

No. 483, S.]

[Published June 18, 1949.

**CHAPTER 262.**

AN ACT to amend and repeal various provisions of the statutes, for the purpose of correcting errors, correcting references, clarifying language, reconciling conflicts, supplying omissions and deleting obsolete and unconstitutional provisions.

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

SECTION 1. 15.83 (3) is amended to read:

15.83 (3) Make such rules and regulations as he may deem necessary, not inconsistent with this \* \* \* *section*, to promote efficiency and economy in the testing, handling, storing and use of such fuel.

SECTION 2. 26.14 (4) is amended to read:

26.14 (4) Emergency fire wardens or those assisting them in the fighting of forest fires shall prepare itemized accounts of their services and the services of those employed by them, as well as other expenses incurred, on blanks to be furnished by the commission and in a manner prescribed by the commission, and make oaths or affirmation that said account is just and correct, which account shall be forwarded and approved for payment by the commission. As soon as any such account has been paid by the state treasurer the commission shall send to the proper county treasurer a bill for the county's share of such expenses and a copy of the bill shall be filed with the \* \* \* *director of budget and accounts*. The county shall have 60 days within which to pay such bill, but if not paid within that time the county shall be liable for interest at the rate of 6 per cent per annum. If payment is not made within 60 days the secretary of state, *upon information certified to him by the director of budget and accounts*, shall include such amount as a part of the next levy against the county for state taxes, but no county shall be required to pay more than \$5,000 in any one year. Any unpaid levy under this section shall remain a charge against the county and the secretary of state shall include such unpaid sums in the state tax levy of the respective counties in subsequent years.

SECTION 3. 35.69 is amended to read:

35.69 The compensation to the official state paper and other papers for the original printing of the laws, for reprinting any law or for printing all election and other notices, all accounts, fiscal statements, advertisements, proclamations or other matter required to be published at the expense of the state shall equal the amount regularly received by such newspaper for the same amount of *legal* advertising space, not exceeding, however, \$1 per folio for the first insertion and 70 cents per folio for each subsequent insertion. \* \* \* The price in full for the publication in any paper of advertisements of the sale of school, university or other public lands shall not exceed 70 cents for each description whenever the advertisement contains 15 descriptions or more. All expenditures for transportation, communication and delivery incidental to any such printing shall be borne by the paper doing the same.

SECTION 4. 40.99, 59.073, 66.209 (2) and 144.07 (4) (g) are amended by striking out the word "municipal" in the reference to the "Wisconsin municipal retirement fund."

SECTION 5. 41.44 (2) is repealed; and 41.44 (3) is amended by substituting "(1m)" for "subsection (2) of this section."

SECTION 6. 42.46, 42.51 (1), (4) and (6) and 42.54 are amended by substituting "sections 42.20 to 42.54" for "this act," wherever those words occur.

SECTION 7. The last sentence of 48.02 (1), as amended by chapter 6, Laws 1949, is amended to read:

48.02 (1) (last sentence) Whenever the county board of such county shall so determine, the office of chief probation officer shall be combined with the office of superintendent of the detention home as provided for in section \* \* \* *48.12 (3)*.

SECTION 8. 59.635 (2) is amended by substituting "this section" for "this act" and by striking out "of the Wisconsin Statutes of 1931" after the reference to 59.60; and 59.635 (4) and (5) are amended by substituting "this section" for "this act."

SECTION 9. 62.16 (6) (m) is amended by substituting "paragraph" for "subsection" in the reference to "subsection (n)."

SECTION 10. 65.90 (6) is amended to read:

65.90 (6) A copy of each county budget including comparable figures for the 2 preceding years shall be filed with the department of \* \* \* *state audit* in such form and on such blanks as the department shall prescribe.

SECTION 11. 66.03 (3) (a) is amended to read:

66.03 (3) (a) \* \* \* Except in counties containing a population of 500,000 or more \* \* \* the title to each parcel of real estate shall \* \* \* *vest* in the school district or city in which it is located, subject to \* \* \* adjustment of assets, \* \* \* and shall apply in all cases where the adjustment of assets has not been made on June 11, 1937.

SECTION 12. 66.053 (1) (b) is amended to read:

66.053 (1) (b) No license or permit shall be granted to any person, unless to a domestic corporation, not a citizen of the United States and of this state and a resident of the town, village or city in which such license is applied for, nor to any person who has been convicted of a felony, unless such person has been \* \* \* *restored to civil rights*.

SECTION 13. 66.12 is repealed.

SECTION 14. 66.33 is repealed.

SECTION 15. 70.33 (2) and (3) are amended by substituting "this section" for "this act."

SECTION 16. 74.037 is repealed.

SECTION 17. Each of the forms in 74.46 (1) is amended by substituting "3 years" for the following language: "(Insert '4 years and 6 months' in tax certificates issued in 1945. Insert '4 years' in tax certificates issued in 1946. Insert '3 years and 6 months' in tax certificates issued in 1947. And insert '3 years' in tax certificates issued after 1947)".

SECTION 18. 75.54 (1) is amended to read:

75.54 (1) In all actions \* \* \* in any court of this state, in which either party \* \* \* seeks to avoid or set aside in whole or in part any assessment, tax or tax proceeding or reassessment, \* \* \* if the court \* \* \* is of the opinion, after a hearing \* \* \* had, that, for any reason affecting the groundwork of the tax and all the property in any assessment district, said assessment, tax or tax proceeding should be set aside, \* \* \* the court shall immediately stay all proceedings in such action and in all other \* \* \* actions affecting the assessment, tax or tax \* \* \* proceeding in such district until a reassessment of the property therein can be made; and the proper officers of the municipality constituting \* \* \* the assessment district or in which \* \* \* the district is located shall \* \* \* reassess such property in the manner specified in \* \* \* the statutes, and shall levy upon the same the amount of \* \* \* taxes for the year in question. Such reassessment shall be made by the assessor of \* \* \* the municipality or assessment district or by \* \* \* the person \* \* \* the \* \* \* court \* \* \* appoints and the assessment roll shall be submitted to and passed upon by the board of review \* \* \* in the manner and after like notice as in case of the original assessment.

SECTION 19. 78.40 is repealed.

SECTION 20. The last sentence of 95.17 is amended to read:

95.17 (last sentence) Within the amount which may, subsequent to \* \* \* March 23, 1915, be appropriated for this purpose, the state shall pay such proportion of the expense incurred in suppressing or combating any such disease and in compensating owners of animals slaughtered under \* \* \* this \* \* \* section as shall be determined by and mutually agreed upon with the United States department of agriculture.

SECTION 21. 103.04 is amended by substituting "section" for "act".

SECTION 22. 113.09 and 113.10 are amended by substituting "this chapter" for "this act."

SECTION 23. The first sentence of 114.14 (1) is amended to read:

114.14 (1) (first sentence) The governing body of a city, village, town or county which has established an airport or landing field, or landing and take-off strip, and acquired, leased or set apart real property for such purpose, \* \* \* may construct, improve, equip, maintain and operate the same, or may vest jurisdiction for the construction, improvement, equipment, maintenance and operation thereof in any suitable officer, board or body of such city, village, town or county.

SECTION 24. 115.09 (8) (e) is amended to read:

115.09 (8) (e) Take no note, promise to pay, security nor any instrument in which blanks are left to be filled in after the loan has been made except that a detailed description or inventory of the security may be filled in, with the written consent of the borrower within 10 days thereafter.

SECTION 25. 132.16 (6) is amended by substituting "this section" for "this act."

SECTION 26. 136.29 (3) (first sentence) is amended to read:

136.29 (3) (first sentence) Every nonresident applicant shall file an irrevocable consent that suits and actions may be commenced against such applicant in the proper court of any county of the state in which a cause of action may arise or in which the plaintiff resides, by the service of any process or pleading authorized by the laws of this state, on the board, any member thereof, or any duly authorized employee.

SECTION 27. 136.30 (2) is amended to read:

136.30 (2) If any person refuses to comply with any subpoena issued hereunder or to testify to any \* \* \* matter regarding which he may lawfully be interrogated, the circuit court of any county or the judge thereof, on application of any member of the board, shall issue an order requiring such person to comply with such subpoena and to testify, or either. Any failure to obey such order of the court may be punished by the court as a contempt thereof.

SECTION 28. 140.09 (14) 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 section 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 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. \* \* \*

SECTION 29. 146.14 (5) is amended to read:

146.14 (5) The cost of abatement or removal of a nuisance by health officials under section 146.14 \* \* \* may be collected from the owner or occupant, or person causing, permitting or maintaining the nuisance, or may be charged against the premises and upon certificate of the health official, assessed as are other special taxes.

SECTION 30. 146.18 (3) is amended to read:

146.18 (3) The state board of health \* \* \* shall use sufficient funds from the appropriations now made by section 20.43 (1) and (13) \* \* \* for the promotion of the welfare and hygiene of maternity and infancy to match the funds received by the state from the United States under the provisions of such act of congress.

SECTION 31. 147.23 (7) is amended to read:

147.23 (7) All licenses issued by the board shall expire on \* \* \* December \* \* \* 31 of the license year, except that any holder of a license may have the same renewed from year to year by the payment of an annual fee of \$5 \* \* \*.

SECTION 32. 161.18 and 161.22 are amended by substituting "chapter" for "act."

SECTION 33. 175.03 (2) is amended to read:

175.03 (2) If the owner or custodian be unknown and cannot with reasonable effort be ascertained, or shall not within 5 days after notice redeem such animal by paying the expenses incurred as aforesaid, it may be treated as \* \* \* a stray and dealt with as such.

SECTION 34. 205.31 is repealed.

SECTION 35. 218.01 (1) (j) is amended to read:

218.01 (1) (j) The term "commissioner" means the state commissioner of banks and \* \* \* any duly authorized deputy named or appointed by such commissioner to perform any function in the administration or enforcement of this section.

SECTION 36. 220.04 (3) is repealed.

SECTION 37. 220.04 (5) is amended to read:

220.04 (5) The commissioner, in connection with the liquidation of any bank or banking corporation \* \* \* or when called upon to approve any plan of reorganization and stabilization \* \* \* thereof or when he is satisfied the interests of the depositors and creditors in assets held under any trust arrangement so require in connection with \* \* \* such reorganization and stabilization, \* \* \* may cause \* \* \* the bank or banking corporation \* \* \* or \* \* \* trust to be audited. The expense of \* \* \* the audit shall, upon the certificate of the commissioner, be refunded forthwith to the banking department by \* \* \* the bank, banking corporation \* \* \* or the \* \* \* trustees \* \* \* out of the assets of \* \* \* the bank, banking corporation \* \* \* or trust. Such charges shall be a preferred claim against \* \* \* the assets \* \* \*.

SECTION 38. 220.15 (1) (a) is amended by substituting "this section" for "this act."

SECTION 39. 256.175 is repealed.

SECTION 40. 269.58 is repealed.

SECTION 41. The introductory paragraph of 271.25 is amended to read:

271.25 (Introductory paragraph) In any civil action or proceeding tried in a circuit court of this state \* \* \*, either by or against the state or any of the state officers in their official capacity, or any of the state commissions, under the provisions of the statutes, there shall be repaid out of the state treasury to said county upon the certificate of the presiding judge and the clerk of said court and the approval of the attorney-general and the audit of the \* \* \* director of budget and accounts:

SECTION 42. 281.20 to 281.21 are repealed.

SECTION 43. 281.25 is repealed.

SECTION 44. 298.06 is amended by substituting "this chapter" for "this act".

SECTION 45. 328.01 (6) and (7) are amended by substituting "this section" for "this act."

SECTION 46. 348.20 is amended by substituting "section 348.18" for "the next to the last preceding section."

SECTION 47. Chapters 370 to 372 of the statutes shall constitute a new TITLE XXXIV, CONSTRUCTION OF STATUTES, REPEAL OF EXISTING LAWS, CURATIVE ACTS.

Approved June 15, 1949.

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