

when equipped with dual pneumatic tires; and *except further that the total width of urban passenger busses and trackless trollies shall not exceed eight feet eight inches.*

SECTION 2. This act shall take effect upon passage and publication.

Approved June 13, 1933.

No. 713, A.]

[Published June 15, 1933.]

CHAPTER 250.

AN ACT to repeal subsections (3) to (7) of section 215.24, subsection (2) of section 215.36 and subsection (16) of section 215.33, and to create sections 215.336, 215.337, 215.48 and 215.355 of the statutes, relating to building and loan associations. *The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Subsections (3) to (7) of section 215.24, subsection (2) of section 215.36 and subsection (16) of section 215.33 of the statutes (all created in chapter 23, laws special session, 1931-1932) are repealed.

SECTION 2. Four new sections are added to the statutes to read: 215.336. RE-ADJUSTMENT AND RE-INSTATEMENT. (1) Whenever from an examination or report, it shall appear to the commissioner that the capital of any association is impaired, or may in the near future become impaired, such commissioner may, with the approval of the building and loan advisory committee, issue an order to such association, requiring the directors to forthwith appoint, subject to the approval of the commissioner, three competent persons, not members of such association, who shall appraise such property owned by, or upon which such association has a mortgage loan or judgment, as the commissioner shall designate. The appraisers so appointed and approved shall appraise and fix the reasonable value of all such property as aforesaid and report their findings to the commissioner and the directors. The value as found by such appraisers shall be the value from which all losses shall be determined.

(2) Whenever the commissioner shall find that the losses existing, or which it may reasonably be anticipated will be sustained in the near future, are more than two-thirds of the amount in the contingent fund of the association, he may, with the approval of the advisory committee, issue an order to such association, which

order shall provide that no further dividends be credited or paid and no moneys paid out for retiring shares, whether noticed for withdrawal or whether the shares shall have matured, until the commissioner shall otherwise order.

(3) After the commissioner shall have determined the losses existing, or which he shall determine may reasonably be sustained in the near future, he shall issue an order providing that the book value of each share be depreciated as stated in such order, and the officers shall forthwith proceed to depreciate the book value of all shares as ordered. A record shall be made on the books showing the amount by which the book value of the shares were depreciated, and a copy of such record shall be filed with the commissioner. All dividends declared thereafter shall be credited to the book value of the shares as depreciated until such shares shall have reached the same value that such shares had immediately before the shares were so depreciated, thereafter the paid-up shares shall receive cash dividends and at the same time the installment shares shall be credited with dividends as earned and ordered by the commissioner.

(4) All members whose shares shall mature by making payments on dues or by being credited with dividends, or by both such dues and dividends, or any member who shall withdraw his shares before he shall have received an amount of dividends equal to the amount that his book value on shares were depreciated, shall receive a participating reserve fund certificate for the difference between the amount his book value of shares was depreciated and the amount of dividends credited upon his shares at the time of withdrawal or maturity. The certificate so issued shall be of such form as the commissioner shall prescribe. The amount stated in such certificate shall be payable only as and when such participating reserve fund shall equal the amount of all participating reserve fund certificates issued and outstanding.

(5) Any borrowing member may, after the book value of his shares shall have been depreciated as provided in subsection (3) of this section, pay to the association the difference between the withdrawal value of his shares as depreciated, and the amount due on his mortgage loan, and his mortgage and other securities shall thereupon be released, and if entitled thereto a participating reserve fund certificate as provided in subsection (4) of this section shall be issued to him.

(6) The directors may, with the approval of the commissioner, make stock loans to members upon such terms and conditions as the commissioner may order, but such stock loans shall be for provident purposes only and not more than one hundred dollars shall be loaned to any one member in any one month.

(7) The directors shall give notice by mail to each member, stating in such notice that the book value of his shares has been depreciated, the date when such book value was depreciated, and the book value of his shares after such depreciation. The mailing of such notice to the last known place of abode as shown on the records of the association shall be a compliance with this subsection.

(8) The directors may, with the approval of the commissioner, sell, lease, transfer, exchange and convey any of the property of the association, and upon their order the proper officers shall execute and deliver such deeds, leases, assignments, bills of sale and such other transfers and conveyances as are necessary to dispose of such property as herein provided.

(9) The directors may compromise and settle any claim, demand or judgment which is a part of the assets of the association, but no compromise of any claim, demand or judgment shall be made except upon express consent of the commission.

(10) The commissioner shall prescribe reasonable rules and regulations not inconsistent with laws for the operation of associations operating as provided in this section.

(11) Except as otherwise provided in this section, such association shall be operated as provided in this chapter.

(12) The directors shall make no disbursements or contract to make disbursements for salaries, compensation, fees or any other item of expense, nor retire shares, nor pay or declare dividends during the time such association is operating as provided in this section without the approval of the commissioner.

(13) Nothing contained in this section shall prohibit the commissioner from proceeding against any association as provided in section 215.33.

(14) Any association in process of liquidation, either voluntary or involuntary, may adopt the plan provided in this section in the following manner:

(a) Upon the signing of a petition, the form of which shall be prescribed by the commissioner, by shareholders owning at least sixty per cent of the outstanding shares of such association, in

which petition such shareholders agree to the reinstatement of such association upon the plan herein provided, such commissioner shall order the holding of a special meeting of such shareholders. In case of a voluntary liquidation, there shall be submitted at such special meeting a resolution, the form of which shall be prescribed by the commissioner, rescinding the former action of such shareholders in placing such association in voluntary liquidation. Such resolution shall be deemed to have been adopted if the vote in its favor is at least equal to that which adopted the resolution placing such association in voluntary liquidation. If in addition to the foregoing resolution, such shareholders, by a majority vote of all shares outstanding, adopt a further resolution, the form of which shall have first been approved by the commissioner, providing that the association be operated as provided in this section, such association will be deemed to be reinstated. The adoption of a like resolution by shareholders of an association in involuntary liquidation by a majority vote of all shares outstanding shall likewise reinstate such association. Upon such reinstatement the shareholders shall fill all vacancies in the board of directors in accordance with the by-laws. Such directors shall forthwith proceed to appoint the appraisers provided in subsection (1) and operate the association as provided in this section. Voting by proxy shall be permitted at all meetings of shareholders provided for in this section, but such proxies can be held and voted by members only.

215.337 REMOVAL OF OFFICERS AND DIRECTORS. The provisions of subsection (4) of section 220.04 relating to the removal of officers and directors of banks shall apply to officers and directors of building and loan associations and they may be removed for like cause and in the manner provided in such section. The commissioner may appoint from among the shareholders of such association any shareholder to fill the vacancies cause by removal of officers or directors, the shareholders so appointed shall hold office until the next meeting of the shareholders.

215.48 BUILDING AND LOAN ADVISORY COMMITTEE. (1) There is hereby established in the banking department a committee to be known as the "building and loan advisory committee" consisting of seven members which shall have such powers and perform such duties as are prescribed by law.

(2) The seven members of the building and loan advisory committee shall be appointed by the governor with the advice and consent of the senate. All members of the committee shall have at

least ten years experience in the building and loan business in this state. There shall be appointed by the governor one member whose term shall expire on the first Monday of July, 1934, two to expire on the first Monday of July, 1935, two to expire on the first Monday of July, 1936, two to expire on the first Monday of July, 1937. After the expiration of these respective terms the terms of each member of said committee shall be four years, expiring on the first Monday of July of the proper year in each case. Vacancies shall be filled by appointment by the governor.

(3) The members of said committee shall receive reimbursement from the state for their actual expenses as in case of other state officers.

(4) The duties of such committee shall be to advise with the commissioner and supervisor (or either of them) and others in respect to improvement in the condition and service of building and loan associations in this state. Each member of the committee, the supervisor, and all employes of the banking department (building and loan division) shall, with respect to the disclosure of information concerning building and loan associations, be subject to the same requirements and penalties as the commissioner. Four members of the committee shall constitute a quorum, and a majority shall decide. No member of the committee shall be qualified to act in any matter involving the association of which he is an officer or director.

215.355 COMPLAINTS; PETITION; HEARING; ORDER. (1) Whenever any person, firm, or corporation shall file with the commissioners a petition stating that the association named in such petition refuses or neglects to pay its notes or evidences of debts on demand, or is unable to pay such debts, or whenever any member of an association shall file with the commissioner a petition stating that the association named in such petition, or the officers or directors of such association, neglect to or refuse to retire shares as provided in this chapter, or shall state that the officers or directors are conducting the business of the association in an unsafe or unauthorized manner, or that by the acts or negligence of the officers or directors the funds or assets of the association are or may become impaired, the commissioner shall within ten days after receipt of such petition proceed to hear such petition, a copy of such petition shall be mailed or delivered to the association named in such petition at least three days before the date of hearing. Not less than three days before the date of hearing a notice shall be

mailed or delivered to the association and the party petitioning, which notice shall state the date, time and place for the holding of such hearing.

(2) At the time and place fixed in such notice (unless by stipulation some other time and place is fixed) the commissioner shall hear all parties interested and shall cause the testimony given to be reduced to writing, or he may designate some person employed or connected with his department to take testimony and hear the petition, and such person so designated shall cause all testimony to be reduced to writing and filed with the commissioner.

(3) The commissioner shall within a reasonable time make findings as to all matters contained in such petition and make such order as he shall deem just and reasonable.

(4) Any party aggrieved by such findings or order, may, within ten days from the date of such findings or order, bring an action in any court of proper jurisdiction to review the record, findings and order, and the practices, procedure and trial shall be the same as provided by law and court rules in cases of review of records, findings and order of public officers or board.

(5) The findings and order of the commissioner shall be final except as ordered modified by the court.

(6) Chapter 286 shall not apply to local associations or corporations organized and doing business as provided in this chapter.

SECTION 3. Any association now operating as provided for in subsections (3) to (7) of section 215.24 (created in chapter 23, laws special session 1931-1932) shall upon passage and publication of this act, by order of the commissioner, operate as provided for in section 215.336 created in section 2 of this act.

SECTION 4. This act shall take effect upon passage and publication.

Approved June 13, 1933.

No. 732, A.]

[Published June 15, 1933.

CHAPTER 251.

AN ACT to amend subsection (24) of section 370.01 of the statutes, relating to the construction of statutes in computing time for doing acts.

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