

No. 511, S.]

[Published July 27, 1945.]

**CHAPTER 506.**

AN ACT to repel unintended repeals, reconcile conflicts, correct references, supply omissions and clarify language in or caused by acts of the 1945 session of the legislature.

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

SECTION 1. 5.13 (1), as amended by chapter 220, laws of 1945, is amended by substituting the word "bottom" for "top" in the first sentence.

SECTION 2. 16.276 (1) (introductory paragraph), as created by chapter 433 (379-S), laws of 1945, is amended to read:

16.276 (1) (introductory paragraph) Any classified employe of the state of Wisconsin who has enlisted or enlists or has been or is inducted or ordered into active service in the armed forces of the United States pursuant to the selective training and service act of 1940 or the national guard and reserve officers mobilization act of 1940 and any acts amendatory thereof or supplementary thereto, and any such employe whose services are specifically requested by the federal government for national defense work as a civilian during a period officially proclaimed to be a national emergency or a limited national emergency, who, in order to perform such training or service, has left or leaves a position, other than a temporary position, as a classified employe of the state of Wisconsin shall be restored to such a position or to a position of like seniority, status, pay, salary advancement and pension rights under sections 42.60 to 42.70 as though such services toward seniority, status, pay, salary advancement and pension rights under sections 42.60 to 42.70 had not been interrupted by such designated service, provided that (a) he presents to the employing agency a certificate or other evidence that he has satisfactorily completed his period of training or service, (b) he is still qualified to perform the duties of such position, (c) he makes application for reemployment within \* \* \* 90 days after he is released from such training or services, and (d) the circumstances of the employing agency have not changed as to make it impossible or unreasonable to so restore such employe \* \* \* and upon the employe's request made at any time before 6 months after he is relieved from such training or services, or absence during federal hospitalization because of injuries or

sickness resulting from such war or emergency service the employe, upon presentation of proof of discharge other than dishonorable or other than (a) by reason of the sentence of a general court martial, (b) on the ground that he was a conscientious objector who refused to perform military duty or refused to wear the uniform or otherwise to comply with lawful orders of competent military authorities, (c) as a deserter or (d) of an officer by the acceptance of his resignation for the good of the service, release from such active service or federal hospitalization shall be restored as hereinafter provided:

SECTION 3. 16.276 (4) is created to read:

16.276 (4) The restoration of classified employes of the state shall be governed by this section and by the rules of the bureau of personnel.

SECTION 4. 20.72 (1), as amended by chapter 293, laws of 1945, is repealed; and 20.72 (1), as amended by chapter 165, laws 1945, is reenacted.

SECTION 5. 21.70 (1), as amended by chapter 433 (379-S), laws of 1945, is repealed, and 21.70 (1), as amended by chapter 310 (200-S), laws of 1945, is reenacted.

SECTION 6. 21.70 (5), as created by chapter 433 (379-S), laws of 1945, is amended to read:

21.70 (5) The restoration of *classified* employes of the state shall be governed by the provisions of section 16.276. *The restoration of unclassified state employes shall be governed by section 21.70.*

SECTION 7. 25.09 (2) is amended by substituting "40.11 (9)" for "40.32" in the eighth line thereof.

SECTION 8. 49.08, as created by chapter . . . (268-S), laws of 1945, is amended to read:

49.08 RECOVERY FROM DEPENDENTS. If any person at the time of receiving relief under sections 49.01 to 49.17 or as an inmate of any county or municipal institution in which the state is not chargeable with all or a part of the inmate's maintenance or as a tuberculosis patient provided for in chapter 50 and section 58.06 (2), or at any time thereafter, is the owner of property, the authorities charged with the care of the dependent, or the board in charge of the institution, may sue for the value of the relief from such person or his estate. In such action the statutes of limitation shall not be pleaded in defense, except that

nothing herein shall eliminate the bar of section 313.08. The court may refuse to render judgment or allow the claim in any case where a parent, wife or child is dependent on such property for support, *provided that the court in rendering judgment shall take into account the current family budget requirement as fixed by the United States department of labor for such community or as fixed by the authorities of such community in charge of public assistance.* The records kept by the municipality or institution are prima facie evidence of the value of the relief furnished. *This section shall not apply to any person who shall receive care for pulmonary tuberculosis as provided in section 50.03 (2a) and section 50.07 (2a).*

SECTION 9. The first sentence of 50.03 (2a), as created by chapter 104, laws of 1945, is amended to read:

50.03 (2a) (first sentence) Any patient who has a legal settlement in this state or any patient who, or whose parent, if the patient is a minor, has resided in this state for 5 years or more in the aggregate prior to his application for admission shall be cared for at said institutions *or at the state tuberculosis camp* without charge to him, regardless of his ability to pay, and the cost of his care shall be charged against the state subject to a charge over against the county of his legal settlement as provided in subsection (3).

SECTION 10. The first sentence of 50.03 (2b), as created by chapter 104, laws of 1945, is amended to read:

50.03 (2b) (first sentence) Patients now in the institutions specified in sections 50.03, 50.04, 50.07 and 58.06 (2) shall be entitled to the benefits of subsection (2a) and section 50.07 (2a) for care received after \* \* \* *May 5, 1945.*

SECTION 10a. 54.02 (1), as amended by chapter 343 (299-S), laws of 1945, is amended by substituting "30" for "25" therein.

SECTION 11. 54.07 (1) and (2), as amended by chapter 343 (299-S), laws of 1945, are amended to read:

54.07 (1) With the approval of the governor any inmate of the reformatory, *whether committed or transferred to such institution*, whose continued presence there is considered detrimental to the other inmates may be transferred by the state department of public welfare to the state prison, and his original term of imprisonment shall be continued therein.

(2) Convicts in the state prison and in the Milwaukee county

house of correction, except those convicted of murder in the first or second degree, may with like executive approval be transferred from any of these institutions to the reformatory or to the home for women and may be returned to the institution from which they were respectively taken. *If any county maintaining a workhouse or house of correction discontinues the operation thereof, convicts in said institution, at the time of such discontinuance, may with like executive approval be transferred to the state prison or to the county jail of said county as the original term of commitment may indicate.*

SECTION 12. The last sentence of 66.60 (13) (c), as created by chapter 269, laws of 1945, is amended to read:

66.60 (13) (e) (last sentence) The \* \* \* limitation provided for in paragraph (a) shall not apply to appeals based upon fraud or upon latent defects in the construction of the improvement discovered after such \* \* \* period.

SECTION 13. 95.41 (3), as created by chapter 131, laws of 1945, is amended to read:

95.41 (3) The department shall furnish and distribute \* \* \* *Brucella* vaccine to approved veterinarians at cost. It shall require each veterinarian to report the identification of each animal treated with the product so furnished. It may refuse further distribution to any veterinarian who fails to so report or who has violated or failed to obey any law or regulation relating to disease control.

SECTION 14. The second sentence of 218.05 (4), as created by chapter 240, laws of 1945, is amended to read:

218.05 (4) (second sentence) If the commission shall not so find, it shall not issue such license and shall notify the applicant of such denial, retaining the \* \* \* investigation fee to cover the cost of investigating the applicant.

SECTION 15. The amendment made to 256.17 by chapter 190, laws of 1945, is not repealed by chapter 232, laws of 1945. Both amendments stand. The purpose of this enactment is to repeal any implication that the later act repealed the earlier one.

Approved July 25, 1945.