

No. 48, S.]

[Published June 15, 1911.]

**CHAPTER 337.**

AN ACT to repeal subsections 16, 17, 18, and 19 of section 669; subsections 16 and 17 of section 776; section 1290g; sections 1304a, 1304b, 1304c; sections 1308 and 1309; sections 1311—1 to 1311—25, inclusive; the section designated in the laws of 1907 as section 1311m, being part of chapter 552, laws of 1907; sections 1311n to 1311s, inclusive; and section 1347t of the statutes; and to create sections 1317m—1 to 1317m—15, inclusive, of the statutes, providing for state aid and supervision for the improvement of public highways, and making appropriations therefor.

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

**SECTION 1.** There are added to the statutes fifteen new sections to read: Section 1317m—1. 1. There is created a state highway commission which shall consist of five members. Immediately after the passage of this act the governor shall, by and with the advice and consent of the senate, appoint three commissioners who shall be qualified to act until their appointment is acted upon by the senate. The terms of the three appointed commissioners shall end respectively on the first Monday in February in the years 1913, 1915, and 1917. In January, 1913, and biennially thereafter, there shall be appointed and confirmed, in the same manner, one commissioner for the term of six years from the first Monday in February of the same year. Each commissioner so appointed shall hold office until his successor is appointed and qualified. Any vacancy shall be filled by appointment by the governor for the unexpired term, subject to confirmation by the senate, but any such appointment shall be in full force until acted upon by the senate. The other two members of the commission shall be ex-officio the state geologist and the dean of the engineering college of the state university. The commissioners shall receive no compensation, but shall be reimbursed actual and necessary expenses incurred in connection with their official duties.

2. The commission shall maintain an office in the state capitol at Madison. The superintendent of public property shall provide suitable rooms for the use of the commission and such furnishings, instruments, postage, stationery, maps, books, periodicals, and office supplies as may be necessary to carry on the work of the commission, and all expenses therefor shall be audited and paid as other state expenses are audited and paid.

Section 1317m—2. 1. The commission shall have charge of all matters pertaining to the expenditure of the state highway fund in the improvement of public roads and bridges in the state, and shall do all things necessary and expedient in the exercise of such supervision.

2. The commission shall have authority to employ, remove, and fix the salaries of engineers, experts, clerks, stenographers, and temporary employes as may be necessary to carry on their work; and may assign such duties and delegate such authority to these employes as they deem advisable. Their chief engineer shall be known as the state highway engineer. The engineers, experts, and temporary employes of the commission shall be exempt from the operation of sections 990—1 to 990—32, inclusive, of the statutes. The employes of the commission shall receive from the state their actual and necessary expenses when traveling on business for the commission.

3. The commission shall, when requested, advise towns, villages, and counties with regard to the construction and maintenance of any road or bridge. The plans of all bridges hereafter to be constructed under section 1319 of the statutes must meet the approval of the commission.

4. The commission shall make suitable regulations for the adequate surveying, planning, constructing, maintaining, and inspecting of all roads and bridges constructed under this act. These regulations must be observed by the counties to make them eligible to receive benefit from the state highway fund.

(Am. 1911, c. 664, s. 49.)

5. The commission shall conduct such investigation and experiments, hold such public meetings, and attend or be represented at such meetings and conventions inside or outside of the state, as may in their judgment tend to the benefit of highway construction in the state. They may co-operate with the state or national organizations in experiments and work for the advancement of highway construction.

6. The commission is authorized to receive any gifts, appropriations, or bequests made to the state for road purposes, and as far as practicable, shall expend such gifts, appropriations, or bequests in accordance with the wishes of the donor. It shall have necessary authority to perform all other duties imposed by the legislature from time to time. Such expenditures shall be audited and paid as other expenditures of the commission are audited and paid.

7. The commission shall apportion the state highway fund among the counties according to this act.

(Am. 1911, c. 664, s. 49.)

8. The commission shall review the system of prospective state highways selected by the county boards and may alter them so as to make the system of adjoining counties connect into continuous and direct routes, providing this is not done by the county boards of the respective counties. They may refuse to allot state funds to aid in constructing any road or bridge whenever the work is not, in their judgment, sufficiently important to justify improvement with state aid.

9. The commission, on the request of the county board of any county, shall take direct charge of the construction and maintenance of state aided roads and bridges in that county. The actual cost of such supervision shall be paid by the county into the state treasury each year for the benefit of the state highway fund to cover the cost of this supervision. The commission shall draw upon the state highway fund to cover the cost of this supervision from month to month.

10. The commission shall, on request, furnish lists of competent road builders to any county desiring to elect a county highway commissioner, or shall, if requested, examine the candidates for the office of county highway commissioner to test their fitness for the position.

11. The commission and its employes shall be privileged to enter any private lands for making surveys or inspections.

12. The commission shall make a biennial report of their work to the governor for the use of the legislature and may issue such bulletins, pamphlets, and literature as they deem necessary.

Section 1317m—3. 1. The systems of prospective county highways which have been selected by the various county boards pursuant to section 1311--10 (chapter 487, laws of 1907) or section 1311p (chapter 552, laws of 1907) of the statutes shall be known as the county systems of prospective state highways. Each county board which has not already selected such a system shall make provision for a system of prospective state highways at their first regular meeting after the passage and publication of this act. The system shall at first include not to exceed fifteen per centum of the road mileage of the county, and shall begin at the corporate limits of the county seat and of the various market towns and railroad stations of the county and include the main traveled highways leading into each town in the county. Each county board, or its committee, shall by conference with the county boards of adjoining counties, or their committees, or otherwise, cause their respec-

tive systems to join so as to make continuous and direct lines of travel between the counties.

(Am. 1911, c. 664, s. 49.)

2. The county board shall cause the county clerk to file with the state highway commission, and with each town clerk, an accurate copy of the county road map showing the county systems of prospective state highways distinctly designated thereon. After such maps have been filed, the county board may alter or increase such system only with the consent of the state highway commission.

3. The county board may adopt any part of the prospective system together with all bridges and culverts thereon as a state highway; provided (1) that such part has heretofore been improved with stone or gravel, or in other manner approved by the state highway commission; (2) that it is in good repair; and (3) that all bridges and culverts on such part are well constructed and in good repair.

4. The county board at its first regular session after the passage and publication of this act and at any regular meeting thereafter shall determine what percentage of the cost of improving the system of prospective state highways shall be borne by the county and what percentage by the towns in the county. The towns and county together shall pay not less than sixty-six and two-thirds per centum ( $66\frac{2}{3}\%$ ) of the total cost of the improvement of roads and not less than eighty per centum (80%) of the total cost of the construction of bridges. The percentage of the total cost paid by the town shall in no case exceed that paid by the county.

Section 1317m—4. 1. The electors of any town at any regular meeting, or legally called special meeting, may vote a special tax of not less than two hundred and fifty dollars (\$250) for building bridges on a prospective state highway or a tax of not less than four hundred dollars (\$400) for improving a portion of the system of prospective state highways, by grading, draining, surfacing, or in other manner approved by the state highway commission. If there shall be in that county no system of prospective state highways selected under section 1317m—3 of this act, any town may vote a tax, and the town board shall select a portion to be improved therewith after the system is selected by the county board. The total amount of such tax or taxes voted for any or all of these purposes shall not exceed three mills on the dollar of the assessed valuation of said town unless the minimum tax above named shall require a rate greater than three mills on the dollar; provided

that by a three-fourths vote the limit may be raised to five mills. Said special tax or taxes shall be collected in money and paid into the county treasury after the petition of the town for the improvement of the road or bridge specified has been granted by the county board in accordance with subsections 2 or 3 of section 1317m—5 of this act.

(Am. 1911, c. 664, s. 49.)

2. Such special tax may be expended to pay the town's share of the cost of constructing bridges on a prospective state highway; in reducing the grades of hills; in clearing, grading, draining, protecting, or relocating a portion of the prospective state highway system; or in improving by grading, draining, and surfacing not less than 9 feet nor more than 18 feet wide with stone, gravel, or other material approved by the state highway commission, a portion of the prospective system of state highways. The plans and specifications for all work contemplated under this act must be prepared or approved by the state highway commission before construction is undertaken.

3. If any town shall fail to appropriate at its annual meeting a sum requiring a tax of three mills on the dollar of its assessed valuation for any of the purposes mentioned in subsection 2 of this section, any group of freeholders in the county desiring the improvement of a portion of the system of prospective state highways lying within that town may, at any time previous to the fifteenth day of August following such failure, present to the town board a petition stating that they desire the improvement of such a portion of the system as they designate in the petition, in one of the manners provided in subsection 2 of this section, also to be set forth in the petition. With such petition shall be filed a receipt from the town treasurer, showing that an amount not less than fifty per cent of the town's share of the estimated cost of the improvement petitioned for has been paid. The town board shall then levy a tax sufficient to cover the remainder of the cost to the town of the improvement. The total of such levy and all levies made under subsection 1 of this section shall in no case exceed 3 mills on the dollar of the assessed valuation of said town, except as provided in subsection 1 of this section.

4. Any sum of money bequeathed to a town, or collected and donated to a town, for the purpose of securing the improvement in any one of the manners specified in subsection 2 of this section, of any portion of the system of prospective state high-

ways lying in the town, may be accepted by the town board, and the subsequent procedure shall be the same as if a tax of like amount had been voted under the provisions of subsection 1 of this section.

5. Whenever it has been determined in accordance with subsections 1, 3, or 4 of this section that funds will be available, the town board shall, on or before the first day of the following September, through the county clerk, petition the county board to allot and appropriate the proper amount to cover the county's share of the improvement. Such petition shall state the location of the bridge or road to be improved, the character of the improvement desired, the subsections of this section under which the funds will be available, and the total sum which the town will have available for the work.

6. Any town which has, before this act takes effect, voted a tax for the permanent improvement during the year 1912 of any prospective county highways, according to chapters 487 and 552 of the laws of 1907, or either of said chapters, shall be entitled to secure state and county aid in the same manner as though that tax were voted under this act.

Section 1317m—5. 1. The county boards are given authority to construct or improve, or aid in constructing or improving, any road or bridge within the county. If any part of the prospective system of state highways is improved by the county alone by grading, draining, or surfacing with stone, gravel, or other material, as approved by the state highway commission, the county shall be entitled to the same amount of aid from the state as though the improvement had been petitioned for according to subsection 5 of section 1317m—4. The county shall be entitled to take its proper percentage of the cost of such work from the allotment to that county from the state highway fund, and may then apportion the remainder of the allotment as directed by subsections 2 and 3 of this section, for work petitioned for by the towns. Ten per cent of the allotment to the county from the state highway fund may be set aside by the county board for maintenance of the state highways in the county.

2. Upon receiving a petition in accordance with subsection 5 of section 1317m—4 of this act, the county board shall appropriate a sum to cover its share of the cost of constructing the improvements and cause such sum to be levied on all the taxable property in the county; provided that the amount allotted to the county from the state highway fund is sufficient to pay the state's share of the cost of all the improvements to be made

under subsection 1 of this section and those petitioned for by all the towns in the county.

(Am. 1911, c. 664, s. 49.)

3. If the amount allotted to the county from the state highway fund is not sufficient to pay the state's share of all the improvements contemplated under this act, the county board shall by resolution adopt one of the two following courses, subject to the provisions of subsection 1 of this section:

a. They may levy an amount equal to the county's share of the improvements and allot to each town petitioning for aid the proportionate share of the state highway fund allotted to the county in the same ratio that its petitioned amount bears to the total amount petitioned for by all the towns.

b. They may select and grant the petitions they consider most worthy of immediate action so far as the state's share of the cost of the improvements will be met by the county's allotment from the state highway fund, and levy a county tax sufficient to pay the county's share of the cost of the selected improvements. Petitions not granted in any one year shall be granted the following year before new petitions are considered, unless the state highway commission, on appeal from the county board, shall decide that such petitions are not as important as others received later.

4. The county clerk shall, on or before the first day of January of each year, file with the state highway commission a written statement setting forth the petitions granted by the county board, the location, character, and contemplated cost of each improvement, and the amount to be paid by the county, town, and state for making each of such improvements.

5. The county shall provide the necessary machinery for the construction and maintenance of state highways and the county board shall levy the necessary taxes for the purchase or rental of such machinery.

6. The county board shall each year levy a tax of not over three mills on the dollar on all taxable property in the county to maintain the county road and bridge fund. Such tax shall be in addition to all other highway taxes and shall be kept in a fund known as the county road and bridge fund, separate and distinct from the general funds of the county; and expenditures from it shall be made only for the purpose of constructing and maintaining highways and bridges in accordance with the provisions of this act and for the purpose of purchasing, operating or renting, and maintaining machinery, quar-

ries, and gravel pits used in such construction and maintenance.

7. The county boards are empowered to acquire, purchase, hold, sell, and convey for public use any property, real or personal, and to make any contract necessary to the discharge of their duties under this act. Whenever, for any reason, the county board cannot agree with the owner of such property upon the amount of compensation to be paid therefor, they may take such property by condemnation proceedings according to sections 694c, 694d, and 694e of the statutes.

(Am. 1911, c. 664, s. 49.)

Section 1317m—6. 1. The county board of each county shall elect a competent man as county highway commissioner. If any county board shall fail to elect, that county shall not participate in the benefits of the state highway fund; provided that the county shall participate if the county board, by resolution, request the state highway commission to take charge of the work and to make arrangements to insure the proper construction and maintenance of highways and bridges built with state aid in the county. On the first of November of each year the state highway commission shall render to the county board a statement of the actual cost of such supervisory work, and this cost shall be allowed and paid by the county to the state treasurer for the benefit of the state highway fund. The county highway commissioners elected under chapters 487 or 552 of the laws of 1907, or both, shall be highway commissioners under this law until their successors are elected or appointed. Any county highway commissioner may be removed by the state highway commission, for cause, upon due notice and hearing.

2. If a majority of the members of the county board so desire, the candidates for the office of county highway commissioner shall be examined by the state highway commission to determine their relative fitness for the position.

3. The county board shall fix the salary of the county highway commissioner at not less than six hundred dollars (\$600.00) per annum, fix his term of office at not less than three years, make arrangements as to his bond, and delegate such powers and authority to him as shall enable him to carry out the provisions of this act. The board shall provide him with a suitable office and such assistants as are necessary for the proper performance of his duties. The salary and the necessary traveling expenses of the county highway commis-



sioner and his assistants shall be paid out of the general fund of the county.

(Am. 1911, c. 664, s. 49.)

4. The county highway commissioner shall have charge, under the direction of the state highway commission, of the construction of all highways built with state or county aid, and of the maintenance of all state highways. He shall have power to make, in the name of the county, such contracts or other arrangements as may be necessary for the proper prosecution of such construction and maintenance as is provided for by the county board.

5. The county highway commissioner shall have charge of all county road machinery and shall be responsible to the county board for its proper maintenance, repair, and storage.

6. The county highway commissioner shall make an annual report to the state highway commission and to the county board at their November meeting, containing an itemized statement of all expenditures made from the county road and bridge fund for constructing or maintaining highways or bridges during the preceding year. He shall include in such report an itemized estimate of the amount needed to properly maintain the state highways and bridges in his county for the succeeding year and shall make such recommendations as he deems advisable. The county board, if it sees fit, may cause not more than 2,000 copies of such report to be printed and distributed, together with such cuts and maps as may be desirable.

7. Vacancies in the office of county highway commissioner shall be filled by the county board if in session, or by appointment by the chairman of the county board if the board is not in session. Vacancies shall be filled only for the remainder of the term.

Section 1317m—7. 1. The county board shall provide for proper surveys, plans, and specifications for all improvements on highways for which state aid is desired. The expense of such work and similar work by the state highway commission shall not be considered a part of the state's or county's share of the cost of construction. Such surveys, plans, and specifications must be made in accordance with the standard rules of the state highway commission, and shall be placed on file with said commission and be approved by them before the work is let by contract or any other arrangement made for its construction. Said commission shall refuse to approve if they do

not believe that the location, alignment, materials, grade, or specifications are the best practicable under the local conditions. On request of a county board or a county highway commissioner, the state highway commission, if its funds permit, may cause surveys, plans, and specifications to be made for any improvements to be constructed with state aid. All bridges constructed under this act shall be built according to the plans and specifications of the state highway commission,

(Am. 1911, c. 664, s. 40.)

2. Whenever it is necessary for the proper construction of any road or bridge to change or relocate a portion of the system of prospective state highways, the town in which such portion lies shall provide the right of way of such width as is approved by the state highway commission.

3. All highways and bridges for which state aid is granted shall be constructed and improved by contract unless the county highway commissioner and the state highway commission shall agree that some other method is more advisable. The manner of advertising for proposals, the forms of proposal, contract, and bond shall be uniform as fixed by the state highway commission. All contracts shall be between the county board and the contractor, and no contract shall be awarded without the written approval of the state highway commission.

4. If for any reason it is inadvisable to let a contract for the construction of any highway or bridge for which state aid is granted, the county highway commissioner or other person in charge may, with the approval of the state highway commission, construct the highway or bridge under his own supervision, and may use such methods of paying out the funds in the county treasury available for the work as may be authorized by the county board and approved by the state highway commission.

5. All work done during the construction or improving of any highway or bridge for which state aid is granted, shall be properly inspected to the satisfaction of the state highway commission. Such inspection may be made by the county highway commissioner or by an inspector employed by the state highway commission, as the said commission shall decide.

6. On the written statement of the state highway commission to the state treasurer that any improvement of a highway or bridge for which state aid has been granted has been started in a proper and energetic manner, and at least half completed,

the state treasurer shall pay over to the treasurer of the county in which the improvement is being made the proper sum to cover the state's share of the estimated cost of the improvement as stated to him by the state highway commission.

7. When construction or improvement of any highway or bridge for which state aid has been granted is begun under contract, the county treasurer shall make payments to the contractor in the manner provided in the contract and specifications approved by the state highway commission. If such highway or bridge is improved without letting a contract, the money shall be paid to the county highway commissioner or other person in charge in the manner provided in subsection 4 of this section.

8. Upon the completion of a highway or bridge for which state aid has been granted the same shall be inspected by an employe of the state highway commission. If the construction be completed as provided for in the plans and specifications, the state highway commission shall cause the town clerk and the county highway commissioner to be notified in writing, and the road or bridge shall be deemed to have been accepted and final payment may be made. If the road has been improved with a surface of stone, gravel, or other material approved by the state highway commission as giving a hard durable surface, upon its final acceptance, it shall become a state highway. The term state highway as used in this act shall be construed to mean only such permanently improved highways and the bridges and culverts thereon, and those adopted by the county board according to subsection 3 of section 1317m—3 of this act.

(Am. 1911, c. 664, s. 49.)

9. All state highways shall be maintained at the expense of the county in which they lie, and the county board shall make adequate provision therefor. Other roads constructed with the assistance of the state shall be maintained by the towns in which they are situated.

10. After final payment is made according to subsection 8 of this section, the county treasurer shall return to the state treasurer and to the town treasurer any sums remaining in his hands belonging to the state highway fund or to the town and not required to be spent for the payment of the state's and town's proper share of the cost of construction. Such amounts shall be accompanied by a full itemized statement of all sums expended in the construction of the road or bridge in question, signed by the county highway commissioner or other person in charge of such construction.

Section 1317m—8. 1. There is created a state highway fund which shall be composed of all state taxes levied for this fund, and all sums received from the counties under subsection 1 of section 1317m—6 and subsection 10 of section 1317m—7 of this act. All sums in the state highway fund shall be used to assist towns and counties in the construction of roads and bridges on the county systems of prospective state highways. The state shall pay not more than one-fifth (1-5) of the cost of bridges and not more than one-third (1-3) of the cost of road improvements under this act. If the state's share of the total cost of all the improvements in all the counties is not more than the amount estimated to be available from the state highway fund for the ensuing year, each county shall be entitled to receive from said fund the amount it petitions for upon complying with this act in a manner satisfactory to the state highway commission.

(Am. 1911, c. 664, s. 49.)

2. The county clerk of each county, on or before the first day of October of each year, shall notify the state highway commission of the amounts to be available for the ensuing year in the various towns in the county under subsections 1, 3, or 4 of section 1317m—4 of this act, and the amount needed from the state highway fund to pay the state's share of the cost of improvements contemplated.

(Am. 1911, c. 664, s. 49.)

3. If the state's share of the total cost of all contemplated improvements in all the counties shall be more than the amount estimated to be available from the state highway fund for the ensuing year, the amount each county shall be entitled to receive shall be determined as follows: the percentage of the total state tax that each county paid the preceding year shall be determined from the records of the state tax commission. The percentage which the amount requested by each county is of the total amount estimated to be available for distribution from the state highway fund shall then be determined. Those counties asking for a percentage of the state highway fund equal to or less than their percentage of the total state tax shall be credited with the total sum which they request. Those counties asking for a percentage greater than their percentage of the total state tax shall be credited with the same percentage of the state highway fund as their percentage of the total state tax. The remainder of the state highway fund shall be divided among those counties asking for a greater percentage of

the state highway fund than their percentage of the total state tax in the proportions which the unsatisfied request of each county bears to the total unsatisfied requests of all counties. The counties shall be entitled to receive the sums thus allotted upon complying with this act in a manner satisfactory to the state highway commission.

(Am. 1911, c. 664, s. 49.)

4. On or before the first day of November of each year, the state highway commission shall notify the county clerk of each county of the amount which it is estimated the county will be entitled to receive from the state highway fund for the ensuing year.

Section 1317m—9. 1. Whenever by reason of a flood or other accident any state highway shall be rendered dangerous for travel, the town chairman shall close the road and notify the county highway commissioner. If there is no county highway commissioner, the town chairman shall close the road and have such repairs made as may be needed, provided their total cost is not over twenty-five dollars (\$25.00), and the county shall repay the cost of such repairs to the town. If the cost of making the road safe for travel shall be over twenty-five dollars (\$25.00) and there shall not be sufficient funds available to make such repairs, the county highway commissioner, or other person in charge of maintaining state highways, with the consent of the chairman of the county board, or the county road and bridge committee, shall have such repairs made, and the cost shall be paid by the county as soon as funds can be made available.

2. If any town chairman shall fail to observe the provisions of subsection 1 of this section, he shall be liable to the county for any damages that the county may have to pay by reason of such lack of repairs.

3. If, in the judgment of the state highway commission, state highways in any county are not properly maintained, all further allotments to that county from the state highway fund shall cease until such time as said highways shall be put in a state of repair acceptable to the state highway commission.

4. The town shall provide for the proper removal of snow from state highways and shall pay the cost of such removal. If any town shall fail to perform such duty, the county highway commissioner, or other person in charge of the maintenance of said highways, shall provide for the removal of the snow, and the expense of such removal shall be repaid to the county by the town.

5. Claims for damages which may be due to the insufficiency or lack of repairs of a state highway shall be against the county and sections 1339, 1340, and 1340a of the statutes shall apply to such claims.

6. Whenever any group of freeholders who have lawfully petitioned a town board, according to section 1265 of the statutes, for the laying out, widening, altering, or discontinuing of any highway shall consider themselves aggrieved by the action of such town board, they may, within thirty days, appeal from such action to the county highway commissioner. After a careful investigation of the facts the county highway commissioner shall decide upon the manner in which the public good will be best promoted, and his decision shall be final and binding upon the petitioners and the town board unless the petitioners or the town board shall, within thirty days, appeal therefrom to the state highway commission. If an appeal is taken to the state highway commission, they shall cause the facts to be carefully investigated and shall decide upon the matter in such manner as they believe will best promote the public good. The decision of the state highway commission shall be final and binding on all parties concerned.

Section 1317m—10. For the benefit of the state highway fund there is annually appropriated the sum of \$350,000 to be levied and collected as provided by law, and no part of said annual levy shall be remitted under section 1069a of the statutes.

Section 1317m—11. For the purpose of carrying on the duties assigned by this act to the state highway commission, there is annually appropriated from any funds in the state treasury not otherwise appropriated, the sum of forty thousand dollars or so much thereof as may be necessary.

(Am. 1911, c. 664, s. 49.)

Section 1317m—12. Any county, if its board shall so determine, may raise money for original improvement of any portions of the system of prospective state highways by issuing non-taxable four per cent semi-annual interest payment coupon bonds, running not more than ten years, and not exceeding with all other county indebtedness, the constitutional limit, the money to be expended in the respective towns in proportions determined by the county board according to section 1317m—5; such bonds to be in such form as the state highway commission shall approve, and not to be sold at less than par nor to non-residents of the county till residents shall have had reasonable opportunity, in the judgment of the county board, to purchase the same.

Section 1317m—13. Any town, if the electors thereof shall so determine by a majority vote of the electors at a regular town meeting, or a special meeting duly called therefor, may raise money for original improvement of any portions of the system of prospective state highways, by issuing town non-taxable four per cent semi-annual interest payment coupon bonds, running not more than ten years and not exceeding with all other town indebtedness the constitutional limit; such bonds to be in such form as the state highway commission shall approve, and not to be sold at less than par nor to non-residents of the town till residents shall have had reasonable opportunity, in the judgment of the town board, to purchase the same. Provided that the money obtained shall be promptly deposited with the county treasurer for use only with county money according to the design in issuing said bonds.

Section 1317m—14. Owners of lands abutting on any prospective state highway or section thereof of one mile or more in length subject to be improved under this act, and reaching back on either side one-quarter of a mile or less, who shall desire to have it improved under this act, may, as an inducement, provide for payment in part of the town's portion of the expense by submitting to have such lands specially served, taxed for not exceeding five years at the rate of not exceeding ten dollars for each eighty rods of their respective frontages by filing consent thereto with the town clerk. In case of its being determined to make such improvement, the supervisors of the town, in such form as the state highway commission shall approve and regulate, may issue town special four per cent semi-annual interest payment non-taxable coupon bonds, payable in equal portions each year, for the period mentioned in the consent, and thereby raise the special fund, provided that said bonds shall not be sold for less than par and not to non-residents till residents shall first have reasonable opportunity, in the judgment of the supervisors of the town, to purchase the same. The proceeds of such bonds shall be deposited in the county treasury to the credit of the town for use solely in the improvement of the particular highway.

(Am. 1911, c. 664, s. 49.)

Section 1317m—15. Such special bonds shall constitute tax liens upon the particular lands mentioned in the consent, and be paid as they fall due as town indebtedness, chargeable only to the particular lands, and in order that they may be, principal and interest, promptly paid according to their terms, the town clerk, each year, shall extend upon the tax roll against the several tracts of the land the amount of principal and interest to be collected

on account thereof respectively for said year, and the same shall be collected as other town taxes, but be devoted to the special purposes of the levy, provided that no such special bonds shall be issued unless owners of two-thirds of the tracts of lands abutting on each side of the highway proposed to be improved, in writing consent thereto.

SECTION 2. Subsection 16, 17, 18, and 19 of section 669; subsections 16 and 17 of section 776; section 1299g; section 1304a, 1304b, and 1304c; sections 1308 and 1309; sections 1311—1 to 1311—25, inclusive; the section designated in the laws of 1907 as section 1311m, being part of chapter 552, laws of 1907; sections 1311n to 1311s, inclusive; and section 1347t of the statutes are repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication, but authority is given to towns and counties to carry out construction contemplated for the year 1911 under chapters 487 and 552 of the laws of 1907 exactly as if those laws were in effect.

Approved June 14, 1911.

No. 507, S.]

[Published June 15, 1911.

## CHAPTER 338.

AN ACT to create subsection 2a of section 94m of the statutes, relating to special elections.

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

SECTION 1. There is added to section 94m of the statutes a new subsection to read: (Section 94m.) 2a. When there shall have been neglect or failure to choose at a judicial election a superintendent of schools in any district in the state of Wisconsin, who by law should be chosen at such election, or when the right of office of a person elected to said office shall cease before the commencement of the term of office for which he shall have been elected; but no such special election shall be held after the next ensuing first Monday of July.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 14, 1911.