

221.37 (1) Before the board of directors of a bank may declare and pay a cash dividend, a sum equivalent to not less than one-fifth of the net profits of the bank for the preceding half year, or for such period as is covered by the dividend, shall be carried to a surplus fund, until such surplus fund shall amount to 100 per cent of the capital stock, except that *the bank, with the approval of the commission, may be exempted from the requirement of this section* whenever \* \* \* *its daily average of \* \* \* deposits for a period of one year \* \* \* shall be less than \* \* \* 10 times the unimpaired capital and surplus; such surplus shall \* \* \* not include items classified by the banking commission as doubtful or loss \* \* \**

SECTION 7. 221.56 (3) is repealed.

SECTION 8. Securities deposited pursuant to section 221.56 (3) shall be returned to the depositors by the state treasurer upon filing with him a certificate of the banking commission designating the securities so on deposit and stating that they are released and that they may be returned to the depositors.

Approved July 10, 1945.

No. 491, S.]

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#### CHAPTER 446.

AN ACT to amend, repeal and create certain provisions of the statutes relating to peddlers, truckers, transient merchants and showmen, for the purpose of making the statutes express clearly the transfer, under chapter 111, laws of 1945, of the powers, duties and functions of the department of agriculture under chapter 129 of the statutes to the motor vehicle department.

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

SECTION 1. 93.01 (Introductory paragraph) is amended to read:

93.01 (Introductory paragraph) The following terms, wherever used in chapters 93 to 100 \* \* \* or in any order, regulation or standard made thereunder, have the meaning here indicated, unless the context otherwise requires:

SECTION 2. 93.07 (1) and (23) (Introductory paragraph) are amended to read:

93.07 (1) To make and enforce such regulations, not inconsistent with law, as it may deem necessary for the exercise and discharge of all the powers and duties of the department, and to adopt such measures and make such regulations as are necessary and proper for the enforcement by the state of the provisions of chapters 93 to 100 \* \* \*, which regulations shall have the force of law.

(23) (Introductory paragraph) To enforce the provisions of chapters 93 to 100 \* \* \* and all other laws entrusted to its administration, and especially:

SECTION 3. 93.07 (23) (c) is repealed.

SECTION 4. 93.12 is repealed.

SECTION 5. 93.22 is amended by striking out "and chapter 129" wherever that phrase occurs in said section 93.22.

SECTION 6. 110.16 is created to read:

110.16 FUNCTIONS UNDER CHAPTER 129. (1) On July 1, 1945, all powers, duties and functions theretofore vested in the department of agriculture relative to the administration of chapter 129 are transferred to and vested in the motor vehicle department.

(2) The department shall superintend and enforce the collection of all license fees required to be paid to the state under chapter 129, or under any act relating to truckers, hawkers, peddlers, transient merchants or showmen.

(3) (a) The department may deputize subordinates of the department to collect the license fees required by chapter 129.

(b) Such deputies may, when there is reasonable ground to suppose that license fees or forfeitures which are imposed by chapter 129 will become otherwise uncollectible, seize and detain any vehicle or any animals attached thereto, or any handcart, or any of the merchandise conveyed thereby, or any trunk, box or pack, or goods carried by peddlers, until the summons or other process provided by law can be served and the matter is disposed of in court. Such deputies may serve any writ or process necessary to enforce the provisions of chapter 129, in the same manner and for the same compensation as constables and sheriffs.

(c) Every such deputy before entering upon the discharge of his duties shall file his official oath and, if required by the department, shall execute a bond, with sufficient sureties, in such

sum as it shall fix, conditioned for the faithful performance of his duty.

(4) (a) The department or any of its authorized deputies may, in relation to any matter within the department's power under this section, conduct hearings, administer oaths, issue subpoenas and take testimony.

(b) The witnesses and officers who subpoena them shall be entitled to the fees allowed in courts of record. Such fees shall be audited and paid in the same manner as other expenses of the department are audited and paid. No witness subpoenaed or called at the instance of any party other than the department shall be entitled to payment of fees by the state, unless the department certifies that the testimony of such witness was material.

(c) A record of all hearings shall be kept in the office of the department. All hearings shall be public.

SECTION 7. 129.001 is repealed.

SECTION 8. 129.01 (2a), as created by chapter 111, laws of 1945, is amended to read:

129.01 (2a) "Department" within the meaning of this chapter, unless the context otherwise requires, means the motor vehicle department. \* \* \*

SECTION 9. 288.18 is amended by substituting "110.16 (3)" for "93.12" in the third line.

SECTION 10. This act shall take effect July 1, 1945.

Approved July 10, 1945.

No. 499, S.]

[Published July 17, 1945.

#### CHAPTER 447.

AN ACT to amend 29.571 (5) of the statutes, providing for payment of a portion of the income from fur sales to the county and towns within Horicon marsh.

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

29.571 (5) of the statutes is amended to read:

29.571 (5) All proceeds derived from the fur farm on the Horicon marsh and all other income from said state property shall be paid, within one week after receipt, into the conservation