

imprisonment not less than 10 days nor more than one year, or by both fine and imprisonment.

Approved in part and vetoed in part; vetoed portions overridden, September 6, 1945.

No. 513, S.]

[Published September 28, 1945.

CHAPTER 586.

AN ACT to repeal unintended repeals, reconcile conflicts, renumber for better location, correct references, correct errors, supply omissions, clarify language, repeal obsolete provisions and eliminate duplications in, or caused by, the various acts of the 1945 session of the legislature, the acquisition of war surplus property and making an appropriation.

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

SECTION 1. 6.32 (2a) is repealed.

SECTION 2. 14.30 (16), as amended by chapter 16, laws of 1945, is amended to read:

14.30 (16) Receive, examine, determine and audit claims, duly certified and approved by the state department of public welfare, from the county clerk of any county in behalf of such county, which are presented for payment to reimburse such county for certain expenses incurred or paid by it on and after July 1, 1937, in reference to all matters growing out of the return of escaped convicts, from the state prison, * * * state reformatory and the * * * Wisconsin home for women. If the secretary of state shall find such claims correct and just he shall draw his warrant upon the state treasurer and the treasurer shall pay the amount directed in the warrant and as directed and out of the appropriation provided therefor. The secretary of state may prescribe the form of claim and the information required therein. Expenses as herein used shall only include such amounts as were necessarily incurred and actually paid and shall be no more than the legitimate cost would be to any other county had the offense or crime occurred therein. Any incarceration pending arraignment and all commitments prior to the final disposition of the prisoner charged with any offense or crime referred to in sections 53.01 (2), * * * 54.01 (4)

* * * and 54.015 (2) while in the county whose courts have jurisdiction shall be in the institution, located in such county, wherein the alleged crime or offense was committed and the warden or superintendent of such institution shall be subject to the same laws and court orders as the sheriff of such county would be in a criminal case, and the officer who arrests such prisoner or who shall have him in his custody before arraignment shall forthwith deliver him to such institution unless he can be the sooner arraigned.

SECTION 2b. 15.04 (3), as amended by chapter 165, laws of 1945, is amended by substituting "year" for "years" in the clause "including a comparison with the prior years".

SECTION 2c. 15.04 (7) (c), as repealed and recreated by chapter 165, laws of 1945, is amended by substituting "31" for "30" after the word "March".

SECTION 3. 20.03 (7) (a), as amended by chapter 411, laws of 1945, is amended to read:

20.03 (7) (a) *On July 1, 1945, \$227,300, and annually, beginning July 1, * * * 1946, \$236,500 for operation, and in addition thereto all moneys received for or on account of the Grand Army Home for Veterans, except moneys received from the federal government or in the operation of a canteen. Of this amount not to exceed \$60 may be expended for the burial of each deceased member as defined in section 45.07 (5) who shall be buried in the cemetery of said home.*

SECTION 3a. 20.052 (2a) of the statutes is created to read:

20.052 (2a) Such sums as may be necessary to reimburse counties and municipalities under section 85.08 (12) (e). This subsection shall apply to all reimbursements due since July 1, 1944. On or before October 1, 1945 and annually thereafter the motor vehicle department shall certify to the secretary of state the amounts due counties and municipalities under this subsection for the preceding fiscal year ending June 30.

SECTION 4. 20.052 (3) and (4), as created by chapter 358, laws of 1945, and 20.051 (1), as amended by chapters 293 and 417, laws of 1945, are repealed; and 20.052 (1), as created by chapter 358, laws of 1945 and amended by chapter 391, laws of 1945, is amended to read:

20.052 (1) *On July 1, 1945, * * * \$966,450 and annually,*

beginning July 1, 1946, * * * \$841,300 for the execution of its functions under chapters 85, 110 and 194.

SECTION 4h. 20.06 (12) of the statutes, created by chapter 293, laws of 1945, is amended to read:

20.06 (12) (a) Such sums as may be necessary for repayment of monies paid into the general fund under the provisions of section 85.08 (12) (e). This subsection shall apply to all repayments of such monies due * * * *for the period July 17, 1943 to June 30, 1944.*

(b) The motor vehicle department shall on or before October 1, 1945, certify to the secretary of state for payment all amounts due counties and municipalities under paragraph (a) up to June 30, * * * *1944* * * *.

SECTION 4i. 20.07 (16) of the statutes is renumbered 20.07 (16) (a):

SECTION 4j. 20.07 (16) (b) of the statutes is created to read:

20.07 (16) (b) There is appropriated from the state highway fund to the motor vehicle department, department of taxation, and public service commission, annually, beginning July 1, 1945, a sum sufficient, to be used to supplement the appropriations made by sections 20.052 (1), 20.091 (1) and 20.511 (1), for the payment of the cost of living bonus to employes as provided in section 14.71 (1n).

SECTION 4k. 20.10 (11) of the statutes is created to read:

20.10 (11) On the effective date of this subsection, \$200,000 to be used as a revolving appropriation for the procurement by purchase, gift or transfer, of war surplus property from the federal government through the official agency or agencies thereof. On all such property, when furnished to any state agency, the cost thereof shall be charged to the proper appropriation for such agency and credited to this appropriation. With the approval of the governor, the bureau of purchases may purchase such war surplus property for and at the request of any local unit of government under such financial arrangements as may be agreed upon providing the cost of any such property shall be paid to the state upon demand.

SECTION 5. 20.49 (9) (a), as amended by chapter 391, laws of 1945, is amended by substituting "to" for "and" in the reference to "subsections (1) and (8)."

SECTION 6. 20.615 (introductory paragraph), as amended by chapter 391, laws of 1945, is amended to read:

20.615 (introductory paragraph) There is appropriated from the general fund to the state planning board:

SECTION 6g. 40.30 (1) (b) and (1k) (a) of the statutes, as amended and created respectively by Chapter 493, Laws of 1945, are amended to read:

40.30 (1) (b) Any person aggrieved by any order of a municipal board or council issued and recorded pursuant to the provisions of this section or aggrieved by the refusal of a municipal board or council to file orders of alteration, dissolution, consolidation or creation when petitioned to do so may appeal therefrom to the state superintendent within 30 days following the issuing and recording of any such order, or where a board or boards, or council or councils, refuses or neglects to issue and record an order of alteration, dissolution, consolidation or creation then within 90 days following the filing of the petition. After determining the appeal the state superintendent shall enter an order affirming, modifying or reversing the order appealed from, or where the appeal is from the refusal of a municipal board or council to file orders of alteration, dissolution, creation or consolidation when petitioned to do so, the state superintendent may in the event that he finds the municipal board or council erred in refusing to file such an order, make such order as he deems proper under the circumstances * * *. An appeal from any order of the state superintendent made under this paragraph may be taken to the circuit court of any county affected thereby within 30 days from the date of said order. *Such appeal shall be taken by serving upon the state superintendent within 30 days after the date of the order appealed from, a written notice of appeal which shall state the ground or grounds upon which said appeal is based.*

(1k) (a) After approval by a majority vote of a special committee appointed to consider and approve or disapprove the same, the state superintendent may by order, reciting such approval, create, alter, consolidate or dissolve any school district or districts. The state superintendent is authorized on his own motion to initiate consolidation proceedings in the manner provided in this subsection. Such special committee shall consist of the county superintendent of schools, 2 residents of the county to be appointed by the county judge of the county and 2 supervisors of the county board of the county, to be appointed by the chairman of the board, at least one of whom shall be a town

chairman except in counties containing a city of the first class, but no person shall be appointed who resides in any territory that would be affected by the proposed change. Persons appointed shall have a recognized interest in and understanding of, and sympathy for the problems of common schools. Whenever the state superintendent may decide that any such school district be so created, altered, consolidated or dissolved, he shall notify the judge and chairman of the county board of the county or counties within which the territory to be affected is situated, of his intention, and enclose a copy of the proposed order. Within 10 days thereafter the county judge and chairman of the county board shall by order appoint the committee provided for in this section and file a copy of the orders with the county superintendent of such county or counties and the state superintendent. When any territory to be affected by an order lies in 2 or more counties there shall be appointed a special committee in each county which committees shall act as a joint committee. If the membership of a joint committee is an even number then the circuit court judge of the circuit in which the greatest valuation of property to be affected lies, shall appoint an additional member to the joint committee from one of the counties affected who does not reside in the territory affected. The order of appointment shall direct the committee to meet and consider the order of the state superintendent affecting the district or districts and report their approval or disapproval thereof in writing to the state superintendent within 15 days of the order. Upon filing of the report the committee shall be discharged from its duties. Each member of the committee *except the county superintendent of schools* shall * * * receive a per diem at the rate * * * of \$4 for each day he attends a meeting of said committee. Each member of said committee shall also receive for each day he attends a meeting of the committee, mileage for each mile traveled in going to and returning from the place of meeting by the most usual traveled route at the rate established by the county board pursuant to section 59.15 as the standard mileage allowance for all county employes and officers. When a special committee is appointed the per diem and mileage herein provided for shall be paid by the county in which the members thereof reside.

SECTION 7. 41.215, as created by chapter 381, laws of 1945, is amended by substituting "section" for "subsection" in the last sentence.

SECTION 8. 41.71 (6) (i) is amended to read:

41.71 (6) (i) Report to the governor and to the * * * *United States Office of Vocational Rehabilitation* annually on or before September first for the year ending the preceding June thirtieth.

SECTION 9. 42.69 (4) is amended by substituting "42.63" for "42.67".

SECTION 10. The title to chapter 54 of the statutes shall read: STATE REFORMATORY AND HOME FOR WOMEN.

SECTION 10a. 59.515 of the statutes is created to read:

59.515 EFFECT OF CERTAIN OMISSIONS IN REGISTERS' RECORDS. The validity and effect of the record of any instrument in the office of register of deeds shall not be lessened or impaired by the fact that the name of any grantor, grantee, witness or notary was not printed or typed on the instrument.

SECTION 11. 65.90 (2), as amended by chapter 418, laws of 1945, is amended to read:

65.90 (2) Such budget shall list all existing indebtedness and all anticipated revenue from all sources during the ensuing year and shall likewise list all proposed expenditures for each department or activity during the said ensuing year, and the county budget shall list proposed expenditures for post-war planning under section 59.08 (53), if any. Such budget shall also show * * * *actual expenditures for the preceding year, actual expenditures for not less than the first 6 months of the current year and estimated expenditures for the balance of the current year.*

SECTION 12. 65.90 (5), as amended by chapter 366, laws of 1945, is amended to read:

65.90 (5) The amount of tax to be levied or certified, the amounts of the various appropriations and the purposes for such appropriations stated in such budget, after any alterations therein made pursuant to the hearing required by this section, shall not be changed thereafter unless authorized by a vote of two-thirds of the entire membership of the governing body of such municipality, except that in the case of city boards of education transfers may be authorized by a two-thirds vote of such boards for funds under their control. Any municipality, excepting towns and one-room school districts, which makes such changes shall give notice thereof by publication, within 8 days there-

after, in a newspaper in general circulation in such municipality.

SECTION 12a. 66.90 (16) (f) of the statutes is amended to read:

66.90 (16) (f) Each trustee shall be entitled to one vote on any and all actions before the board for consideration at any board meeting, and * * * *the concurring votes of a majority of all the trustees* shall be necessary for every decision or action by the board at any of its meetings. No decision or action shall become effective unless presented at a regular or duly called special meeting of the board.

SECTION 12b. 75.20 (8a) of the statutes is created to read:

75.20 (8a) GENERAL LIMITATION. Tax certificates dated prior to 1946, and for which no other limitation is provided by this section, shall be void after 15 years from their date.

SECTION 12c. 75.36 (7) (c) of the statutes (as created by chapter 64, laws of 1945) is amended to read:

75.36 (7) (c) The redemption value as of the date of the tax deed of all county owned taxes the lien of which is *equal or* subsequent to the date of the tax *sale certificate upon which such tax deed was taken.*

SECTION 12d. Section 2 of chapter 64, laws of 1945, is repealed.

SECTION 12e. 75.36 (11) of the statutes is created to read:

75.36 (11) The foregoing provisions shall not impair any contract heretofore or hereafter entered into pursuant to the provisions of section 75.365, and shall apply only to settlements in respect to the sale of land by a county to which the tax deed was taken by the county subsequent to April 24, 1945. All settlements in respect to the sale of land by a county to which the tax deed was taken by the county on or before April 24, 1945 shall be made upon the basis of the provisions of the statutes in effect on April 24, 1945. Any county, however, is hereby authorized and empowered upon resolution of the county board to apply the settlement provisions in the preceding subsections to any or all sales of land without regard to the date upon which the tax deed was taken by such county.

SECTION 13. 78.03 (6) is amended by substituting "20.091 (2)" for "20.09 (5n)" in the first paragraph.

SECTION 13a. 85.08 (12) (e) of the statutes, amended by chapter 293, laws of 1945, is amended to read:

85.08 (12) (e) Whenever an examination shall be conducted by any police department or sheriff's department pursuant to this subsection, the fee paid pursuant to subsection (18) by the person so examined shall be transmitted to the motor vehicle department but the state shall reimburse the municipality or county whose department conducted such examination, 75 per cent of such fee for the cost of conducting the examination. The motor vehicle department shall certify to the secretary of state amounts due municipalities and counties under this paragraph and the secretary of state shall draw his warrant in favor of the municipality or county for the amount certified and charge same to the *proper* appropriation under section 20.052 (2a) or 20.06 (12).

SECTION 14. 85.09 (5) (c), as created by chapter 417, laws of 1945, is repealed, and 85.09, as repealed and recreated by chapter 375, laws of 1945, is reenacted.

SECTION 15. 85.09 (24) (b), as repealed and recreated by chapter 375, laws of 1945, is amended to read:

85.09 (24) (b) If such a judgment, rendered * * * *against the principal on such bond* shall not be satisfied within 60 days after it has become final, the judgment creditor may, for his own use and benefit and at his sole expense, bring an action or actions in the name of the state against the company or persons executing such bond, including an action or proceeding to foreclose any lien that may exist upon the real estate of a person who has executed such bond. In the foreclosure of the lien mentioned herein, the provisions of chapter 278 for the foreclosure of real estate mortgages shall apply as far as possible.

SECTION 16. 85.45 (2) (bm) is repealed.

SECTION 17. 85.71 (2), as created by chapter 430, laws of 1945, is amended by substituting "subsection (3)" for "section 85.71 (2)".

SECTION 17a. Section 40 of chapter 354, laws of 1945, is amended to read:

SECTION 40 (Ch. 354, laws of 1945). The changes effected by this act (*Chapter 354, Laws of 1945*) in 108.05 (1) (schedule, lines 16 through 19) *of the statutes, relating to benefit rates, shall apply to all benefit checks paid after the second Sunday following the effective date of this amending act * * *. The changes effected by this act (Chapter 354, Laws of 1945) in*

108.06 (1) (b) of the statutes, relating to benefit * * * durations, shall apply * * * to all benefit determinations issued after * * * the first Sunday following the effective date of this amending act; provided, moreover, that any benefit determination issued before said Sunday shall be amended to apply said changes if and when the benefits allowed by said determination are exhausted by a payment made after said Sunday:

SECTION 17m. 97.02 (10) (j) of the statutes is repealed.

SECTION 18. 111.33, as created by chapter 490, laws of 1945, is amended by substituting "111.37" for "111.38" in the reference to "111.31 to 111.38" therein.

SECTION 19. 139.51 (2), as created by chapter 439, laws of 1945, is amended by substituting "post-war public" for "post-public" in the first sentence.

SECTION 20. 146.11 (5), as amended by chapter 22, laws of 1945, is amended to read:

146.11 (5) REVIEW OF SPECIAL ORDERS. The owner, operator or person in charge may appeal in writing to the board from the order within 10 days after receipt of notice thereof. Testimony shall be taken and arguments heard by a member or employe of the board as soon as practicable and transcribed and sent to each member thereof for study before final action on such appeal. The determination of the board may be reviewed * * * as provided in chapter 227. The board or any party aggrieved may appeal to the supreme court within 30 days after notice of entry of judgment.

SECTION 21. 146.12 (18) (b), as created by chapter 22, laws of 1945, is amended to read:

146.12 (18) (b) Every person aggrieved by an order or determination of the state board of health may have a judicial review thereof in the circuit court of the county where the cause of action arose or in the county where the principal place of operating the business (as defined in subsection (2) of this section) * * * as provided by chapter 227.

SECTION 22. The amendments made to 204.31 (13) (a) by chapters 351 and 356, laws of 1945, both stand. The purpose of this enactment is to repel any implication of an implied repeal of either act by the other.

SECTION 22a. 208.03 of the statutes is renumbered 208.03 (1).

SECTION 22b. 208.03 (2) and (3) of the statutes are created to read:

208.03 (2) No insurance law shall apply to domestic benevolent societies organized prior to and in continuous operation each year since January 1, 1935, which maintain no lodges or ritualistic organization and which operate upon the plan of collecting an assessment upon the death of a member, provided benefits paid shall not exceed \$2,000 upon the death of any member. No such society shall have a total membership of more than 2,000 members and in no event shall it increase its membership beyond that which it had in good standing on July 1, 1945. Officers of benevolent societies operating under this section shall obtain and furnish a bond of not less than \$5,000 for the faithful performance of their duties.

(3) The secretary of every such society formed under subsection (2) shall, on or before March 1 of each year, make and file with the commissioner a report of its affairs and operations during the preceding calendar year, showing: number of members of the society on July 1, 1945; number of benefit certificates issued during the year; number of assessments levied and the amount received from each assessment in each class for the year; number of losses or benefit liabilities paid; total amount paid members, beneficiaries, legal representatives and heirs; number of losses or benefit liabilities unpaid; dues on each \$1,000 annually or per capita; total amount of money received during the year, from what sources received and the disposition made of the same; number of benefit certificates lapsed during the year; number of benefit certificates in force at the beginning and end of the year and if more than one class, the number of each class; and a statement of assets on hand and the liabilities of the society as of the end of the calendar year.

SECTION 23. 215.335 (2), as amended by chapter 438, laws of 1945, is revised to read:

215.335 (2) With the approval of the banking commission, associations may consolidate. To effect a consolidation, the board of directors of each consolidating association shall, by resolution, propose the consolidation, and such consolidation shall be ratified and confirmed by an affirmative vote of the holders of two-thirds of the book dollar value of the shares outstanding of each association, at a shareholders' meeting called by the boards and held at least 30 days after a notice of the time, place

and object of the meeting has been sent to each shareholder of record by mail, postage prepaid, directed to him at his last known post-office address.

SECTION 24. The introductory clause of 235.09, as amended by chapter 420, laws of 1945, is amended to read:

235.09 (introductory clause) An assignment of a mortgage *may be* substantially in the following form:

SECTION 25. The last sentence of section 346.235 (2), as created by chapter 565, laws of 1945, is amended to read:

346.235 (2) (last sentence) This * * * *section* shall apply equally to all state employes and state officials as well as to the members of the state legislature and any expenditures made or obligations incurred by any individual in behalf of any state official or employe shall be reported according to the provisions of this * * * *section*.

SECTION 26. Section 5 of chapter 565, laws of 1945, is renumbered 346.235 (3) and amended to read:

346.235 (3) Legislative counsel who register with the secretary of state during the first week of any session of the * * * legislature for the duration of the session shall during the first week of each month file the account required by *this* section
* * *

SECTION 27. Chapter 466 (Bill No. 628-A), laws of 1945, is amended by inserting therein, in its proper place, the constitutional enacting clause, and as so amended is reenacted.

SECTION 28. There is appropriated from the general fund to the centennial committee created by Joint Resolution No. 29, S. \$5,000 for the execution of the functions of said committee. Expenditures from this appropriation shall be upon vouchers signed by the chairman and secretary of the committee.

Approved September 26, 1945.