offense, be liable to a penalty not exceeding \$250, besides costs, or imprisonment in the county jail or house of correction not exceeding 60 days; and any such person so remaining as aforesaid, who is not a resident, employe, or a bona fide lodger or boarder on such premises, or who is not accompanied by his or her parent or guardian, shall also be liable to a penalty of not more than \$20, besides costs. This section shall not apply to hotels, drug stores, grocery stores, bowling alleys, premises in the state fair park, and parks owned or operated by agricultural societies receiving state aid, cars operated on any railroad, *regularly established athletic fields or stadiums* nor to premises operated under both a "Class B" license and a restaurant permit where the principal business conducted therein is that of a restaurant. It shall be presumed, however, where such premises are so operated under both a "Class B" license and a restaurant permit, that the principal business conducted therein is that of the sale of fermented malt beverage, until such presumption is rebutted by competent evidence. The provisions of subsection (15) providing for punishment of violators of this section by fine and imprisonment shall not apply to this subsection.

SECTION 21. 66.056 of the statutes is repealed.

SECTION 22. 66.30 (1) of the statutes, as renumbered by chapter 293 (544-S), laws of 1951, and as amended by chapter 268, laws of 1951, is amended by inserting "or units" after "such governmental unit".

SECTION 22m. 66.904 (1) (b) 4 of the statutes as amended by chapter 552 (Bill No. 52, S.) and 722 (Bill No. 142, S.), laws of 1951, is repealed and recreated to read:

66.904 (1) (b) 4. Upon the granting of a retirement annuity, a disability annuity, a death benefit or a separation benefit, all of the accumulated credits of such participant shall thereupon be terminated and no further right to such credits shall exist other than the right to such annuity or benefit so granted except as provided by section 66.908 (2) (c) and (d).

SECTION 22r. 66.909 (1) (a) and (b) of the statutes, as amended by chapters 552 (Bill No. 53, S.) and 722 (Bill No. 142, S.), laws of 1951, are repealed and recreated to read:

66.909 (1) (a) The beneficiary is the widow or minor child of the participant or annuitant, or

(b) The beneficiary is other than the widow or minor child of the participant or annuitant, but such beneficiary has specified in the application for the death benefit, or the participant has so specified in a written notice received by the board prior to his death, that such benefit shall be paid as an annuity.

SECTION 23. The final proviso of 67.04 (6) of the statutes, as amended by chapter 14, laws of 1951, and by chapter 372 (31-A), laws of 1951, is amended to read:

67.04 (6) (final proviso) and provided that any school district whose territory consists of a city of the fourth class or of a city of the fourth class and a part * * * or the whole of any adjoining town or towns may borrow and issue bonds therefor up to 5 per cent of its assessed valuation for the purpose of purchasing schoolhouse sites and the construction and equipment of schoolhouses.

SECTION 24. 67.12 (12) of the statutes, as amended by chapter 262, laws of 1951, is amended by substituting "town" for "township" wherever the latter word occurs.

SECTION 24m. 70.11 (19) of the statutes as created by chapter 123, laws of 1951, is amended to read:

70.11 (19) All the real and personal property of any children's institution licensed

for the care of dependent, neglected, or delinquent children under sections 48.35 to * * * 48.42 while the same is actually used for such purpose. *This amendment (1951) shall apply retroactively to the current year's assessment.*

SECTION 25. The amendment made to 76.48 (4) of the statutes by chapter 239, laws of 1951, is not repealed by chapter 319 (174-A), laws of 1951. Both amendments stand. The purpose of this enactment is to repel any implication that the later act repealed the earlier one.

SECTION 26. 85.137 of the statutes is repealed.

SECTION 27. 87.20 (1) to (3), as repealed by chapter 319 (174-A), laws of 1951, is reenacted; and 87.20 (5) of the statutes, as created by chapter 258, laws of 1951, is reenacted and is amended by substituting "(3)" for "(4)" in the reference to "subsections (1) to (4)".

SECTION 28. 114.136 (1) (a) of the statutes, as amended by chapter 118, laws of 1951, is amended by substituting "subsection" for "paragraph" in the reference to "paragraph (2)".

SECTION 28m. 176.05 (4a) of the statutes, as amended by chapter 227, laws of 1951, is amended to read:

176.05 (4a) All "Class A" and "Class B" licenses issued to clubs, as defined in section 176.01 (8), that are operated solely for the playing of golf * * * or tennis * * *, which are commonly known as country clubs, and including yachting clubs, shall be issued by the commissioner of taxation without regard to the provisions of section 176.38 and subsection (10) (b) of this section for an annual fee of \$50 which shall be paid to the treasurer of the town, city or village in which such club is located. *Any club for a "similar sport" holding a license during the license year 1950-1951 shall be eligible upon application for a license under this subsection from year to year as long as continuously operated under substantially the same circumstances as it was operated under during the license year 1950-1951.* The provisions of section 176.05 (1a) relative to suspending or revoking permits shall apply to all licenses issued by the commissioner hereunder, and, except as herein provided, all provisions of this chapter relating to "Class A" and "Class B" licenses for the sale of intoxicating liquors shall apply to licenses issued to country clubs by the commissioner.

SECTION 28r. 176.32 (1) of the statutes, as amended by chapter 215, laws of 1951, is amended to read:

176.32 (1) Every keeper of any place, of any nature or character, whatsoever, for the sale of any intoxicating liquor, who shall either directly or indirectly suffer or permit any person of either sex under the age of 21 years, unaccompanied by his or her parent or guardian, or suffer or permit any person to whom the sale of any such liquors has been forbidden in the manner provided by law, who is not a resident, employe, or a bona fide lodger or boarder on the premises of such licensed person, to enter or be on such licensed premises for any purpose, excepting the transaction of bona fide business other than amusement or the purchase, receiving or consumption of edibles or beverages, shall, for every such offense, be liable to a penalty not exceeding \$250, besides costs, or imprisonment in the county jail or house of correction not exceeding 60 days; and any such person so remaining as aforesaid, who is not a resident, employe, or a bona fide lodger or boarder on the premises, or who is not accompanied by his or her parent or guardian, shall also be liable to a penalty of not more than \$20, besides costs, or imprisonment not exceeding 30 days in the county jail or house of correction. This section shall not apply to hotels, drug stores, grocery stores, bowling alleys, cars operated on any railroad, *regularly established athletic fields or stadiums* nor to premises operated under both a "Class B" license and a restaurant permit where the principal business conducted therein is that of a restaurant. It shall be presumed, however, where such premises are so operated under both a "Class B" license and a restaurant permit, that the principal business conducted therein is that of the sale of intoxicating liquor, until such presumption is rebutted by competent evidence.

SECTION 29. 180.96 of the statutes, as created by chapter 731 (763-S), laws of 1951, is repealed.

SECTION 30. 210.02 (1) (third sentence) of the statutes, as amended by chapter 237, laws of 1951, is amended by substituting "at" for "as" in the clause "computed as such deviation from the aforesaid rates as the commissioner may determine".

SECTION 31. 215.50 (2) (4th sentence) of the statutes, as amended by chapter 97, laws of 1951, is amended to read:

215.50 (2) (4th sentence) Thereafter, the term of office shall be 6 years and each incumbent shall continue in office until his successor is * * * *appointed* and qualified.

SECTION 32. 215.53 (3) of the statutes, as amended by chapter 319 (174-A), laws of 1951, is amended to read:

215.53 (3) An association failing to pay such capital fee and annual fee to the commissioner by July 15 of each year shall, if ordered by the commissioner, forfeit \$10 for each day it fails to pay such fees. * * *

SECTION 33. 370.001 (4), as created by chapter 261, laws of 1951, is repealed; and 370.01 (24) of the statutes, as amended by chapter 469 (565-A), laws of 1951, is renumbered 370.001 (4).

SECTION 34. 370.01 (24) of the statutes, as repealed and recreated by chapter 261, laws of 1951, is amended by adding at the end the following: "If an oath is administered it shall end with the words 'so help me God.'"

Approved August 3, 1951.
