

No. 32, S.]

[Published April 14, 1945.]

CHAPTER 34.

AN ACT to repeal 16.06 (2), 17.16 (6), 133.06 (2) and 136.13 (2) of the statutes, and to amend 15.04 (10), 16.06 (1), 70.64 (9), 73.04 (3), 101.31 (3) (d), 133.03 (3), 133.06 (1), (3) and (4) and 325.01 (4) of the statutes, relating to subpoenas; all for the purpose of consolidating the statutes, removing duplications and preserving uniformity in practice.

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

SECTION 1. 15.04 (10) is amended to read:

15.04 (10) TAKE TESTIMONY. In the discharge of any duty imposed by law, to administer oaths * * * and take testimony and to cause the deposition of witnesses * * * to be taken in the manner prescribed * * * for taking depositions in civil actions in circuit court. * * *

SECTION 2. 16.06 (2) is repealed and 16.06 (1) is amended to read:

16.06 * * * Each * * * member * * * of the personnel board and the director of personnel may * * * administer oaths and take testimony. The board and the director may examine such public records as it requires in relation to any matter which they have authority to investigate. All officers and other persons in the civil service shall attend and testify when requested to do so by the board or the director.

SECTION 3. 17.16 (6) is repealed.

SECTION 4. 70.64 (9) is amended to read:

70.64 (9) SUBPOENAS; CONTEMPT; PERJURY. The department of taxation * * * may take testimony * * *. Witnesses summoned at the instance of said department shall be compensated at the rates provided by law for witnesses in courts of record, the same to be audited and paid the same as other claims against the state, upon the certificate of said department. * * * If any property owner or other person shall make any false statement to said department or to any person employed by it upon any matter under investigation he shall be subject to all the forfeitures and penalties imposed by law for false statements to assessors and boards of review.

SECTION 5. 73.04 (3) is amended to read:

73.04 (3) SPECIAL INVESTIGATIONS. The department of taxation may * * * appoint * * * any employe * * * to act for it to investigate and make report to the department * * * upon any matter upon which the department * * * is required to act, and such * * * employe shall have * * * authority to * * * hold hearings, administer oaths * * *, take testimony and perform all other duties necessary to bring such matter before the department * * * for final adjudication and determination.

SECTION 6. 101.31 (3) (d) is amended to read:

101.31 (3) (d) The board * * * *may* make all by-laws and rules, not inconsistent with the constitution and laws of this state, which may be reasonably necessary for the proper performance of its duties and the regulations of the proceedings before it. The board shall adopt * * * an official seal. In carrying into effect the provisions of this section, the board or its divisions may * * * *take testimony* in any case involving the revocation of registration or practicing or offering to practice without registration. Any member of the board may administer oaths * * * to witnesses * * *.

SECTION 7. 133.03 (3) is amended to read:

133.03 (3) The examination shall not be compelled in any other county * * * than that of the party's residence except in the county of Dane; provided, that whenever the defendant is a nonresident of the state his deposition may be taken as in other cases. * * *

SECTION 8. 133.06 (2) is repealed and 133.06 (1), (3) and (4) are amended to read:

133.06 INQUISITORIAL PROCEEDING. (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 (2), and shall be at the same rates as * * * witnesses * * * in the circuit court.

(2) * * * The testimony shall be taken by a stenographic reporter, transcribed * * *, read * * * to or by the * * * witness and (unless such signing be waived by the state) * * * signed by him before the * * * commissioner, and shall be kept * * * by the attorney-general as * * * records of his office.

(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 (2).

SECTION 9. 136.13 (2) is repealed.

SECTION 10. 325.01 (4) is amended to read:

325.01 (4) By any arbitrator, coroner, board, commission, commissioner, examiner, committee or other person authorized to take testimony, or by any member of a board, commission or committee which is authorized to take testimony, within their jurisdictions, to require the attendance of witnesses, and their production of documentary evidence before them, respectively, in any matter, proceeding or examination authorized by law; and likewise by * * * the * * * commissioner of taxation and the secretary of the state board of dental examiners and by any agent of the state department of agriculture.

Approved April 12, 1945.