

No. 672, S.]

[Published July 15, 1953.

### CHAPTER 441

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

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

SECTION 1. This act does not give effect to any mentioned bill which is never enacted. If any bill herein referred to fails, any provision of this bill so far as it relates thereto is of no effect.

SECTION 2. 20.035 of the statutes is amended by deleting the words "on the recommendation of the state civil defense council" wherever those words occur.

SECTION 3. 23.26 (2) of the statutes, as amended by chapter 61, laws of 1953, is amended by substituting "commission" for "commissioner" in the phrase "by the state highway commissioner".

SECTION 4. 25.39 (3) of the statutes is amended by deleting the words "upon the recommendation of the civil defense council".

SECTION 4a. If Bills Nos. 423, S. and 817, A. are both enacted, 40.03 (6) (e) of the statutes, as repealed and recreated by chapter 491, laws of 1953, (Bill No. 423, S.) and as renumbered and amended by chapter 599, laws of 1953, (Bill No. 817, A.) is repealed, and a new paragraph 40.03 (6) (e) is created to read:

40.03 (6) (e) When a reorganized district includes territory in more than one county, the county clerk of the county having the largest equalized valuation within the reorganized district shall be responsible for conducting the referendum but the cost of ballots and other election supplies shall be borne by each of the counties in such proportion as the equalized valuation of the property in each county or portion thereof that is affected by such referendum bears to the total equalized valuation of the property in the reorganized district.

SECTION 5. The amendment made to 40.04 (7) of the statutes by chapter 182, laws of 1953, is incorporated in 40.22 (8), as renumbered from 40.04 (7) and amended by chapter 90, laws of 1953. Both amendments stand.

SECTION 6. The amendment made to 40.16 (15a) of the statutes by chapter 226, laws of 1953, is incorporated in 40.30 (12), as renumbered from 40.16 (15a) and amended by chapter 90, laws of 1953. Both amendments stand.

SECTION 7. 40.30 (16) of the statutes, as renumbered by chapter 90, laws of 1953, is amended by substituting "state teachers retirement system" for "Wisconsin teachers' insurance and retirement fund".

SECTION 8. 40.34 (1) (h) of the statutes, as created by chapter 217, laws of 1953, is renumbered 40.53 (5a).

SECTION 9. 40.34 (10a) of the statutes, as created by chapter 119, laws of 1953, is renumbered 40.56 (2a) and amended to read:

40.56 (2a) Any errors, omissions or other corrections in the transportation claims filed under \* \* \* *sub. (2)* or apportionment of the high school transportation tax for a given year after 1949 may be corrected in the certification of such tax for a subsequent year.

SECTION 10. 40.374 (2a) of the statutes, as created by chapter 126, laws of 1953, is renumbered 40.71 (2a) and amended to read:

40.71 (2a) Upon the request of a school district filed on or after July 15, the state department of public instruction may upon \* \* \* *its* determination of need grant an advance payment of the state aid payable to such district not to exceed 75 per cent of its total annual aid, provided the district's annual report for the previous year is filed and processed.

SECTION 11. The amendment made to 40.51 (2) of the statutes by chapter 147, laws of 1953, is incorporated in 40.801 (2), as renumbered from 40.51 (2) and amended by chapter 90, laws of 1953. Both amendments stand.

SECTION 12. The amendment made to 40.53 (2) of the statutes by chapter 147, laws of 1953, is incorporated in 40.809 (1), as renumbered from 40.53 (2) and amended by chapter 90, laws of 1953. Both amendments stand.

SECTION 13. The 4th paragraph of 42.20 of the statutes is amended to read:  
42.20 (4th paragraph) "Interest" means the actual rate earned by deposits \* \* \*.

SECTION 14. 42.53 of the statutes is amended to read:

42.53 The state *teachers* retirement board shall succeed to and be vested with all the property, rights, powers and duties, and be subject to all the obligations and liabilities, of the teachers insurance and retirement fund and of the board of trustees of the teachers insurance and retirement fund in the administration of said fund *and of the state annuity and investment board in the administration of ss. 42.20 to 42.54.*

SECTION 15. 59.48 of the statutes is amended to read:

59.48 It \* \* \* *is* unlawful for any district attorney of any county having a population of 40,000 or more to hold the office of or act as city attorney of any city in the county of which he is district attorney \* \* \*. If any district attorney violates \* \* \* this section, his office of district attorney shall be deemed vacant.

SECTION 16. 66.066 (1) of the statutes is amended to read:

66.066 (1) Any town, village, city or power district may, by action of its governing body, provide for purchasing, acquiring, leasing, constructing, extending, adding to, improving, conducting, controlling, operating, or managing a public utility from the general fund, or from the proceeds of municipal bonds, mortgage bonds, or mortgage certificates. The term municipality as used in this section shall include power districts. Any indebtedness created pursuant to subs. (2) to (4) shall not be considered an indebtedness of such municipality, and shall not be included in arriving at the constitutional \* \* \* debt limitation.

SECTION 17. Section 3 of chapter 7 of the laws of 1953 is renumbered 108.02 (12m) of the statutes and amended to read:

108.02 (12m) \* \* \* "52 weeks" \* \* \* *means* 52 consecutive weeks, for the purposes of any benefit determination issued under \* \* \* *this* chapter \* \* \*.

SECTION 18. 108.14 (7m) of the statutes is repealed.

SECTION 19. 139.11 (1) of the statutes, as created by chapter 178, laws of 1953, is amended to read:

139.11 (1) The occupational tax imposed in s. 139.01 shall be paid to the commissioner of taxation on or before the 10th day of the month following the month in which such malt beverages \* \* \* *are* first sold in this state *or shipped into this state from outside.*

SECTION 20. 168.04 (1) (g) of the statutes is created to read:

168.04 (1) (g) The natural residue shall not exceed 3 per cent.

SECTION 21. The title to chapter 182 of the statutes is amended to read:

#### CHAPTER 182

#### DOMESTIC CORPORATIONS—1949 LAW; TURNPIKE CORPORATIONS

SECTION 22. 182.23 (1), (2) and (4) of the statutes are amended by substituting "sections 182.001 to 182.23" for "this chapter".

SECTION 23. The last sentence of 189.01 (2) of the statutes is amended to read:

189.01 (2) (last sentence) Each director shall continue in office until his successor is \* \* \* *appointed* and qualified.

SECTION 24. 218.01 (6) (d) of the statutes, as amended by chapter 302, laws of 1953 (Bill No. 573, A.), is amended to read:

218.01 (6) (d) A violation of par. (a) or (b) shall bar recovery of any time \* \* \* *price differential*, or any interest on the deferred balance by the seller, or an assignee of the seller who, at the time of the assignment, had knowledge of such violation, in any suit upon a sales contract arising from the sale where such violation occurred.

SECTION 25. 220.02 (3) of the statutes is amended to read:

220.02 (3) The commissioner of banks shall enforce all laws relating to banks and banking in this state, including those relating to state banks in chs. 220 and 221, savings banks in ch. 222 and trust company banks in ch. 223; all laws relating to credit unions in ch. 186 and the business done by them in this state; and all laws relating to small loan companies in ch. 214 or other laws relating to the lending of money in ss. 115.07 and 115.09 or those relating to finance companies, motor vehicle dealers, adjustment service companies and collection agencies in ch. 218; \* \* \* and those relating to persons desiring to or who are engaged in the foreign exchange business contained in ch. 217; and he shall enforce and cause to be enforced every law relating to the supervision or control thereof.

SECTION 26. 252.14 (2) of the statutes is amended to read:

252.14 (2) In counties having a population of 500,000 or more, the divorce counsel and \* \* \* assistant divorce \* \* \* *counsel*s may be appointed court commissioners, in addition to those appointed under sub. (1). The term of court commissioners appointed under this subsection shall be coextensive with their tenure of office.

Approved July 2, 1953.

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