

certified copy of the contract constituting the agreement, containing a complete description of the fire fighting equipment purchased by the municipality receiving protection, and a description of the territory protected by township or section lines, shall be filed with the commissioner, together with a certificate of the industrial commission that such equipment meets the requirements of subsection (3). Two or more municipalities which together have purchased not less than the minimum fire fighting equipment as provided in this paragraph may enter into a fire protection agreement in the herein prescribed manner and shall under such conditions be jointly entitled to the dues as required by this subsection, provided such municipalities obtaining protection under the contract shall jointly and severally assume the responsibility for the repair, maintenance and replacement of the fire fighting equipment required. Such 2 per cent as required by this subsection shall be used for the operation, maintenance, repair or replacement of such equipment as described in subsection (3).

Approved June 26, 1945.

No. 483, S.]

[Published June 30, 1945.

CHAPTER 391.

AN ACT to repeal 20.49 (1m) (as amended by chapter (Bill No. 1, A)), (laws of 1945), (3), (7a) (7b) (7m) (a), (10) and (13), 20.491 (5) and (6), and 84.14 (2) of the statutes and section 6 of chapter (Bill 158, A.), laws of 1945; to renumber 20.49 (4) (a) and (b) to be 20.49 (3) and (4), and 20.49 (7m) (b) to be 20.49 (7m); to amend 20.052 (1), 20.091 (1) and (2), 20.49 (Introductory paragraph) (1) (Introductory paragraph), (1n), (3) (as renumbered), (4) (as renumbered), (5), (5a), (6), (6a), (7), (7m) (as renumbered), and (9) (a), 20.491 (Introductory paragraph) and (1), 20.511 (1), 20.615 (as amended by chapter (Bill No. 1, A), laws of 1945), 83.10 (1), 84.01 (7), 84.03 (3) (a) and (9a) and 84.10 of the statutes and section 7 of chapter (Bill 158, A.), laws of 1945; and to create 20.49 (6b) and (10), 20.491 (5), 20.492, 84.01 (23), 84.07 (1a) and 86.25 (3) of the statutes, reverting highway balances to the general fund, making certain changes in

the procedures and financing of highway operations, and making an appropriation.

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

SECTION 1. The sections of the statutes referred to in this act are, where applicable and unless otherwise stated, those sections as recreated, amended or created by chapter (Bill 158, A.), laws of 1945. This act is conditioned upon the enactment of bill 158, A. If said bill is not enacted this act shall not be effective.

SECTION 2. 20.052 (1) of the statutes is amended to read:

20.052 (1) *On July 1, 1945, \$911,450, and annually, beginning July 1, * * * 1946, * * * \$786,300 for the execution of its functions under chapters 85, 110 and 194.*

SECTION 3. 20.091 (1) and (2) of the statutes are amended to read:

20.091 (1) *Annually, beginning July 1, 1945, * * * \$93,000 to pay the expense of administering the tax on motor vehicle fuels imposed by chapter 78.*

(2) *On July 1, 1945, \$10,000 and annually, beginning July 1, * * * 1946, * * * \$12,500 for payment of premiums on bonds furnished under section 78.03 (6) and (7).*

SECTION 4. 20.49 (1m) (as amended by chapter (Bill No. 1, A.)), laws of 1945, (3), (7a), (7b), (7m) (a), (10) and (13) of the statutes are repealed.

SECTION 4a. 20.49 (Introductory paragraph) of the statutes is amended to read:

20.49 (Introductory paragraph) *There is appropriated to the state highway commission as received in the state highway fund the surplus of the motor vehicle registration fees, operator's license fees, motor vehicle fuel taxes, and motor carrier fees and taxes, after deducting the actual costs of administration paid from the appropriations made by sections 20.052, 20.091, and 20.511, and less any amounts withheld pursuant to section 20.491 (5). The amount thereof collected in each fiscal year and appropriated by this section shall be apportioned and allotted by the commission in the amounts and on the dates hereinafter provided; and if no date is specified, then at such time or times during such fiscal year as the commission may determine.*

SECTION 5. 20.49 (1) (Introductory paragraph) and (1n) of the statutes are amended to read:

20.49 (1) (Introductory paragraph) ADMINISTRATION AND SUPERVISION EXPENSE. *Not to exceed * * * \$750,000 for * * * its costs of administration, supervision and overhead. Of this there is allotted:*

(1n) *Not to exceed. \$15,000 for the preparation of a topographical map of the state of Wisconsin; * * * provided that such allotment shall not exceed the amount * * * made available by the federal government for expenditure in this state for such purpose.*

SECTION 6. 20.49 (4) (a) and (b) of the statutes are re-numbered 20.49 (3) and (4) respectively and amended to read:

20.49 (3) COUNTY TRUNKS. *On June 30, the sum required to meet the provisions of section 83.10 * * *.*

(4) STATE TRUNKS; BONDS. *The sum required to meet the provisions of section 84.03 (3) * * *.*

SECTION 7. 20.49 (5), (5a), (6), (6a) and (7) of the statutes are amended to read:

20.49 (5) *Not to exceed * * * \$200,000 to pay the state's portion of the cost of bridges under sections 84.11 and 84.12 not on the state trunk highway system or a connecting street.*

(5a) * * * INSTITUTION ROADS. *Not to exceed \$25,000 for improving highways forming the most convenient connection between the university, state teachers' colleges, state charitable or penal institutions, and the state trunk highway system, or to construct roadways under or over state trunk highways that pass through the grounds of the university, the state teachers' colleges, or any state charitable or penal institution, or to construct and maintain all drives and roadways on the grounds of the university, state teachers' colleges, or any state charitable or penal institution. * * * Within the limitations and for the purposes of this subsection, funds may be allotted by and work performed by or under the supervision or authority of the state highway commission, upon the request for such work filed by the board of regents of the university, the board of normal school regents, * * * or the state boards, commissions, departments, or officers, respectively, as to such work in connection with the institution controlled by them.*

* * *

(6) *Not to exceed \$200,000 for the construction and maintenance of roads, including fire roads, in the state parks and state forests and other public lands as defined in chapter 24, and for highways or fire roads leading from the most convenient state trunk highways to such lands. * * * Within the limitations and for the purposes of this subsection, funds may be allotted by and work performed by or under the supervision or authority or with the approval of the state highway commission, upon the request for such work filed by the state conservation commission as to state park or forest lands, or the land commission as to other classes of public lands.* Outside the limits of the said park, state forest and public land areas, not more than 2 direct connections to the most convenient state trunk highway may be built or maintained under the provisions of this subsection. The expenditure of funds under this subsection shall not affect the eligibility of any highway for aids or the expenditure of other funds thereon.

(6a) *Not to exceed \$20,000 to be expended by the highway commission for landscaping right of ways, developing and maintaining roadside park areas, and for the purchase of land when necessary for such purposes, pursuant to the provisions of section 84.03 (9a).*

(7) *Not to exceed \$15,000 for the purpose of making surveys of local road materials available for the construction and maintenance of the highways. All work done under this subsection shall be done by the state geologist, on plans approved by and in such places as shall be directed by the highway commission.*

SECTION 8. 20.49 (6b) of the statutes is created to read:

20.49 (6b) **CONNECTING STREETS AND BRIDGES.** The sum required to meet the provisions of section 84.10.

SECTION 9. 20.49 (7m) (b) of the statutes is renumbered 20.49 (7m) and amended to read:

20.49 (7m) *Not to exceed * * * \$20,000 for * * * making and publishing or duplicating highway maps as provided in sections 84.02 (5) and (12), 85.46 (3) and 35.84 (13a) and for the use of the commission and free distribution to the public.*

SECTION 10. 20.49 (9) (a) of the statutes is amended to read:

20.49 (9) (a) To carry out the purposes * * * as provided in sections 20.491 (3), 84.01 (7) and (21), 84.03 (9), 84.07 * * * 86.24, and 20.49 (9) (b), the amount remaining

* * * after the * * * allotments provided by subsections (1) and (8) have been set aside.

SECTION 11. 20.49 (10) of the statutes is created to read:

20.49 (10) (a) If in any fiscal year the amount which the commission estimates will be remaining to be allotted as provided in subsection (9) is less than \$8,000,000, or less than \$10,000,000 if it is one of the 3 successive postwar fiscal years, the difference between such estimated remainder and \$8,000,000, or \$10,000,000 in the 3 successive postwar fiscal years, shall be transferred from the appropriation of such fiscal year made by subsection (4) and shall be added to and used for the same purposes as the appropriation made by subsection (9). An amount less than said difference may be so transferred in the discretion of the commission. The amount so transferred shall be deducted from the allotments of such fiscal year made to the credit of counties pursuant to section 84.03 (3) so that the amount deducted from each county's allotment will be in the ratio that the allotment of such county in excess of the minimum provided by section 84.03 (3) (c) bears to the total of the allotments of all counties in excess of such minima.

(b) In any subsequent fiscal year in which the amount remaining to be allotted as provided in subsection (9) exceeds \$8,000,000, or exceeds \$10,000,000 if it is one of the 3 successive postwar fiscal years, the amount of such excess, to the extent required, shall be transferred from the appropriation made by subsection (9) to the appropriation made by subsection (4) to replace the amounts previously transferred pursuant to paragraph (a). The amount transferred pursuant to this paragraph shall be credited to each county in the ratio that the accumulated total previously transferred from such county's allotment pursuant to paragraph (a) and not replaced bears to the accumulated total previously so transferred from the allotments of all counties and not replaced.

(c) As used in this subsection, the first of the 3 successive postwar fiscal years shall be that fiscal year so determined as defined in section 2 of the Federal-Aid Highway Act of 1944 (Public Law 521-78th Congress).

SECTION 12. 20.491 (Introductory paragraph) and (1) of the statutes are amended to read:

20.491 (Introductory paragraph) All moneys collected as motor vehicle registration fees, operator's license fees, motor

vehicle fuel taxes, and motor carrier fees and taxes and all federal aid for highways and other funds received in connection with highway operations or for highway purposes shall be deposited in and constitute the separate nonlapsible *trust* fund which is created and designated the state highway fund.

(1) Payments made from such fund, except from appropriations made by sections 20.052, 20.091, * * * and 20.511, shall be made only on the order of the state highway commission, from which order the secretary of state shall draw his warrant in favor of the payee and charge the same to be state highway fund.

SECTION 13. 20.491 (5) and (6) of the statutes are repealed.

SECTION 13a. 20.491 (5) of the statutes is created to read:

20.491 (5) The amount appropriated in any fiscal year by section 20.49 shall not exceed the sum of \$36,000,000 and the amount required under section 20.49 (10) (b). The net revenues in any fiscal year as described in the introductory paragraph of section 20.49 in excess of such sum shall be held as a reserve.

SECTION 14. SECTION 6 of chapter (Bill 158, A.), laws of 1945, is repealed.

SECTION 15. SECTION 7 of chapter (Bill 158, A.), laws of 1945, is amended by changing the date "July 1, 1945" to read "June 30, 1945" wherever it appears therein.

SECTION 16. The balances at the close of business on June 30, 1945, from appropriations made prior to June 30, 1945, by sections 20.49 and 20.495, statutes of 1943, after payment of obligations chargeable to such balances, are reverted to the general fund. It is declared to be the legislative intent that the motor carrier fees and taxes to be henceforth placed in the state highway fund and appropriated to the highway commission as provided by chapter (Bill 158, A.), laws of 1945, will offset the reversion of balances of road user revenues to the general fund by this act.

SECTION 17. 20.492 of the statutes is created to read:

20.492 (1) The appropriations to be made on July 1, 1945, pursuant to section 20.49 (4) (a) and (b), statutes of 1943, shall be made on June 30, 1945. The payment thereof and the transfer as provided by section 20.491, statutes of 1943, shall become due on June 30, 1945, and shall be paid from the general fund. Except as provided in this section, all other ap-

appropriations to be made on July 1, 1945, pursuant to section 20.49, statutes of 1943, shall not be made.

(2) There is appropriated from the general fund to the state highway commission on July 1, 1945, the aggregate amount of the surplus of motor vehicle registration fees, operator's license fees, and motor vehicle fuel taxes collected during the fiscal year ending June 30, 1945, after deducting the actual costs of administration paid during such fiscal year from the appropriations made by sections 20.09 (5m) and (5n) and 20.051 (1) and (4) (a) and (b), and all of the statutes of 1943, less the appropriations made therefrom prior to June 30, 1945, by section 20.49, statutes of 1943, and less the payment and transfer made pursuant to subsection (1) of this section, and less the sum of \$1,800,000. The amount appropriated to the state highway commission by this subsection shall be transferred and paid into the state highway fund created by section 20.491 under SECTION 8 of chapter (Bill 158, A.), laws of 1945, and shall be allotted by the commission as follows:

(a) The sum required shall be allotted to the credit of the respective cities and villages for connecting streets, to replace the balances remaining on June 30, 1945, and the allotment to be made on July 1, 1945, pursuant to section 84.10 (2), statutes of 1943.

(b) The sum required shall be allotted to replace any unexpended balances on June 30, 1945, of any moneys paid into the state treasury and appropriated pursuant to section 20.495 (2), statutes of 1943.

(c) The sum of \$200,000 shall be allotted for the purposes of section 20.49 (5a).

(d) The sum of \$650,000 shall be allotted for the purposes of section 20.49 (6).

(e) The sum of \$75,000 shall be allotted for the purposes of section 20.49 (6a).

(f) The remainder, after providing for the allotments pursuant to paragraphs (a) to (e), shall be allotted, as determined by the commission, for the purposes of section 20.49 (5) and (9).

(3) Section 14.39 does not apply to appropriations made by this section.

SECTION 18. 20.511 (1) of the statutes is amended to read:
20.511. (1) Annually, beginning July 1, 1945, * * *

\$95,800 to be used for carrying out its functions under chapter 194 and section 76.54 (17).

SECTION 19. 20.615 (as amended by chapter (Bill No. 1, A.), laws of 1945) of the statutes is amended to read:

20.615 There is appropriated to the state planning board:

(1) To carry out its functions, on July 1, 1945, and annually thereafter, \$55,000.

(2) To carry out its functions under chapter 114, on July 1, 1945, \$18,700 and on July 1, 1946, \$18,900.

SECTION 20. 83.10 (1) of the statutes is amended to read:

83.10 (1) From the appropriation made by section 20.49 * * * (3), there shall be allotted, by the state highway commission, to the several counties as state aid for the county trunk highway systems, the sum of \$3,500,000. Forty per cent of * * * such allotment shall be in the ratio that the number of motor vehicles registered from each county in the fiscal year ended the previous June 30 bears to the total number registered in the state and 60 per cent in the ratio that the mileage of highways on the preceding January 1 in each county exclusive of highways and streets in cities and villages bears to the total mileage of such highways in the state. From the appropriation made by such subsection there shall be an additional allotment to each county * * * equal to \$65 per mile * * * of county trunk highways in such county on the preceding January 1. Such allotments shall be used for constructing, repairing and maintaining the county trunk highway system and the bridges thereon, including snow and ice removal and control, under the direction of the county highway committees. Any county may allocate all or part of its allotment, with the approval of the commission, to match or supplement federal aid funds for the construction, reconstruction and improvement of the county trunk highway system and in such event such amount may be retained by or paid to the commission or the state treasury as the commission may require and shall be expended in accordance with the provisions of section 84.06 and any applicable act of congress. All or part of such allotment not allocated to match or supplement federal aid as herein provided shall be expended in accordance with the applicable provisions of this chapter.

SECTION 21. 84.01 (7) of the statutes is amended to read:

84.01 (7) The commission shall advise towns, villages, cities and counties with regard to the construction and maintenance of any highway or bridge, when requested. On the request of any town, village, city or county board, or county highway committee, any supervision or engineering work necessary in connection with highway improvements by any town, village, city or county may be performed by the commission and charged at cost to such town, village, city or county. *The cost of such supervision or engineering work shall be paid from the allotment under section 20.49 (9) and any moneys paid into the state treasury in payment for such supervision or engineering work shall be * * * added to such allotment.*

SECTION 22. 84.01 (23) of the statutes is created to read:

84.01 (23) The commission is exempt from the provisions of section 20.75 to the extent that it may obligate estimated revenues from imposts on motor vehicles and motor vehicle owners for any immediately ensuing period of 6 months and federal highway aid funds allotted to this state pursuant to any applicable act of congress, which under the law are to be appropriated to the commission upon their receipt and deposit in the state highway fund.

SECTION 23. 84.03 (3) (a) of the statutes is amended to read:

84.03 (3) (a) The appropriation made by section 20.49 (4) * * * shall be allotted by the state highway commission for the construction, reconstruction and improvement of the state trunk highway system *and connecting streets* in the several counties and expended by the commission in accordance with the provisions of section 84.06 upon projects which have been approved by the counties, but such allotment shall be so expended subject to the provisions of section 84.03 (4) relative to the retirement of bonds issued under section 67.13 or 67.14. * * * All or any part of any such allotment *to the credit of any county* not required for the retirement of bonds as herein provided may, with the consent of the county involved, be allocated by the commission to match or supplement federal aid for projects on the state trunk highway system *or connecting streets* within the county to which the allotment is credited. Eight million dollars of such appropriation shall be allotted, 40 per cent in the ratio that the number of motor vehicles registered from each county *in the fiscal year ended the previous*

June 30 bears to the total number registered in the state and 60 per cent in the ratio that the mileage of highways in each county, exclusive of highways and streets in cities and villages, bears to the total mileage of *such* highways in the state.

SECTION 24. 84.03 (9a) of the statutes is amended to read:

84.03 (9a) The commission * * * *may* landscape * * * along, * * * and develop and maintain roadside park areas along, or in close proximity with * * * state trunk highways. Such areas may be developed within * * * highway rights of way and upon lands *otherwise* publicly owned or controlled, or *on lands acquired* in proximity therewith. * * * The commission may * * * *acquire* lands needed for such purposes, *but, except as otherwise provided by law, no area in excess of 5 acres shall be acquired for the purposes of this section.* Development and maintenance includes planting, landscaping, the furnishing of sanitary, parking, cooking and picnicking facilities and any other facility which the commission deems reasonably necessary to accommodate travelers and provide convenient and safe access thereto by pedestrians and vehicles. Funds appropriated by section 20.49 (6a) shall be expended for the purposes set forth in this subsection, but nothing herein shall limit the commission's power to expend *other* funds * * * *which it is otherwise authorized to expend* for similar purposes * * *.

SECTION 25. 84.07 (1a) of the statutes is created to read:

84.07 (1a) In the case of bridges on the state trunk highway system in cities or villages, the commission may elect to arrange with the city or village rather than the county to have all or part of the work of maintaining or operating the bridge performed by the city or village; and cities and villages are authorized to enter into such arrangements. In such case, the word "county" as used in subsection (2) shall mean "city" or "village".

SECTION 26. 84.10 of the statutes is amended to read:

84.10 * * * **CONNECTING STREET AND BRIDGE ALLOTMENTS.** * * * *The allotment made for the purposes of this section by section 20.49 (6b) shall be computed and distributed by the commission as follows:*

* * *

* * * (1) *On January 1 for the ensuing calendar year, the commission shall allot to each city and village a sum com-*

puted at \$500 per mile of connecting streets within its limits. The allotments may be used for maintenance, repair, construction, snow and ice removal and control, cleaning, drainage, and traffic regulation on such connecting streets, and may be accumulated for such purposes. The funds shall be held to the credit of such cities and villages, and paid to the treasurers thereof upon presentation to and approval by the commission of certified statements, itemized as required by the commission, setting forth the amounts expended on connecting streets; provided the maintenance thereof is satisfactory to the commission.

* * * (2) The commission shall allot to cities of the first, second and third class, for the maintenance and operation of free, swing or lift bridges located on connecting streets in such cities, not to exceed \$130,000. Such allotment shall be distributed by the commission on February 15 of each year and shall be apportioned pro rata upon the basis of, but not exceeding, the necessary and actual expenditures by each city. Each city shall annually, on or before January 31, submit a written report to the commission showing the actual expenditures during the previous calendar year for the maintenance and operation of such bridges.

* * * (3) The commission shall allot *not to exceed \$75,000* for the maintenance and operation of bridges *not on the state trunk highway system which were* constructed, reconstructed, or purchased under sections 84.11 and 84.12 and free bridges located on * * * connecting streets in cities of the fourth class which have a length, not including approaches, of 300 feet or more, or a swing or lift span * * *. All matters relating to the maintenance and operation of such bridges shall be under the control of the commission. Maintenance and operation shall not include the roadway lighting system and shall not include snow and ice removal and control for bridges located on connecting streets. The commission may arrange with the county highway committee or with the village or city for the operation or maintenance or both of any such bridge * * * ; *and the county highway committee, village or city are authorized to enter into such arrangement.*

* * *

* * * (4) Any city or village may arrange to have any work on connecting streets or swing or lift bridges for which an allotment is made under * * * subsections (1) or (2), performed by the county.

SECTION 27. 84.14 (2) of the statutes is repealed.

SECTION 27a. 86.25 (3) of the statutes is created to read:

86.25 (3) Any city or village may levy special assessments not exceeding the cost to such city or village against the property benefited thereby to provide funds to match or supplement state or federal aid or both for the construction, reconstruction or improvement under the provisions of chapter 84, or under any other provision of the statutes of any highway or street which it is authorized to construct, reconstruct or improve, and any city or village is authorized to pay the proceeds of such assessments, certificates or special assessment bonds issued to finance said improvement to the state highway commission or state treasury as provided in section 84.03 (1) (b). The provisions of the statutes in reference to the procedure for improving streets and highways under federal or state aid or under both shall be considered as making inapplicable as applied to such situations the provisions of sections 61.40, 61.41, 61.55, 62.15 and 62.16 and the provisions of any of those sections shall not invalidate the special assessments levied by any city or village to finance its share of such improvements, nor shall such provisions invalidate the special assessment bonds issued to finance said improvements.

SECTION 28. This act shall take effect on July 1, 1945; except that sections 1, 4, 16, section 20.492 (1) of the statutes as created by section 17, and 27 of this act shall take effect at the close of business on June 30, 1945.

Approved June 28, 1945.

No. 419, A.]

[Published June 29, 1945.

CHAPTER 392.

AN ACT to amend 176.01 (9), 176.05 (1a), and to create 176.05 (5a) of the statutes, relating to permits for the manufacture and wholesaling of intoxicating liquor.

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

SECTION 1. 176.01 (9) of the statutes is amended to read:

176.01 (9) A "manufacturer" is a person, firm, or corporation, other than a rectifier, that manufactures or distills intoxi-