

No. 391, S.]

[Published July 15, 1921.]

CHAPTER 525.

AN ACT to create section 1797m—86m of the statutes, authorizing cities of the first class to enter into contracts with public utilities and street and interurban railways, providing for the regulation by such cities of service and rates and for the purchase, leasing, operation and control of such utilities and railways.

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

SECTION 1. A new section is added to the statutes to read: Section 1797m—86 m. 1. Any city of the first class, however incorporated, may enter into contract, upon any terms not repugnant to the constitution of this state, with the owner or owners of any street railway, interurban railway or public utility, as defined in section 1797m—1, except utilities for the operation of telephone or telegraph lines, operated in whole or in part within the corporate limits of said city, for any or all of the following purposes:

(1) To provide for the leasing, public operation or joint operation of any part or all of the properties of such public utility, street railway or interurban railway, by said city.

(2) To provide for the control, operation, service or management of such properties by either party or by both parties acting jointly.

(3) To determine and fix by the terms of such contract the value of the properties of such utility, street railway, or interurban railway to be used as a basis for the computation and distribution of earnings, rates, and rate of return to the owner or owners of such public utility, street railway, or interurban railway.

(4) To provide for the stabilization of the rate of return to the owner or owners of such properties.

(5) To provide for the extension and improvement of existing properties by the municipality or otherwise.

(6) To provide for the purchase of all or any part of such properties by the city, to fix the purchase price or the basis or method for computing the same and to provide for the payment thereof and the method of such payment out of funds provided by the city whether derived out of the earnings of such properties or otherwise, or derived in part from such earnings and in part from other sources.

(7) To provide for the purchase by the city of mortgage bonds issued by such public utility, street railway or interurban railway.

(8) To provide for the submission of matters of difference arising between the parties to the railroad commission or to a board of arbitrators as the parties may agree.

(9) To provide for such further or additional matters as will enable the parties to accomplish any object agreed upon between them relating to the use, operation, service, management, control, sale, lease, purchase, extension, improvement, rates, value or earnings of such properties.

2. Such contract when adopted by the common council of said city and accepted by the owner or owners of such public utility, street railway, or interurban railway shall be submitted to the railroad commission for its approval and upon such approval the same shall be submitted in such manner as the common council shall determine to a vote of the electors of such city at the next regular municipal election or at a special election called for that purpose, and such contract shall not become binding upon such city until approved by a majority vote of the qualified electors of such city voting thereon. No bonds shall in any case be issued by said city under the contract or contracts mentioned in subsection 1 of this section, until the proposition of their issue shall have been submitted to the people of such city and adopted by a majority of the electors voting thereon.

3. It shall be the duty of the railroad commission upon request joined in by both parties to any such contract to advise and cooperate with them in the making of audits, estimates, and other determinations of fact which will aid the parties in reaching an agreement or in the operation of the property under such agreement.

4. Insofar as the use, operation, service, management, control, sale, lease, purchase, extension, improvement, rates, value, or earnings of the properties of the public utility, street railway, or interurban railway or provisions looking toward the ultimate acquisition of the same are made subject to the terms of any contract provided for in subsection 1 of this section, and so long as said contract remains in force, the following sections and parts of sections of the statutes shall be inapplicable to the same, to-wit: the first paragraph and paragraphs (a), (b) and (c) of section 1797—12, sections 1797—14, 1797—28, 1797—29, 1797—35, 1797m—2, 1797m—5, 1797m—6, 1797m—7, 1797m—15, 1797m—16,

1797m—17, 1797m—22, 1797m—23, 1797m—31, 1797m—32, 1797m—33, 1797m—34, 1797m—35, 1797m—43, 1797m—44, 1797m—45, 1797m—46, 1797m—47, 1797m—48, 1797m—49, 1797m—50, 1797m—51, 1797m—52, 1797m—60, 1797m—61, 1797m—62 and 1797m—63, subsections 2, 3, 4 and 5 of section 1797m—79, sections 1797m—80, 1797m—81, 1797m—81a, 1797m—82, 1797m—83, 1797m—84, 1797m—85, 1797m—86, 1797m—87, 1797m—99, 1797m—100, 1797m—105, 1797t—5, 1797t—6, 1797t—7, 1797t—8, 1797t—9, 1797t—10, 1797t—11, 1797t—12, and subsection (2) of section 1729t; provided that nothing in any contract made hereunder shall operate to prevent an appeal to the railroad commission by any person, firm or corporation other than a party to said contract upon any complaint alleging that any rate, fare, charge or classification, or any joint rate, or any regulation, act or practice whatsoever affecting the transportation of persons or property or relating to the production, transmission, delivery or furnishing of gas, heat, light or power, or any service in connection therewith, are unjustly discriminatory, or that any such service is inadequate or cannot be obtained. Upon said appeal the railroad commission shall, as provided by law, determine and by order fix a rate, fare, charge, classification, joint rate or regulation, act or practice or service to be imposed, observed or followed in the future in lieu of that found to be unjustly discriminatory or inadequate.

5. Nothing in this section shall operate to deprive the railroad commission of its jurisdiction over service, rates and other matters as provided in sections 1797—1 to 1797—37m, inclusive, and in sections 1797m—1 to 1797m—109, inclusive, outside of the limits of said city of the first class. If any complaint or investigation before the railroad commission as to service, rates or other matters arising outside of any such city necessarily shall involve any contract authorized in subsection 1 of this section, or any specifications, rules, regulations or acts in its conduct or administration such city shall be made a party to such proceeding and to the extent that such contract or its administration shall be determined by the commission to be unreasonable or unjustly discriminatory as regards any person or municipality outside of such city, the same shall be changed to conform to the rates, service or regulations provided by said commission outside of such city.

SECTION 2. Any other provision of any law in conflict with the

provisions of this act shall likewise be deemed inapplicable to any contract entered into under the provisions of this act.

SECTION 3. This act shall take effect upon passage and publication.

Approved July 11, 1921.

No. 481, S.]

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CHAPTER 526.

AN ACT to create subsection (5) of section 59.09 of the statutes, relating to public advertising and printing in counties having a population of two hundred fifty thousand or more, and to repeal chapter 221 of the laws of 1877, entitled "An act providing for the letting of the official printing of Milwaukee county."

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

SECTION 1. A new subsection is added to section 59.09 of the statutes to read: (59.09) (5) (a) In counties having a population of two hundred fifty thousand or more, the county board of supervisors, at its annual meeting shall direct the county clerk to invite proposals from the English newspapers published daily in said county, for the publication and printing of the proceedings of said board, and all other notices or advertisements as shall be authorized or required to be published or printed by the said board and all officers, boards and departments of said county, during the next ensuing year, which publications and advertising may be divided and classified if the said board shall so order.

(b) Such proposals shall name a price per folio, or shall name a price per folio per thousand of average daily circulation in such county for the period of six months next preceding the date of such proposals, as shown by the affidavit of an authorized officer or agent of such proponent, or shall name a price for such advertising space as may be required or ordered by said board at any time during the year for which awards shall be made, or, at the option of the proponent, shall include any or all of such separate proposals as aforesaid.

(c) The said board may by resolution suspend the publication of proceedings in newspapers and provide for the printing thereof in pamphlet form until the further action of the board in relation thereto. Separate bids may be called for if so ordered by said board, from printers in the county, for the printing of the pro-