

No. 41, A.]

[Published August 4, 1947.]

CHAPTER 474.

AN ACT to amend 20.491 (5), to repeal and recreate 86.24, to amend 20.49 (9) (a) and to create 20.49 (7e) of the statutes, relating to highway flood disaster and making an appropriation.

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

SECTION 1. 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 * * * and 20.49 (9) (b), the amount remaining after the allotments provided by subsections (1) to (8) have been set aside.

SECTION 2. 20.49 (7e) of the statutes is created to read:
20.49 (7e) HIGHWAY DISASTER FUND. On July 1, 1947, \$500,000, and annually thereafter a sum sufficient, not to exceed \$500,000, to replace the net amounts paid, allotted, or determined to be payable therefrom and re-establish the original sum unencumbered, to be used for the purposes of section 86.24.

SECTION 2a. 20.491 (5) of the statutes is amended 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 (7e) and 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SECTION 3. 86.24 of the statutes is repealed and recreated to read:

86.24 HIGHWAY DISASTER FUND. (1) When any public highway, street, alley, or bridge not on the state trunk highway system is damaged by flood occurring after January 1, 1946, the county highway committee, or the governing body of the municipality having jurisdiction over the maintenance thereof, may adopt a petition for aid pursuant to this section and file a certified copy thereof with the state highway commission. To be eligible for aid such petition shall be filed not later than 2 months after the occurrence of the flood damage, except that petitions for damage occurring after January 1, 1946, and prior to July 1, 1947, may be filed not later than August 31, 1947. All such petitions shall state the dates on which the flood dam-

age occurred and as nearly as practical state the location, nature, and extent of the damage.

(2) The commission shall make such investigation as it may deem necessary and within 6 months from the date of filing the petition shall make its findings and determination as to the granting of aid, the amount thereof, and the conditions under which it is granted. In making its determination the commission shall cause an estimate to be made of the cost of repairing or replacing the facilities damaged or destroyed by the flood to standards and efficiency similar to those previously existing, and also an estimate of the cost of reconstructing to a higher type or improving any such facilities if determined to be warranted and advisable. The amount of aid to be granted shall be the total of such estimates of repair or replacement to standards similar to those previously existing, plus one-half of the estimated increased cost of the reconstruction to a higher type or the improvement of any of the facilities, and less one-fourth of the last annual allotment (preceding the date of the commission's finding) to the county under section 20.49 (3), in the case of county trunk highways, or less one-fourth of the last annual allotment to the town, village or city under section 20.49 (8), in the case of highways under their jurisdiction. The commission may revise any of its estimates on the basis of additional facts. The county, town, village, or city shall pay the remainder of the cost not allowed as aid, but this shall not invalidate any other provision of the statutes whereby the cost may be shared by the county and the town, village or city.

(3) Aid allotted under subsection (2) shall be held to the credit of the county, town, city or village for not more than 2 years or for such extended period as the commission may grant, and, except as otherwise provided herein and in subsection (4), shall be paid to the treasurer thereof upon presentation to and approval by the commission of certified statements setting forth the cost of the construction, reconstruction, repair or improvement of the facilities determined in the commission's finding to be eligible for aid. The certified statement shall set forth separately the amount expended on each such facility. Except as provided in subsection (4), the aid to be paid shall be the summation of the amounts expended on each facility for repair or replacement to standards similar to those previously existing and the commission's original or revised estimate of

such repair or replacement of any of the facilities which are reconstructed to a higher type or improved, plus one-half of the increased cost, as determined or estimated by the commission, of the reconstruction to a higher type or the improvement of any of the facilities, and less one-fourth of the annual allotment referred to in subsection (2).

(4) Whenever the aid allotted or determined to be payable exceeds the cash balance in the appropriation under section 20.49 (7e), no further payments shall be made until the following June 30, on which date all amounts allotted or determined to be payable shall be reduced pro rata to the amount of the balance available.

(5) Any town, city or village may, and at the discretion of the commission shall, arrange to have such work for which aid is granted performed by the county, and in such case, on order of the town, city or village, the aid from the state for such work shall be paid to the county.

Approved July 30, 1947.

No. 233, S.]

[Published August 5, 1947.]

CHAPTER 475.

AN ACT to repeal 102.44 (5), 102.54, 102.55 (1), (2), (6) and (7), 102.555; to renumber 102.55 (3), (4) and (5) to be 102.55 (1), (2) and (3); to amend 102.11 (1) (Introductory paragraph), 102.12, 102.29 (1) (b) and (2), 102.48 (1), 102.49 (5), 102.55 (1), (2) and (3), as renumbered; to amend 102.44 (4); and to repeal and recreate 102.52 and to create 102.03 (4), 102.29 (5), 102.53 of the statutes, relating to indemnities for injuries under workmen's compensation.

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

SECTION 1. 102.03 (4) of the statutes is created to read:

102.03 (4) The right to compensation and the amount thereof shall in all cases be determined in accordance with the provisions of law in effect as of the date of the injury.

SECTION 2. 102.11 (1) (Introductory paragraph) of the statutes is amended to read:

102.11 (1) (Introductory paragraph) The average weekly