

No. 664, S.]

[Published October 8, 1949.

CHAPTER 643.

AN ACT to amend, reenact, renumber and repeal various provisions of the statutes, for the purpose of correcting errors, correcting references, clarifying language, renumbering for better location, reconciling conflicts and repelling unintended repeals, supplying omissions and eliminating unnecessary and obsolete provisions, in or caused by acts of the 1949 session of the legislature, and making appropriations.

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

SECTION 1. 5.02 (4), as amended by chapter 455, Laws of 1949, is amended to read:
5.02 (4) Except as otherwise specially provided in this chapter there shall be no nomination by primary election of any candidate for the office of state superintendent, or county or district superintendent of schools, or board of education by whatever name designated, * * * or for any school district or judicial office.

SECTION 2. 8.02 (2), as amended by chapter 455, Laws 1949, is amended to read:
8.02 (2) The election to fill a vacancy in the office of justice or judge shall not be held at the time of holding the regular election for the same office. If the vacancy occurs * * * 75 days or more before the first Tuesday in April, in the case of a judge, such election shall be held on the first Tuesday of the succeeding April, and in case of a justice,

at the first judicial election when no other justice is to be elected. In either case, if the vacancy occurs * * * *less than 75 days* prior to the first Tuesday of April, the election to fill the vacancy shall not be held until the judicial election of the next year.

SECTION 3. 14.71 (4), as amended by chapter 416, Laws 1949, is renumbered 14.71 (7) and amended by striking out the words "board or commission".

SECTION 4. 14.84, 20.23, 40.395 and 40.875 are repealed.

SECTION 5. 15.04 (6), as amended by chapter 397, Laws 1949, is repealed.

SECTION 6. The amendment made to 15.59 by chapter 397, Laws 1949, is not repealed by chapter 607, Laws 1949. Both amendments stand. The purpose of this enactment is to repel any implication that the later act repealed the earlier one.

SECTION 6m. 20.015 (1) (as amended by chapter 578, Laws of 1949) is amended to read:

20.015 (1) There is appropriated from the general fund annually, beginning July 1, 1947, \$30,000 to the joint legislative council created by section 13.35 for the execution of the functions of the council and its committees. Expenditures from this appropriation shall be by voucher signed by the chairman or secretary of the council. *The unincumbered balance on June 30, 1950 shall be nonlapsible until June 30, 1951.*

SECTION 6n. 20.016 (1) of the statutes, created by chapter 570, laws of 1949, is amended to read:

20.016 (1) There is appropriated from the state highway fund annually for the years beginning July 1, 1949 and July 1, 1950, \$15,000 to the joint legislative council for the conduct of a study of highway problems and preparation of a reclassification of all Wisconsin highways. *The unincumbered balance on June 30, 1950, shall be nonlapsible until June 30, 1951.*

SECTION 7. 20.016 (3), as created by chapter 570, Laws 1949, is amended to read:

20.016 (3) Payments from the appropriation made by this section shall be by voucher signed by the chairman * * * or secretary of the council.

SECTION 8. 20.02 (1) (a) and (c), as amended by chapter 405, Laws 1949, are repealed; and 20.02 (1), as amended by chapter 360, Laws 1949, is amended to read:

20.02 (1) Annually, beginning July 1, 1949, \$65,900 for the execution of his functions. The annual salary of the governor shall be * * * \$12,500. The lieutenant governor when acting as governor because of the temporary absence or temporary disability of the governor shall receive additional compensation at the rate of * * * \$25 per day; when acting as governor because of a vacancy in the office of governor created by the happening of any contingency specified in section 17.03, he shall receive an annual salary of * * * \$12,500 together with all the other rights, privileges and emoluments of the office of governor. The annual salary of * * * \$12,500 paid in such instance shall be in lieu of all other compensation provided for the lieutenant governor. The governor shall be entitled to his expenses and any expenses in connection with any and all conferences of governors, as prescribed in section 14.24. Of this appropriation there is allotted for the following purposes:

	1949-1950	1950-1951
Personal services	\$60,996	\$60,996
Materials and expense.....	4,754	4,754
Capital outlay	150	150

SECTION 9. 20.03 (1) (a), as amended by chapter 405, Laws 1949, is repealed; and 20.03 (1) (introductory paragraph), as amended by chapter 360, Laws 1949, is amended to read:

20.03 (1) (introductory paragraph) On July 1, 1949, \$365,400 and annually, beginning July 1, 1950, \$378,100 for payment of the expenses of the Wisconsin national guard and the temporary military force known as the Wisconsin state guard and the performance of the several duties of the adjutant general. The annual salary of the adjutant general shall be * * * \$7,500. Of this appropriation there is allotted for the following purposes:

	1949-1950	1950-1951
Personal services	\$ 94,219	\$ 96,705
Materials and expense.....	266,631	276,845
Capital outlay	4,550	4,550

The following payments are herewith authorized from this appropriation:

SECTION 9g. 20.03 (1a) of the statutes, created by chapter 360, laws of 1949, section 8, is amended to read:

20.03 (1a) On July 1, 1949, \$25,000, and on July 1, 1950, \$39,000 for the rental *and equipment* of armories to house the 132nd Heavy Tank Battalion units and the 132nd

Antiaircraft Artillery Automatic Weapons Battalion (SP) units. *Of this appropriation there is allotted for the following purposes:*

	1949-1950	1950-1951
Materials and expense.....	\$15,400	\$35,700
Capital outlay	9,600	3,300

SECTION 9r. 20.036 (7) (e) of the statutes is amended to read:

20.036 (7) (e) On July 1, 1943, \$500,000 as a nonlapsible appropriation * * * to construct a new * * * heating plant and to purchase and install necessary auxiliary services including electrical system change-over. On the effective date of this amendment, (1949), the unincumbered balance in the allocation of July 1, 1943, for the first unit of a modern hospital, shall be transferred to and made a part of the unincumbered balance in the allocation of July 1, 1943, for a new boiler house.

SECTION 10. 20.05 (1), as amended by chapter 573, Laws 1949, is amended by substituting "\$7,500" for "\$6,500" and by substituting "\$5,000" for "\$4,000" in the second sentence.

SECTION 10a. 20.07 (1) (c), as created by chapter 627, Laws 1949, is amended to read:

20.07 (1) (c) All repayments of loans and payments of interest made on loans under sections 45.352 and 45.353 shall revert to the * * * post-war rehabilitation trust fund.

SECTION 10k. 20.056 (introductory paragraph) and (3) (as amended by Chapter 405, Laws of 1949) of the statutes are repealed.

SECTION 10l. 20.056 (2) of the statutes is renumbered to be 20.09 (11) and amended to read:

20.09 (11) PETROLEUM PRODUCTS DIVISION. Annually, * * * the fees received pursuant to section 168.12 for expenditures incurred in the administration of chapter 168; but any balance of this appropriation at the end of any fiscal year, after the payment of outstanding bills chargeable to such fiscal year, shall revert to the general fund.

SECTION 10m. 20.07 (8) (e) (as recreated by Chapter 602, Laws of 1949) of the statutes is amended to read:

20.07 (8) (e) In order to complete the building program provided for in chapter 602, laws of 1949 * * *, the governor is authorized to use all or any part of the appropriation made by section 20.07 (9) for such purposes, not exceeding \$1,800,000 per year and he shall direct the director of budget and accounts to transfer from the state building trust fund provided by section 13.351 (3) to the post-war construction and improvement fund provided by section 25.35 such amounts as are needed to complete the building program subject to the limitations contained in this subsection.

SECTION 10p. 20.12 (11) of the statutes is created to read:

20.12 (11) On July 1, 1949, \$4,200 as a nonlapsible appropriation for repair and improvement of the voting machine in the assembly chamber in the state capitol building, including necessary materials and services in connection therewith.

SECTION 11. 20.17 (2) (aa), as created by chapter 569, Laws 1949, is renumbered 20.17 (2a), and 20.17 (2) (ab), as created by chapter 637, Laws 1949, is renumbered 20.17 (2b); and the introductory clause of 20.17 (2a), as renumbered, is amended to read:

20.17 (2a) (introductory clause) On July 1, 1949, \$393,000, and annually beginning July 1, 1950, \$507,000 for "personal services" in addition to other appropriations, in order to implement the improvement of the care and treatment program in the several institutions and field services of the department. Upon presentation by the public welfare department of evidence that the additional personnel for care and treatment as provided in * * * this subsection has been employed, the emergency board shall, upon request of the department of public welfare, release and transfer from time to time from * * * the appropriation made by this subsection to the appropriation made by * * * subsection (2) the amounts necessary to employ and pay the salaries of the additional positions provided for in * * * this subsection and the upgrading of 2 ranges of attendants to psychiatric aids. Of this appropriation, there is allotted for the following purposes:

SECTION 11m. 20.18 (5) (as amended by Chapter 360, Laws of 1949) of the statutes is renumbered to be 20.18 (5) (a).

SECTION 11n. 20.18 (5) (b) of the statutes is created to read:

20.18 (5) (b) In addition to the appropriation granted for old-age assistance by paragraph (a), on July 1, 1949, \$500,000 and on July 1, 1950, \$600,000 to the emergency board, provided the board shall release said funds to the department of public welfare on demonstration of need; and provided further that the grants made in consequence of re-

removal of bars to eligibility by chapter 479, laws of 1949, shall in no case exceed the federal maximum as set forth in section 49.21 (1) and that the state's share shall not exceed 30 per cent of the amount paid, except as provided in section 49.40.

SECTION 11r. 20.225 (2) (as created by Chapter 602, Laws of 1949) of the statutes is amended to read:

20.225 (2) There is appropriated on July 1, 1949 from the post-war construction and improvement fund to the superintendent of public instruction \$547,000 for the construction, improvement and equipment of the heating * * * *plant and changes in the electrical systems* at the school for the visually handicapped and the school for the deaf and to construct a sewer interceptor at the school for the deaf and related sewer improvements.

SECTION 12. 20.43 (3), as amended by chapter 530, Laws 1949, is amended by striking out the reference to chapter "149."

SECTION 13. 20.445 (1), as created by chapter 402, Laws 1949, is amended by substituting "nurses" for "nursing" in the reference to the "department of nursing".

SECTION 13m. 20.505 (as recreated by Chapter 603, Laws of 1949) of the statutes is amended to read:

20.505 There is appropriated from the general fund * * * to the committee on water pollution * * *:

(1) On July 1, 1949, \$50,000, and annually beginning July 1, 1950, \$75,000 for the execution of its functions under sections 144.51 to 144.57. Of these appropriations there is allotted for the following purposes:

	1949-1950	1950-1951
Personal services	\$31,950	\$52,560
Materials and expense.....	15,520	19,440
Capital outlay	2,500	3,000

(2) As a revolving appropriation the unincumbered balance in the appropriation made by section 20.505 (2) of the statutes of 1947 and all moneys collected after August 6, 1949 by such committee under the provisions of section 114.53 (3) for the execution of its functions.

SECTION 14. 20.57 (1), as amended by chapter 568, Laws 1949, is amended by substituting "\$8,500" for "\$6,500" at the end of the second sentence.

SECTION 14a. 20.60 (2) of the statutes is amended to read:

20.60 (2) On July 1, 1949, * * * \$277,200, and annually, beginning July 1, 1950, \$214,656 for the purpose of administering the control and eradication of bovine tuberculosis, brucellosis and other animal diseases under the provisions of chapter 95. Of this appropriation there is allotted for the following purposes:

	1949-1950	1950-1951
Personal services	* * * \$212,650	\$148,856
Materials and expense.....	62,050	64,050
Capital outlay	2,500	1,750

SECTION 15. 20.746 (1), as amended by chapter 360, Laws 1949, is amended by striking out the reference to "20.27".

SECTION 16. 29.145 (1), as amended by chapter 624, Laws 1949, is amended to read:

29.145 (1) Any person under the age of 18 years or over the age of 65 years who has resided in this state for one year and any person who is totally blind may without license take, catch or kill fish subject to all other provisions of law; but no other person between the ages of 18 and 65 years who has resided in this state for a period of one year shall take, catch or kill fish, or fish for fish with hook and line or with rod and reel in any of the inland waters of this state unless a resident fishing license has been duly issued to him, subject to all other provisions of law, but no license shall be required of any person to set, place or use in any waters of this state any landing net, dip net, minnow seine or minnow dip net for fish other than game fish.

SECTION 16m. 29.174 (1) of the statutes is amended to read:

29.174 (1) There shall be established and maintained, as hereinafter provided, such open and close seasons for the several species of fish and game, and such bag limits, size limits, rest days and conditions governing the taking of fish and game as will conserve the fish and game supply and insure to the citizens of this state continued opportunities for good fishing, hunting and trapping, provided that all licensing depots for the sale of deer tags shall be closed as of the opening day of the regular deer season in each year and shall remain closed for the duration of the regular season and any ensuing special season which may be ordered by the commission.

SECTION 17. 32.07 (1) is amended to read:

32.07 (1) If the application be by a municipal corporation, the filing of the petition under section 32.04 shall be deemed the commencement of an action for the determination of the necessity of the taking. Within 20 days after the service of notice, as provided in section 32.05, any person owning or interested in any property proposed to be condemned, may serve and file an answer. After the expiration of the time for answering, the action may be brought on for hearing on a three days' notice to all parties who have answered and shall have precedence over all other matters not on trial. The court shall thereupon impanel a jury and the question of the necessity of the taking shall thereupon be tried as a question of fact. * * * Juries shall be *obtained* in the manner provided * * * *for circuit courts, except that in county courts having extra civil jurisdiction the method prescribed by the law creating the court shall be followed.* If no answer to the petition is interposed the trial by jury shall proceed ex parte. The costs in such proceedings shall be paid by the municipality. The court may, in its discretion, submit to a single jury the determination of such necessity as to one or more than one or all of the parcels of land sought to be taken for the same purpose, or for one or more streets or alleys. If the jury find that the taking of such lands is not necessary the owner thereof shall recover from the municipality his necessary disbursements and taxable costs not to exceed \$25.

SECTION 18. The last sentence of 36.215 (2) is amended to read:

36.215 (2) (last sentence) Payment for such animals shall be made out of the appropriation in section 20.41 * * * (3) (f).

SECTION 18m. 37.10 (1) of the statutes is amended to read:

37.10 (1) The board shall also establish a model school or schools for practice in connection with each state teachers college, and shall make all the regulations necessary to govern and support the same; and they may in their discretion admit pupils to such model schools free of charge of tuition. The board may enter into a contract with any school, for a period of not more than 5 years, whereby children selected from such district may be pupils in such model school or schools for the practical demonstration of methods of teaching and the instruction of the students enrolled in any state teachers college. The board may determine and agree upon the due proportion of the cost of instruction and maintenance that shall be borne by the district. Any contract or agreement jointly entered into between any state teachers college and any school district, and having for its purpose the education of the pupils of the district is hereby validated, and shall be continued in full force and effect for a period not exceeding 5 years from the original date of the contract. Districts which suspend their schools in whole or in part, on account of the contract authorized under the provisions of this subsection shall be eligible to receipt of aids in the same amounts that they would be eligible to receive if they had operated their schools without such contract and in addition the district shall receive aid on account of transportation * * * *at the rate of \$24 per school year per child transported to and from the state teachers college whose residence is more than 2 miles and not more than 5 miles from such college by the nearest traveled route and at the rate of \$36 per school year per pupil transported who resides more than 5 miles from such college by the nearest traveled route under the conditions provided in section 40.34. The governing body of any school district operating a high school or municipality in or near which there is a state-supported institution of higher learning which provides high school grades is authorized to provide or contract for the transportation of such pupils to such high school grades, and such district or municipality shall be entitled to transportation aids under the conditions provided in section 40.34 for all pupils so transported.*

SECTION 19. 40.07 (9) (b) (last sentence) is amended to read:

40.07 (9) (b) (last sentence) The board shall organize and elect officers as provided in subsection * * * (1d).

SECTION 20. 40.34 (2), as amended by chapter 573, Laws 1947, and as renumbered from 40.34 (1m) by chapter 500, Laws 1949, is reenacted. That was the intent of chapter 500, Laws 1949, in renumbering 40.34 (1m) to be 40.34 (2).

SECTION 20m. 40.34 (9), (10) and (11) (as created by Chapter 500, Laws of 1949) are amended to read:

40.34 (9) The location and extent of all school bus routes shall be determined by the school board of the district operating such routes, but no route shall be put into operation until a certificate of approval shall be obtained * * * *from both the county school committee and the state superintendent and no state aids shall be granted any district which operates routes not so approved. Routes shall be established in such manner that transportation will be provided all students residing 2 miles or more from the nearest public school they are eligible to attend in the case of students residing in the district and in the case of nonresident high school students living 2 miles or more from the school and in*

the area served by the approved bus route of that school, except for those students for whom board and lodging is provided.

(10) The cost of furnishing transportation to public school children as provided in this section, except in the case of nonresident high school * * * pupils, shall after July 1, 1949 be paid by the district in which they reside, and no part of such cost shall be charged to the children, their parents or guardians. The cost of transporting nonresident public high school * * * pupils, or the cost of board and lodging for such * * * pupils furnished in lieu of transportation, shall be borne by those municipalities, or portions thereof, within the county which lie outside of districts operating high schools. Claims for * * * transportation * * * provided nonresident public high school * * * pupils, or for * * * board and lodging provided in lieu of transportation, after July 1, 1949, shall be made to the county clerk and a tax levied for the payment of the same in the manner provided in section 40.47 (5) and (6) for the payment of nonresident high school tuition. Claims for the transportation * * * provided nonresident high school * * * pupils after July 1, 1949 shall not exceed \$26 per year per pupil except that a greater amount may be allowed when a certificate of approval of the same shall have been filed with the county clerk by the county school committee. The claim per pupil shall be reduced, pro rata, if such transportation is furnished for less than a full school year because of nonenrollment.

(11) School districts and municipalities which furnish transportation to and from a public school as provided in this section shall be entitled to receive state aid on account of such transportation at the rate of \$24 per school year per child transported to and from school whose residence is at least 2 miles and not more than 5 miles by the nearest traveled route from the public school attended and \$36 per school year per child transported to and from school whose residence is more than 5 miles by the nearest traveled route from the public school attended. Such aids shall be reduced, pro rata, in the case of children transported for less than a full school year because of nonenrollment. Transportation aid to any district or municipality shall not exceed the actual cost of transportation to the district or municipality. No state aid of any kind shall be provided to any district which after July 1, 1949 charges any part of the cost of the transportation furnished under the provisions of this section against the pupils transported, their parents or guardians, nor shall state aid of any kind be provided to any district which fails to transport all of the pupils attending the district's school and whose transportation is required under the provisions of this section.

SECTION 21. 40.374 (6) (b), as created by chapter 600, Laws 1949, is amended by striking out “, (h)” in the reference to “40.371 (1), (2) (d), (f), (g), (h) 2 and 3”.

SECTION 22. The second sentence of 40.47 (5) (a), as amended by chapter 525, Laws 1949, is amended to read:

40.47 (5) (a) (Second sentence) From this amount shall be subtracted the state aid * * * received per nonresident pupil in average daily attendance.

SECTION 23. 40.47 (5) (b), as amended by chapter 573, Laws 1947, and 40.47 (6) (a), as amended by chapters 573 and 614, Laws 1947, and as renumbered from 40.47 (6) by chapter 283, Laws 1949, are reenacted. That was the intent of chapter 525, Laws 1949, in reenacting 40.47 (5) (b) and (6).

SECTION 24. 40.73 (5) (a), as renumbered and amended by chapter 428, Laws 1949, is amended by substituting “(4)” for “(3m)” in the clause “such delinquent report made as required by subsection (3m)”.

SECTION 24k. 41.57 (5) of the statutes is created to read:

41.57 (5) The governing body of any school district operating high schools or the municipality providing high school transportation may provide or contract for transportation for nonresident full-time pupils attending schools of vocational and adult education who are required by section 40.70 (1) to attend school, and such district or municipality shall be eligible for transportation aids under the same conditions as a district or municipality transporting pupils to high schools. Claims for transportation of such nonresident pupils attending schools of vocational and adult education shall be submitted to the county clerk in the same manner as claims for transportation of nonresident high school pupils. This subsection shall not apply to cases where the distance a pupil is transported to and from school exceeds 30 miles.

SECTION 24l. 41.57 (4) (as created by Chapter 500, Laws of 1949) of the statutes is amended to read:

41.57 (4) Any county agricultural school board which may be authorized by the county board of supervisors to maintain and operate school busses for the transportation of any or all full-time students to and from such institutions or may be authorized to contract for

the transportation of any or all such students by any of the means provided in section 40.34 * * * shall be eligible to receive transportation aids provided in sections 20.25 (2) and 40.34 (11) * * * for all such full-time students transported to and from such school provided that the full cost of transportation is borne by the county and that no fares are collected from the students, their parents or guardians. *Provided, however, the amount of such cost of transportation paid by the county with respect to any such student, over and above the amount payable therefor as state aid, may be charged back by the county to the municipality wherein the student resides and such municipality shall be liable to the county therefor. If the county board does not provide such transportation, the municipality in which the agricultural school students reside may arrange for such transportation and shall be entitled to receive the transportation aids provided in sections 20.25 (2) and 40.34 (11).*

SECTION 24m. 43.015 of the statutes is amended to read:

43.015 The trustees of the state library may compromise the differences between the state and the publishers of the Wisconsin reports of the decisions of the supreme court as to the rights and duties of such publishers after the limitations for publishing such reports under their contracts have expired and may acquire for the state any stereotyped plates from which such reports are printed as they may deem advisable to acquire *and may authorize the disposition or sale of same.*

SECTION 25. 45.35 (12) (b) is amended by striking from the end of said paragraph the following: “[and those claims submitted by the veterans’ organizations] in section 20.15”.

SECTION 25b. The last sentence of 45.352 (2), as created by chapter 627, Laws 1949, is amended to read:

45.352 (2) (last sentence) All receipts of interest and principal on such loans, payments of losses by insurers, and any other collections shall be deposited in the * * * *post-war* rehabilitation trust fund.

SECTION 25c. 45.352 (8), as created by chapter 627, Laws 1949, is amended to read:

45.352 (8) The * * * *board* shall make such necessary rules and regulations, not inconsistent with law, for the effective and efficient administration of * * * *the department's* powers, duties and functions under this section.

SECTION 25g. 45.35 (14) (e) (as created by Chapter 627, Laws of 1949) of the statutes is amended to read:

45.35 (14) (e) To employ such assistants as it may deem necessary to carry out its functions under * * * *chapter 627, laws of 1949*, without regard to the provisions of chapter 16.

SECTION 26. 66.054 (19), as amended by chapter 636, Laws 1949, is amended by substituting “\$250” for “\$20” the first time the latter occurs.

SECTION 27. The amendment made to 66.39 (13) by chapter 592, Laws 1949, is not repealed by chapter 627, Laws 1949. Both amendments stand. The purpose of this enactment is to repel any implication that the later act repealed the earlier one.

SECTION 27d. 66.902 (4) of the statutes is amended to read:

66.902 (4) Each *member of the* conservation warden *pension fund* who becomes a participating employe under the Wisconsin retirement fund effective January 1, 1948 by election pursuant to section 66.901 (5) (c) * * * shall be given prior service credit for state service prior to such respective effective date at the rate of 2 times the municipality credit for current service for * * * *conservation* wardens as provided in section 66.903 (2) (a) 1, minus the sum of the additional contribution credited to such * * * *person* pursuant to section 23.15 (1).

SECTION 27e. 66.903 (1) (a) 3 of the statutes is repealed.

SECTION 27m. 67.04 (5) (p) of the statutes is amended to read:

67.04 (5) (p) *To pay any existing indebtedness, or to refund a prior indebtedness, including judgments, of any town, in any case, whether or not such indebtedness was created for a purpose for which general municipal bonds might have been issued in the original instance; provided, the time for payment shall not be extended beyond the period authorized in this chapter.*

SECTION 27r. 70.11 (4) of the statutes as revised by chapter 63, laws of 1949, is amended to read:

70.11 (4) Property owned and used exclusively by educational institutions offering regular courses 6 months in the year; or by churches or religious, educational or benevolent associations; *including parsonages, whether of local churches, or districts, and occupied by the pastor permanently;* or by women’s clubs, or by domestic, incorporated his-

torical societies; or by domestic, incorporated, free public library associations; or by fraternal societies operating under the lodge system (except university, college and high school fraternities and sororities), but not exceeding 10 acres of land necessary for location and convenience of buildings while such property is not used for profit. Leasing such property to similar organizations for educational or benevolent purposes, where all the income derived therefrom is used for maintenance, shall not render the property taxable. *This amendment (September 1949) shall apply retroactively to the current year's assessment.*

SECTION 28. 71.16 (7), as amended by chapter 484, Laws 1949, is amended by substituting "after" for "before" in the clause "dividends paid on or before July 1, 1949"; and 71.16 (9), as amended by said act, is amended by substituting "73.015" for "73.051".

SECTION 29. 72.80 (4), as renumbered by chapter 634, Laws 1949, from 72.75 (6) (d), and as amended by chapter 485, Laws 1949, is amended to read:

72.80 (4) In addition to the exemption provided by * * * *subsection (1)*, property of the clear value of \$2,000 transferred by the donor to a *lineal ancestor or lineal descendant*, but such additional exemption shall be allowed but once. The clear value of property transferred by a donor to a *lineal ancestor or lineal descendant* in excess of the \$1,000 exemption provided by * * * *subsection (1)*, shall be aggregated from year to year until such clear value equals such \$2,000 exemption. The term *lineal descendant* shall include such relationship established through legal adoption.

SECTION 30. 76.33, as recreated by chapter 436, Laws 1949, is amended by substituting "direct" for "district" in the clause "gross premiums received for district insurance" and by substituting "On" for "In" as the first word of the second sentence.

SECTION 31. 85.06 (20) and (21), as recreated by chapter 623, Laws 1949, is amended to read:

85.06 (20) No farm tractor, as defined in section 85.10, or self-propelled farm equipment shall be operated or parked upon a highway during hours of darkness unless such tractor or equipment carries the lighted lighting equipment required of motor vehicles under this section. *No such tractor or equipment when so operated or parked shall show any light to the rear other than red in color.*

(21) Motor-driven cycles, power-driven cycles and motor bicycles shall be equipped with an electric headlamp, red tail lamp and current source. Such headlamp shall display a white light of sufficient illuminating power to reveal any person, vehicle or substantial object at a distance of 100 feet ahead, and shall be so adjusted or operated that the glaring light rays therefrom are not directed into the eyes of the driver of any oncoming vehicle. *The tail light, when illuminated, must be visible on a dark clear night for a minimum of 500 feet from the rear.* The electric current source shall be derived from either a wet battery and electric generator; or from a generator connected to the motor direct or by gears, *friction wheel*, chain or belt; or by means of a current generating coil incorporated into the magneto.

SECTION 32. 85.07 (12) is amended by substituting "section 85.07" for "sections 85.06 or 85.07".

SECTION 33. 85.67 (6) is amended to read:

85.67 (6) Whenever a cabin trailer is used in connection with a motor vehicle upon the highway it shall be attached so as to follow in a direct line with the propelling vehicle, without sideswing or wobble. The hitch shall conform to the regulations of the motor vehicle department * * *.

SECTION 34. 85.91 (1), as amended by chapter 422, Laws 1949, is amended to read:

85.91 (1) Any person violating any provision of sections 85.11, 85.12 (2), (3), (4) and (6), 85.15 (4), 85.16 (1), (2) and (8), 85.17 (1), (2), (4) and (5), 85.175, 85.176, 85.177, 85.18 (1), (4) to (6) and (8) to (11), 85.19 (2), (3) and (4), 85.21 to 85.23, 85.25 to 85.28, 85.31, 85.33, 85.34 (1) * * *, (2) *and (4)*, 85.35, 85.39 (1) and (2), 85.44 (1) to (9), 85.50, 85.61, 85.63 to 85.66, 85.67 (2) to (6) and 85.69 shall be punished by a fine not to exceed \$10 for the first offense and for the second or each subsequent conviction within one year thereafter, by a fine not to exceed \$25.

SECTION 35. 85.91 (2), as amended by chapter 623, Laws 1949, is amended to read:

85.91 (2) Any person violating any of the provisions of sections 85.06, 85.14 (2), 85.15 (1), (2) and (3), 85.16 (3) to (7) and (9), (10), (11) and (12), 85.18 (7), 85.19 (1), (5) and (9), 85.20, 85.24, 85.29, 85.30, 85.32, 85.34 (3), 85.36 to 85.38, 85.39 (3), 85.40 (1) (a), * * * (b), (g) *and (h)* and (2) (c), 85.41 (2), * * * 85.51, * * * 85.55 to 85.60, 85.62, * * * 85.67 (1) *and 85.92 (1)* shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not to exceed \$25 for the first offense and for the second or each subsequent conviction within one year

thereafter, by a fine not to exceed \$100 or by imprisonment for not more than 30 days or both.

SECTION 36. 85.91 (3), as amended by chapter 165, Laws 1949, is amended to read:

85.91 (3) Any person violating any provision of sections 85.13, * * * 85.14 (1), 85.395, 85.40 (1) (c), (d), (e), (f) and (2) (a) and (b) and (3), 85.44 (10), 85.81 and 85.83 shall be punished, in addition to any other penalty provided by law, by a fine not to exceed \$100 or by imprisonment in the county or municipal jail for not more than 6 months, or by both such fine and imprisonment. For the second or each subsequent conviction within one year thereafter such person shall be punished by a fine not to exceed \$200 or by such imprisonment not to exceed one year, or by both such fine and imprisonment.

SECTION 37. As recreated by chapter 374, Laws 1949, 97.02 (10) (a) is amended by inserting "of" between "21 per cent" and "milk solids" in the clause "a total of 21 per cent milk solids"; 97.02 (10a) is amended by inserting "or" between "gelatin" and "gum" in the clause "or a mixture of said gelatin gum"; and 97.02 (10b) is amended by inserting "a" between "is" and "frozen" in the clause "Fruit ice or water ice is frozen product."

SECTION 38. 101.31 (10) (b), as renumbered and amended by chapter 510, Laws 1949, is amended to read:

101.31 (10) (b) Nothing contained in this section shall prevent persons, firms or corporations from making plans and specifications for or supervising the erection, enlargement or alteration of any new building containing less than 50,000 cubic feet total volume or addition to a building which by reason of such addition results in a building containing less than 50,000 cubic feet total volume *or structural alteration to a building containing less than 50,000 cubic feet total volume*. Nor shall anything contained in this section prevent persons, firms or corporations from making repairs or interior alterations to buildings which do not affect health or safety.

SECTION 38a. 133.06 (1) and (3) are amended to read:

133.06 (1) Whenever the attorney-general files with any circuit court commissioner a statement that he has reason to believe and does believe that a contract, agreement, combination, trust or conspiracy in restraint of trade as defined by section 133.01 or 133.21, exists or that a violation of either of said sections has occurred said commissioner shall issue his subpoena for the persons requested by the attorney-general. It shall not be necessary to pay mileage or witness fees in advance but claims for such mileage and fees duly verified and approved by the attorney-general shall be audited and paid out of the state treasury and charged to the appropriation provided by section 20.08 * * * (1a), and shall be at the same rates as witnesses in the circuit court.

(3) The commissioner shall be entitled to the usual fees for issuance of subpoenas and administering oaths, and \$10 per day for the time consumed in holding the inquiry. The reporter shall be entitled to 10 cents per folio for taking and transcribing the testimony. All such fees and all other costs and expenses incident to such inquiry shall be paid out of the appropriation provided by section 20.08 * * * (1a).

SECTION 39. 139.28 (2), as amended by chapter 626, Laws 1949, is amended to read:

139.28 (2) After an amount equal to the sum of the appropriation made by section 20.09 (10) * * * and appropriations supplementing section 20.09 (10), and the cost of alcohol studies conducted by the public welfare department under section 20.17 (1) (a) has been set aside, one-half of the balance of all revenues derived from the occupational tax on intoxicating liquors shall be * * * *transferred to the veterans' housing trust fund under section 20.07 (1)*, and the remaining half shall be distributed to the cities, towns and villages and shall be used by them to reduce the tax on general property. Such distribution to local units of government shall be made semiannually and all cities, towns and villages shall share therein in proportion to their population in the last federal census.

SECTION 40. 139.50 (2) (introductory paragraph), as amended by chapter 493, Laws 1949, is amended to read:

139.50 (2) (introductory paragraph) * * * To provide revenue for the rehabilitation of * * * veterans of World War II, construction and improvements at state welfare and educational institutions and for the repair, remodeling and fireproofing, and for new construction of buildings in the public welfare department, and other state property, post-war public works projects to relieve post-war unemployment, an occupational tax is assessed, imposed and levied upon the sale, exchange, offering or exposing for sale, having in possession with intent to sell, or removal for consumption or sale of tobacco products, or other disposition for any purpose whatsoever other than for

shipment in interstate or foreign commerce. Such tax is levied and shall be collected at the following rates:

SECTION 41. 139.51 (2), as amended by chapter 493, Laws 1949, is amended to read: 139.51 (2) * * * To provide revenue for the rehabilitation of * * * veterans of World War II, construction and improvements at state welfare and educational institutions and for the repair, remodeling and fireproofing, and for new construction of buildings in the public welfare department and other state property, and post-war public works projects to relieve post-war unemployment, a tax is assessed, imposed and levied upon the use in this state by any person, whether the owner or otherwise, of tobacco products for any purpose whatsoever. Such tax shall be imposed but once with respect to the same tobacco products whether the possession thereof continues with the person paying the tax or is transferred to another.

SECTION 42. 149.015, as created by chapter 402, Laws 1949, is amended by substituting "nurses" for "nursing" in the reference to "department of nursing" in the second sentence.

SECTION 42m. 195.28 (as amended by chapter 478, Laws of 1949) of the statutes is amended to read:

195.28 Upon petition of the city council, village board, member of town board, superintendent of highways or by 5 or more freeholders in any town, village or city, or of any railroad corporation to determine whether a public highway and railroad grade crossing is dangerous to human life, the commission shall proceed in the manner provided in section 196.26. Notice of hearing shall be served upon the highway commission, which shall be an interested party, and any recommendation it may file with the public service commission at or prior to the hearing regarding crossing protection or apportionment of the cost thereof shall be considered as evidence in the proceeding. The commission shall determine whether the existing warning devices at such crossing are adequate, and if the crossing complained of is dangerous to human life, the commission may order the railway company to keep a flagman there, or may order the installation of gates, electric signals or other suitable safety device at such crossing. The cost of such protection, *excluding the cost of maintenance or flagmen*, shall be apportioned between the railroad and the state on the basis of benefits received by the railroad and the public, respectively, the public's portion to be paid by the state from the appropriation provided for in section 20.49 (7b). In no case shall the state's share exceed 50 per cent of the cost.

SECTION 43. The amendments made to 201.22 by chapter 222, Laws 1949, are not repealed by chapter 586, Laws 1949. Both amendments stand. The purpose of this enactment is to repel any implication that the later act repealed the earlier one.

SECTION 44. 234.26 (3) (a) 1 and 3 and (3) (b), as repealed and recreated by chapter 598, Laws 1949, and 234.26 (5) (j), as repealed and recreated by chapter 597, Laws 1949, are amended to read:

234.26 (3) (a) 1. The maximum rent of a housing accommodation with respect to which a valid written lease was entered into in accordance with and as permitted by the provisions of the federal Housing and Rent Act of 1947, or the provisions of said act as amended by the federal Housing and Rent Act of 1948, at a rental not exceeding 15 per cent above the maximum rent otherwise chargeable, shall be the amount of the rental set forth in said lease or the * * * amount of *maximum* rent as fixed by the federal rent control authorities for such accommodation * * * in effect on * * * *August 4, 1949*, whichever amount is the higher, plus 15 per cent of the maximum amount of the rent *in effect* for such housing accommodation * * * *immediately before* such lease * * * *became effective*, which additional 15 per cent may be charged only (1) pursuant to a written lease covering the accommodation providing therefor, entered into *on or after* * * * *August 5, 1949* and expiring on or after December 31, 1950, or (2) after such a written lease has been duly tendered or offered by the owner to the tenant of such accommodation *on or after* * * * *August 5, 1949* and such tenant refuses or fails to enter into such lease within 10 days after the same is offered or tendered to him.

3. Such leases shall contain a provision for cancellation thereof by the tenant upon 30 days' written notice, but may not contain any provisions for cancellation by the lessor except for violation of the terms of the lease and also except in the event of a bona fide sale, not made to circumvent the tenancy, upon 60 days' written notice. *The terms and conditions of such leases shall not, except as to the amount of rent, be more onerous to the tenant than the rental arrangements legally applicable on August 4, 1949.*

(b) The maximum rent chargeable for a housing accommodation under this section shall not in any instance exceed * * * the maximum rent fixed by the federal rent control authorities for such accommodation in effect on March 30, 1949, *plus (1) 30 per cent thereof and (2) the amount of any increase or increases in rent authorized by the*

federal rent control authorities subsequent to March 30, 1949 based upon remodeling or increase in services, facilities, privileges, equipment, furniture or furnishings.

(5) (j) Fails or refuses to surrender possession for bona fide owner occupancy by the purchaser of the premises after 60 days' written notice by such purchaser to such tenant to surrender the premises given as provided in section 234.04. No such notice shall be valid unless *at the time of the giving of such notice* the person giving it (1) * * * has an enforceable contract to purchase the housing accommodation entered into not more than 90 days prior to the giving of such notice; * * * (2) *the terms of such contract provide for payment so as to qualify him as an owner under the provisions of paragraph (c) of subsection (2) prior to the date specified in such notice for surrender of possession;* (3) * * * is entitled to possession of the premises or will become entitled to possession of the premises prior to the * * * *date specified in the notice for surrender of possession;* and * * * (4) seeks in good faith to recover possession thereof for his own immediate and personal use and occupancy as housing accommodations or for the immediate and personal use and occupancy as housing accommodations by a member or members of his immediate family as defined in paragraph (d) of subsection (2) hereof; and * * * (5) such notice includes a sworn statement showing the foregoing and that said notice is not given to circumvent the existing tenancy. *No eviction shall be predicated upon a notice hereunder until the person giving such notice qualifies as an owner under the provisions of paragraph (c) of subsection (2). Nothing in this paragraph shall preclude any one from proceeding under paragraph (d) of this subsection where he qualifies thereunder.*

SECTION 45. 255.03 (3), as amended by chapter 498, Laws 1949, is repealed, and 255.03 (3), as recreated by Chapter 488, Laws 1949, is amended to read:

255.03 (3) *In all counties having a population not exceeding 100,000 the commissioners shall be paid * * * not less than \$4 nor more than \$8 for each day's service as fixed by the county board and 10 cents for each mile traveled in the discharge of their duties. In all counties having a population exceeding 100,000 the commissioners shall be paid such salary as fixed by the county board, and also \$1 for each meeting of the commission attended in any city or incorporated village in the county, other than the city in which the courthouse is located; provided, that the payments last mentioned shall not exceed \$2 per annum to each commissioner for attendance in any one city or village and shall be made only upon the presentation of an affidavit of the commissioner who is to receive such payment, in which there shall be stated the cities and villages in which he attended such meetings and the dates of such attendance. Such compensation and mileage shall be paid by the county treasurer upon the order of a circuit judge of the county. The commissioners shall be provided with such articles, books, postage, stationery, office space and assistants as shall be required by them to properly discharge their duties, upon the recommendation of the circuit judge, or circuit judges, of the several counties.*

SECTION 46. 340.70 (6), as amended by chapter 522, Laws 1949, is amended to read:

340.70 (6) Under no circumstances shall any person sell, keep for sale, manufacture or bring into this state for use therein any fire balloon, mortars * * * excepting mortars used for special display purposes or cannon, or any explosive cane, toy pistol, toy revolver or other contrivance using explosive caps or cartridges, any Chinese fire-crackers more than 2 inches in length or more than three-eighths inch in diameter, outside measurements of container, or any article containing a compound of mercury or yellow phosphorus.

SECTION 47. 348.28 (2), as amended by chapter 365, Laws 1949, is amended by striking out "nor 67.12 (12)," from the clause "pursuant to section 67.12, nor 67.12 (12),".

SECTION 47k. There is appropriated from the general fund, in addition to other appropriations made for the purpose, a sum sufficient to continue the employment of such legislative employes, including members of the staffs of the chief clerk and sergeant at arms of each house, as may be necessary to complete all legislative business after sine die adjournment of the 1949 regular session of the legislature, for not exceeding 30 days, at the compensation provided in section 20.01 of the statutes.

Approved October 6, 1949.