

ward the cost of constructing the improvements for which such town bonds were authorized, such proceedings and resolution or resolutions are hereby validated, and the proper officials of such town are hereby authorized to issue the original or supplemental, or original and supplemental town bonds, as provided in and by such proceedings and resolution or resolutions.

SECTION 4. This act shall take effect upon passage and publication.

Approved May 9, 1917.

No. 444, S.]

[Published May 11, 1917.

CHAPTER 175

AN ACT to repeal sections 1312, 1313, 1314, 1315, 1316 and 1317 of the statutes, relating to state roads; to create seven new sections of the statutes to be numbered 1312, 1312a, 1313, 1314, 1315, 1316, and 1317, and to create subsections (4) and (5) of section 20.49; and to amend subsections 5 and 6 of section 1636—47, subsection 5 of section 1636—48, subsection (3) of section 20.04, and subsection (2) of section 20.49, of the statutes, relating to automobile license fees and their distribution to state and counties, creating a state trunk highway system, providing for federal, state, and county cooperation in the construction and maintenance thereof, and making an appropriation.

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

SECTION 1. Sections 1312, 1313, 1314, 1315, 1316, and 1317, of the statutes, are repealed.

SECTION 2. Seven new sections are added to the statutes and two new subsections are added to section 20.49 of the statutes to read:

Section 1312. 1. The legislature of the state of Wisconsin hereby assents to the provisions of the Act of Congress, approved July eleventh, nineteen hundred and sixteen, entitled "An Act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," thirty-ninth U. S. Statutes at Large, page three hundred and fifty-five. The Wisconsin Highway Commission is hereby authorized to enter into all contracts and agreements with the United States Government relating to the construction and maintenance of rural post roads under the provisions of the said Act of Congress, to submit such scheme or program of construction and maintenance as may be required by the Secretary of Agriculture and to do all other things necessary fully to carry out the coopera-

tion contemplated and provided for by the said Act. The good faith of the State is hereby pledged to make available funds sufficient to equal the sums apportioned to the State by or under the United States Government during each of the years for which Federal funds are appropriated by the said Act and to maintain the roads constructed under the provisions of said Act, and to make adequate provisions for carrying out such construction and maintenance.

Section 1312a. 1. (a) Wherever the word "commission" is used in sections 1312 to 1317, inclusive, of the statutes, it shall be construed to mean the Wisconsin state highway commission created and existing under the provisions of sections 1317m—1 to 1317m—15, inclusive, of the statutes, as created and amended.

(b) Wherever the word "highway" is used in sections 1312 to 1317, inclusive, of the statutes, it shall be construed to mean a public road, together with all culverts, bridges, overgrade and undergrade crossings with railways, and all other appurtenances necessary to make a road usable and safe for public travel, and nothing in said sections shall be construed to prohibit the construction of a bridge and its approaches and protection separate from any other construction.

(c) Wherever the words "trunk system" are used in sections 1312 to 1317, inclusive, of the statutes, they shall be construed to mean the state trunk highway system as described in subsection 1 of section 1313 of the statutes, including both the improved and unimproved portions of said system.

Section 1313. 1. The commission shall, as soon as practicable after the passage and publication of this act, lay out a system of main travelled roads, inter-connecting every county seat and every city with a population of five thousand and over, which system of roads, when laid out and approved by the commission, shall be known as the state trunk highway system. The total mileage of all roads and streets included in the state trunk highway system shall be not more than five thousand (5,000) miles. Prospective roads as yet not public highways may be included in said system

Insofar as practicable, this system of roads shall coincide with state highways or with the roads now on the county systems of prospective state highways connecting the same points, but the commission shall have power in its discretion to select roads other than those on the system of prospective state highways if it shall deem that the public interest demands a change in routes along the whole or part of the distance between any two points, and may remove from the system of prospective state highways any duplicating roads serving essentially the same purpose and

territory. The state trunk highway system shall be laid out exclusive of every street and road in a place having a population of twenty-five hundred or more by the last federal census, except that portion of any such street or road along which the houses average more than two hundred feet apart in any platted block or equivalent distance.

2. The commission shall select the trunk system after full investigation, and in order that the people in each locality may be heard in regard to the trunk system in that locality, the commission shall hold or cause to be held such hearings at convenient points throughout the state as will better enable it to judge the necessity and advisability of the various routes proposed. Each appointive member of the commission attending such hearings shall receive a per diem of five dollars a day for each day required to attend such hearings and shall in addition receive his actual and necessary travelling expenses.

3. Upon the selection and approval by the commission of the trunk system, the commission shall cause to be prepared an official map of the state of Wisconsin showing outlined thereon the exact location of said system. The map of Wisconsin prepared by the Wisconsin Geological and Natural History Survey and published in 1911 shall be the base of said map. Prior to November 1, 1917, if possible, a copy of such map shall be filed with each county clerk and after such selection and filing no changes except the necessary relocations and alterations in portions of the trunk system for purposes of construction shall be made by said commission until further investigation or hearings are held in the county or counties in which such change or changes are proposed. If, after investigation or hearing, any alterations or additions shall be deemed expedient, the change shall be entered in writing upon the records and maps of the commission and each county clerk shall be immediately notified to alter the official map on file with him in accordance therewith.

4. After the trunk system has been selected, the commission shall cause to be measured from the best maps available, or by survey, or by automobile speedometer the length of road lying on such system in each county in the state and a statement of such mileage by counties shall be placed on the maps provided for in subsection 3 of this section.

5. At the time the commission shall lay out the trunk system, if any portion of such system shall lie on a county line road, the commission shall logically and fairly determine what portion of the system lying on said county line shall properly be constructed and maintained by each of the two counties, and it shall clearly indicate in its records and on the official map

the portion of such county line highways which it allots each county. For all the purposes of this act, the portion of such county line highways assigned to each county shall be considered as lying fully within such county, and all procedure and requirements for construction and maintenance shall apply to such highways just as if they lay wholly within the limits of one county. When a stream forms the boundary line between two counties, each county shall pay one-half of the counties' share of the cost of constructing and maintaining the bridges on the trunk system over such stream. Each county shall build and maintain the approaches lying in said county in accordance with the provisions of sections 1312 to 1317, inclusive, of the statutes. Provided that all bridges on the trunk system necessarily over three hundred feet in length, exclusive of approaches, shall be constructed under the provisions of section 1321a of the statutes.

6. After the preliminary or final map of the trunk system has been filed with any county clerk, any action by any town or village board or city council in said county or by the county board of said county, or by its committee, having the effect of discontinuing, relocating, or altering the location or route of any highway forming a part of the trunk system shall be null and void unless the commission shall in writing filed with the appropriate body approve such discontinuance, relocation, or alteration.

7. The commission shall select the portion of the trunk system lying in all counties, or a part thereof, at as early a date as practicable, filing with the county clerks of said counties a preliminary map of such counties showing the selected system, or a part thereof, in lieu of the final map prescribed to be filed under subsection 3 of this section. Such filing shall fully and legally establish the trunk system, or part thereof, for such counties unless later changed by the special legislative state trunk highway committee.

8. (a) At the time the commission files with any county the county maps specified under subsection 7 of this section, it shall cause to be published for two consecutive weeks in two newspapers of general circulation in such county a description of the trunk system, or part thereof, selected for the county. If, within thirty days after the last authorized publication of such description in any newspaper, there shall be filed with the commission a remonstrance against the selection made for such county signed by a number of freeholders in the county equal to or more than five per centum of the total number of votes cast in the county for Governor at the last general election, the commission shall file said remonstrance with the chairman of the

special legislative committee created under subsection 9 of this section, together with a map of the county showing the trunk system for such county, or part thereof, as originally determined upon, together with such other information as it may deem germane to the subject.

(b) Such remonstrance shall state specifically the ground or grounds for complaint against the trunk system as laid out by the commission, and each copy of said remonstrance circulated for signature shall include, over the signatures, a statement of the complaint or complaints and each copy when filed shall be accompanied by the affidavit of the person who circulated the remonstrance certifying that each signer thereof is a freeholder of said county.

9. Upon the publication of this act, the governor shall appoint three members of the assembly and two members of the senate who, together, shall constitute a special legislative state trunk highway committee to act on matters connected with the laying out of the trunk system. Said committee shall elect a chairman and a secretary. Each member of this committee shall receive the sum of five dollars per day and his actual and necessary traveling expenses when engaged in making hearings and investigations in accordance with the provisions of subsection 11 of this section.

10. The per diem, expenses, and clerk hire incurred by the said special state trunk highway committee of the legislature, shall be paid out of the appropriation made for the use of the state highway commission in subsection 3 of section 20.04 of the statutes, upon order of the chairman of said committee and the chairman of said commission. Said committee shall complete its work on or before November 1, 1917, unless a protest is legally filed after October 1, 1917, in which case the committee shall complete its work thirty days after the filing of the last legal protest.

11. Whenever the commission shall file with the chairman of said committee a remonstrance received from any county in accordance with the provisions of subsection 8 of this section, it shall be the duty of the chairman of the committee to cause a hearing to be held at the county seat of the county from which the remonstrance is received, which hearing shall be attended by at least three members of the committee. The committee shall view the routes in question, make such investigations and take such testimony as will determine the advisability of the trunk system as outlined by the commission for such county, and may make such changes or additions to such system as laid

out by the commission as shall comply with the provisions of this act and as will, in its judgment, best promote the public interest. Such changes or additions, when made by vote of a majority of all members of said trunk line committee, shall be final and binding, and the commission shall cause such additions or alterations to be made in the official map or maps of the trunk system as shall comply with the decisions of the committee.

12. Upon the request of the commission, the special legislative state trunk highway committee shall consider jointly with said commission the situation in any county or counties in which difficulty is experienced in establishing the trunk system and the joint agreement of the commission and committee in selecting the system for such county or counties shall be final. The committee and commission shall sit jointly at the hearings held in such cases and the majority vote of the members of both bodies present shall be final.

13. (a) After the final selection of the trunk system, said commission shall cause the various lines of highway comprising such system including the connecting streets in cities and villages to be distinctly marked with some standard design placed on convenient objects along such routes. Said design shall be uniform on all parts of the trunk system except that numbers shall occur therein corresponding with the numbers given the various routes by the commission, which numbers shall coincide with the numbers placed on the official map or maps issued by said commission. No similar design shall be used for marking other routes in Wisconsin.

(b) After the marking of such routes, it shall be illegal for any person, corporation or association to delineate or mark any other routes or trails through the state of Wisconsin, unless in the course of such routes through the state the route marked by such person, corporation or association shall coincide exactly with the trunk system between adjacent cities and villages. No further routes shall be marked within or through the state until an exact description of the routes selected for marking have been filed with the commission and the route and marking have been approved by it. Any routes heretofore laid out and marked between any two adjacent points in Wisconsin shall be made to conform to the trunk system between the same points. The person, corporation or association which caused such routes to be marked shall efface from the whole present route not included in the new route all marks indicating such route.

(c) If any person, corporation or association shall fail to comply with the provisions of this subsection, the secretary of state, on complaint of the commission, shall revoke their permit

or incorporation papers and the commission shall cause to be erased from all road sides the insignia denoting the route selected by such person, corporation or association. The cost of such erasure shall be paid out of the funds made available for the use of the said commission in subsection 3 of section 20.01 of the statutes.

14. In the spring of 1918, and annually thereafter, or as often as may be necessary, the commission shall cause to be published a map of the state of Wisconsin showing thereon the trunk system, and in the discretion of the commission such other main highways as it may deem desirable to indicate. Such maps shall be furnished to the superintendent of public property by the state printing board on requisition from the commission and shall be sold by the said superintendent of public property at a price fixed by the commission, which price shall not be less than ten cents.

15. The commission shall cause to be erected such standard guide and warning signs as it may deem necessary along the trunk system. Such signs shall be of uniform design throughout the state. It shall be illegal to erect or display any other guide or warning signs upon the trunk system except in case of emergency or when approved by the commission, and if erected without such approval they may be removed by the commission.

Section 1314. 1. All moneys heretofore allotted or to be hereafter allotted to the state of Wisconsin from the federal government as federal aid for roads, and all moneys appropriated or dedicated by the state legislature in order to meet the provisions and requirements of the federal aid road act, shall be expended, together with the amounts herein required to be provided by the counties, only in the construction or reconstruction of public highways forming a portion of the trunk system.

2. The joint federal and state funds available each year for construction on the trunk system shall be allotted by the state highway commission to the several counties in the following manner: One-third shall be allotted in the ratio that the mileage of public highways in each county, as determined from time to time by the commission, bears to the total mileage of public highway in all the counties; (For the purposes of this subsection half the mileage of all county line highways shall be considered as lying in each county; also streets and highways in incorporated villages and cities shall not be included in the mileage of public highway computed as lying in any county); One-third shall be allotted in the ratio that the area of each county bears to the total area of all the counties; One-third shall be allotted in the ratio that the valuation of each county, as last

equalized by the state tax commission, bears to the total equalized state valuation of all the counties.

3. The commission shall, on or before the first day of November of each year, notify the county clerk of each county of the amount allotted to such county for the succeeding year in accordance with the provisions of subsection 2 or 4 of this section.

4. The notice filed with the county clerks on or before November 1, 1917, shall state the amount of joint federal and state funds allotted to the county for construction in the three fiscal years ending June 30, 1917, June 30, 1918, and June 30, 1919. This notice may be filed with the county clerk of any county as soon as practicable after the passage and publication of this act, and if the trunk system for such county, or part thereof, has been selected and if the county board shall make the county's share of the funds necessary for construction immediately available, construction in such counties may be carried on in accordance with the provisions of this act in the calendar year 1917.

5. The amount available each year under the provisions of subsections 2 or 4 of this section for construction or reconstruction in any county shall not be expended in any county until the county board of said county shall have made available and shall have paid into the state treasury an amount equal to one-half the total amount allotted from the joint federal and state funds to the county for said year or years.

6. The county board may by resolution provide that a portion not to exceed fifty per cent of the county's share of the cost of any improvement provided for under the provisions of sections 1312 to 1317, inclusive, of the statutes, shall be assessed as a special benefit against any town, village or city in which said improvement may lie, and the amount of said special benefit may be levied by the county board as a special charge against such town, village or city, and the county clerk shall certify such sum to the town, village or city clerk, who shall put the same in the next tax levy and the same shall be collected and paid into the county treasury by the officials of the town, village or city just as all other county taxes are levied, collected and paid in. A portion of the special charge levied against any town, village or city by the county board may be paid by subscription or donation. The benefit assessed against any town shall in no case exceed one thousand dollars per mile of road constructed. Any sums of money levied upon or received from towns, villages, cities, subscribers or donors shall be paid into the county treasury prior to the commencement of the improvement and shall be dedicated for use in such improvement.

7. Nothing in this act shall be construed to direct that construction must be performed in every county in every year. Provided, however, that on or before June 30, 1921, each county which makes available its share of the construction funds as herein provided must have had expended in it for construction or have had allotted to it to be later expended in it for construction, the total amount from the federal and state funds which it is entitled to receive under the provisions of subsection 2 of this section.

Section 1315. 1. The commission shall, on or before the first day of November of the year preceding the year in which the construction is expected to be performed, determine insofar as possible what improvements shall be made under the provisions of sections 1312 to 1317, inclusive, of the statutes, in the several counties. Provided that if it is found that any improvements can be performed in 1917, special arrangements may be made by the commission for such construction in accordance with the provisions of sections 1312 to 1317, inclusive, of the statutes, at any time after their passage and publication.

2. When the commission shall have determined upon the various improvements to be made in any one year, it shall fully comply with all the provisions of the federal aid road act and with the rules and regulations made by the Secretary of Agriculture of the United States for carrying out the said act, and shall cause the necessary surveys, plans, estimates, project statements, etc. to be made, as required by the rules and regulations promulgated from time to time by the said Secretary of Agriculture.

3. (a) Whenever the commission shall, in making plans for the construction of a portion of the trunk system, or of a portion of the system of prospective state highways, which portion has one or more crossings at grade or otherwise with a railroad, street railroad or interurban line, or with two or more such lines, and for the proper construction of said portion it is necessary for the public interest to re-arrange or eliminate the highway crossings, put in over-grade or under-grade crossings, or make any other re-arrangement of the highways or tracks, the commission shall jointly with the railroad commission outline a plan for the required changes and make an estimate of the cost thereof, including the cost of right-of-way. The commission shall take up with the railroad company or companies concerned, or other public service corporation concerned, all matters connected with said plan for construction and shall make suitable arrangements with said companies so that they shall defray a proper portion of the cost of the project, upon such terms as may be mutually agreed upon between the railroad company and the commission.

(b) If the commission shall find it impossible to deal by contract with the companies concerned for a proper distribution and payment of the cost of the work, the commission shall formally lay before the railroad commission of Wisconsin all the facts in the case, together with the plans and estimates and the railroad commission shall review the whole proceedings, hold a hearing or hearings thereon and shall in accordance with the provisions of sections 1797—12 and 1797—12e, of the statutes, fix the portion of the cost which is to be paid by the company or companies concerned and the portion of the cost, if any, to be paid by the public, which public's share shall be provided for in accordance with the provisions of either sections 1312 to 1317, inclusive, or of sections 1317m—1 to 1317m—15, inclusive, of the statutes, except such portion of the cost as the railroad commission may charge to the individual units of government benefited by the improvement of conditions on roads other than those on the above system.

4. Immediately upon the determination to make a certain improvement in any county, the county clerk of said county shall be notified by the commission of the determination to make said improvement and of the amount required to be provided by the county to defray the county's share of the cost of the improvement. Such notification shall be made to the county clerk on or before November 1, of the year preceding construction, except as provided in subsection 1 of this section.

5. The county board of each county, either at its annual meeting in November, or at a special meeting, shall make available in some legal manner the funds required to be provided by the county to pay its share of the cost of any proposed improvement, and the funds so provided by the county board shall be paid into the state treasury before arrangements are completed for proceeding with the actual construction of the improvement. The proceeds of county bonds issued under the provisions of section 1317m—12, of the statutes, may be used to pay the county's share of the cost of any improvement made in accordance with the provisions of sections 1312 to 1317, inclusive, of the statutes. The county board at any regular or legally called special meeting may, by proper resolution, appropriate, transfer from other funds, or borrow and make immediately available any sum of money required to be paid into the state treasury by the county under the provisions of this section. At the same meeting the county board shall levy a tax sufficient to pay the principal and interest of any indebtedness so authorized, as the same becomes due, and when such tax has been collected the

county treasurer shall reimburse to the proper fund or creditor the amount borrowed, with interest, if any, in accordance with the provisions of this subsection.

6. If any county board shall fail to make available within reasonable time after notice from the commission, the county funds necessary to insure the construction of any improvement determined upon in accordance with the provisions of sections 1312 to 1317, inclusive, of the statutes, the commission shall, in writing, notify the secretary of state who shall levy a special tax upon said county to be levied and collected at the time and in the manner other state taxes are levied and collected in the counties, and when collected the proceeds shall be paid into the state general fund and credited to the state trunk highway appropriation and set aside by the commission for the especial improvement and expended therefor.

7. (a) In addition to the portion of the cost of construction required to be paid by the counties under the provisions of subsections 5 and 6 of section 1314 of the statutes, each county shall acquire and pay for any lands or right-of-way necessary to be obtained in order to properly locate or widen the right-of-way of any section of highway to be improved. The county shall take title to such lands as are required to be purchased under this subsection and the land purchased shall be of the dimensions shown on the plans approved by the Department of Agriculture.

(b) Nothing in this subsection shall prohibit the purchase of such land under the provisions of sections 1317m—1 to 1317m—15, inclusive, of the statutes, and paying for the same just as for lands purchased for right-of-way in accordance with said sections.

(c) If it shall be necessary to condemn any lands, quarries, or gravel pits, such may be taken by the county by proceeding in accordance with the provisions of sections 694c, 694d, and 694e, of the statutes.

Section 1316. 1. When it shall have been determined that the necessary funds have been made available for any highway improvement, and when the project statement, plans, and specifications have been prepared by the commission and approved by the Secretary of Agriculture the work contemplated shall be advertised for bids in a manner determined by the commission and shall be let to the lowest competent and responsible bidder unless such bid shall be deemed to be unreasonable or shall be beyond the estimate approved by the Department of Agriculture. Contracts for all road and bridge construction performed under this act shall be between the state and the

contractor and shall be approved by the commission or its authorized representative, and payments from all funds made available therefor shall be made from time to time by the state treasurer upon estimates approved by the commission.

2. In case it shall be impossible to let a contract for any work at suitable prices, the commission may arrange to have the work done by day labor or force account, or by convict labor, or by arrangement with the county state road and bridge committee may use the county forces and machinery, and the cost of the labor, materials, small tools, and rental of equipment required to properly perform the work shall be paid out of the state trunk highway appropriation upon pay rolls and vouchers approved by the commission, up to the amount available for the special improvement.

3. Any excess in construction cost over the funds made available for any piece of work shall be paid out of the state trunk highway appropriation and charged against the next improvement to be made in the county.

4. The commission shall, in accordance with the federal act, provide for the necessary and adequate inspection of each particular piece of work to insure its proper performance. The cost of such inspection shall be charged to the work and shall be paid out of the state trunk highway appropriation.

Section 1317. 1. (a) On and after May 1, 1918, each county shall adequately maintain the whole of the trunk system lying within the county in accordance with the directions, specifications, and regulations made for such maintenance by the commission.

(b) Said maintenance shall include the maintenance of the portion of the trunk system improved under the provisions of either the state aid or federal aid laws, as well as of those portions of said system as yet unimproved under either law.

(c) The counties shall not be required to extensively reconstruct unimproved highways pending their construction or reconstruction under the provisions of either the state aid or federal aid laws, but they shall be maintained in reasonably good condition considering their condition as to grading, drainage and surfacing at the time they were included in the trunk system.

(d) The county shall maintain the streets and roads in incorporated cities and villages which have been improved under the provisions of sections 1312 to 1317, inclusive, of the statutes.

(e) The county board, or its authorized committee, shall maintain in cities and villages the portions of the trunk system as yet unimproved with a permanent surface and which are eli-

gible for improvement under the provisions of sections 1312 to 1317, inclusive, of the statutes. Nothing in this subsection shall prohibit the county board from making arrangements with the city or village officials for performing such maintenance.

2. When any county shall adequately maintain to the satisfaction of the commission a portion or all of the trunk system within its limits there shall be paid into its treasury out of the state trunk highway appropriation the actual cost of such maintenance, plus an allowance for the use of county machinery agreed upon in advance by the county state road and bridge committee and the commission. Said payments shall be made up to the amount available in the state trunk highway appropriation for maintenance in such county, upon the presentation by the county clerk of properly itemized vouchered statements supporting the account, which statement shall have been approved by the commission.

3. After January 1, 1919, any section of the trunk system as yet unimproved and due to its physical condition not susceptible of proper maintenance shall, upon order of the commission, be graded and drained under the provisions of sections 1317m—1 to 1317m—15, inclusive, of the statutes, and paid for as provided for in said sections.

4. If any county shall fail to adequately maintain any portion of the trunk system, the commission may so determine and shall notify the county clerk of said county in writing. If such county shall not within thirty days of such notice take due steps to perform such maintenance, the commission shall immediately cause the required maintenance to be performed and the cost of the same shall be paid out of the state trunk highway appropriation as provided in subsection 2 of this section and charged against the amount available for maintenance in said county.

5. Claims for damages which may be due to the insufficiency or lack of repair of the trunk system shall be against the county, and sections 1339, 1340, and 1340a of the statutes shall apply to such claims. Except that when any town, city or village, or public service corporation, shall have in their construction or maintenance of a public utility or other public service property, or of a road or street, made a portion of the trunk system unsafe or dangerous for public travel, the town, village or city, or public service corporation responsible shall be liable for and shall defend such claims for damages.

6. Each town, village and city shall be responsible for keeping the whole of the trunk system lying within its limits reasonably free from snow and open for travel during the winter

months. In case they fail to do so the county highway commissioner shall immediately cause the same to be opened or arrange for a passable detour, and the cost of the same shall be charged to such town, village or city and the county clerk shall levy and collect the same as a special charge upon the town, village or city.

7. (a) No franchise or permit shall hereafter be granted to any public service corporation for the use of any highway or bridge on the trunk system, unless the franchise or permit granted by the official or officials of the unit or units of government in which such highway or bridge shall lie shall have been first approved as to their terms and sufficiency by the commission.

(b) Any town, city or village ordinance, permit or resolution providing for the construction or repair by said municipalities or by any public service corporation of any public service electric, gas, sewer, water, telegraph or telephone line on any portion of the trunk system shall not become effective until the commission shall approve the method by which such work is done and by which the road or street is to be restored to its former condition.

Section 20.49. (4) All moneys paid into the state treasury by the treasurer of the United States as federal aid for roads, and all moneys paid into the state treasury by the treasurers of the several counties in Wisconsin in accordance with the provisions of sections 1312 to 1317, inclusive, and also all sums set aside as the state's portion of the net proceeds of automobile license fees in accordance with the provisions of paragraphs (b), (c) and (d) of subsection (3) of section 20.04, shall constitute the state trunk highway appropriation and are appropriated to the state highway commission for the purpose of administering, constructing, reconstructing and maintaining and of surveying, planning and supervising the construction and maintenance of highways on the state trunk highway system.

(5) On July 1, 1917, three thousand dollars, to be used as a revolving appropriation, for the making and publishing of a map of the state of Wisconsin showing thereon the trunk highway system, as provided by subsection 14 of section 1313; all moneys received by each and every person for or on behalf of the superintendent of public property from the sale of such maps, shall be paid within one week after receipt into the general fund, and are appropriated therefrom and added to this appropriation.

SECTION 3. Subsections 5 and 6 of section 1636—47, subsection 5 of section 1636—48, subsection (3) of section 20.04 and

subsection (2) of section 20.49 of the statutes are amended to read:

(Section 1636—47) 5. (a) There shall be paid annually to the secretary of state for the registration of each automobile, a fee of * * * ten dollars * * * for the registration of each motor cycle a fee of * * * four dollars, and for the registration of each motor truck, motor delivery wagon or passenger automobile bus as follows: If the advertised load carrying capacity is less than twenty-one hundred pounds, a fee of fifteen dollars; if twenty-one hundred pounds or more and less than fifty-one hundred pounds, a fee of twenty dollars; if fifty-one hundred pounds or more a fee of twenty-five dollars.

(b) The registration number plates furnished for every motor truck, motor delivery wagon, and passenger automobile bus shall differ in character and series number from those furnished for automobiles or for motor cycles except those furnished for such vehicles as are registered in accordance with the provisions of subdivision (d) of this section.

(c) Failure to display on any motor truck, motor delivery wagon, or passenger automobile bus the special registration number plates provided for in subdivision (b) of this section, when such vehicle is used outside the incorporated limits of any city or village shall constitute a violation of the provisions of section 1636—47 of the statutes.

(d) If the owner of any motor truck, motor delivery wagon, or passenger automobile bus shall, at the time he makes application for registration, accompany such application with an affidavit that said vehicle will be used entirely for the transportation of persons or goods within the limits of an incorporated city or village, the fee for the registration of such vehicle shall be ten dollars and the registration number plates furnished such applicant shall be of the same number series and character as those furnished for automobiles. All registrations shall expire on December 31 of each year.

6. All certificates of registration of motor vehicles issued in * * * 1917 shall be issued on payment of the registration fees in effect on January 1, 1917, and shall continue in force until December 31, * * * 1917, and every owner of a motor vehicle so registered shall thereafter register such motor vehicle annually in accordance with the provisions of sections 1636—47 to 1636—57, inclusive.

(Section 1636—48) 5. The fee for such registration, together with the eight official distinguishing numbers, shall be * * * twenty-five dollars for each garage.

(Section 20.04). (3) An amount equal to the surplus of the registration fees received and paid into the general fund under the provisions of section 1636—47 to 1636—56, inclusive, after deducting the actual cost of administering said sections. All such sums accruing shall as soon as may be after the close of the fiscal year be apportioned and distributed as follows:

* * *
 * * * (a) * * * *One-fourth* to the county treasurers of the several counties, annually, in the proportion in which such registration fees shall have been received from residents of said several counties, to be used for repairing and maintaining * * * *state highways and roads on the system of prospective state highways system in said counties under the direct supervision of the county highway commissioner. Provided that in counties having a population of two hundred and fifty thousand or more the county boards after the maintenance of said system in accordance with the provisions of this paragraph is provided for, may, with the consent of the state highway commission, use funds received under this paragraph for construction on said system.*

(b) *There shall be set aside from the remaining three-fourth, annually, beginning July 1, 1918, and there is appropriated for the use of the state highway commission not to exceed eighty thousand dollars, to defray the cost of administration by the state highway commission of sections 1312 to 1317, inclusive.*

(c) *There shall be set aside from the remainder of the three-fourths, annually, beginning July 1, 1918, and there is appropriated an amount sufficient to pay the state's one-third share of the cost of construction under the federal aid law in accordance with the provisions of sections 1312 to 1317, inclusive.*

(d) *After the above amounts have been set aside, the remainder of the three-fourths shall be allotted by the state highway commission to the several counties of Wisconsin for the maintenance of the state trunk highway system lying within said counties. Each county shall be entitled to receive the proportion of the said remaining amount that the mileage of the said trunk highway system lying in said county bears to the total mileage of the said trunk highway system lying in all of the counties.*

(e) *Payments from the appropriations made by paragraphs (b), (c) and (d) of subsection (3) of section 20.04 shall be made only upon the order of the state highway commission upon which order the secretary of state shall draw his warrant upon the general fund of the state in favor of the payee and charge the same*

to the proper appropriation. Provided that payments from the appropriation made by paragraph (c) of this subsection shall not exceed the amount which the state highway commission shall have estimated to be necessary to meet the provisions of said paragraph; which estimate shall be in writing, and shall be filed with the secretary of state before the first day of July of each year. Such estimate shall be accepted by the secretary of state as if the same had been appropriated by the legislature. Any balance remaining on the first day of July of any year in the allotment made by the respective paragraphs of this subsection, except paragraph (b) thereof, shall go forward and be available for the same purposes in succeeding years.

(Section 20.49). (2) Annually, seven hundred and eighty-five thousand dollars, as state aid for highways. * * * This appropriation shall be apportioned and distributed to the several counties as provided in section 1317m—8, subsection 3 of section 1317m—9, subsection 7 of section 1317m—2, subsection 6 of section 1317m—7, and subsection 1 of section 1317m—5.

SECTION 4. The provisions of subsection (3) of section 20.04 of the statutes shall not apply to the distribution of motor vehicle registration fees collected during the fiscal year ending June 30, 1917. The secretary of state shall deduct the actual cost of administering and collecting such fees from the gross amount collected. Three-fourths of the remaining amount shall be paid as soon as may be after the close of the fiscal year to the county treasurers of the several counties in which the persons paying the registration fees reside, in the proportion in which such fees shall have been received from the residents of the said several counties, and the county boards shall use the amounts so returned for repairing and maintaining state highways and roads on the system of prospective state highways in said counties under the immediate direction of the county highway commissioner, except as provided in paragraph (a) of subsection 3 of section 20.04. From the remaining one-fourth there is set aside and is hereby appropriated to the state highway commission not to exceed eighty thousand dollars to defray the cost of administration by the said commission of sections 1312 to 1317, inclusive, during the fiscal year ending June 30, 1918. Any unexpended balances of this appropriation remaining on July 1, 1918, shall be available generally for the purposes of paragraphs (c) and (d) of subsection (3) of section 20.04 in any succeeding year. The remainder of the one-fourth is set aside and is hereby appropriated to the state trunk highway appropriation to defray the state's share of the cost of construction

under the federal aid law in accordance with the provisions of sections 1312 to 1317, inclusive.

SECTION 5. There is appropriated from the general fund to the highway commission a sum sufficient to pay all expenses incurred by the highway commission in administering sections 1312 to 1317 inclusive, prior to July 1, 1917; and the secretary of state is authorized, upon the order of the state highway commission, to draw his warrant for such expenses. On July 1, 1917, the total amount of such warrants shall be charged to the appropriation made by section 4 of this act, and shall be credited back to the general fund.

SECTION 6. As long as a state of war shall exist between the United States and any European nation the provisions of this act which provide for construction in accordance with the provisions of the federal aid road act shall not be in effect, if at any time the governor, the special legislative state trunk highway committee and the state highway commission shall decide that the safety and welfare of the state require that construction shall not proceed. The governor, special legislative state trunk highway committee and the state highway commission may temporarily transfer from the funds made available for construction by this act any part of the same and may use the sum so transferred for the maintenance of the state trunk highway system. Any sum so transferred shall be debited against the next allotment for maintenance to the counties in which such sums are used.

The governor, special legislative state trunk highway committee and the state highway commission may cause to be used for such construction as they may deem advisable and necessary a portion of the funds made available for construction in any year up to the amount required to be provided from time to time by the state to insure that none of the money accruing to the state for road construction from the federal government shall be lost to the state.

SECTION 7. This act shall take effect upon passage and publication.

Approved May 8, 1917.