

No. 69, S.]

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CHAPTER 279.

AN ACT to repeal 12.11, 24.13, 93.07 (15), 94.78, 97.75 and 119.65 to 119.99; to renumber 220.075 (4); to amend 5.17 (2), 5.23, 9.04, 24.11 (3), 24.29, 51.22 (4), 53.06, 190.11 and 220.075 (1), (2) and (3); to repeal and recreate 5.05 (6) (introductory paragraph), (a), (b), (c) and (d); and to create 6.32 (4) (e) and 220.075 (4) of the statutes, relating to obsolete and unworkable provisions of the statutes.

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

SECTION 1. 5.05 (6) (introductory paragraph), (a), (b), (c) and (d) of the statutes are repealed and recreated to read:

5.05 (6) (introductory paragraph) The basis for determining the number of signatures required on nomination papers shall be the party vote cast for governor at the last preceding gubernatorial election. Such nomination papers shall be signed:

(a) If for a state-wide office, by at least one per cent of the voters of the party of such candidate in at least each of 6 counties in the state, and in the aggregate according to the following table:

Party Vote for Governor	Signatures Required	Signatures Permissible
200,001 or more	3,000	5,000
100,001 to 200,000	2,000	3,000
50,001 to 100,000	1,000	2,000
1 to 50,000	500	1,000

(b) If for a representative in congress, by at least 2 per cent of the voters of his party in at least each of one-half of the counties in the congressional district, and in the aggregate according to the following table:

Party Vote for Governor	Signatures Required	Signatures Permissible
50,001 or more	1,000	2,000
25,001 to 50,000	500	1,000
10,001 to 25,000	250	500
5,001 to 10,000	100	250
1 to 5,000	50	100

(c) If for an office representing less than a congressional district in area, or a county office, an aggregate number of signatures according to the following table:

Party Vote for Governor	Signatures Required	Signatures Permissible
10,001 or more	300	500
5,001 to 10,000	200	300
3,001 to 5,000	100	200
1,001 to 3,000	50	100
501 to 1,000	25	50
251 to 500	10	50
1 to 250	5	10

(d) Any recognized political party, which at the last preceding general election was represented on the official ballot by regular party candidates, shall have a separate primary ticket and party column at the next primary and general elections, respectively, if any of its state-wide candidates received one per cent of the total vote cast for the office for which he was a candidate. Any other political organization, which at the last preceding general election was represented on the official ballot by independent candidates, shall have a separate primary ticket and party column at the next primary and general elections, respectively, if any of its state-wide candidates received one per cent of the total vote cast for the office for which he was a candidate. The chairman and secretary of such new organization shall certify to the secretary of state the name of such party, which shall not duplicate the name of any other party.

SECTION 2. 5.17 (2) of the statutes is amended to read:

5.17 (2) If all the candidates for nomination for any one office voted for on any party ballot, shall receive in the aggregate less than 5 per cent of such votes so cast at such last general election, no person shall be deemed to be the party nominee for such office, but the person receiving the greatest number of votes at such primary as the candidate of such party for such office, shall be deemed an independent candidate for such office, and his name shall be placed on the official ballot in the column of individual nom-

inations and he shall be denominated in such column * * * by the word "Independent" prefixed to the proper party designation.

SECTION 3. 5.28 of the statutes is amended to read:

5.28 Any person nominated to office may decline and annul the same by delivering to the officer with whom his certificate of nomination or nomination paper is filed, not less than 12 days before election in case of town, village or city officers, and 25 days in other cases, a declination in writing signed by him and acknowledged before some officer authorized to take acknowledgments. Upon such declination or the death of a nominee the vacancy or any vacancy caused by the insufficiency of certificates of nomination or nomination papers, may be filled in case the candidate is the nominee of a political party, by the committee representing the party, the chairman and secretary of which in such case shall make and deliver to the proper officer for filing a certificate, duly signed, certified and sworn to, as required in case of original certificates, setting forth the cause of the vacancy, name of new nominee, office for which nominated, and such other information as is required in case of original certificates. This certificate must be filed 10 days before election in case of town, village or city offices, and 23 days in other cases, and when so filed shall have the effect of an original certificate. In case the candidate is a nonpartisan nominee, the vacancy shall be filled by the personal campaign committee of the candidate, who shall make and file a certificate in the manner above prescribed. If the candidate had no personal campaign committee, such vacancy shall be filled by the supervisors of the town, trustees of the village, council of the city, or board of supervisors of the county, as the case may be, and such board shall make and file a certificate as herein provided. If such declination, death or the permanent removal of a nominee take place after the ballots are printed and before election, the proper chairman of the committee above authorized to fill vacancies may make a nomination to fill the vacancy, and provide the election boards with pasters containing the name of such nominee only, which shall be pasted upon each of the official ballots by the ballot clerks, before signing their initials thereon and delivering them to voters. If the nominee die after the ballots are printed, and no nomination shall be made as herein provided, the votes cast for him shall be counted and returned, and if he shall receive a plurality the vacancy shall be filled as in case of vacancies occurring by death after election. *There can be no vacancy in nomination prior to a party primary.*

SECTION 4. 6.32 (4) (e) of the statutes is created to read:

6.32 (4) (e) At the first election following their appointment, the inspectors shall elect one of their number as chairman of inspectors, who shall serve for the term for which he was elected as an inspector. If a vacancy exists, for any cause, in the position of chairman of inspectors, the inspectors present shall elect one of their number to serve as chairman until such vacancy is removed.

SECTION 5. 9.04 of the statutes is amended to read:

9.04 At the general election next preceding the time fixed for the choice of president and vice president of the United States, there shall be elected, by general ticket, as many electors of president and vice president as this state may be entitled to elect senators and representatives in congress. *A vote for the presidential and vice presidential nominees of any party is a vote for the electors of such nominees.*

SECTION 5a. 12.11 of the statutes is repealed.

SECTION 6. 24.11 (3) of the statutes is amended to read:

24.11 (3) Every contract, certificate of sale, or grant hereunder of public lands * * * shall reserve to the people the right of access to such lands *and to any meandered or nonmeandered stream, river, pond or lake navigable in fact for any purpose whatsoever, bordered by such lands* and all rights necessary to the full enjoyment of such waters, and of all minerals in said lands, and all mining rights therein, and shall also be subject to continued ownership by the state of all water-power rights on such lands or in any manner appurtenant thereto. Such conveyance shall also be subject to a continuing easement in the state and its assigns to enter and occupy such lands in any manner necessary and convenient to the removal of such mineral from such lands and to the proper exercise of such mineral rights, and shall be further subject to the continuing easement in the state and its assigns to enter and occupy such lands in any manner necessary and convenient to the development, maintenance and use of any such water rights. Nothing contained in this section shall be construed to provide for the continued ownership in the state of any stone used for building purposes nor of any sand or gravel.

SECTION 7. 24.13 of the statutes is repealed.

SECTION 8. 24.29 of the statutes is amended to read:

24.29 At any time before the 5 days next preceding the reoffering of such land at public sale, the former purchaser or his assigns or legal representatives may, by the

payment of the sum due with interest, and all taxes returned thereon to the state treasurer which are still unpaid, and all costs occasioned by the delay, together with 3 per cent damages on the whole sum owing for such land, prevent such resale and revive the original contract. * * *

SECTION 9. 51.22 (4) of the statutes is amended to read:

51.22 (4) The superintendent of either colony and training school may grant any patient a temporary discharge if, in his opinion, it is proper to do so. The superintendent of any county hospital may, upon the written recommendation of the visiting physician, grant any patient a temporary discharge. *The superintendent of the central state hospital may, if he deems it proper so to do, grant any patient transferred to that institution from either colony or training school a temporary discharge and release him pursuant thereto without first returning the patient to the institution from which he came.*

SECTION 10. 53.06 of the statutes is amended to read:

53.06 The sheriff shall deliver to the proper state prison every person convicted in his county and sentenced to such prison as soon as may be after sentence, together with the certificate of conviction. The warden or superintendent shall deliver to the sheriff a receipt acknowledging receipt of the prisoner, naming him, which receipt the sheriff shall file in the office of the clerk who issued the certificate of conviction. *When transporting or delivering a client to the Wisconsin home for women the sheriff shall be accompanied by an adult female person.*

SECTION 10a. 93.07 (15) of the statutes is repealed.

SECTION 10c. 94.78 of the statutes is repealed.

SECTION 10d. 97.75 of the statutes is repealed.

SECTION 10e. 119.65 to 119.99 of the statutes are repealed.

SECTION 11. 190.11 of the statutes is amended to read:

190.11 Every conveyance or lease, deed of trust, mortgage or satisfaction thereof made by any railroad corporation shall be executed and acknowledged in the manner in which conveyances of real estate by corporations are required to be to entitle the same to be recorded, and shall be recorded in the office of the secretary of state, *provided such documents have plainly printed or typewritten thereon the names of the grantors, grantees, witnesses and notary*, who shall indorse thereon his certificate, specifying the day, hour and minute of its reception and the volume and page where recorded, which certificate shall be evidence of such facts. Every such record shall from the time of reception of the instrument have the same effect as to any property in this state described therein as the record of any similar instrument in the office of a register of deeds has as to property in his county, and shall be notice of the rights and interest of the grantee, lessee or mortgagee by such instrument to the same extent as if it were recorded in all of the counties in which any property therein described may be situated.

SECTION 12. 220.075 (1), (2) and (3) of the statutes are amended to read:

220.075 (1) Whenever the *commissioner finds that the* * * * average * * * deposits for a * * * fiscal year in any bank * * * is in excess of an amount equal to 15 times the capital lawfully paid in and unimpaired plus 15 times the undistributed surplus, such surplus to be computed after eliminating all items classified by the commissioner * * * as doubtful or loss, such bank shall within one year, after notice to this effect from the commissioner, increase its capital or surplus so that such * * * average of its * * * deposits will no longer exceed such amount; provided that no stock dividend shall be declared out of surplus that will reduce the surplus to less than 10 per cent of the capital as increased.

(2) For the purpose of computing such * * * average of * * * deposits * * * there shall be deducted from the * * * average of *actual* deposits an amount equal to the excess of the * * * average for the same period of the combined total of cash on hand (including clearings), cash on deposit in approved reserve banks and the par value of direct obligations of the United States and obligations of *agencies* guaranteed as to principal and interest by the United States owned by said bank over 20 per cent of such * * * average of * * * *actual* deposits for such yearly period.

(3) (a) * * * Average of * * * deposits for the year ending at close of business March 31 of same year.

(b) * * * Average of the combined total of cash on hand (including clearings), cash in approved reserve banks and the par value of direct obligations of the United States government and obligations of *agencies* guaranteed as to principal and interest by the United States government owned by said bank, for the year ending at close of business March 31 of the same year.

SECTION 13. 220.075 (4) of the statutes is renumbered 220.075 (5).

SECTION 14. 220.075 (4) of the statutes is created to read:

220.075 (4) For the purpose of computing averages referred to in this section account balances at the close of business on the first, eleventh and twenty-first of each month shall be used.

Approved June 4, 1951.
