

due, and if paid under protest may at any time within two years from the date of such payment sue the state in an action at law to recover the fee so paid, with legal interest thereon, from the date of payment. If it is finally determined that said fee, or any part thereof, was wrongfully collected for any reason, it shall be the duty of the secretary of state to issue his warrant on the treasurer for the amount of such fee so adjudged to have been wrongfully collected, together with interest thereon, and the treasurer shall pay same out of the general fund. A separate suit need not be filed for each separate payment by any licensee, but a recovery may be had in one suit for as many payments as may have been made, and which are not barred by the limitation of two years herein imposed.

SECTION 3. It is the intent of the legislature that in the event that the provisions of section 1 of this act are finally declared invalid as to any person or group, such person or group shall be required to pay the license fees prescribed in section 2 the same as if said section took effect on July 1, 1933, except for such period for which such person shall have paid a license fee under chapter 29, laws of the special session of 1931-32. It is also the intent of the legislature that in the event that section 2 of this act takes effect by reason of section 1 being declared invalid, the emergency board shall provide such funds for the department of agriculture and markets as may be necessary to carry out its functions under section 2 of this act.

SECTION 4. This act shall take effect upon passage and publication and shall terminate on December 31, 1935.

Approved July 25, 1933.

No. 886, A.]

[Published July 28, 1933.

CHAPTER 470.

AN ACT to repeal, amend, and create various subsections and sections of the statutes, relating to appropriations, fees, and other revenues.

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

SECTION 1. Paragraph (b) of subsection (1) of section 20.09, subsection (4) of section 20.12 and paragraph (e) of subsection (12) of section 70.11 of the statutes are repealed. Any balance in appropriation made in subsection (4) of section 20.12,

however, shall remain available for the purposes for which made until used.

SECTION 2. Section 14.28 of the statutes is amended to read: 14.28 Whenever it shall be found necessary to destroy useless documents in order to secure vault space for state records, the secretary of state may, from time to time in his discretion, so dispose of any of the following named records: Bonds of notaries public filed over ten years prior thereto; monthly and quarterly reports by state depositories filed over two years prior thereto; itemized lists of premiums paid by agricultural societies when over two years old; reports of tax on suits when over five years old; peddler's license application when over two years old; lists of creameries and cheese factories when over five years old; exempt property returns when over ten years old; lists of officers of agricultural societies when over two years old; records of actions on senate and assembly bills when over ten years old; journal minute books when over five years old; committee receipt books for bills referred when over five years old; bills accompanying claims for refund of gasoline tax when over * * * *twelve months* old; *also vouchers for payrolls and other civil claims against the state for supplies and equipment, when ten years old. Provided that vouchers relating to claims against the United States in war years, in which Wisconsin furnished troops, shall not be destroyed without consent of the legislature.*

SECTION 3. A new subsection is added to section 14.30 of the statutes to read: (14.30) (15) No state aid shall be paid by the secretary of state until the method of computation of such aid has been approved by the emergency board.

SECTION 4. A new subsection is added to section 20.08 of the statutes to read: (20.08) (4) WORKMEN'S COMPENSATION CASES. On July 1, 1933, six thousand dollars, and on July 1, 1934, six thousand dollars, for the performance of the duties of the attorney-general in connection with workmen's compensation cases.

SECTION 5. Paragraph (a) of subsection (12) of section 20.38 of the statutes is amended to read: (20.38) (12) (a) As revolving appropriations, all money received for or on account of any dormitory, dining hall, cafeteria, stationery stand, model farm or the Milwaukee normal school music department to be used for the operation, maintenance and purchase of necessary equipment for * * * such * * * *activities.*

SECTION 6. Paragraph (e) of subsection (1) of section 20.41 of the statutes is amended to read: (20.41) (1) (e) *Laboratory, gymnasium, thesis, and military supplies and deposits.* All moneys received by each and every person as *thesis deposits and as deposits* or payment for breakage, consumption, use and wear of canoe lockers, laboratory and gymnasium equipment, apparatus, laundry and supplies, and for military suits, shall be paid within one week after receipt into the general fund, and are appropriated therefrom as a revolving appropriation for the purchase, care, use and repairs of such lockers, equipment, apparatus, laundry, supplies, and suits, or other purposes for which such deposits or payments are made. *Forfeited or lapsed deposits may be transferred by the regents to other appropriations made by section 20.41.*

SECTION 7. The Board of Regents of the University may use not to exceed seven hundred fifty-one dollars and seventy-one cents of the appropriation made in paragraph (a) of subsection (1) of section 20.41 for the fiscal year beginning July 1, 1932, to replace forty-three uncollectible or dishonored checks and drafts that have accumulated during the past eleven years, whose aggregate amount is the amount herein appropriated. The transfer of the interest heretofore earned on the deposits made by students granted the degree of doctor of philosophy to the student loan funds is hereby validated.

SECTION 7a. Subsection (2) of section 20.575 of the statutes (as amended in chapter 140, laws of 1933) is amended to read: (20.575) (2) Annually, beginning July 1, 1933, * * * for the execution of its functions, * * * *all moneys received by the board under the provisions of chapter 136 of the statutes.* Of this there is allotted to each member of the board a per diem of ten dollars for each day actually devoted to the performance of the duties of said board.

SECTION 7m. Subsection (2) of section 51.08 of the statutes is amended to read: (51.08) (2) Whenever any insane person is committed or transferred to any state hospital, or to any hospital or asylum in any county other than the county in which he has a legal settlement, he shall, in addition to the maintenance charge, be furnished with all necessary clothing. On his admission this shall not be less than the following: For a male, three new shirts, a new and substantial coat, vest, two pairs of pantaloons of woolen cloth, two undershirts, two pairs of drawers,

three pairs of socks, a black or dark stock or cravat, two pocket handkerchiefs, a good hat or cap, a pair of new boots and shoes and a pair of slippers. For a female, in addition to the same quantity of undergarments, shoes and stockings, there shall be two woolen and two white petticoats or skirts, three good dresses, two nightgowns, cloak or shawl and a decent bonnet. Unless such clothing be delivered in good order the superintendent shall not be bound to receive the patient; but he may receive and furnish him with proper clothing; inmates shall also be furnished with necessary dental work, but not to exceed thirty-five dollars for each person, emergency surgical work may also be provided for inmates, but before any expenditure is made for dental work, or emergency surgical work, an estimate of the cost shall be made by the visiting physician and the superintendent of the asylum and forwarded to the state board of control; if the board shall approve such expenditure then the necessary dental work, or emergency surgical work, shall be done. The expense of furnishing all clothing and dental, and emergency surgical work, shall be chargeable to the state, and chargeable over to the county, if any, in which such inmate has a legal settlement, and shall be adjusted as provided in section 46.10, and in addition to the clothing required on admission no county shall be liable for more than * * * *thirty-five* dollars for clothing for any one patient in any one year.

SECTION 8. A new subsection is added to section 51.08 of the statutes to read: (51.08) (3) Beginning July 1, 1933, any patient in any state or county hospital or asylum for the insane received under the provisions of section 51.10 who can personally or through his responsible relative or guardian pay the cost of his maintenance, care and treatment, shall pay for same, either personally or through his responsible relative or guardian, at such rate as shall be prescribed in the case of state hospitals for the insane by the state board of control, and in the case of a county hospital for the insane or a county asylum for the insane by the board of trustees of such institution. The rate to be charged pay patients shall not be less than the last ascertained per capita cost. Maintenance charges of patients committed under section 51.05 who can pay, or whose responsible relative or guardian can pay the cost of maintenance and care, shall be at the same rate as is prescribed for patients received under section 51.10. If any patient or his responsible relative or guardian is unable to pay the prescribed rate, but can pay some portion of said rate, the state

board of control in the case of state hospitals or the board of trustees in the case of county hospitals or county asylums is authorized to collect such portion of the prescribed rate as the patient or his responsible relative or guardian may be able to pay. The superintendent of each state hospital for the insane and of each county asylum for the insane shall report to the state board of control not later than the fifteenth day of each month, on forms to be supplied by the board, the name of each patient and the amount collected for his support pursuant to this section during the preceding month.

SECTION 9. A new section is added to the statutes to read: 70.423 OCCUPATION TAX ON BEEKEEPERS. (1) There is imposed an annual occupation tax on every person, firm or corporation owning one or more hives of bees or any used and unsterilized or undisinfected bee equipment, of twenty-five cents for the first hive and ten cents for each hive in excess of one. Bees and bee equipment on which such occupation tax shall have been paid shall be exempt from all property taxes, either state or municipal.

(2) The occupation tax herein provided for shall be separately assessed to the person, firm or corporation chargeable therewith by the assessor, and shall be included in the assessment roll submitted by such assessor to the town, city or village clerk, and shall be entered by said clerk on the tax roll. Such tax shall be paid and collected in the same manner as taxes on personal property are paid and collected in the taxing district where such bees or bee equipment are kept. There shall be deducted from the taxes collected under this section the reasonable costs incurred by said municipality in administering this section. The balance shall be divided as follows: Twenty per cent to the town, city or village in which the bees or bee equipment are kept, and the balance to the state. The portion of such taxes payable to the state shall be remitted and accounted for in the same manner as state taxes on property are remitted and paid.

(3) Each town, city or village clerk shall enter in a separate book to be kept by him the names of all persons, firms and corporations in his municipality who have any hives of bees or bee equipment, together with the number of such hives, as reported by the assessor. Such record shall be open to inspection at all reasonable hours, and at the request of the department of agriculture and markets, such clerk shall advise said department of the names and addresses of the beekeepers in his town, city or village.

(4) All laws not in conflict with the provisions of this section relating to the assessment, collection and payment of personal property taxes, the correction of errors in assessment and tax rolls, shall apply to the tax herein imposed.

SECTION 10. Subsection (10) of section 96.49 of the statutes is amended to read: (96.49) (10) No person shall sell, barter, offer for sale or barter, move, transport, deliver, ship, or offer for shipment, any apiary, bees, comb, or used beekeeping appliances without a permit from the inspector of apiaries; or in lieu thereof, if shipped or transported from without the state, a certificate duly issued by an official state inspector showing that said apiary, bees, comb or appliances have been inspected and found not infected with any communicable disease of bees. Such permit, or a copy of such certificate, shall be affixed to the outside of every package, box, crate, or bundle containing bees, comb, or used beekeeping appliances. The inspector may refuse such permit whenever such refusal is necessary, in his judgment, to prevent the dissemination of any communicable disease of bees, or until after he finds by inspection that the said apiary, bees, comb or appliances are not infected with any such disease. *Applications for such permits shall be made before the first day of June of each year. Unless it be shown to the satisfaction of the state entomologist that it was impracticable to make application for such a permit prior to such date, the state entomologist may charge the applicant the traveling expenses of the inspector and may refuse such permit until such expenses are paid.*

SECTION 11. Subsection (5) of section 96.33 and subsection (2) of section 96.44 of the statutes are amended to read: (96.33) (5) The term "dealer" * * * *means any person not * * ** a grower of nursery stock *who sells or offers to sell nursery stock either as owner or agent from a supply kept on hand.*

(2) (a) Nonresident nurserymen and dealers desiring to solicit orders for nursery stock in the state, shall file a certified copy of their home state certificate with the entomologist of the state, and shall then, upon complying with all other provisions of sections 96.33 to 96.48, * * * and all rules and regulations promulgated thereunder *and upon payment of the registration fee of ten dollars* be entitled to a certificate permitting such persons to solicit orders for nursery stock in this state.

(b) *Notwithstanding the provisions of paragraph (a) of this subsection, the commissioners of the department of agriculture*

and markets may enter into reciprocal agreements with the responsible officers of other states under which nursery stock owned by nurserymen or dealers of such states may be sold or delivered in this state without the payment of a Wisconsin registration fee, provided like privileges are accorded to Wisconsin nurserymen or dealers in such other states, and provided, further, that the commissioners shall find that such other states before issuing their certificates, require inspections equal to those required under the Wisconsin law.

(c) If any of the exemptions provided for in paragraph (b) of this subsection shall be held invalid by any court of competent jurisdiction, the class or classes held to be invalidly exempted shall forthwith become subject to the provisions of paragraph (a) as if no exemption had been provided for. If any provision of this section or the application thereof to any person or circumstance is held unconstitutional, the remainder of this section and the application of such provisions to other persons or circumstances shall not be affected thereby.

SECTION 12. A new subsection is added to section 96.33 of the statutes to read: (96.33) (6) The term "agent" means any person selling nursery stock not sold from any stock on hand for display purposes and under the partial or full control of a nurseryman or a dealer or an agent.

SECTION 13. Subsection (4) of section 99.08 of the statutes is amended to read: (99.08) (4) The department may investigate the management of any co-operative association doing business in this state and may make the facts, relating to said management, available to the members of the association; provided, that a request for such investigation has been filed with the department, signed by the whole board of directors or by at least twenty per cent of the members (in the case of associations of less than five hundred members) and by at least one hundred members (in the case of associations of five hundred or more members). The department shall fix and cause to be collected a * * * fee for such investigations, * * * to be * * * the actual cost thereof.

SECTION 14. Subsection (1) and subdivision 2 of paragraph (b) of subsection (3) of section 99.165 of the statutes (created in chapter 64, laws of 1933) are amended to read: (99.165) (1) It is declared that the provisions of this section are made necessary by a public emergency existing since November 1, 1932,

growing out of the present economic depression, the present financial condition of the farmer delivering milk to certain city markets, unfair methods of competition of certain dealers buying milk for resale in such city markets, which condition seriously affects and endangers the public welfare, health and morals. The provisions of this section shall apply to cities of the first, second and third class * * * and shall also apply to cities, villages, and to towns adjacent to any city or village, in the same county, whose population is furnished with milk by any dealer operating generally in such cities of the first, second and third class. * * * It is declared that this section is enacted as temporary emergency legislation and that it shall terminate two years after passage and publication.

(3) (b) 2. Prescribing or establishing, from time to time, and when necessary to the welfare of producers and consumers of milk or cream, and of the public, temporary schedules of prices at which milk or cream shall be bought and sold at wholesale and retail or either, subject to the requirement that all such prices shall be just and reasonable. * * *

SECTION 15. Subsections (3) and (5) of section 99.31 of the statutes are amended to read: (99.31) (3) Each application for a license to operate a bonded warehouse shall be accompanied by a fee of * * * *twenty* dollars, and as a condition to the granting of a license hereunder the applicant shall execute and file a bond with the commissioner, in such form and amount and with such surety or sureties as he may direct. Such bond shall be conditioned that the applicant will faithfully perform his obligations as a bonded warehouseman under the laws of this state and the rules and regulations of the commissioner. Whenever the commissioner shall determine that a bond approved by him is, or for any cause has become, insufficient, he may require an additional bond or bonds, and unless the same be given within the time fixed by a written demand therefor the license of such bonded warehouseman may be suspended or revoked.

(5) Each license issued under the provisions of this section shall be issued for a period not exceeding one year and shall specify the date upon which it is to terminate, and upon showing satisfactory to the commissioner, and the payment of * * * *ten* dollars, such license may be renewed or extended by a written * * * *statement*, which shall specify the date of its termination.

SECTION 16. Section 129.02 of the statutes is amended to read: 129.02 Every person desiring to engage in or follow the business or occupation mentioned in section 129.01, before he shall be entitled to a license authorizing him so to do, shall pay into the state treasury an annual license fee, as follows: Where he shall use in such business or occupation a wagon or other vehicle drawn by two or more horses, or other beasts of burden, or automobile or other vehicle or conveyance propelled by any mechanical power, the sum of * * * *forty* dollars; where he shall use in such business or occupation a wagon or other vehicle, drawn by one horse, or other beast of burden, the sum of * * * *twenty-five* dollars; where he shall use in such business or occupation a push or handcart, or other vehicle not drawn by horses, or other beasts of burden, the sum of *fifteen* dollars; and where he shall conduct such business on foot by means of pack, basket or other means for carrying merchandise on foot, the sum of * * * *ten* dollars * * * .

SECTION 17. Subsection (3) of section 136.04 of the statutes is amended to read: (136.04) (3) * * * MEETINGS, HEARINGS. The board * * * may hold meetings, hearings or investigations * * * *anywhere* in the state and any such hearings or investigations may be conducted by any member of the board, the secretary or by any duly authorized employe of the board.

SECTION 18. Subsection (1) of section 7 of chapter 363, laws of 1933, is amended to read: (Chapter 363, laws of 1933) (Section 7) (1) There is appropriated from the general fund for relief purposes as specified in this section: (1) The entire receipts from the emergency taxes on incomes and inheritance imposed in sections 2 to 4 of this act, (2) * * * *the unexpended balance of the receipts from the emergency taxes imposed in chapter 29, laws of special session, 1931-32, * * * after all sums heretofore certified by the industrial commission as due local units of government and amounts allotted for the relief of destitute farmers under the provisions of chapter, laws of 1933, have been paid,* and (3) all funds made available to this state for unemployment relief by acts of Congress. The amount herein appropriated for relief purposes shall be allotted and used as provided in subsections (2) to (5) of this section.

SECTION 19. If the governor, prior to July 1, 1934, shall declare the emergency requiring the issuance of scrip by banks to have terminated, the commissioner of banking shall refund to banks which made payment for such scrip pursuant to section 220.20 a proportionate part of their payments representing the excess in the charges made to banks for scrip above the costs of the department incident to the issuance thereof. An amount is hereby appropriated from the general fund sufficient to make such refunds.

SECTION 20. There is appropriated from the general fund to Arthur Stofen of Madison on the effective date of this act sixteen hundred twenty dollars and thirty-six cents to reimburse him for expenses incurred and services rendered to the Wisconsin-Chicago Centennial of Progress Committee created by chapter 8, laws of 1931. Acceptance of this appropriation shall operate as a full and complete discharge of the claim of Arthur Stofen for expenditures incurred and services rendered to the Wisconsin-Chicago Centennial of Progress Committee.

SECTION 21. This act shall take effect upon passage and publication.

Approved July 25, 1933.

No. 890, A.]

[Published July 28, 1933.

CHAPTER 471.

AN ACT to amend subsections (1) and (4) of section 70.11 of the statutes, relating to property exempt from taxation.

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

SECTION 1. Subsections (1) and (4) of section 70.11 of the statutes are amended to read: (70.11) (1) That owned exclusively by the United States or by this state except lands to be sold by the state *and except state lands hereinafter provided*; but lands purchased by counties at tax sales shall be exempt only in the cases provided in section 75.32. No real estate belonging to or held in trust for the state which is exempt from taxation shall be subject to special taxes or assessments for local improvements, any different or inconsistent provision in any city charter notwithstanding. *Whenever at the time of the conveyance of any land to the state or as a consideration thereof, the state or any person, firm or corporation holding such land for the state leases*