

No. 543, S.]

[Published July 5, 1917.]

CHAPTER 562

AN ACT to create section 1410b—10 and subsection (4) of section 20.59 of the statutes, relating to licenses for persons, firms or corporations engaged in the business of manufacturing or bottling soda water beverages, providing a penalty and making an appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is added to the statutes and a new subsection is added to section 20.59 of the statutes to read: Section 1410b—10. 1. On and after January 1, 1918, no person, firm or corporation shall engage in the business of manufacturing or bottling any soda water beverage in this state without first obtaining a license therefor from the dairy and food commissioner as hereinafter provided. Such license shall be granted under such reasonable rules and regulations as the dairy and food commissioner may from time to time prescribe pertaining to the proper handling and storing of such beverages and the construction and sanitary condition of buildings and to the proper cleaning and sterilizing of all machinery, bottles or other containers used in and about the factory and all containers in which the product is sold and he may prescribe such standards of purity for all ingredients used in the manufacture of such beverages as will insure a pure and unadulterated product.

2. Each application for such license shall be made upon an application blank furnished by the dairy and food commissioner upon request and shall state the applicant's name and address and the exact location of the factory for which such license is requested and such other information as the dairy and food commissioner may reasonably require and the dairy and food commissioner shall furnish to the applicant the rules and regulations incident to securing a license.

3. Each application shall be accompanied by a fee of five dollars payable to the dairy and food commissioner, and no license shall be issued until such fee is so paid. In case license is refused, the fee accompanying the application shall be returned by the dairy and food commissioner to the applicant with notification of refusal.

4. Licenses to engage in the manufacture or bottling of any soda water beverage shall expire on the thirty-first day of

December next following the date of issue but may be renewed without inspection on or before the first of January of each year upon the application of the licensee and upon the payment of five dollars to the dairy and food commissioner. This act shall not apply to any person, firm or corporation, or to any manufacturing plant engaged wholly or partially in the manufacture of malt liquors or beverages.

5. Licenses to engage in the manufacture or bottling of any soda water beverage shall be deemed void and shall be surrendered to the dairy and food commissioner when the person, firm or corporation to whom it was granted discontinues to use the building, room or apartment wherein such beverage is manufactured or bottled, or when another person, firm or corporation becomes owner, manager or operator of such establishment.

6. The dairy and food commissioner is authorized, after reasonable notice, to revoke any license if the licensee fails to comply with any of the provisions of this section or with any rule or regulation promulgated and issued by the dairy and food commissioner relating to manufacture or bottling of such beverages, and he shall restore to full force and effect any license when the licensee fully complies with all of the provisions of this section and the said rules and regulations.

7. Any person, firm or corporation engaged in the manufacture or bottling of any soda water beverage, whose license has been refused or revoked, being dissatisfied with such order of the dairy and food commissioner, may commence an action in the circuit court for the county in which such license was in force against the dairy and food commissioner as defendant to restore to full force and effect such license on the ground that the refusal of the license by the dairy and food commissioner is unlawful or unreasonable, in which action the complaint shall be served with the summons. The answer of the commissioner to the complaint shall be served and filed within ten days after service of the complaint, whereupon said action shall be at issue and stand ready for trial upon ten days' notice to either party. All such actions shall have precedence over any civil cause of a different nature pending in such court, and the same shall be tried and determined as other civil actions. No injunction shall issue suspending or staying any order of the dairy and food commissioner, except upon application to the circuit court or the presiding judge thereof, notice to the dairy and food commissioner, and hearing.

8. The term "soda water beverage" as used in this section means and includes all such beverages commonly known as soft drinks, as soda water, carbonated or uncarbonated or sweetened and flavored, and mineral and spring waters, carbonated or uncarbonated; and shall not include strong, spirituous, vinous, malt, ardent or intoxicating liquors.

9. Any person violating any of the provisions of this section or any rule or regulation promulgated by the dairy and food commissioner under authority of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars or by imprisonment in the county jail not less than ten days nor more than thirty days, and the license issued to such person shall be revoked.

(20.59) (4) All license fees collected by the dairy and food commissioner under the provisions of section 1410b—10 of the statutes shall be paid within one week of receipt thereof into the general fund of the state treasury. All moneys so deposited are appropriated for the use of the dairy and food commissioner to carry into effect the provisions of section 1410b—10.

SECTION 2. This act shall take effect upon January 1, 1918.
Approved July 2, 1917.

No. 602, S.]

[Published July 5, 1917.

CHAPTER 563

AN ACT to repeal certain sections of the statutes referred to in the bill; and to create sections 490—1 to 490—33, inclusive, and to amend section 496c—2, subsections (1) and (2) and paragraph (b) of subsection (3) of section 20.27, relating to the establishment and maintenance of free high schools.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Sections 490, 490a, 490b, 490g, 491, 491c, 492, 492a, 493, 493a, 494, 495, 495a, 495—1 to 495—20, 496a, 496c—1, 496j, 496k, 496L, 496m, 496n, 496o, 496p, 496p—1, 496p—2 and 515m are repealed.

SECTION 2. Thirty-three new sections are added to the statutes to read: Section 490—1. (1) With the advice and consent of the state superintendent any city or school district or two or more school districts may establish one or more free high schools to be known as district free high schools in the manner and with the privileges herein provided.