

No. 49, S.]

[Published June 15, 1927.]

CHAPTER 231.

AN ACT to renumber subsections (14) to (17) of section 93.07 to be subsections (15) to (18) and sections 96.37 and 96.39 to be subsection (1) of said section; to amend subsection (13) of section 93.07, subsection (1) of section 96.42 and section 96.48; and to create subsection (14) of section 93.07, subsections (2) and (3) of section 96.37, subsections (2), (3) and (4) of section 96.39, paragraph (da) of subsection (3) of section 20.40, paragraph (da) of subsection (3) of section 20.41 and subsection (12) of section 20.60 of the statutes, relating to the control of plant diseases and insect infestations, providing a penalty, and making an appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsections (14) to (17) of section 93.07 are renumbered to be subsections (15) to (18), respectively, and sections 96.37 and 96.39 of the statutes are renumbered to be subsection (1) of said sections.

SECTION 2. Subsection (13) of section 93.07, subsection (1) of section 96.42, and section 96.48 of the statutes are amended to read: (93.07) (13) To inspect apiaries, furnish information to owners and caretakers with respect to the eradication and prevention of diseases injurious to honeybees, and to make, modify and enforce reasonable rules, regulations and orders needed to prevent the * * * dissemination of insect pests and plant diseases in this state.

(96.42) (1) Persons desiring to sell or ship nursery stock shall make application in writing before * * * *June* first of each year, to the state nursery inspector for inspection of their stock. Persons failing to comply with this section *and persons applying for any special inspection or certification of nursery stock or other material as to freedom from infestation or infection, not required by the statutes of Wisconsin or the regulations of the department of agriculture* shall be liable for extra charges to cover traveling expenses of the inspector.

96.48 Any person violating any provision of *subsection (14) of section 93.07 or of sections 96.33 to 96.47, * * * except subsections (2) and (3) of section 96.39, or any rule or regulation*

promulgated under the authority of said sections, shall be fined not less than twenty-five dollars nor more than five hundred dollars for each offense.

SECTION 3. A new subsection is added to section 93.07, two new subsections are added to section 96.37, three new subsections are added to section 96.39, a new paragraph is added to subsection (3) of section 20.40, a new paragraph is added to subsection (3) of section 20.41, and a new subsection is added to section 20.60 of the statutes to read: (93.07) (14) To adopt and enforce quarantine regulations and to issue orders and regulations supplemental thereto prohibiting or restricting the transportation into or through this state of nursery stock, plants, fruits, seeds or any other material or article capable of carrying plant disease or insect infestation from any other state, territory or district or portion thereof in which he shall find that there exists a dangerous plant disease or insect infestation with reference to which the secretary of agriculture of the United States has not established a federal quarantine.

(96.37) (2) The department of agriculture may seize, destroy, or return to the point of origin any material received or transported in the state of Wisconsin in violation of any order, regulations or quarantine promulgated under the authority of subsection (1) of this section, or of subsection (14) of section 93.07 or in violation of any federal quarantine which has been established under the authority of the Act of Congress of August 20, 1912, (Thirty-seventh United States Statutes, at Large, page 315) or any amendment thereto and which the state department of agriculture shall by order determine and designate to be necessary to prevent the introduction of any dangerous plant disease or insect infestation into this state.

(3) In the enforcement of any quarantine the department may intercept, stop, and detain for official inspection any person, car, vessel, boat, truck, automobile, aircraft, wagon, or other vehicles or carriers whether air, land or water, or any container believed or known to be carrying material in violation of said quarantine or of the orders or regulations issued supplemental thereto, and may seize, possess, and destroy any agricultural or horticultural product or other material of any character whatsoever, moved, shipped, transported in violation of such quarantine, order or regulations.

(96.39) (2) In the event of the introduction of the European corn borer into Wisconsin, the department of agriculture shall take every possible measure to bring this pest under control and shall cooperate to this end with the farm organizations of the district affected and with the United States department of agriculture. In dealing with this pest the department, in addition to the authority conferred upon it with reference to other insect pests, shall have power to require the treatment or destruction of any agricultural or horticultural product, whether in field, feed lot, storage or elsewhere and any special type of plowing or other farm operation within any district for which a quarantine for the control of this pest is established.

(3) In case the person in charge of such products or land shall fail to comply with any such order within the time prescribed, after due notice to him, the department of agriculture may take the action so required and the expense thereof, or such portion of such expense as the department of agriculture may determine, shall be assessed, collected and enforced as provided in subsection (2) of section 96.38. Such portion of the amount so assessed, collected, and enforced against the owner of such premises, as shall represent expenditures thereon by the United States, in carrying out the cooperative control measures hereby authorized, shall, on certification by the secretary of agriculture of the United States and approval by the commissioner of agriculture, be paid to the United States.

(4) If such person does comply with said order, he shall be reimbursed by the state for the expense of the necessary farm clean-up measures required by the commissioner of agriculture which in the judgment of such commissioner are additional to those normal and usual in farm operations, and for which he has not been or will not be compensated by the United States. The commissioner of agriculture shall adopt and enforce regulations defining what expenses shall be regarded as being additional to those usual and normal in farm operations, the manner in which claims shall be filed and the proof required.

(20.60) (12) (a) On July 1, 1927, fifteen thousand dollars for preventing the introduction or dissemination of, eradicating and controlling the European corn borer. Any part of this appropriation may be expended outside of this state which in the judgment of the commissioner of agriculture is necessary to accomplish the purposes for which this appropriation is made.

(b) For the biennial period beginning July 1, 1927, not to exceed one hundred thousand dollars to carry out the provisions of subsections (2), (3) and (4) of section 96.39; such money to be expended only in the event of the introduction of the European corn borer into this state and upon the written approval of the governor.

(20.40) (3) (da) On July 1, 1927, five thousand dollars, and on July 1, 1928, five thousand dollars, to meet the appropriation made by paragraph (da) of subsection (3) of section 20.41.

(20.41) (3) (da) On July 1, 1927, five thousand dollars, and on July 1, 1928, five thousand dollars, for research, experimentation and field studies in the methods of meeting the problem which will arise when the European corn borer reaches Wisconsin.

SECTION 4. The provisions of this act are declared to be severable. If any section or part of a section shall be held unconstitutional for any reason, it is hereby declared that the remaining sections would have been enacted without such section or part of a section, so held unconstitutional, having been included therein.

SECTION 5. This act shall take effect upon passage and publication.

Approved June 14, 1927.

No. 403, A.]

[Published June 15, 1927.

CHAPTER 232.

AN ACT to amend section 1, chapter 99, laws of 1891, as amended, relating to the county court of Waukesha county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 1 of chapter 99 of the laws of 1891, as amended, is further amended to read: (Laws of 1891, Chapter 99) Section 1. The county court of the county of Waukesha, in addition to the powers and jurisdiction conferred by law upon the county courts, shall have exclusive appellate jurisdiction, in all cases of appeal from justices' courts in civil actions, and in all cases commenced in justices' courts therein where an answer shall be put in showing that the title of lands will come in question, all of which cases shall be certified, and all official returns