

No. 658, S.]

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CHAPTER 663

AN ACT to amend various provisions of the statutes and session laws for the purpose of correcting errors, supplying omissions, clarifying language and correcting and clarifying references.

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

SECTION 1. 20.670 (15) (intro. par.) of the statutes is amended by substituting "ss. 49.40 and 49.61" for the reference to "s. 49.61."

SECTION 2. 20.670 (55) of the statutes is amended by substituting "ss. 49.40 and 49.61" for the reference to "s. 49.61".

SECTION 3. 40.70 (7) (a) of the statutes, as amended by chapter 490 (Bill 82, S.), laws of 1957, is amended to read:

40.70 (7) (a) State aids shall be paid to each elementary school district providing education from first grade through eighth grade or kindergarten through eighth grade, in a sum equal to the amount produced by applying the required mill rate levied in the elementary school districts on that equalized valuation of the districts indicated in * * * *this section* upon which eligibility for receipt of aids is determined up to 15 mills, on the amount by which the equalized valuation per resident pupil in average daily attendance for the preceding year in such elementary school district, not exceeding 25 resident pupils in average daily attendance per teacher, is less than \$26,000 if the elementary school district meets the requirements of s. 40.67 (2) (a), (b), (d), (e), (f) and (g) 1, 3 and 4, and provided such elementary district has been at some prior date a part of an integrated school district, or employs not less than 4 teachers in the elementary school.

SECTION 4. 52.10 (2) (a) of the statutes is amended to read:

52.10 (2) (a) "State" includes any state, territory or possession of the United States *and the Commonwealth of Puerto Rico* in which this or a substantially similar reciprocal law has been enacted.

SECTION 5. 60.64 (2) of the statutes is amended to read:

60.64 (2) * * * *Section 66.54*, relative to payment for public work and special improvement bonds issued therefor in cities shall apply to towns, so far as applicable thereto, and the town board shall have all powers therein conferred, and to perform all duties assigned to boards of public works in cities, and the town clerk and town treasurer shall perform all duties therein assigned to the city clerk and city treasurer respectively.

SECTION 6. 66.60 (8) (d) of the statutes, as created by chapter 130 (Bill 2, A), Laws 1957, is amended to read:

66.60 (8) (d) The city or village clerk shall publish the final resolution in a newspaper published or having a general circulation in said city or village, or such resolution shall be posted in not less than 5 public places within the city or village, of which at least 3 shall be within the assessment district and a copy of such * * * *resolution* shall be mailed to every interested person whose post-office address is known, or can with reasonable diligence be ascertained * * *.

SECTION 7. 66.60 (15) of the statutes, as created by chapter 130 (Bill 2, A), Laws of 1957, is amended to read:

66.60 (15) Every special assessment levied under this section shall be a lien on the property against which it is levied on behalf of the municipality levying same or the owner of any certificate, bond or other document issued by public authority, evidencing ownership of or any interest in such special assessment, from the date of the determination of such assessment by the governing body. The governing body shall provide for the collection of such assessments and may establish penalties for payment after the due date. The governing body shall provide that all assessments or instalments thereof which are not paid by the date specified shall be extended upon the tax roll as a delinquent tax against the property and all proceedings in relation to the collection, return and sale of property for delinquent real estate taxes shall apply to such special assessment, except * * * *as otherwise provided by statute.*

SECTION 8. 108.02 (5) (g) 9, 10 and 15 of the statutes are amended to read:

108.02 (5) (g) 9. Service in the employ of any fraternal beneficiary society, order or association (exempt from federal income tax under section * * * 501 (a) of the internal revenue code), if such service is in connection with its collection of dues or premiums and is performed away from its home office, or is ritualistic service.

10. Service in the employ of an agricultural or horticultural organization exempt from federal income tax under section * * * 501 (a) of the internal revenue code.

15. Service performed in any calendar quarter as an officer or representative of any organization exempt from federal income tax under * * * sections 501 (a) or 521 of the internal revenue code, if the remuneration for such service does not exceed \$50.

SECTION 9. 180.71 (1) of the statutes is amended to read:

180.71 (1) Written notice of a special meeting, or of the annual meeting of shareholders, stating (a) that the purpose, or one of the purposes, of such meeting is to consider the sale, lease, exchange, mortgage, pledge, or other disposition of all, or substantially all, the property and assets of the corporation, and (b) in the event *that a sale, lease or exchange of all or substantially all of the property and assets of the corporation otherwise than in the usual and regular course of its business and otherwise than in connection with the dissolution and liquidation of the corporation* is the purpose, or one of the purposes of the meeting, that any shareholder desiring to be paid the fair value of his shares must file a written objection to the proposed sale, lease or exchange at least 48 hours prior to the meeting, shall be given to each shareholder whether or not entitled to vote at such meeting not less than 10 days (unless a different time is provided by the articles of incorporation or the bylaws) before such meeting in the case of a proposed mortgage or pledge and not less than 20 days before such meeting in the case of a proposed sale, lease or exchange, in either case in the manner provided by this chapter for the giving of notice of meetings of shareholders.

SECTION 10. 194.33 of the statutes is amended to read:

194.33 No common motor carrier of property or of passengers shall operate any motor vehicle within or through any city or village except in compliance with action taken by such municipality in relation to such streets and routes. No action by any city or village under this section shall be subject to review by the motor vehicle department. * * *

SECTION 11. 319.15 (1) of the statutes, as created by Chapter 468 (Bill 234, S), laws of 1957, is amended to read:

319.15 TEMPORARY GUARDIAN. (1) APPOINTMENT. If the court finds that the welfare of a minor, spendthrift or an incompetent requires the immediate appointment of a guardian of his person or of his estate, or of both, it may, with or without notice appoint a temporary guardian for him for a period not to exceed 60 days unless further extended by order of the court. The * * * *authority of the temporary guardian may be limited to * * * the performance of duties respecting specific property, or to * * * the performance of particular acts, as stated in the order of appointment. All provisions of the statutes concerning the powers and duties of guardians shall apply to temporary guardians except as limited by the order of appointment.* The temporary guardian shall make such reports as the court directs, and shall account to the court upon termination of his authority. * * * No appeal may be taken from the order of appointment of a temporary guardian.

SECTION 12. 343.01 (2) (c) of the statutes, as created by chapter 260 (Bill 99, S.), laws of 1957, is amended to read:

343.01 (2) (c) "Other jurisdiction" or "another jurisdiction" means any state other than Wisconsin and includes the District of Columbia, *the commonwealth of Puerto Rico* and any territory or possession of the United States and any province of the Dominion of Canada.

SECTION 13. 990.01 (40) and (44) of the statutes are amended to read:

990.01 (40) STATE. "State," when applied to states of the United States, includes the District of Columbia, *the commonwealth of Puerto Rico* and the several territories organized by Congress.

(44) UNITED STATES. "United States" includes the District of Columbia, the states, *the commonwealth of Puerto Rico* and the territories organized by congress.

SECTION 14. CHAPTER 168, Laws of 1951, section 15.1 is amended to read:

(Chapter 168, Laws of 1951) section 15.1. The summons, warrant or other process of said civil court shall be made returnable before said court by its proper title, and when issued in an action wherein the amount of the claim or in replevin the value of the property shall not exceed \$50, it shall be made returnable before the small claims branch of said civil court. All summonses, except garnishee summonses, and summonses in actions of forcible entry and unlawful detainer, shall have a copy of the complaint, *or affidavit authorized by statute in lieu of a complaint*, attached thereto at the time of service. Summonses and warrants shall be, except as otherwise provided * * * in this act, or the rules of court hereinafter authorized, substantially in the form and returnable within the time prescribed for in the process of courts of justices of the peace, and shall be signed by a judge or by the clerk or a deputy clerk of said court; provided, that the judges of said court may by rules duly adopted order that summonses in actions for money recovery, including garnishment summonses, be made returnable and the defendant or defendants directed to appear before the clerk, in his office, to answer the complaint, at any time prior to and including the return day which shall be not less than 6 or more than 15 days from the date of issue, substantially in accord with form No. 2 of sub. 2 of this s. 15, and in the meantime suspend the issuance in such actions of the summons shown in form No. 1 of said sub. 2, and provided, further that a garnishee summons, except in aid of execution,

may be issued either at the time of the issuing of the summons or warrant of attachment or at any time thereafter before final judgment has been entered. The summons of said court may be signed, sealed, and delivered by the clerk to attorneys authorized to practice law in Wisconsin, and may be issued by them in the manner provided by and subject to the restrictions of s. 301.02, except as to time of filing, but need not be endorsed by the attorney if his name appears on the complaint or other paper attached to such summons. The summons of said court shall be made returnable at 9 o'clock in the forenoon or 2 o'clock in the afternoon.

Approved October 30, 1957.
