

No. 615, S.]

[Published October 3, 1947.

CHAPTER 614.

AN ACT to amend, renumber, repeal and recreate various provisions of the statutes and session laws, for the purpose of correcting errors, correcting references, reconciling conflicts, repelling unintended repeals, clarifying language, renumbering for better location, supplying omissions, eliminating duplications, and repealing obsolete and invalid provisions, in, or caused by, acts of the 1947 session of the legislature.

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

SECTION 1. The last sentence of 5.08 (4) is amended to read:
5.08 (4) (last sentence) The fee for such publication shall be paid for by the square as defined in section * * * 370.01 (14).

SECTION 2. 13.057 (2a), created by chapter 525, laws of 1947, is amended by striking out the word "adult" in the reference to the "division for the adult blind".

SECTION 3. 14.42 (17) is amended to read:

14.42 (17) Whenever any federal securities are purchased under authority of * * * any * * * law and the state treasurer is custodian thereof he may accept and hold safekeeping receipts of a federal reserve bank for such securities. Each such receipt shall be identified on its face with the name of the fund to which the securities described in the receipt belong.

SECTION 3g. 14.71 (1n) (c) 6 and 7 of the statutes, amended by chapter 331, laws of 1947, are amended to read:

14.71 (1n) (c) 6. The base report to be used shall be the March 15 report *or the report of the date nearest thereto* of each year.

7. The governor, personnel board, and the emergency board as soon after such index material for * * * *such applicable* period of each year is made available by the director of personnel, shall meet in joint conference, from time to time, to compute such change in the cost of living indexes and determine therefrom if such initial basic cost of living bonus shall be changed as provided herein and the moneys needed therefor.

SECTION 4. 14.71 (6) (e) is repealed.

SECTION 4a. 16.275 (5) of the statutes as created by chapter 331, laws of 1947, is amended to read;

16.275 (5) Notwithstanding any provisions of law to the contrary no employe of the state employed on the prevailing hourly rate of pay basis shall be entitled to or be granted leave of absence with pay for sickness or vacation; but any accrued rights to paid vacation leave, earned by such employes through June 1947, which remain unused at the close of that month may be used by them at any time, approved by their employing department, during the balance of 1947, and accumulated sick leave earned by such employes through June 1947, which remains unused at the close of that month, may be used by them any time subject to the rules and regulations of the bureau of personnel.

SECTION 4b. 20.02 (13) (a) of the statutes, created by chapter 412, laws of 1947, is amended to read:

20.02 (13) (a) As a nonlapsible appropriation, beginning on the effective date of this act, at the beginning of each month an amount equal to one-half of the tax collected during the preceding month under section 139.26 reduced by one-half of such taxes refunded during the preceding month, as certified to the director of budget and accounts by the state treasurer, to the Wisconsin veterans' housing authority for allocation by that department to county veterans' housing authorities organized under the provisions of section 66.40 (45) to (59) and city housing authorities organized under section 66.40, to assist such authorities in providing housing for veterans and their families. Allotments from this appropriation shall be made on the basis of 10 per cent of the total cost of the housing authority of the land, improvements and dwelling unit or units located thereon as determined by the Wisconsin veterans' housing authority and actual payments of allotments shall be at such times as the Wisconsin veterans' housing authority shall determine. *In computing such total cost an equivalent amount shall be included for any and all contributions, either in cash or otherwise, as may have been received by the authority in connection with the particular veterans' housing project.* All allotments shall be made upon written application in form prescribed by the Wisconsin veterans' housing authority.

SECTION 4e. 20.036 (1) of the statutes is amended to read:

20.036 (1) BENEFITS FOR * * * VETERANS; ADMINISTRATION. (a) From the post-war rehabilitation trust fund a sum sufficient for the payment of benefits to veterans and their dependents under * * * chapter 45. All moneys received from the federal government for the benefit of veterans or their de-

pendents or as reimbursement pursuant to section 45.39 (9) shall be paid into and credited to the post-war rehabilitation trust fund and are appropriated therefrom to the department for the purposes for which received or for the execution of its functions.

(b) *From the post-war rehabilitation trust fund on July 1, 1947, \$306,000 and on July 1, 1948, \$331,000 for the execution of its administrative functions.*

SECTION 4k. 20.03 (4) of the statutes is renumbered 20.036 (9) and amended to read:

20.036 (9) *Annually, from the general fund, beginning July 1, * * * 1947, \$1,000, to pay all the necessary expenses which in * * * the department's judgment, may be necessary to properly provide for and pay all transportation costs, necessary care and entertainment of all such members described in section 1 of chapter 136, laws of 1943, who attend such national encampment, from their homes to such city and return.*

SECTION 4n. 20.036 (11) of the statutes is created to read:

20.036 (11) *GIFTS. From the post-war rehabilitation trust fund money received under section 45.35 (13) to be used as provided in that section.*

SECTION 5. The amendments made to 20.06 (3) by chapter 600, laws of 1947, are not repealed by Bill 558-S, 1947 session. Both amendments stand. The purpose of this enactment is to repel any implication that Bill 558-S, if enacted, repeals the earlier act.

SECTION 6. 20.07 (5), as amended by chapter 412, laws of 1947, is amended by inserting before the words "to be paid to the cities, towns and villages" the words "and the sum appropriated to the state bureau of alcohol studies in section 20.432." If Bill 558-S, 1947 session, amends 20.07 (5) and is enacted, the amendments made by this act and by said chapter 412 are not repealed but all amendments stand. The earlier acts are not repealed by the later ones.

SECTION 6a. 20.15 (Introductory paragraph) (2), (3), (4), (5), (8) and (9) of the statutes are amended to read:

20.15 (Introductory paragraph) *Claims by any veterans' organization to any appropriation or part thereof, made to it by this section, shall be certified to the department of veterans' affairs by the officer of the organization specified in the respec-*

tive appropriations. If it appears that payment should be made the director of the department of veterans' affairs shall certify the amount to be paid to the director of budget and accounts in accordance with the provisions of section 45.35 (12) (b). Subject to the provisions of this introductory paragraph there is appropriated from the general fund:

(2) To the Wisconsin Department of the Grand Army of the Republic, annually, beginning July 1, 1939, \$1,000 for necessary expenses of its annual encampment, *claims therefor to be * * * made by the commander to the department of veterans' affairs.*

(3) To the Wisconsin Department of the Spanish War Veterans' Association, annually, beginning July 1, 1939, \$1,000, for necessary expenses of its annual encampment, *claims therefor to be * * * made by the commander to the department of veterans' affairs.*

(4) To the Wisconsin Department of the association known as the Veterans of Foreign Wars, annually, beginning July 1, 1939, \$1,000 for necessary expenses of its annual encampment, *claims therefor to be * * * made by the commander to the department of veterans' affairs.*

(5) To the Wisconsin Department of the American Legion, annually, beginning July 1, 1939, \$1,000, for necessary expenses of its annual encampment, *claims therefor to be * * * made by the commander of the legion post which conducts such encampment to the department of veterans' affairs.*

(8) To the Wisconsin Chapter of Rainbow Division Veterans of Appleton, Wisconsin, annually, beginning July 1, 1941, \$250 for the purpose of defraying a portion of the annual convention expenses; to be paid on August 1 of each fiscal year to the then acting secretary and treasurer of the Wisconsin Chapter of Rainbow Division Veterans, *claims therefor to be made by him to the department of veterans' affairs.*

(9) To the Wisconsin Department of the Order of the Purple Heart, annually, beginning July 1, 1945, \$1,000 for necessary expenses of its annual encampment, *claims therefor to be * * * made by its state commander to the department of veterans' affairs.*

SECTION 6b. 20.15 (6) of the statutes as amended by chapter 353, laws of 1947, is amended to read:

20.15 (6) To the Wisconsin Department of the Disabled American Veterans, annually, beginning July 1, 1939, \$1,000

for necessary expenses of its annual encampment, *claims therefor to be * * * made by the commander to the department of veterans' affairs.*

SECTION 6c. 20.15 (7) of the statutes as amended by chapter 537, laws of 1947, is amended to read:

20.15 (7) To the Wisconsin Department of the Army and Navy Union of the United States, annually, beginning July 1, 1947, \$1,000 for necessary expenses of its annual encampment, *claims therefor to be * * * made by its state commander * * *.*

SECTION 7. 20.49 (9) (a), as amended by chapter 518, laws of 1947, is amended by striking out the reference to "86.24".

SECTION 8. 20.55 (8), as created by chapter 487, laws of 1947, is amended by substituting "section 203.32" for "sections 203.32 to 203.48" and by substituting "section" for "sections" in the reference to "said sections".

SECTION 9. 25.17 (1), as amended by chapter 469, laws of 1947, is amended by substituting "20.491" for "20.49 (9)".

SECTION 10. 25.17 (1a), as amended by chapter 469, laws of 1947, is amended to read:

25.17 (1a) To invest any of the funds specified in subsection (1), except operating funds, in loans to the Wisconsin university building corporation, *teachers colleges building corporation or Stout institute building corporation* secured by mortgages upon income-producing property or upon leasehold estates in improved real property for a term of years where 25 years or more of the term is unexpired.

SECTION 10m. 37.32 (2) of the statutes is amended to read:

37.32 (2) Eligibility to receive any of the benefits under *subsection (1) * * ** shall be certified to the university extension division by the ** * * department of veterans' affairs.*

SECTION 11. 40.04 (6) of the statutes as amended by chapter 573, laws of 1947, is amended to read:

40.04 (6) To vote a tax for the operation of the school, but the total tax voted in any year shall not exceed 20 mills of the last state equalized valuation of the taxable property in the district, unless the district maintains a high school, in which case the tax limit shall be 25 mills of such valuation, except that *the limitations of this subsection shall not apply to schools with an average daily attendance of less than 10 pupils.*

SECTION 11h. 40.34 (1a) of the statutes as amended by chapter 573, laws of 1947, is amended to read:

40.34 (1a) School districts which furnish transportation to and from school in accordance with section 40.34, 40.344 or 40.475 shall be entitled to receive state aid on account of such transportation, at the rate of 15 cents per day, per child transported to and from school, whose residence is 2-1/2 miles and less than 5 miles from the nearest school which the child may attend and at the rate of 20 cents per day, per child transported to and from school, whose residence is 5 miles or more from such school. No aid shall be paid for any elementary school pupil who resides less than 2-1/2 miles from school or for any high school pupil who resides less than 4 miles from school. Transportation aid to any district shall not exceed one-half of the approved *net* cost of transportation of pupils for which the district is eligible to receive transportation aid.

SECTION 11m. 40.395 of the statutes as created by chapter 573, laws of 1947, is amended to read:

40.395 In addition to all other aids to high school districts state aid shall be paid annually on or before March 15 to school districts of all classes maintaining one or more 4-year high school courses in a manner approved by the state superintendent, as follows: The state superintendent shall determine from the annual reports of districts which operated high schools during the 1946-1947 school year the amount of expenditures, exclusive of transportation costs and *capital outlay*, that was required of each district for the 1946-1947 school year, plus 8 per cent thereof, less the sum of a tax production of a 5-mill tax levy on the state equalized full valuation of the district and the aids received under the provisions of sections 40.39, 76.28 (3), and 77.04 (3) and all federal aids, and receipts from nonresident tuition and on or before March 15 of each year shall certify such amount to the director of budget and accounts as the amount for payment to such districts out of the appropriation provided by section 20.25 (4). In the case of school districts commencing the operation of a high school subsequent to the 1946-1947 school year the amount of aid shall be determined on a cost base approved jointly by the state superintendent and the county superintendent of the county in which the district is located.

SECTION 11r. 40.47 (6) of the statutes as amended by chapter 573, laws of 1947, is amended to read:

40.47 (6) The county clerk on receiving the tuition statements provided for in section 40.47 (5) (a) and (b) shall apportion the amount thereof on the basis of the ratio of the equalized valuation of that portion of each municipality within the county that lies outside of districts which operate high schools to the total equalized value of all of the territory within the county that lies outside of high school districts and certify the amount so obtained to the clerks of said municipalities. The municipal clerk shall enter upon the next tax roll *in a local tax column* such sums as may be due for such tuition from his municipality and the amount so entered shall be collected when and as other taxes are collected. If a portion of such municipality forms a part of a high school district, the taxable property in that portion shall be exempt from such tuition tax. The * * * *municipal* clerk shall file with the state superintendent of public instruction a certified statement of tuition entered upon the tax roll prior to January of each year. Failure of the * * * *municipal* clerk to comply with the provisions of this section shall render that officer and his bondsmen liable for the amount of the tuition statements rendered to him by the county clerks and shall constitute cause for removal from office for failure to perform the duties of said office as provided by sections 17.13 and 17.16. When collecting the tuitions as provided for under this section the municipal treasurer shall be considered to be the agent of the school district to which the tuitions are due and shall pay the same by personal certified check or cash to the county treasurer, who shall file a certified statement of tuitions paid with the state superintendent of public instruction prior to * * * *September* of each year. Failure to comply with the provisions of this section shall render the municipal treasurer and his bondsmen liable for the amount due the school districts as tuition and shall constitute cause for removal from office for failure to perform the duties of said office as provided by sections 17.13 and 17.16. Taxes paid to the county treasurer on high school tuition shall be kept by that officer in a separate account * * * and shall be paid by said officers * * * *to the districts entitled thereto at such times as tax settlements are made*. When the amount of taxes collected by any tuition-paying municipality is insufficient to meet the tuition claims filed with the municipal clerk, the difference between the amount collected and the amount of said claims shall be certified to the

state superintendent of public instruction by the municipal treasurer responsible for the collection of such claims. Immediately upon determining the correctness of said certification the state superintendent of public instruction shall certify to the secretary of state and to the state treasurer the amount thereof which each county is to receive. Upon a receipt of such certification by the state superintendent of public instruction the secretary of state shall draw his warrants covering the amounts due the counties concerned and the state treasurer shall pay to the said county treasurers the amount due. The state treasurer shall file a statement of tuition so paid with the state superintendent of public instruction and with the county treasurer of the county wherein the municipality concerned lies. When delinquent taxes are collected by the county treasurer (or other local treasurer) he shall remit to the state treasurer the portion thereof that was levied for such nonresident tuition so as to reimburse the general fund for such payments to school districts from the appropriation provided by section 20.29.

SECTION 11t. 40.875 of the statutes as created by chapter 573, laws of 1947, is amended to read:

40.875 In addition to all other aids to elementary school districts, state aid shall be paid annually on or before March 15 to school districts of all classes which actually operated elementary schools or kindergarten to eighth grade or first grade to eighth grade with an average daily attendance of 15 or more pupils as provided in this section in a manner approved by the state superintendent, as follows: The state superintendent shall determine from the annual financial report of each of such school districts which actually operated schools during the 1946-1947 school year, the amount of expenditures, exclusive of transportation costs and *capital outlay*, that were required for that year, plus 8 per cent thereof, less the sum of a tax production of 7 mills on the state equalized full valuation of the district and the aids received under the provisions of sections 40.87, 59.075, 76.28 (3) and 77.04 (3) and all federal aids and receipts from nonresident tuition, and on or before March 15 of each year he shall certify to the director of budget and accounts such amount for payment to such districts out of the appropriation provided by section 20.25 (4). In the case of districts commencing the actual operation of school as provided in this section subsequent to the 1946-1947 school year the amount of aid

shall be determined on a cost base approved jointly by the state superintendent and the county superintendent of the county in which the district is located.

SECTION 12. 42.20 (paragraph entitled "Required deposit"), as amended by chapter 463, laws of 1947, is amended to read:

42.20 (paragraph entitled "Required deposit") "Required deposit" means the deduction in accordance with sections 42.40 and * * * 42.41 (1) from the compensation received by a senior teacher deposited in the retirement *deposit* fund.

SECTION 13. 42.71 (1) (introductory paragraph), as created by chapter 206, laws of 1947, and 42.71 (1) (c), as amended by section 11 of chapter 556, laws of 1947, are amended by striking therefrom the phrase "statutes of 1945" wherever it occurs. The repeal of 42.62 by 42.71 (1) does not repeal the amendment made to 42.62 (4) by chapter 242, laws of 1947, but said amendment need not be printed in the statutes.

SECTION 13b. 45.04 of the statutes is amended to read:

45.04 A custodian and superintendent of said memorial hall, who shall be an honorably discharged United States war veteran, shall be appointed by the Wisconsin department of veterans' affairs for a term of 4 years, whose duty shall be to take proper care of said memorial collection and to procure additions thereto and to so display them as to make them attractive and instructive to visitors to the state capitol. Such appointee shall not be subject to chapter 16 *and be paid not to exceed \$2,100 per year, plus any cost of living bonus authorized other state employes, to be paid from the post-war rehabilitation trust fund.*

SECTION 13m. 45.35 (1), (5a), (6), (7), (8), (8a), (8c), (9), (10) and (12) of the statutes are amended to read:

45.35 (1) The legislature declares that it is the policy of the state of Wisconsin to assume responsibility for the health, educational and economic rehabilitation and hospitalization of * * * veterans of the armed forces of the United States in World War II, and their dependents, who are bona fide residents of this state as defined in section 45.35 (5a). The legislature further declares that the state intends by the enactment of this section to render all possible aid and assistance to such * * * World War II veterans, servicemen officially reported as missing in action and their dependents, when aid and assistance has not been provided. A liberal construction of this section is intended.

(5a) "Veteran" as used in this section means any person who

served in the active military or naval service of the United States at any time * * * *between* August 27, 1940 and July 25, 1947 who was honorably discharged therefrom, or who served under honorable conditions, after 90 days or more of *active* service, or if having served less than 90 days was honorably discharged for disability incurred in line of duty, who has been a resident of this state for at least 5 years next preceding his application or a resident of this state at the time of his enlistment or induction into service and such resident at the time of making application and, in all cases, who continues his residence in this state during the full period of the rehabilitation.

(6) The * * * *department* shall co-ordinate the activities of all state agencies performing functions relating to the medical, hospital, or other remedial care, placement and training, educational, economic or vocational rehabilitation of honorably discharged veterans, including such veterans with disabilities whether or not service connected or war connected. In particular it shall co-ordinate the activities of the state board of vocational and adult education, state selective service administration, state department of public welfare, industrial commission, state superintendent of public instruction, the university of Wisconsin, teachers' colleges and other educational institutions, and all other departments or agencies performing any of the functions specified, to the end that the benefits provided in this section may be made available to returning veterans as promptly and effectively as possible.

(7) The * * * *department* shall maintain contacts with county service officers and local agencies, the American Red Cross and veterans' organizations concerned with the welfare of veterans and shall contact and co-operate with federal agencies in securing for Wisconsin veterans all benefits to which they may be entitled.

(8) The * * * *department* may provide treatment for an, veterans for any physical or mental disease or injury or the consequent result of such disease or injury, which is directly or indirectly traceable to the military or naval service, or may provide such treatment for any dependent of a serviceman officially reported as missing in action. The powers conferred by section * * * 45.38 in connection with the furnishing of treatment for veterans of World War I are, so far as applicable and

not in conflict with this section, conferred on the * * * *department* in carrying out the provisions of this subsection.

(8a) The * * * *department* may extend to any such veteran or any of his dependents such temporary emergency aid or relief as it may deem advisable to prevent want or distress, except that this subsection does not apply to any veteran whose total period of service has been as a student detailed for training under the army specialized training program, the army air forces college training program, the military or naval academies, or any similar program under the jurisdiction of the navy, marine corps, or coast guard. The benefits and aids provided under section 45.35 shall not be assignable and shall be exempt from garnishment and execution.

(8c) Notwithstanding any other provision of the statutes to the contrary, any minor who is a veteran under the provisions of this section, may execute in his or her own right, notes or mortgages to the * * * *department* and such notes and mortgages, when so executed, shall not be subject to the defense of infancy.

(9) The * * * *department* in co-operation with the rehabilitation division of the state board of vocational and adult education shall make available to disabled veterans the benefits of vocational training and guidance, including veterans who have filed claims for federal rehabilitation benefits and during the pendency of such claims. In cases where such claims are allowed and federal reimbursement is made to the state, such money shall be paid into and become a part of the post-war rehabilitation trust fund.

(10) The * * * *department* in co-operation with the industrial commission and state selective service administration or any other federal, state or local agency shall formulate and carry out plans for the training and placement of returning veterans in peace-time work.

(12) (a) All expenditures for execution of functions under this section shall be made from the post-war rehabilitation trust fund as provided in section 20.036.

(b) The director shall certify to the * * * *director of budget and accounts* for payment all aid to veterans and their dependents authorized under the rules and regulations of the board and shall certify or approve and forward to the * * * *director of budget and accounts* pay rolls and other vouchers

for other expenditures of the board authorized under such rules and regulations *and those claims submitted by the veterans' organizations in section 20.15.*

SECTION 13n. 45.35 (8b) of the statutes as amended by chapter 261, laws of 1947, is amended to read:

45.35 (8b) The * * * *department* may make loans in its own name and on its own behalf to veterans for the purposes of their rehabilitation, education or for the purpose of aiding and assisting them in the purchase of property or a business, not to exceed \$1,000 to each such veteran, on such terms as the * * * *department* may deem desirable. Money received from repayments of such loans shall be paid into and credited to the post-war rehabilitation trust fund. The * * * *department* is hereby granted power and authority to execute any and all proper documents and enter into such agreements as it may deem necessary to carry out the provisions of this section and to charge a rate of interest on all loans not exceeding * * * the rate of 2 per cent per annum. The loans granted under this section shall not exceed 15 years in length. The * * * *department* is further empowered to charge all expenses of the making of the loan to the applicant. The * * * *department* is further empowered to sue and be sued, to make collections, deal with and enter into compromises for the payment of such indebtedness as may be due or become due to the * * * *department*.

SECTION 13o. 45.35 (13) of the statutes is created to read:

45.35 (13) The department may receive money, lands or other gifts in its name for the benefit of Wisconsin veterans and their dependents, or either, in accordance with policies adopted by the board. Such money shall be deposited in the state treasury and credited to the post-war rehabilitation trust fund and is appropriated therefrom by section 20.036 (11) to the department to be used in accordance with such policies.

SECTION 14b. 45.35 (12) of the statutes is amended to read:

45.35 (12) (a) All expenditures for execution of functions under this section shall be made from the post-war rehabilitation trust fund as provided in section 20.036.

(b) The director shall certify to the * * * *director of budget and accounts* for payment all aid to veterans *and their dependents* authorized under the rules and regulations of the board and shall certify or approve and forward to * * * *him* payrolls and other vouchers for other expenditures of the board

authorized under such rules and regulations * * * in section 20.15.

SECTION 15. 49.19 (10), as created by chapter 526, laws of 1947, is amended by substituting "(8)" for "(10)" in the phrase "in the manner provided in subsection (10)".

SECTION 16. 54.31 (3), as renumbered by chapter 560, laws of 1947, from 58.91 (3), is repealed.

SECTION 17. 61.63 (2) (a), as created by chapter 539, laws of 1947, is renumbered 61.63 (2); 61.63 (2) (b), as created by said act, is repealed; and 61.63 (1) (b), as created by said act, is amended to read:

61.63 (1) (b) Actions to punish violation of an ordinance shall be in the name of the village. In case of conviction the court shall * * * enter judgment against the defendant for the costs of prosecution, and for the fine, penalty or forfeiture, if any, and that he be imprisoned in the county jail or house of correction for such time, not exceeding * * * 90 days, as the court shall deem fit, unless the judgment is sooner paid.

SECTION 18. 66.054 (2), as renumbered from 66.05 (10) (ab) by chapter 362, laws of 1947, is repealed.

SECTION 19. 66.209 (1), as renumbered from 66.20 (16) by chapter 362, laws of 1947, and as amended by chapter 445, laws of 1947, is amended to read:

66.209 (1) Section 59.96 (6) (h) and * * * 66.076 (1), (2) and (4) shall apply to districts organized and existing under * * * sections 66.20 to 66.209.

SECTION 19e. 66.40 (57) (as created by chapter 412, laws of 1947) of the statutes is amended to read:

66.40 (57) All tenants selected for veterans' housing projects shall be honorably discharged veterans of wars of the United States of America. Selection between veterans shall be made in accordance with rules and regulations promulgated and adopted by the Wisconsin veterans' housing authority which regulation said state authority is authorized to make and from time to time change as it deems proper. Such rules and regulations, however, shall give veterans of World War II preference over veterans of all other wars. Notwithstanding such rules and regulations or any law to the contrary a veteran shall not be entitled to or be granted any benefits under section 66.40 from a housing authority unless such veteran was at the time of his

induction into military service a resident of * * * *the state of Wisconsin.*

SECTION 19g. 66.40 (53) of the statutes, created by chapter 412, laws of 1947, is amended to read:

66.40 (53) Veterans' housing improvements on property of an authority are declared to be public property and as long as the same remain under the jurisdiction of the authority or of bondholders who have proceeded under the provisions of subsections (13) to (20) or (52), all such improvements shall be exempt from all taxes of the state or any state public body; all real estate owned by an authority shall be assessed at no higher value than it was assessed for the tax year next preceding the date on which any such real estate was acquired by the authority and this provision shall continue in force as long as said real estate is under the jurisdiction of the authority or of bondholders who have proceeded under the provisions of subsections (13) to (20) or (52), provided, however, that the municipality in which a veterans' housing project is located may fix a sum to be paid annually for the services, improvements or facilities furnished to such project by such municipality which sum shall not exceed the amount of the tax which would be assessable against such improvements if they were not exempt from tax.

SECTION 19h. 66.40 (51) (da) of the statutes is created to read:

66.40 (51) (da) To contract for sale and to sell any part or all of the interest in real estate acquired and to execute such contracts of sale and conveyances as the authority may deem desirable.

SECTION 19i. 66.40 (55) and (56) of the statutes, created by chapter 412, laws of 1947, are repealed and recreated to read:

66.40 (55) OPERATION NOT FOR PROFIT. It is declared to be the policy of this state that each housing authority shall manage and operate its veterans' housing projects in an efficient manner so as to provide veterans with permanent housing at the lowest possible cost and that no housing authority shall construct or operate any such project for profit. With respect to single dwelling unit projects, any veteran who occupies a single dwelling unit, so long as he occupies such unit, but only within the first 5 years after he begins his occupancy of the unit, shall have an option to purchase that unit at an amount not to exceed the total costs to the housing authority of the land on

which said single dwelling unit is located, the improvements and the dwelling unit, less a proportionate amount for such allotment as may be received by the authority under section 20.02 (13) (a) and (b). The purchase contract shall be in such form and on such terms as may be prescribed by the Wisconsin veterans housing authority. If said veteran occupant desires to exercise his option to purchase he shall notify the housing authority of his intention to exercise that option in writing and he shall be allowed a credit on said purchase price of an amount equal to that portion of the monthly rentals for said unit paid by him that has been credited to or expended for capital retirement or repayment of the principal amount of any mortgage indebtedness, bond indebtedness, or any other indebtedness incurred for the purpose of acquiring the land, improving the land, or constructing the dwelling unit. If said veteran occupant fails to exercise his option to purchase within the prescribed period, he shall continue his occupancy on a rental basis.

(56) MONTHLY COST OF OCCUPATION BY A VETERAN. Each authority with respect to single dwelling unit veterans' housing projects shall, as soon as the total costs of each dwelling unit including land and improvements have been determined by it, set up a monthly cost of occupancy for said unit. Such cost shall include an amount not exceeding \$6 per thousand for interest charges, mortgage insurance and capital retirement or repayment of the principal amount of mortgage indebtedness, bond indebtedness, or any other indebtedness incurred for the purpose of acquiring land, improving the land, or constructing the dwelling unit, and to such basic costs of occupancy may be added the monthly cost of municipal services as determined by the municipality and a reasonable amount for the costs of insurance, operation, maintenance and repair.

SECTION 19j. 67.05 (5) (b) of the statutes, as amended by chapter 330, laws of 1947, is amended to read:

67.05 (5) (b) No city or village shall issue any bonds for any purposes other than for replacing sums expended for emergency relief purposes during the years 1929 to 1936, inclusive, water-works, lighting works, gas works, bridges, street improvements, street improvement funding, hospitals, airports, harbor improvements, river improvements, breakwaters and protection piers, sewerage, parks and public grounds, *veterans' housing projects*, street railway property, or paying the municipality's portion

of the cost of abolishing grade crossings, for the purchase of sites for engine houses, for fire engines and other equipment of the fire department, for construction of engine houses, and for pumps, water mains, reservoirs and all other reasonable facilities for fire protection apparatus or equipment for fire protection, school purposes or vocational school purposes, for buildings for the housing of machinery and equipment, or for refunding any of the bonds issued for any of the aforesaid purposes, or for bonds issued to refund securities originally issued pursuant to section 66.06 (9), until the proposition for their issue for the special purpose thereof shall have been submitted to the electors of such city or village and adopted by a majority voting thereon. Whenever the common council of any city or the village board of any village shall declare its purpose to raise money by issuing bonds for any purpose other than those above specified, it shall direct by resolution, which shall be recorded at length in the record of its proceedings, the clerk to call a special election for the purpose of submitting the question of bonding the city or village to the electors thereof. Such elections shall be noticed, conducted, canvassed and the result declared as provided in this subsection, except that the notice of such special election and the ballot used thereat need not embody a copy of the resolution, but shall contain a statement of the purpose and the amount of the bonds proposed to be issued.

SECTION 19k. 70.11 (47) of the statutes, created by chapter 412, laws of 1947, is amended to read:

70.11 (47) Veterans' housing improvements on property of a housing authority made pursuant to section 66.40 * * * (which improvements are declared to be public property by section 66.40 (53)) as long as same remain under the jurisdiction of such housing authority or of bondholders who have proceeded under section 66.40 (13) to (20) or (52). Provided, however, the municipality in which a veterans' housing project is located may fix a sum to be paid annually for the services, improvements and facilities furnished to such project by such municipality, which sum shall not exceed the amount of the tax which would be assessable against such improvements if they were not exempt from tax.

SECTION 19m. 75.521 (1) (b), (2) (a) (last paragraph), (b) and (d), (3) (a) (first sentence), (10), (12), (15) and

(16) of the statutes, as created by chapter 340, laws of 1947, are amended to read:

75.521 (1) (b) "Tax lien" means the lien or interest evidenced by any county owned or held tax sale certificate upon which * * * a tax deed may be * * * *applied for* as provided by law.

(2) (a) (last paragraph) * * *. Upon the adoption of such ordinance, the provisions of this section shall be applicable to such county and the treasurer of such county need not, thereafter, proceed upon its tax sale certificates in cases where * * * *this section* * * * is applicable in any of the other methods provided by chapter 75 or its charter provisions but may do so at his option.

(2) (b) Any county, after * * * at least one year from the adoption of such ordinance, may rescind such election by * * * an ordinance to such effect, which ordinance shall be adopted * * * in the same manner as * * * *the* original ordinance. Upon the adoption * * * of a rescinding ordinance, the provisions of *this section* * * * shall cease to be applicable to such county * * *.

(2) (d) *Provisions of in rem method supersede* * * * : Whenever any county shall have adopted *this section* * * * and is using the procedure herein provided, the provisions of * * * *this section* shall, with respect to the particular tax liens being collected, supersede the provisions of all general, special or local laws relating to the collection of tax liens by such county in conflict therewith, *provided that nothing contained in this subsection nor any use made of the procedure provided in this section shall* * * * prevent the use of other procedures provided for in other sections of the statutes in the collection of other tax liens at the option of the county treasurer.

(3) (a) (first sentence) Whenever any lot or parcel of land has been sold to the county for delinquent taxes for 3 consecutive years, *the treasurer* * * * when a tax deed may first be applied for upon the first resulting tax sale certificate, * * * may file in the office of the clerk of the circuit court of such county, one or more lists of parcels of property affected by unpaid tax liens as shown on the delinquent tax rolls in said treasurer's office.

(10) If a duly verified answer is served upon the county treasurer * * * within the period mentioned in subsection (7), the

court shall hear and-determine the issues raised by the petition and answer in the same manner and under the same rules as it hears and determines other actions, except as in this section otherwise provided. Upon such trial, proof that such tax or special assessment, together with any interest or penalty which may have been due was paid, or that the property was not subject to tax or special assessment, *or that such tax lien is barred by the statute of limitations*, shall constitute a complete defense. Whenever an answer is interposed as herein provided, there shall be a severance of the action as to any parcel or parcels of land in which such answering defendant has any right, title or interest as alleged in his answer, and as to the other parcels in such list, the action shall proceed as provided in subsection (8).

(12) It shall not be necessary for the county to plead or prove the various steps, proceedings and notices for the assessment and levy of the taxes, assessments or other lawful charges against the lands set forth in the list of tax liens and all such taxes, assessments or other lawful charges and the lien thereof shall be presumed to be valid. A defendant alleging any jurisdictional defect or invalidity in the tax or special assessment, because of which said land was not liable to taxation or special assessment, must particularly specify in his answer such jurisdictional defect or invalidity and must affirmatively establish such defense. The provisions of this chapter shall apply to and be valid and effective with respect to all defendants even though one or more be infants, incompetents, absentees or nonresidents of the state of Wisconsin, *provided that a guardian ad litem shall be appointed to serve for all persons known or unknown who have or may have an interest in the lands described in any list and who are or may be minors or incompetents at the date of filing such list. Such guardian ad litem may be appointed by the court without notice, and the fee for his services as fixed by the court shall be paid by the county.*

(15) This act shall become effective * * * *April 1, 1948.*

(16) After the grace period allowed by the effective date of this act as provided by subsection (15), this section shall be retroactive to include all tax sale certificates not outlawed by the statute of limitations, and the rights of any minor, incompetent or nonresident in any tax sale certificate of date prior to the effective date of this act shall be governed by the provisions hereof.

SECTION 20. The amendment made to 78.01 (16) by chapter 156, laws of 1947, is not repealed by chapter 394, laws of 1947. Both amendments stand. The purpose of this enactment is to repel any implication that the later act repealed the earlier one.

SECTION 20k. 85.08 (9) (a) of the statutes as amended by chapter 605, laws of 1947, is amended to read:

85.08 (9) (a) The department may issue a license to any person otherwise qualified, who is less than 16 years and more than 14 years of age, if satisfied that it is necessary for such person to operate his parent's or guardian's motor vehicle licensed as an automobile or a farm truck * * *. Such license shall be of such form or color so that it may be readily distinguishable from licenses issued to persons who are 16 years of age or over, and shall restrict the holder thereof to the operation of a motor vehicle licensed as an automobile or farm truck belonging to his parent or guardian during the daylight hours only and shall not authorize such licensee to operate a motor cycle, motor bicycle, commercial motor truck, motor bus or taxicab. A license shall not be issued to a person who is less than 16 years of age until such person accompanied by his parent or guardian appears in person before an examining officer, as provided in this section, with a certificate of birth to show that such person is at least 14 years of age; nor until such person shall have passed an oral examination and a test of his ability to safely operate a motor vehicle as provided herein and the examining officer shall attest the signatures of the applicant and the parent or guardian as required on the application for licenses issued to persons under the age of 16 years. Nothing in this section shall be construed to permit any person who is less than 16 years of age to operate any type of motor vehicle in any county of this state having a population of 500,000 or more.

SECTION 20q. 85.08 (9) (b) of the statutes as created by chapter 605, laws of 1947, is amended to read:

85.08 (9) (b) The department may issue a permit to any person otherwise qualified, who is less than 16 years and more than 14 years of age, if satisfied that it is necessary for such person to operate a * * * *power* driven cycle as defined in section 85.10 (4) (a), provided the applicant establishes his age and passes an operator's test as specified in paragraph (a). The driving test shall be taken on a * * * *power* driven cycle and the permit issued shall be so marked as to show that it entitles the

holder to operate a * * * *power* driven cycle only. The permit shall be readily distinguishable from a license for operating motor vehicles and shall restrict the holder thereof to the operation of a * * * *power* driven cycle belonging to his parent or guardian and during daylight hours only. The applicant shall submit on a form furnished by the department a certificate attested to by the dealer from whom the vehicle was originally purchased or by the manufacturer of the vehicle declaring that the vehicle meets all the specifications set forth in the definition of a * * * *power* driven cycle as stated in section 85.10.

SECTION 20r. 85.09 (10) (a) (as so renumbered and amended by chapter 528 of the laws of 1947) of the statutes is amended to read:

85.09 (10) (a) Security deposited in compliance with the requirements of this section shall be placed by the commissioner in the custody of the state treasurer and shall be applicable only to the payment of a judgment or judgments rendered against the person or persons on whose behalf the deposit was made, for damages arising out of the accident in question in an action at law, begun not later than one year after the date of such accident, or within one year after the date of deposit of any security under subsection (7) (c); or to the payment of a duly acknowledged assignment by the person or persons on whose behalf the deposit was made (to a property owner where the case involves only damage to the property of one person or to a sole pedestrian or his legal representative where the case involves only the pedestrian) for damages arising out of such accident *or to the payment of a duly acknowledged assignment or assignments by the person or persons on whose behalf the deposit was made (to all parties in interest in such cases where the amount of the deposit is equal to or greater than the total amount of such assignment or assignments) for damages arising out of such accident. In all cases involving assignments a release or releases of liability from all parties in interest shall accompany such assignment or assignments.*

SECTION 20u. 85.10 (4) (a) of the statutes as created by chapter 605, laws of 1947, is amended to read:

85.10 (4) (a) A power driven cycle is a motor driven cycle, weighing between 100 and * * * 300 pounds avoirdupois, fully equipped, without gasoline or oil, designed to travel not over 35 miles per hour, with a 150 pound rider on a dry, level, hard

surface with no wind, having brakes as specified in section 85.67 and having lights as specified in section 85.06.

SECTION 21. 85.40 (10), as amended by chapter 483, laws of 1947, is repealed.

SECTION 21r. The last 3 sentences of 97.27 (2), as created by chapter 384, laws of 1947, are repealed; and 97.025 (6), as created by said chapter, is amended to read:

97.025 (6) No person shall sell or display or offer to sell any diabetic ice cream as defined in section 97.02 (10) (j) except in sealed containers with a capacity of not more than one pint. All such containers shall be clearly, legibly and noticeably labeled with the following words: "DIABETIC ICE CREAM; CONTAINS SACCHARIN; DOES NOT CONTAIN SUGAR." The words "DIABETIC ICE CREAM" shall be printed in 18-point, condensed Gothic type with cardboard between letters. *The percentage composition in terms of carbohydrate, protein and fat and the caloric value shall be shown on the label. The label shall also have printed thereon the following: "To be used as your physician directs."* It shall be unlawful to sell such ice cream to any customer or to serve it to any customer in any sundae, soda, malted milk beverage or in any other manner unless it is requested by its full name "diabetic ice cream."

SECTION 22. 100.31 (10) (a), as created by chapter 580, laws of 1947, is amended by substituting "subsection (8)" for "section 8"; and 100.31 (15) (c), as created by said chapter, is amended by striking out the word "of" from the phrase "under the law of merchant".

SECTION 23. 114.105, as created by chapter 213, laws of 1947, is amended to read:

114.105 Any county, town, city or village may adopt any ordinance in strict conformity with the provisions of this chapter and impose the same penalty for violation of any of its provisions except *that such ordinance shall not provide for the suspension or revocation of pilot or aircraft licenses * * * or certificates and shall not provide for imprisonment except for failure to pay any fine which may be imposed.* No local authority shall enact any ordinance governing aircraft or aeronautics inconsistent with the provisions of this chapter. Every court in which a violation of such ordinance is prosecuted shall make a written report of any conviction (including bail or ap-

pearance money forfeiture) to the federal civil aeronautics administration.

SECTION 24. 136.32 (1), created by chapter 522, laws of 1947, is repealed and is recreated to read:

136.32 JUDICIAL REVIEW. (1) The action of the board in refusing or in revoking a license under sections 136.22 to 136.25 shall be subject to review as provided in section 136.15.

SECTION 25. The amendments made to 139.28 by chapter 385, laws of 1947 are not repealed by chapter 412, laws of 1947. If Bill 558-S, 1947 session, amends 139.28 and is enacted, it does not repeal either of said chapters, but all amendments stand. The earlier acts are not repealed by the later ones.

SECTION 25a. 140.09 (14) as created by chapter 511, laws of 1947, is amended to read:

140.09 (14) The board of health of every multiple county health department and of every city-county health department created under this act shall annually prepare a budget of its proposed expenditures for the ensuing fiscal year and determine the proportionate cost to each participating county and city on the basis of equalized valuation. A certified copy of such budget, which shall include a statement of the amount required from each county and city, shall be delivered to the county board of each participating county and to the mayor or city manager of each participating county and to the mayor or city manager of each participating city. *The appropriation to be made by each participating county and municipality shall * * * be determined by the * * * governing body thereof.* No part of the cost apportioned to the county shall be levied against any property within such city.

Any county or municipality being aggrieved by the determination of the board may appeal to the circuit court of the county aggrieved or of the county in which the aggrieved city is located in the manner provided in chapter 227.

SECTION 26. 140.09 (14) and (17) as repealed and created by chapter 511, laws of 1947, are amended by substituting "section" for "act".

SECTION 27. 165.01 (2), as created by chapter 509, laws of 1947, is amended by substituting "section" for "subsection".

SECTION 28. 203.32 (7), as created by chapter 487, laws of 1947, is amended by substituting "(e)" for "(d)" in the ref-

erence to "subsection (4) (d)"; and 203.32 (11), as created by said act, is amended by substituting "(17)" for "(18)" in the reference to "subsection (12) and (15) to (18)".

SECTION 29. 204.40 (4), as created by chapter 521, laws of 1947, is amended by substituting "said sections" for "this act".

SECTION 29i. 234.26 (2) (e) of the statutes as created by chapter 442, laws of 1947, is amended to read:

234.26 (2) (e) "Owner." A person who has acquired title (legal or equitable) to the property and has made a bona fide payment of not less than 20 per cent of the purchase price thereof. Any credit extended by or guarantee of credit granted by the federal administration of veterans' affairs under Title III of the Servicemen's Readjustment Act of 1944, as amended, or by the state board of veterans' affairs shall be deemed a bona fide payment under this paragraph. *Owner may include joint tenants or tenants in common.*

SECTION 29m. 234.26 (2) (h) (Introductory paragraph) and (4) of the statutes as created by chapter 442, laws of 1947, are amended to read:

234.26 (2) (h) (Introductory paragraph) "Maximum rent." During the time the federal rent control law existing on July 1, 1947 is in effect the maximum rent of housing accommodations as to which the rent chargeable is fixed by or pursuant to said federal rent control law shall be the amount so fixed therefor. *After December 31, 1947 the maximum rent of housing accommodations as to which a valid written lease was entered into in accordance with and pursuant to the provisions of the last proviso in Section 204 (b) of the Housing and Rent Act of 1947, (Public Law 129, 80th Congress, Chapter 163, 1st Session), shall be the amount which said proviso authorized as the maximum rent for such lease.* After the expiration of said federal rent control law, the maximum rent of housing accommodations as to which the rent chargeable was fixed by or pursuant to said federal rent control law on the last day such federal rent control law was in effect shall be the amount legally chargeable on June 30, 1947 under the federal rent control law, subject to the following:

(4) APPLICABILITY OF SECTION. The provisions of this section shall apply during the time the federal rent control law existing on July 1, 1947 is in effect only to housing accommodations as to which, and during the time that, the rent

chargeable therefor is fixed by federal rent control authorities, and from and after the expiration of said federal rent control law only to housing accommodations as to which the rent chargeable therefor was fixed by federal rent control authorities and in effect on the last day said federal rent control law was in effect. The provisions of this section shall also apply to the occupancy by a permanent guest of housing accommodations in a hotel which was occupied by such permanent guest on June 30, 1947. *The provisions of this section shall also apply after December 31, 1947 to housing accommodations as to which a valid written lease was entered into in accordance with and pursuant to the provisions of the last proviso in section 204 (b) of the Housing and Rent Act of 1947 (Public Law 129, 80th Congress, Chapter 163, 1st Session).*

SECTION 290. 234.26 (6) (k) of the statutes is created to read:

234.26 (6) (k) In addition to the foregoing, a tenant may be evicted for owner occupancy if the owner has been the owner of the premises continuously since prior to July 25, 1947 and has an immediate and compelling need for owner occupancy thereof because of extreme physical disability or serious and prolonged illness of the owner or a member of his immediate family. Upon the filing of a verified petition by the owner the court, if satisfied that it appears to present a case of extreme hardship, shall by order fix a time and place for the hearing thereof. A copy of the petition and order of hearing must be served upon the tenant not less than 14 days prior to the date of hearing in the manner provided in sections 262.08 and 262.09 for service of a summons. The petition must contain a statement of the facts, including a recital in detail in respect to the physical disability or illness which is the basis for seeking the eviction. In case of transfer by the owner from other accommodations owned by him the petition shall offer such vacated accommodations to the tenant at a specifically stated rent which shall be proportionately comparable to the rent of the accommodations from which it is sought to remove such tenant. If such hearing shall establish that the owner is entitled to possession of the premises hereunder the court may enter an order that he shall have restitution of the premises on a date to be fixed therein which shall not be less than 30 days from the date of the service of the order for hearing on the tenant and may

enforce the same by a writ of restitution. Where the landlord and tenant disagree as to the fair rental for the premises vacated by the owner the court shall fix the rental therefor in such order. Subsequent to the vacation by the owner of premises required herein to be offered to a tenant evicted hereunder, the maximum rent of such vacated premises during the operation of this section shall be the amount of rent at which said premises were offered to said tenant, unless the rental thereof is fixed by a court in an order as provided herein, in which case it shall be the amount as fixed in such order.

SECTION 29q. 234.26 (6) (l) and (m) and (12) of the statutes are created to read:

234.26 (6) (l) A tenant is deemed to have waived any and all objections to the sufficiency or validity of a notice under paragraph (d) or (g) unless declaratory judgment proceedings are commenced within the 30 days as therein provided, except that the court may relieve him from such waiver if the failure to so proceed was induced by fraud or concealment of the owner.

(m) No notice under this subsection is deemed insufficient or invalid because of an inaccuracy or failure therein in stating time or dates or in describing the premises if it shall appear there was no intention on the part of the one giving such notice to mislead the tenant and that the tenant was not in fact misled thereby.

(12) If any provision of this section or the application of such provision to any person or circumstances shall be held invalid, the remainder of the section and the application of such provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SECTION 30. 234.26 (6) (d), as created by chapter 442, laws of 1947, is amended by substituting "346.02" for "236.02."

SECTION 30b. 234.26 (7) of the statutes as created by chapter 442, laws of 1947, is amended to read:

234.26 (7) EVICTION PROCEEDINGS, WHERE BROUGHT. During the time this section is operative in respect to a housing accommodation:

(a) * * * An eviction proceeding in respect thereto * * * may be brought * * * before a justice of the peace under chapter 291 as modified by this section or in a court of record;

(b) * * * Justices of the peace and courts of record * * * are hereby granted jurisdiction in such matters; and

(c) The procedure in respect to such evictions *in a court of record* shall be the same as provided in chapter 291 with only such changes as may be necessary to adapt the same to proceeding in a court of record. The jurisdiction hereby granted to *courts of record* shall also extend to the disposition of a proceeding commenced in such court prior to the date on which this section becomes inoperative as to the housing accommodation involved therein.

SECTION 30h. 330.21 (5) of the statutes, as created by chapter 583, laws of 1947, is amended to read:

330.21 (5) Any action to recover unpaid salary, wages or other compensation for personal services, *except fees for professional services*; provided, that any such action founded on a cause of action which accrued between July 1, 1941, and January 1, 1946 may be commenced at any time prior to February 1, 1948.

SECTION 31. 346.29, as created by chapter 609, laws of 1947, is amended by substituting "section 346.27" for "sections 346.27 and 346.276".

SECTION 32. Section 16 of chapter 475, laws of 1947, is repealed.

SECTION 33. Subsection (3) of section 4 of chapter 526, laws of 1945, is created to read:

(Chapter 526, Laws of 1945) Section 4 (3) Any docket, books or papers of a justice of the peace of Dane county whose office becomes vacant or who fails to qualify or to continue to qualify for the office, concerning civil matters or proceedings over which the small claims court for Dane county would have jurisdiction, may be filed with the clerk of the circuit court for Dane county by any person having possession of such dockets, books or papers, including the town, village or city clerk. Upon the same being so filed the small claims court for Dane county shall have jurisdiction of the matters contained therein and may proceed with and issue supplementary process thereon as though such proceedings had been commenced before said small claims court.

SECTION 34. Subsection (1) of section 5 of chapter 526, laws of 1945, is amended to read:

(Chapter 526, Laws of 1945) Section 5 (1) The practice and procedure of said small claims court for Dane county shall be the same as now or hereafter provided by law in civil actions or proceedings before justice of the peace except as otherwise pro-

vided by this act *and except that the provisions of chapter 260, Wisconsin statutes, unless clearly inapplicable, shall apply to actions and proceedings commenced before the small claims court.* The judge of said court shall have the power to make such rules governing such practice and procedure as shall not be inconsistent with this act. Any rule adopted by said judge shall be in writing and shall not become effective until filed with the clerk of said court for a period of at least 10 days.

SECTION 35. Section 19a of chapter 573, laws of 1947, is created to read:

(Chapter 573, Laws of 1947) Section 19a. The 1947 amendments made by this chapter to sections 40.34 (2) and 40.87 (4) (f) shall not deprive school districts the schools of which were suspended at the time this act became effective from receiving the apportionment of aids in 1948 which they would have been eligible to receive had such amendments not been made. Any balance in excess of \$100,000 on June 30, 1947 in the 1946-1947 appropriation made by section 20.25 (3) shall be available for the payment of such aids.

SECTION 38. Chapter 396, laws of 1937, Section 1. (4) (e) 2, as created by chapter 441, laws of 1947, is amended to read:

(Chapter 396, Laws of 1937) Section 1. (4) (e) 2. Who are elected to office by vote of the people unless such elected person shall request the board in writing to be included within the provisions of this fund, *but no such elected person shall receive in excess of \$125 per month from public funds created by public contributions, under the provisions of this chapter. This amendment shall be retroactive and shall be in effect at and after the time that Chapter 441, laws of 1947 took effect.*

SECTION 39. Chapter 201, laws of 1937, Section 3. (1) (a), as created by Chapter 357, laws of 1947, is amended to read:

(Chapter 201, Laws of 1937) Section 3. (1) (a) Any employe elected by the vote of the people who is in service on the effective date of this paragraph shall be eligible for membership and shall become a member as of such date unless within a period of 30 days thereafter he files with the board on a blank provided for that purpose an election not to become a member and a waiver of all present and prospective benefits which would otherwise inure to him by his participation in the system, *but no such elected person shall receive in excess of \$125 per month from public funds created by public contributions, under the*

provisions of this chapter. This amendment shall be retroactive and shall be in effect at and after the time that Chapter 357, laws of 1947 took effect.

Approved September 30, 1947.

No. 602, A.]

[Published October 4, 1947.]

CHAPTER 615.

AN ACT to grant Dairyland Power Cooperative the power of eminent domain along the Flambeau river in the town of Dewey, Rusk county, Wisconsin, for the purpose of constructing a dam.

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

The Dairyland Power Cooperative upon qualifying for the power of eminent domain pursuant to section 32.02 (10) of the statutes, as created by chapter 423, laws of 1947, shall have for purposes of construction of its dam on the Flambeau river in sections 19 and 30, township 35 north, range 5 west, the right, notwithstanding the provisions of section 32.03 (3) of the statutes, as amended by chapter 423, laws of 1947, to acquire by eminent domain any lands in the town of Dewey, Rusk county, Wisconsin, determined by it to be necessary for the construction, maintenance or operation of said dam regardless of any claim by the owner that the property is held as a water power site or for other purpose. The condemnation proceedings shall be conducted pursuant to chapter 32 of the statutes, excepting that the sole determination of necessity by Dairyland Power Cooperative shall be conclusive.

Approved October 1, 1947.