

No. 184, A.]

[Published April 22, 1945.]

**CHAPTER 63.**

AN ACT to repeal 202.05 and to create 201.09 of the statutes, relating to the requirement of a surety bond for the treasurer of insurance companies.

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

SECTION 1. 201.09 of the statutes is created to read:

201.09 *Treasurer: bond.* The treasurer of any insurance company, including mutual benefit societies, shall be required to furnish a fidelity bond in an amount not less than \$5,000 in a surety company duly licensed to do business in the state of Wisconsin.

SECTION 2. 202.05 of the statutes is repealed.

Approved April 19, 1945.

No. 3, S.]

[Published April 24, 1945.]

**CHAPTER 64.**

AN ACT to repeal and recreate 75.36 of the statutes, relating to tax deeds issued to counties.

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

75.36 of the statutes is repealed and recreated to read:

75.36 **TAX DEEDS TO COUNTY.** (1) **DEFINITIONS.** As used in this section, the following words or phrases shall have the meaning herein given.

(a) "Taken by tax deed" or "takes tax deed" shall be understood to include the taking of title by the county by a tax deed, or by means of quit-claim deeds from former owners obtained in the course of the county's effort to enforce the collection of delinquent taxes, or the lien of tax sale certificates outstanding against such lands, or by a combination of such methods.

(b) "Taxes" shall include general property taxes, metropolitan sewerage area or district taxes, special improvement assessments, and any other charge, any of which had resulted or may result in the issuance of a tax sale certificate, and shall also include any tax sale certificate issued on any of the foregoing.

(c) "Municipally owned" means the beneficial interest in a tax belonging to any municipal government, including town, city, village, metropolitan sewerage district or area, farm drainage, drainage district, or county, which has the power to levy or compel the levying of taxes, derived by returning taxes for credit following which such taxes have been charged back by the county to the taxing district; or where taxes are returned in trust by the taxing district to the county for collection in cases wherein the work of improvement was wholly or partly paid for by the municipality or performed by its own labor; or cases wherein the municipality has an excess delinquency credit in tax roll of the particular year; or where the municipality has an equity in the current tax roll; or where the taxes are owned by the county.

(d) "Adversely owned taxes" are nonoutlawed taxes not owned by the county.

(2) WHEN AND HOW TAX DEED GIVEN. When any lands upon which the county holds a tax certificate shall not be redeemed as provided by law, the county clerk shall execute to the county, in his name of office, a deed therefor, witnessed, sealed and acknowledged, and in like form as deeds to individuals; and such deeds shall have the same force and effect as deeds executed by such clerk to individuals for lands sold for the non-payment of taxes; but no such deed shall be issued until the county board shall, by resolution, order the same.

(3) COUNTY LIABILITY ON TAX DEED LANDS. Except as hereinafter provided in this section, the county taking such tax deeds shall not be required to pay any delinquent or outstanding taxes on such land, the redemption value of any municipally owned outstanding tax sale certificates, or interest or charges, until the land is sold by the county, or in the case of lands registered as forest crop lands, until the forest crop is taken off, and if the sum realized on the sale of such lands or from the severance of such forest crop is distributed between the county and the municipalities in accordance with this section there shall be no further liability upon the county.

(4) TREASURER'S STATEMENT. As of the date when the county takes a tax deed, the county treasurer shall prepare a statement for each parcel of land described in such tax deed, showing the redemption amount of the tax certificates or taxes which are a lien thereon and appear on his records:

(a) Of each prior-dated municipally owned tax sale certificate constituting a lien against such parcel of land not outlawed by sections 75.20 and 75.21 on the date of such tax deed;

(b) Of the tax sale certificate upon which the tax deed was taken;

(c) Of other tax sale certificates of equal and subsequent date and taxes constituting liens against said parcel on such tax deed date.

(5) LOCAL CLERK ENTITLED TO COPY. The county treasurer shall furnish a copy of such statement to the clerk of the municipality wherein such land is situated upon reasonable notice and demand therefor.

(6) REDEMPTION OF ADVERSE TAX LIENS. The county may, at its option, at any time prior to sale by it of land acquired by it by tax deed, pay or redeem in whole or in part any adversely owned taxes, the lien of which is dated the same or subsequent to the date of the tax certificate upon which the county's tax deed was taken. But the county shall redeem all such tax liens at the time such land is sold by it, unless such land is sold subject to outstanding taxes not cut off by the tax deed.

(7) DEDUCTIONS FROM SALE PRICE. When land acquired by the county by tax deed has been sold by the county, it may make the following deductions from the sale price in the order named:

(a) The county's actual expense for court actions, sheriff's fees, abstracts, publication fees, documentary revenue stamps and similar items required in securing merchantable title to lands taken by tax deed, provided that no charge shall be made for the time of any county officer or employe except as specified in this paragraph. The county board may determine a fair and reasonable average cost per real estate description of such items in which case such average cost shall be used in lieu of the exact amount of the foregoing items.

(b) All moneys paid in redemption of adversely owned taxes constituting liens against said land of date equal or subsequent to the date of tax sale certificate upon which the county tax deed was taken.

(c) The redemption value as of the date of the tax deed of all county owned taxes the lien of which is subsequent to the date of the tax deed.

(d) The amount of the sales commissions paid to licensed real estate brokers for the sale of the land.

(8) DISTRIBUTION OF NET PROCEEDS. The net proceeds of the gross sale price of the land, if any, remaining after the deductions outlined in paragraphs (a), (b), (c) and (d) have been taken, shall then be prorated between the remaining non-outlawed municipally owned tax certificates outstanding, and paid to the owners of such tax certificates. Such proration shall be in the ratio that the net balance of the proceeds of the sale, after making the deductions authorized in subsection (7), bears to the redemption value of such outstanding nonoutlawed municipally owned taxes on the date the tax deed was taken, provided that in no case shall the payment to the local municipality exceed such redemption value of its nonoutlawed outstanding taxes.

(9) MERGER; CANCELLATION; REINSTATEMENT. When the lands are taken by tax deed:

(a) All county owned taxes, the liens of which are subsequent to the date of the tax deed, shall merge in the county's title.

(b) The county treasurer shall cancel on his records all taxes not so owned and held as are prior in date to the date of the tax certificate upon which tax deed was taken.

(c) If the county's title to the lands taken by tax deed is adjudged to be void, the county treasurer shall reinstate such canceled taxes in full force and effect the same as though never canceled.

(10) ACTIONS TO BAR FORMER OWNER; PARTIES DEFENDANT. It shall not be necessary for any county which has acquired lands by tax deed to include any municipality which has an ownership interest in any taxes or tax sale certificates, as a party defendant in any action brought by such county to bar former owners, pursuant to sections 75.40 to 75.52, and no such municipality shall be entitled to be made a party defendant in such action.

SECTION 2. This act shall not impair any contract entered into between any county and any town, city, village, metropolitan sewerage commission, drainage district, or other taxing district, prior or subsequent to the effective date of this act (1945), pursuant to section 75.365, and shall apply to all settlements except as herein above provided in this section, made

between counties and local taxing districts subsequent to the effective date of this act.

Approved April 21, 1945.

No. 44, S.]

[Published April 24, 1945.

### CHAPTER 65.

AN ACT to repeal 220.08 (3m), 221.03 (7) (c), 221.29 (4) and 221.42; to renumber 224.06 (5) to be 224.06 (7); to amend 116.13 (3), 220.075 (1) and (2), 220.08 (3), and (7), 221.02, 221.03 (7) (d), 221.08 (7), and (9), 221.09 and 221.15 (1); to repeal and recreate 221.29 (2) and (5), 221.37, 221.38 and 224.06 (4), and to create 220.08 (2a), (9a), (19) (e) and (20a), 220.192, 220.194, 220.196, 221.01 (12m), 221.29 (1) (e), 221.29 (6) and (7), 224.06 (5) and (6) and 267.025 of the statutes, relating to the banking commission, banks and banking, liquidation of banks, garnishment in certain cases, negotiable instruments and providing a penalty.

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

SECTION 1. 116.13 (3) of the statutes is amended to read:

116.13 (3) When it is payable to the order of a fictitious or nonexisting or living person *not intended to have any interest in it*, and such fact was known to the person making it so payable, or known to his employe or other agent who supplies the name of such payee; or

SECTION 2. 220.075 (1) and (2) of the statutes are amended to read:

220.075 (1) Whenever the daily average of the aggregate deposits for a period of one year in any bank shall be in excess of an amount equal to 15 times the capital lawfully paid in and unimpaired plus \* \* \* 15 times the undistributed surplus, such surplus to be computed after eliminating all items classified by the banking commission as doubtful or loss, such bank shall within one year, after notice to this effect from the banking commission, increase its capital or surplus so that such daily average of its aggregate deposits will no longer exceed such amount; provided that no stock dividend shall be declared out