

No. 22, S.]

[Published April 14, 1945.]

CHAPTER 32.

AN ACT to create 30.04 (8) of the statutes, relating to government dredging of inner harbor channels.

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

30.04 (8) of the statutes is created to read:

30.04 (8) GOVERNMENT DREDGING OF INNER HARBOR CHANNELS. Whenever the United States government indicates its intention to aid in the improvement of any inner harbor, by dredging of inner harbor channels at federal expense, subject to the proviso that the local interests save the federal government harmless from all liability and claims for damages resulting from such dredging, the common council of such municipality may, by resolution, assume liability for and on behalf of both public and private ownership adjacent to, within, under and over the channels involved in such federal project. Such municipality may provide adequate insurance coverage, indemnifying such municipality for all damage done by reason of such dredging.

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CHAPTER 33.

AN ACT to amend, renumber and repeal various provisions of the statutes, for the purpose of correcting errors, reconciling conflicts, repelling unintended repeals, clarifying language, renumbering for better location, eliminating duplications and obsolete provisions, correcting, clarifying and simplifying references, correcting names of institutions, commissions and officers and supplying omissions.

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

SECTION 1. The first sentence of 9.02 (2) is amended to read:
9.02 (2) (first sentence) The names of all persons nominated for the office of United States senator shall be printed on the

ballot provided in * * * section 6.23 (1) in substantially the manner and form indicated in the annexed form "A" provided in * * * section 6.23 (17) (a).

SECTION 2. 11.54 (2) is amended to read:

11.54 (2) Any application or affidavit or other act required under sections 11.54 to 11.68 of a qualified voter in the armed forces of the United States, including women's auxiliary organizations created by federal authority, may be made before, and subscribed or sworn to * * * before any duly commissioned officer of the military or naval service of the United States.

SECTION 3. The first sentence of 21.80 (3) is amended to read:

21.80 (3) (first sentence) Any person while in the military service of the United States or within 6 months after terminating * * * such service, or his agent or attorney during such period, may petition a court of record in any county in which he owns property for relief under this section.

SECTION 4. 30.085 (4) is amended by substituting "section" for "act" in the third line and 30.085 (11) is amended by substituting "section" for "act" in the first lines of paragraphs (a) and (b) and the last line of paragraph (d).

SECTION 5. 30.086 (1) is amended to read:

30.086 (1) The town board of any town situated on a navigable waterway within or bordering on this state is constituted as the "Dock and Harbor Board" of such town; and as such board shall have within and for such town all the rights, liabilities, authority, powers and privileges of dock and harbor boards of incorporated villages and cities; and, especially, shall have the power and duty for and in behalf of such town conferred and imposed upon dock and harbor boards by the provisions of subsections 1 to 9 * * * of section 959-78m of the statutes of 1913, created by chapter 762 of the laws of 1913.

SECTION 6. 35.04 (2) (b) is amended by substituting "teachers colleges" for "normal schools" and by substituting "geological and natural history survey" for "board of commissioners of the geological and natural history survey."

SECTION 7. The last sentence of 35.11 is amended to read:

35.11 (last sentence) * * * Three hundred and ninety-five further copies of each shall be printed from day to day and be preserved for binding in book form at the end of the session, using best quality S. and S. C. book paper, weighing 50 pounds

per. ream of sheets 25 inches by 38 inches; and 5 further copies of each shall be printed from day to day on bond paper, 4 of them for the use of the chief clerks and one for binding in the official journal of the houses.

SECTION 8. 35.27 is amended by striking from the table in said section the line which reads: "Of the director of purchases 1,000 24"; and by substituting in said table "state inspection bureau" for "state supervisor of inspectors of illuminating oils", "geological and natural history survey" for "board of commissioners of the geological and natural history survey", "banking commission" for "commissioner of banking", "commissioners on uniform state laws" for "commissioners for the promotion of uniformity of legislation in the United States", and "bureau of engineering" for "state department of engineering".

SECTION 9. 35.30 (1) is amended by substituting "dairy division" for "dairy and food division".

SECTION 10. 35.32 is amended by substituting "geological and natural history survey" for "board of commissioners of the geological and natural history survey."

SECTION 11. 35.35 (5) is amended by substituting "geological and natural history survey" for "board of commissioners of the geological and natural history survey" and by substituting "teachers colleges" for "normal schools."

SECTION 12. 35.37 (5) is amended by substituting "banking commission" for "commissioner of banking," wherever it occurs, and by substituting "commissioners on uniform state laws" for "commissioners for the promotion of uniformity in legislation in the United States"; 35.37 (6) is amended by substituting "geological and natural history survey" for "board of commissioners of the geological and natural history survey"; 35.37 (7) is amended by substituting "teachers colleges" for "normal schools"; and 35.37 (8) is amended by substituting "banking commission" for "commissioner of banking."

SECTION 13. 35.41 and 35.52 are amended by substituting "teachers colleges" for "normal schools" and by substituting "geological and natural history survey" for "board of commissioners of the geological and natural history survey."

SECTION 14. 35.86 is amended by substituting "banking commission" for "commissioner of banking" and by substituting

“commissioners on uniform state laws” for “commissioners for the promotion of uniformity of legislation in the United States.”

SECTION 15. 36.14 is amended by substituting “college of engineering” for “college of mechanics and engineering” in the second sentence.

SECTION 16. 36.27 is amended to read:

36.27 After material collected shall have served the purposes of the survey, it shall be distributed to the state university, the colleges of the state, the state * * * *teachers colleges* and the free high schools of the state, under the approval of the * * * *board of regents of the university*, in such a manner as to be of the greatest advantage to education in the state.

SECTION 17. 36.30 (2) and (5) are amended by substituting “section” for “act.”

SECTION 18. 38.11 (2) is amended by substituting “secretary-business manager” for “secretary-manager” in the third sentence.

SECTION 19. 40.37 (9) is amended by substituting “section” for “act.”

SECTION 20. 40.87 (6) is repealed.

SECTION 21. 43.50 (3) is amended by substituting “65.07” for “65.08.”

SECTION 22. 45.35 (9) is amended by substituting “post-war” for “veterans” in the phrase “of the veterans rehabilitation trust fund.”

SECTION 23. The first sentence of 51.08 (1) is amended by inserting the words “or in any senile ward” after the words “county hospital or asylum for the insane” in line 7.

SECTION 24. 54.01 (3) is amended to read:

54.01 (3) All process served within the precincts of the reformatory or industrial home, either upon those committed thereto, or upon officers or employees other than the superintendent, shall be served and returned by the superintendent; and all officers and employes of either institution shall be exempt from military duty *and from serving on juries in any court* * * *

SECTION 25. 59.87 (5) is repealed; 59.87 (9) is amended by striking from the first line thereof the words “From and after the annual meeting of the county boards in November, 1919;” and 59.87 (6) is amended to read:

59.87 (6) Immediately after the county board has voted to establish the position of county agricultural representative and has provided the necessary money for the share of the county therefor, the county clerk shall send the application of such county to the dean of the college of agriculture for the appointment and establishment of such county agricultural representative. All applications from the several counties shall be so made prior to December 10th of each year, or as soon thereafter as possible. * * * The board of regents shall select as soon as possible a properly qualified person to serve in each county in the capacity of county agricultural representative. * * *

SECTION 26. 59.96 (1) is amended by striking out the last sentence, and 59.96 (5) is amended by substituting "section" for "act."

SECTION 27. 60.303 (3) and 60.306 (3) are amended by substituting "sections 60.30 to 60.309" for "this act."

SECTION 28. 60.308 is amended to read:

60.308 VALIDATION OF TOWN SANITARY DISTRICTS. (1) Whenever any town board, by resolution entered upon its records, * * * created a district *before March 16, 1935* for the purpose of sanitary improvements and described the territory included therein, pursuant to a petition reciting that it is signed by 60 per cent of the persons owning real estate not used for agricultural purposes, and constituting 60 per cent of the land area within * * * *the* proposed district, * * * such district and the proceedings had in connection with the organization thereof are hereby legalized and validated, and it is expressly found and determined that * * * such district is for the promotion of the public health, comfort, convenience, necessity and public welfare, and that the property included therein is benefited by the formation thereof. From and after * * * *March 16, 1935*, such district shall be subject to and shall operate under * * * *sections 60.30 to 60.309*, and commissioners shall be appointed to carry out the provisions of * * * *said sections* in the manner hereinbefore provided.

(2) All election proceedings * * * *before said date* in * * * such district for the authorization and issuance of bonds for the purpose of constructing improvements of a sanitary nature, within * * * *the* district, such bonds being payable from ad valorem taxes levied on the taxable property

within * * * the district, are hereby legalized and validated, provided the same do not exceed any constitutional debt limitation, and the commission of such district * * * appointed and * * * acting, or to be appointed under * * * sections 60.30 to 60.309 shall, without further referendum, * * * complete the issuance and delivery of such bonds pursuant to the provisions of * * * sections 60.30 to 60.309, and such bonds, when delivered to the purchaser and paid for at a price of not less than par and accrued interest to date of delivery, shall constitute the legal and binding obligations of such town sanitary district, payable from ad valorem taxes against all of the taxable property in such district.

SECTION 29. The introductory paragraph of 62.135 is amended by substituting "60.18 (19)" for "62.18 (19)" therein.

SECTION 30. 62.16 (7) (a) is amended to read:

62.16 (7) (a) No lot or parcel of land in any city shall be exempted from the payment of its portion of any tax for the improvement of streets or the building or repairing of sidewalks upon which such lots or parcels of land may border, excepting only property belonging to the United States or this state
* * *

SECTION 31. 62.22 (6) is amended by striking out the reference therein to 61.36.

SECTION 32. 72.21 and 72.22 are amended by substituting "sections 72.01 to 72.24" for "this act."

SECTION 33. 72.50 is amended by substituting "72.24" for "72.26" in the reference to "sections 72.01 to 72.26."

SECTION 34. 74.28 is amended to read:

74.28 Each county treasurer shall pay to the several towns * * * cities or villages * * * on demand, all money collected or received by him and belonging to * * * them; but he may retain in the county treasury all amounts due from any town, city or village to the county * * *

SECTION 35. 75.17 is amended to read:

75.17 EXECUTION OF TAX DEEDS BY CITY. *After February 22, 1859*, in * * * every conveyance of land for non-payment of taxes due to any * * * city * * * under the * * * law authorizing * * * it to assess and collect taxes, the deed * * * shall conform as near as may

be to the * * * form *prescribed by section 75.16*; shall be executed in the name of the state of Wisconsin and in the * * * name of such city * * * as grantor, and shall be sealed with the corporate seal of * * * *the city* * * *.

SECTION 36. The last sentence of 80.27 is amended to read:

80.27 (last sentence) Any juror may be excused for good cause, and if any juror has been duly summoned and not so excused shall fail to serve he shall forfeit not to exceed \$10, and shall be liable to the party having the costs of the appeal to pay for additional costs made in * * * *consequence* of such failure.

SECTION 37. 85.91 is amended to read:

85.91 PENALTIES. (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), * * * 85.18 (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) and (2), 85.35, * * * 85.39 (1) and (2), * * * 85.44, 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.

(2) Any person violating any * * * provision * * * of * * * sections 85.14 (2), * * * 85.15 (1), (2) and (3), * * * 85.16 (3) to (7) and (9), (10) and (11), * * * 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 (6), (10), (11) and (12), * * * 85.41 (2), * * * 85.45, 85.47, 85.48, 85.49, 85.51, 85.52, 85.54 to 85.60, * * * 85.62 and * * * 85.67 (1), shall be * * * punished by a fine 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 in the county or municipal jail for not more than 30 days or by both such fine and imprisonment.

(3) Any person violating any * * * provision * * * of sections 85.13, 85.135, * * * 85.14 (1), * * * 85.40

(1) to (4), 85.81 and 85.83 shall be * * * punished, in addition to any other penalty provided by law, by 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.

(4) Any person violating any provision of section 85.06 (2) (j) or * * * 85.19 (10) shall be * * * punished by a fine of not less than \$1 and not more than \$5 or by imprisonment in the county jail not to exceed 5 days.

(5) Any person violating any provision of section 85.141 as to which no penalty is provided in *said* section * * * shall be * * * punished for the first offense by a fine of not less than \$5 nor more than \$10, and for the second or each subsequent offense within one year thereafter by a fine of not less than \$25 nor more than \$50.

SECTION 38. The last sentence of 97.02 (10) (e) is amended to read:

97.02 (10) (e) (last sentence) The volume of orange ice cream, lemon ice cream * * * or wintergreen ice cream after being melted shall be not less than one-half the volume of the orange ice cream, lemon ice cream * * * or wintergreen ice cream as manufactured and sold.

SECTION 39. 97.42 (7) and (9) (b) are amended by substituting "October" for "September."

SECTION 40. 101.31 (2) (a) is amended by striking out the third sentence; 101.31 (8) (c) and (d) are repealed; and 101.31 (9) (g) is amended by striking out the last sentence.

SECTION 41. 105.16 is amended by substituting "section" for "act."

SECTION 42. 116.55, 116.60 and 116.88 are amended by substituting "chapters 116 to 118" for "this act"; and 116.62 is amended by striking the words "of this act" from the phrase "the provision of section 116.60 of this act."

SECTION 43. 117.02 and 117.26 (3) are amended by substituting "chapters 116 to 118" for "this act."

SECTION 44. 118.24 (1) is amended by substituting "chapters 116 to 118" for "this act."

SECTION 45. 120.01, 120.05, 120.10, 120.43, 120.51, 120.52, 120.53 and 120.54 are amended by substituting "chapter" for "act"; and 120.55 is amended to read:

120.55 This * * * *chapter* may be cited as the Uniform Bills of Lading Act.

SECTION 46. The second sentence of 122.11 is amended to read:
122.11 (second sentence) The validity of the filing may in each case be extended for successive additional periods of one year from the date of renewal by filing with the register of deeds, within 30 days next preceding the expiration of each period,
* * * a statement signed by the seller, his agent or attorney, showing that the contract is in force and the amount remaining to be paid thereon.

SECTION 47. 133.01 (2) is amended by substituting "section" for "act" wherever the latter occurs therein.

SECTION 48. 167.07 (4) is amended by substituting "section" for "act."

SECTION 49. Section 176.30 (3) is amended by striking out the words "for insane" after the words "central state hospital."

SECTION 50. 182.25 is repealed.

SECTION 51. 194.14 is amended to read:

194.14 EXISTING LAW APPLICABLE TO PROCEDURE. In exercising the powers conferred by this chapter, the *public service commission and motor vehicle department* shall be guided as to the procedure by the provisions of chapters 195 and 196 in so far as the same are applicable and not inconsistent with the specific requirements of this chapter.

SECTION 52. 213.01 (1) is amended to read:

213.01 (1) The Wisconsin State Firemen's Association * * * organized under the laws of this state is hereby continued, with all * * * *of its* powers and privileges * * * ; and any person having served for the term of 7 years in any company belonging to said association shall forever thereafter be exempt * * * from jury duty and from military duty, except in case of insurrection or invasion.

SECTION 53. 252.21 is renumbered 256.46.

SECTION 54. 272.14 is amended to read:

272.14. After the expiration of one year from the death of a judgment debtor execution may be issued against any property upon which the judgment * * * was a lien at the time of the debtor's death and may be executed in the same manner and with the same effect as if he were still living; but no such execution shall issue except upon an order, made upon sufficient cause shown. If such judgment be against such deceased debtor and others jointly execution may issue against surviving judgment debtors without delay.

SECTION 55. 289.02 (3) is amended to read:

289.02 (3) EXEMPTION AS TO NOTICE. The * * * notice herein required to be given to the owner by subsection (1) need not be given by any laborer or mechanic employed by any contractor or subcontractor.

SECTION 56. 329.07 (3) is amended to read:

329.07 (3) By an attorney in fact:

State of

County of

On this ... day of, 19.., before me,, the undersigned officer, personally appeared, known to me (or satisfactorily proven) to be the person whose name is subscribed to the foregoing instrument as attorney in fact for and acknowledged that he executed the same as the act of his principal for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

.....
.....

Title of Officer.

SECTION 57. 329.09 (2) is amended to read:

329.09 (2) If the acknowledgment is taken * * * in any other state, * * * territory or district of the United States, * * * unless it is taken before a commissioner appointed by the governor of this state, a clerk of a court of record with its seal attached, or a notary public with his seal attached, the certificate of acknowledgment shall be authenticated by a certificate as to the official character of * * * the officer taking the acknowledgment, executed * * * by a clerk of a court of record of the county, parish or district in which the acknowledgment is taken.

Approved April 12, 1945.