

No. 533, A.]

[Published July 12, 1919.]

## CHAPTER 518.

AN ACT to repeal subdivision (9) of section 776, subdivision (6) of section 1223, sections 1223a, 1225, subdivision (2) of section 1226, sections 1229, 1229m, 1230, 1231, 1232, 1234, 1235, 1238, 1238f, 1241, 1242, 1242m, 1243, 1246 [1898], 1247, 1248, 1249 [1898], 1250 [1898], 1251, 1252, [1898], 1253, 1254, 1255, 1256, 1257, 1258, 1258a, 1259, 1260 [1898], 1260 [1911], 1261, 1262 and 1262a; to amend subdivisions (1) and (2) of section 1223, sections 1226c, 1236, 1239, 1240, subsection 1 of section 1244 and section 1250 [1911]; and to create sections 1229 and 1230 of the statutes, relative to town road superintendents and the payment of highway taxes.

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

SECTION 1. Subdivision (9) of section 776, subdivision (6) of section 1223, sections 1223a, 1225, subdivision (2) of section 1226, sections 1229, 1229m, 1230, 1231, 1232, 1234, 1235, 1238, 1238f, 1241, 1242, 1242m, 1243, 1246 [1898], 1247, 1248, 1249 [1898], 1250 [1898], 1251, 1252 [1898], 1253, 1254, 1255, 1256, 1257, 1258, 1258a, 1259, 1260, [1898], 1260 [1911], 1261, 1262 and 1262a of the statutes are repealed.

SECTION 2. Subdivisions (1) and (2) of section 1223 and sections 1226c, 1236, 1239, 1240, subsection 1 of section 1244 and section 1250 [1911] of the statutes are amended to read: (Section 1223) (1) To appoint some competent person \* \* \* to superintend, under their direction, the construction and repair of highways and bridges within the town and cause to be removed all obstructions therefrom.

(2) To \* \* \* *provide* machinery, implements, stone, gravel and other material on such terms as may seem proper, and hire such machinery, laborers and animals as may be required to make, *build, pave* and repair highways and bridges; and for these purposes they shall have the power to purchase gravel pits and stone quarries and take the title thereto in the name of the town; and if such pits and quarries cannot be purchased, title thereto may be acquired in the manner provided in section 1226b.

Section 1226c. \* \* \* The supervisors of *any town* may, at any time after the assessment of the highway taxes in any year and before their collection, pledge the credit of the town for a loan or loans of any sum of money not exceeding in all \* \* \* *the total amount* of such taxes as shall have been assessed; the money so borrowed shall be expended under the direction of the supervisors in paying the expense of construct-

ing and repairing highways and bridges in said town for the current year. The tax so assessed, when collected, shall, so far as may be necessary, be applied to the payment of the loan or loans and interest thereon and the remainder to the purpose for which it was assessed.

Section 1236. It shall be lawful for any superintendent of highways or any person acting under his direction to enter upon any lands adjoining to or near any highway in his town \* \* \* and construct such drains or ditches as may be necessary for the improvement or preservation of such highways; and any such superintendent or person may enter upon any unimproved lands adjoining to or near any highway in his town \* \* \* and gather or dig stones, gravel, sand, clay or loam and cut any wood or trees, and take away the same for the purpose of making or improving any highway; but such superintendent or other person shall carefully avoid doing any unnecessary injury upon the same; and in case there shall be within the limits of any highway in any town \* \* \* any stone, gravel or sand suitable for any highway the same may be taken to improve any highway therein; but no such material shall be removed from such town \* \* \* without the previous consent of the supervisors of the town in which it is located, *unless the highway on which the same occurs is maintained by the county, in which case the county may use the same for any highway purpose. Whenever any highway shall be constructed or maintained by a county, the county highway commissioner or his agent shall have all the rights and powers conferred in this section upon town superintendents of highways.*

Section 1239. The supervisors of each town shall meet within eighteen days after the annual town meeting, and shall then or at some subsequent meeting on or before the second Monday of May, assess the highway tax in their respective towns for the ensuing year. \* \* \*

Section 1240. In making an assessment of highway taxes the supervisors shall proceed as follows:

\* \* \* (1) The \* \* \* highway taxes, to an amount of not less than one nor more than seven mills on the dollar, shall be assessed on the valuation of the real and personal property in each town; \* \* \* provided, that in addition to such amount there may be assessed any additional amount which shall have been authorized by the last preceding annual town meeting, not exceeding in all ten mills on the dollar of such valuation; provided further, that no town containing less than five hundred inhabitants shall levy or collect in any year a highway tax of more

than two thousand dollars, including the amount voted by any town meeting and the amount levied by the supervisors, not including the amount voted and levied under sections 1317m—1 to 1317m—15, inclusive, of the statutes; and that no town containing two congressional townships or more and more than five hundred inhabitants shall levy or collect a highway tax, exclusive of that first authorized herein, not including any amount raised under the provisions of sections 1317m—1 to 1317m—15, inclusive, of the statutes, of more than three thousand dollars in any year.

\* \* \* (2) \* \* \* The supervisors of every town \* \* \* shall levy such taxes for the current year and certify the amount thereof to the town clerk who shall apportion and enter them in the next town tax roll for collection as directed by section 1252 [1911]. Provided, that in towns having income taxes in its treasury, the supervisors may expend the same for highway purposes, regardless of the foregoing limitation.

Section 1244. 1. Whenever the amount of highway tax assessed by the supervisors shall be deemed insufficient to keep the highways in repair it shall be lawful for them, upon the written application of the superintendent of highways \* \* \* to assess an additional tax upon the taxable property of the town, not to exceed seven mills to the dollar on the valuation of the same as fixed in the highway tax list; and the taxes so further assessed shall be collected and expended in like manner as other highway taxes assessed by the supervisors are required to be collected and expended.

Section 1250. [1911]. For the purpose of performing the duty required by \* \* \* section 1249 [1911] the supervisors of the town may, if necessary, levy and assess a highway tax, not exceeding one-fourth the amount assessed by the supervisors, on the taxable property on the highway tax list for the current year; and such tax shall be collected in the same way and manner as other highway taxes are collected.

SECTION 3. Two new sections are added to the statutes to be numbered and to read: Section 1229. 1. The town supervisors shall appoint and fix the compensation of a competent person to superintend the construction and repair of all highways and bridges in the town, under their general supervision and direction. Such person shall be designated as superintendent of highways of the town. Such superintendent shall be appointed in writing for a term of one year from the date of appointment, and such writing shall be filed with the town clerk. Any superintendent may be removed for cause by the super-

visors. Any vacancy occurring by removal or otherwise shall be filled by them for the unexpired term.

2. The superintendent of highways may be paid in lieu of all other compensation an annual salary, payable monthly, either out of the bridge and road fund or out of the general fund of the town. In addition to his salary, the superintendent of highways may be paid an amount per month for the maintenance and up-keep of a horse and vehicle or automobile or motor truck, such payment to be made in addition to the payment for salary and such allowance to be paid monthly out of the road and bridge fund or out of the general fund of the town. Such allowance for the use of a horse and vehicle or automobile or motor truck shall be fixed by the town board at any regular or special meeting and may be discontinued by them. The right to receive payment for the up-keep of a horse and vehicle or automobile or motor truck shall not be incidental to or inseparable from the office of superintendent of highways but may be allowed or discontinued by the supervisors at their discretion at any meeting of said supervisors.

3. Each superintendent of highways shall, before he enters upon the duties of his office, execute to the town a bond in such amount as shall be required by the town board of supervisors and with such sureties as shall be approved by said board, and file the same with the town clerk, conditioned upon the faithful discharge of the duties of his office and upon the proper application and payment of all moneys that may come into his hands.

4. Each superintendent of highways shall make a complete and full report of all funds received and disbursed by him whenever requested so to do by the town board, and shall also make a complete and full report to each annual town meeting.

Section 1230. 1. It shall be the duty of the town superintendent of highways

(a) To supervise the construction and maintenance of all roads, bridges, and culverts together with their appertaining structures on all highways, required by law to be maintained by the town.

(b) To keep the said highways passable at all seasons.

(c) To perform such other duties in connection with highways as the town supervisors may designate him to perform.

(d) To keep a full account of all receipts and disbursements.

2. The town superintendent may make such arrangements for the prosecution of his work as he may deem necessary and may appoint such foremen under him as the necessities of his various work may require.

3. The town supervisors shall provide the town superintendent of highways at the time he enters upon his duties with the necessary forms and books so that he may properly record all receipts and disbursements therein. The state highway commission is directed to devise a standard set of forms and books for the use of town superintendents and to furnish each town board with a description thereof on or before April 1, 1920.

4. All payments for work performed and for materials furnished on town highways shall be made by town highway order drawn upon the town treasurer, and each order shall be signed by the town superintendent of highways and countersigned by the town chairman and each order shall be recorded upon the books of the town superintendent showing the date, amount and purpose thereof.

5. All formal contracts for the performance of road, bridge and culvert construction shall be approved by the majority of the town board before being binding upon the town.

SECTION 4. This act shall take effect April 7, 1920.

Approved July 8, 1919.

No. 687, A.]

[Published July 12, 1919.

### CHAPTER 519.

AN ACT to appropriate to the assembly contingent fund and senate contingent fund sums of money therein named.

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

SECTION 1. There is appropriated out of any money in the general fund not otherwise appropriated, to the assembly contingent fund a sum not to exceed five hundred dollars, and to the senate contingent fund a sum not to exceed five hundred dollars.

SECTION 2. This act shall take effect upon passage and publication.

Approved July 8, 1919.

No. 622, A.]

[Published July 12, 1919.

### CHAPTER 520.

AN ACT to repeal section 959—32 and to amend sections 959—33 and 959—35b of the statutes, providing for cash payment to contractors for certain public works.

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

SECTION 1. Section 959—32 of the statutes is repealed.

SECTION 2. Sections 959—33 and 959—35b of the statutes