

No. 670, S.]

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CHAPTER 316

AN ACT to amend various provisions of the statutes for the purpose of correcting errors in references to departments and officers resulting from the creation of the Department of Administration in 1959 (Revisor's Correction Bill).

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

SECTION 1. 6.82 (4) of the statutes is amended by substituting "department of administration" for "director of purchases."

SECTION 2. 16.004 (6) of the statutes is amended to read:

16.004 (6) The commissioner and such assistants as shall be designated by him * * * *may* enter into any department, institution, board or commission and examine its books, accounts, rules and regulations and any other matter which in the * * * *commissioner's* judgment should be examined and may interrogate the department's employes publicly or privately relative thereto.

SECTION 3. 20.530 (13) of the statutes is amended to read:

20.530 (13) To the members of the legislature appointed pursuant to s. 13.055, their necessary and actual expenses, to be certified by them to the * * * *department of administration*.

SECTION 4. 20.907 of the statutes is amended to read:

20.907 Except where distribution to or exchange with specified persons, officers or agencies is provided by law, or where the state agency determines that distribution is to be free of charge, any state agency may make such charge for printed booklets and pamphlets prepared or compiled by it as shall be fixed by it, provided a written statement by the state agency to the * * * *department of administration* justifying the making and the amount of such charge has accompanied the printing requisition or is filed with said * * * *department* before any such charge is made. Such charge shall not exceed the cost of publication and handling, and shall be consistent with any sale price otherwise fixed or provided by law. If the agency so determines such booklets or pamphlets may be retained by or delivered to the * * * *department of administration* for sale and distribution.

SECTION 5. 21.615 (1) (a) of the statutes is amended by substituting "commissioner of administration" for "state engineer."

SECTION 6. 24.22 of the statutes is amended to read:

24.22 Whenever full payment of the principal due upon any certificate of sale by the state shall be made subsequent to the payment of the annual interest thereon, the excess of the interest so paid shall be refunded to the person entitled thereto from the proper fund, on the warrant of the * * * *department of administration*; and in case of the double or erroneous payment of interest, charges or taxes on any certificate of sale or loan by the state the amount so erroneously paid shall be in like manner refunded.

SECTION 7. 26.14 (4) of the statutes is amended by substituting "department of administration" for "director of budget and accounts."

SECTION 8. 26.30 (9) (b) 1. of the statutes is amended by substituting "department of administration" for "director of budget and accounts."

SECTION 9. 37.04 of the statutes is amended to read:

37.04 The * * * board shall be supplied by the * * * *department of administration* with necessary office * * * rooms in the capitol, and the * * * board shall hold an annual meeting at such office on the second Wednesday in July in each year or at such time as they * * * designate. Special meetings may be called by the governor or by the president of the board on a petition signed for that purpose by any 3 regents. A majority of the regents * * * *constitutes* a quorum for the transaction of business; but a less number may adjourn from time to time.

SECTION 10. 40.71 (9) of the statutes is amended to read:

40.71 (9) Any district or city or municipality of residence of children attending out-of-state schools as provided for by s. 40.91 (2), excluded from any state aid because of some mistake or omission by some officer may, at any time within 2 years after such state aid first becomes payable, furnish proof to the state superintendent of the facts of such mistake or omission and that the same has been corrected or remedied. If such proof is satisfactory to the state superintendent he shall certify such facts to the * * * *department of administration* with the amount due such district or city because of such mistake or omission and the * * * *department of administration* shall thereupon draw * * * a warrant for such amount in favor of such district or city.

SECTION 11. 41.21 (1) (b) (intro. par.) of the statutes is amended to read:

41.21 (1) (b) (intro. par.) If it appears from such report that such school has been maintained pursuant to law, in a manner satisfactory to the state board of vocational and adult education, the board shall certify to the * * * *department of administration*, in favor of the several local boards of vocational and adult education, the following amounts in state aids:

SECTION 12. 70.57 (1) of the statutes is amended by substituting "department of administration" for "director of budget and accounts."

SECTION 13. 186.29 (13) (c) of the statutes is amended to read:

186.29 (13) (c) After one year from the time of the order for final distribution, all unclaimed funds shall be turned over to the state treasury by said commissioner and shall be kept in a separate fund. All claims subsequently arising shall be presented to the commissioner. If the commissioner determines that any claim so presented is a proper claim against said fund he shall certify to the * * * *department of administration* the name and address of the person entitled to payment and the amount thereof and shall attach said claim to said certificate. The * * * *department*

of administration shall thereupon draw * * * a warrant on the state treasurer for payment of the amount stated in said certificate to the person named thereon.

SECTION 14. 194.37 (5) of the statutes is amended to read:

194.37 (5) At the beginning of each fiscal year the public service commission shall estimate the costs to be incurred from the appropriation made by s. 20.660 (1) to carry out its functions under ch. 194 and shall certify such cost estimates to the * * * *department of administration which shall forthwith draw * * * a warrant on the highway fund for such amount and deposit such proceeds in the general fund. The estimated cost of administering ch. 194 shall be adjusted to actual costs on the cash basis per the records of the department of * * * administration as of June 30 following, and such adjustment shall be reflected in the fund transfer covering cost estimates for the ensuing year pursuant to this subsection.*

SECTION 15. 200.05 of the statutes is amended to read:

200.05 The fees for stenographic services in investigations, examinations and hearings shall not exceed the sum provided for like services in the circuit court. The fees of officers, witnesses and stenographers on behalf of the commissioner or the state shall be paid by the state treasurer upon the warrant of the * * * *department of administration, authorized by the certificate of the commissioner of insurance and shall be charged to the appropriation for the commissioner.*

SECTION 16. 210.04 (5) of the statutes is amended to read:

210.04 (5) For carrying out the provisions of ss. 210.01 to 210.03, and this section, the commissioner, with the approval of the governor, may employ such assistants as necessary, and fix their compensation, which compensation, together with the expenses of such assistants and of the commissioner and his employes and the expenses of conducting the "state insurance fund," shall be paid out of the state insurance fund on the certificate of the commissioner, audited by the * * * *department of administration. The commissioner of insurance shall make such inspection and report upon all property insured as may be required, in addition to the report specified in s. 200.15.*

SECTION 17. 215.55 of the statutes is amended to read:

215.55 Whenever necessary to gain needed vault space the commissioner may turn over to the * * * *department of administration* for destruction obsolete records which have been in his possession for a period of 10 years or more.

SECTION 18. 220.08 (14) of the statutes is amended by substituting "department of administration" for "director of budget and accounts" wherever that term is used, and the revisor of statutes is directed to adjust the gender of relating pronouns.

SECTION 19. 251.20 of the statutes is amended to read:

251.20 The supreme court shall have a seal and may direct and from time to time alter the inscription and devices thereon; and the * * * *department of administration shall procure such seal as may be ordered. The seal of the court now in use shall be the seal thereof until another * * * is provided hereunder.*

SECTION 20. 256.28 (14) of the statutes is amended to read:

256.28 (14) The supreme court shall tax the costs including the witnesses', reporter's, clerk's, sheriff's, referee's and other officers' fees. The amounts so taxed and allowed shall be certified by the chief justice to the

* * * *department of administration, which shall thereupon draw * * * a* warrant on the state treasurer for the respective amounts allowed in favor of the parties named as entitled thereto. Such amounts shall be charged to the appropriation provided in s. 20.780 (1). If the judgment * * * *is* against the defendant, all or a part of the costs may, in the discretion of the court, be charged to him, in which case they shall, together with any fine so adjudged, be collected by the district attorney of the county where defendant resides, and by him paid into the state treasury.

SECTION 21. 267.22 (4) and (5) (a) of the statutes are amended to read:

267.22 (4) Within 20 days after such service upon him, the said * * * *department* or the secretary or clerk of the garnishee shall answer the complaint by delivering or mailing to the court his certificate of the amount owed by the garnishee to the judgment debtor for wages and salary at the time of such service; and his answer as to the amount owing shall be conclusive in the garnishment action.

(5) (a) The regular checks or vouchers for the salary or wages of the judgment debtor shall issue and continue to issue in due course as though no garnishment action were pending, but they shall be delivered to the court until the court notifies the said * * * *department* or the secretary or clerk of the garnishee that the garnishment action has been dismissed or the judgment therein satisfied.

SECTION 22. 286.43 of the statutes is amended to read:

286.43 The necessary costs and disbursements incurred in bringing and prosecuting such action by the attorney general, in the name of the state, shall, when certified to by him, be audited by the * * * *department of administration* and paid out of the state treasury. The receiver in any such action, or the attorney general in case such moneys * * * *are* delivered to him by such receiver, shall repay to the state treasurer any money advanced by the state on account of such costs and disbursements.

SECTION 23. 289.535 (2) of the statutes is amended by substituting "department of administration" for "director of budget and accounts."

SECTION 24. 345.08 of the statutes is amended to read:

345.08 No suit shall be maintained in any court to restrain or delay the collection or payment of the taxes levied or the fees imposed or enacted in chs. 341 to 349. The aggrieved taxpayer shall pay the tax or fee as and when due and, if paid under protest, may at any time within 90 days from the date of such payment sue the state in an action at law to recover the tax or fee so paid. If it is finally determined that such tax or fee or any part thereof was wrongfully collected for any reason, the * * * *department of administration* shall issue a warrant on the state treasurer for the amount of such tax or fee so adjudged to have been wrongfully collected and the state treasurer shall pay the same out of the highway fund. A separate suit need not be filed for each separate payment made by any taxpayer, but a recovery may be had in one suit for as many payments as were made within the 90-day period preceding the commencement of the action. Such suits shall be commenced as provided in s. 285.01.

Approved July 27, 1961.