

27, 1933, and the award in fact was not made until March 30, 1936, its order fixing just compensation was unlawful. The commission should have fixed the compensation as of the date of its award. The date of the award is fixed upon because when the matter is presented to the municipal council it must have something definite and certain upon which to act and if a referendum is held the people of the municipality are entitled to know upon what they are voting. *Wisconsin P. & L. Co. v. Public Service Comm.* 231 W 390, 284 NW 586, 286 NW 392.

The power exercised by the public service commission in fixing just compensation in acquisition proceedings under ch. 197 is a quasi-judicial rather than a legislative power. (Contrary statement in *Wisconsin P. & L. Co. v. Public Service Comm.* 231 W 390, corrected.) *Superior W. L. & P. Co. v. Public Service Comm.* 232 W 616, 288 NW 243.

197.06 History: 1907 c. 499; 1911 c. 662; Stats. 1911 s. 1797m-83; 1923 c. 291 s. 3; Stats. 1923 s. 197.06; 1929 c. 504 s. 314; 1931 c. 79 s. 23; 1943 c. 375 s. 81.

197.08 History: 1907 c. 499; Stats. 1911 s. 1797m-85; 1923 c. 291 s. 3; Stats. 1923 s. 197.08; 1929 c. 504 s. 316.

197.09 History: 1907 c. 499; Stats. 1911 s. 1797m-86; 1923 c. 291 s. 3; Stats. 1923 s. 197.09; 1929 c. 504 s. 317.

197.10 History: 1921 c. 525 s. 1; Stats. 1921 s. 1797m-86m; 1923 c. 291 s. 3; Stats. 1923 s. 197.10; 1929 c. 504 s. 318; 1931 c. 79 s. 24; 1953 c. 61; 1955 c. 10 s. 138.

197.20 History: 1945 c. 62; Stats. 1945 s. 197.20; 1959 c. 19, 135; 1959 c. 228 s. 68; 1961 c. 226.

CHAPTER 198.

Municipal Power Districts.

198.01 History: 1931 c. 50; Stats. 1931 s. 198.01; 1951 c. 33; 1951 c. 247 s. 46; 1969 c. 276 s. 599.

198.02 History: 1931 c. 50; Stats. 1931 s. 198.02.

198.025 History: 1931 c. 50; Stats. 1931 s. 198.025.

198.03 History: 1931 c. 50; Stats. 1931 s. 198.03.

Failure to insert a request to a county clerk to call an election may be cured by a subsequent request and does not prevent the public service commission from giving a recommendation as to the feasibility of a power district proposed in resolutions as passed, of which the commission is notified. 24 Atty. Gen. 185.

A petition for formation of a municipal power district under 198.03 (2), Stats. 1935, is not invalidated by the designation of residences of signers by post-office addresses instead of the municipality in which they reside. 24 Atty. Gen. 611.

The required number of signatures under 198.03 (2), Stats. 1935, need not be filed at one and the same time. A voter may not withdraw his signature after the county clerk has

notified the public service commission in accordance with 198.04 (1). 25 Atty. Gen. 78.

198.04 History: 1931 c. 50; Stats. 1931 s. 198.04.

Under the municipal power district law the public service commission, in determining the feasibility of a proposed municipal power district, has the duty to consider and evaluate all of the factors relating to feasibility, such as whether the debt which it will probably be necessary to incur is too great, whether funds can be supplied elsewhere than from the district, at what rate of interest funds can be supplied, how the debt of the district may be amortized, and what the probable saving of general expenses will be. *Clam River Elec. Co. v. Public Service Comm.* 225 W 198, 274 NW 140.

198.04 (3), Stats. 1933, is mandatory. 24 Atty. Gen. 63.

The county clerk of one county may call an election in another county to determine formation of a municipal power district comprising municipalities in both counties. 24 Atty. Gen. 185.

198.05 History: 1931 c. 50; Stats. 1931 s. 198.05.

198.06 History: 1931 c. 50; Stats. 1931 s. 198.06; 1955 c. 430; 1965 c. 666 s. 22 (13); 1967 c. 26.

The word "voters" in 198.06 (4), Stats. 1935, has reference to the vote for governor at the last general election. 24 Atty. Gen. 600.

The provisions of 198.06 (5), Stats. 1937, respecting approval or disapproval by the public service commission of the formation of a municipal power district are directory. 27 Atty. Gen. 72.

198.07 History: 1931 c. 50; Stats. 1931 s. 198.07.

198.08 History: 1931 c. 50; Stats. 1931 s. 198.08.

198.09 History: 1931 c. 50; Stats. 1931 s. 198.09.

198.10 History: 1931 c. 50; Stats. 1931 s. 198.10; 1943 c. 20 s. 1; 1955 c. 77; 1969 c. 276 s. 590 (1).

198.11 History: 1931 c. 50; Stats. 1931 s. 198.11.

198.12 History: 1931 c. 50; Stats. 1931 s. 198.12; 1955 c. 10.

198.13 History: 1931 c. 50; Stats. 1931 s. 198.13; 1955 c. 661.

198.14 History: 1931 c. 50; Stats. 1931 s. 198.14; 1947 c. 362 s. 2; 1955 c. 429; 1965 c. 252.

198.145 History: 1931 c. 50; Stats. 1931 s. 198.145.

198.15 History: 1931 c. 50; Stats. 1931 s. 198.15; 1955 c. 429; 1965 c. 252.

198.16 History: 1931 c. 50; Stats. 1931 s. 198.16; 1965 c. 252.

General managers of power districts are required to publish reports as to the business

and financial status of such districts, although districts have incurred only organization expenses. 25 Atty. Gen. 679.

198.165 History: 1931 c. 50; Stats. 1931 s. 198.165.

198.167 History: 1931 c. 50; Stats. 1931 s. 198.167.

198.17 History: 1931 c. 50; Stats. 1931 s. 198.17.

198.18 History: 1931 c. 50; Stats. 1931 s. 198.18.

198.19 History: 1931 c. 50; Stats. 1931 s. 198.19.

198.20 History: 1931 c. 50; Stats. 1931 s. 198.20.

198.21 History: 1931 c. 50; Stats. 1931 s. 198.21; 1951 c. 247; 1951 c. 261 s. 10; 1953 c. 61.

198.22 History: 1931 c. 458; Stats. 1931 s. 198.22; 1933 c. 198; 1945 c. 332; 1947 c. 362 s. 2; 1947 c. 601; 1951 c. 261 s. 10; 1955 c. 408, 429, 546; 1963 c. 506; 1965 c. 614 s. 57 (1); 1965 c. 659 ss. 23 (2), 24 (9); 1969 c. 276 s. 588 (9); 1969 c. 366 s. 117 (2) (a).

CHAPTER 199.

Donor Annuities.

199.01 History: 1961 c. 90; Stats. 1961 s. 199.01.

199.02 History: 1961 c. 90; Stats. 1961 s. 199.02.

199.03 History: 1961 c. 90; Stats. 1961 s. 199.03.

199.04 History: 1961 c. 90, 682; Stats. 1961 s. 199.04.

CHAPTER 200.

Insurance Department.

200.03 History: 1933 c. 487 s. 4; 1933 c. 489 s. 1; Stats. 1933 s. 200.03; 1947 c. 413; 1949 c. 152, 197, 436; 1957 c. 555; 1959 c. 602; 1959 c. 659 s. 77, 79; 1961 c. 33, 397, 463, 562, 624; 1967 c. 26, 89; 1969 c. 276 ss. 517, 518; 1969 c. 337.

Editor's Note: 200.03, Stats. 1969, had its origin in 200.04 (4) and 201.15, Stats. 1931.

A subsequent commissioner of insurance is not foreclosed from refusing to renew the license of a foreign company to transact business in the state where its plan of its insurance is violative of the Wisconsin law, although a preceding commissioner granted a license under the same plan. *Duel v. State Farm Mut. Auto. Ins. Co.* 240 W 161, 1 NW (2d) 887, 2 NW (2d) 871.

The commissioner of insurance cannot require, as a condition of issuing a license to do business in this state, that a foreign mutual automobile liability insurance company refund to its Wisconsin policyholders so-called "life membership fees" previously exacted from them. *State Farm Mutual Ins. Co. v. Duel*, 244 W 429, 12 NW (2d) 696.

200.06 History: 1870 c. 56 s. 23; 1878 c. 214; R. S. 1878 s. 1969; Stats. 1898 s. 1969; 1923 c. 291 s. 3; Stats. 1923 s. 200.06; 1929 c. 482 s. 6; 1933 c. 487 s. 7; 1959 c. 86.

200.07 History: 1870 c. 56 s. 27; 1878 c. 214; R. S. 1878 s. 1970; Stats. 1898 s. 1970; 1923 c. 291 s. 3; Stats. 1923 s. 200.07; 1933 c. 487 s. 8.

Revisor's Note, 1933: The law is not changed, except that a certified copy is filed in place of the original resolution. The original belongs in the company's files. [Bill 50-S, s. 8]

200.17 History: 1911 c. 578; Stats. 1911 s. 1926m; 1915 c. 604 s. 81; 1917 c. 66; 1919 c. 671 s. 31; 1923 c. 291 s. 3; Stats. 1923 s. 200.17; 1927 c. 85, 113; 1933 c. 487 s. 16; 1941 c. 126; 1947 c. 9 s. 31; 1957 c. 453; 1959 c. 659 s. 79; 1965 c. 433 s. 121; 1967 c. 291 s. 14; 1969 c. 276 s. 616.

Premiums upon which fire department dues are payable under 200.17 (2) and 201.59 (1) (a), Stats. 1945, include all assessments levied during the year. 34 Atty. Gen. 373.

200.26 History: 1959 c. 602, 641; Stats. 1959 s. 200.26; 1961 c. 562, 624; 1963 c. 299, 314; 1963 c. 459 s. 47; 1965 c. 433 s. 121; 1967 c. 73, 89; 1967 c. 291 s. 14; 1969 c. 336 s. 176; 1969 c. 337 ss. 23, 24, 88.

200.50 History: 1969 c. 485; Stats. 1969 s. 200.50.

CHAPTER 201.

Insurance Corporations in General.

201.01 History: 1911 c. 152; Stats. 1911 s. 1895m; 1923 c. 291 s. 3; Stats. 1923 s. 201.01; 1933 c. 487 s. 27; 1969 c. 276.

201.02 History: 1850 c. 232 s. 1; R. S. 1858 c. 72 s. 1; 1870 c. 56 s. 1, 17; 1878 c. 214; R. S. 1878 s. 1896, 1908; Stats. 1898 s. 1896, 1908; 1909 c. 460; Stats. 1911 s. 1896, 1897b, 1897c, 1908; 1919 c. 101; 1919 c. 425 s. 3, 4; 1923 c. 87; 1923 c. 291 s. 3; Stats. 1923 s. 201.02, 201.06, 201.07, 201.28; 1925 c. 325 s. 1; 1933 c. 487 s. 28; Stats. 1933 s. 201.02; 1935 c. 216; 1957 c. 72; 1963 c. 266, 382.

Revisor's Note, 1933: The law is not changed. Subsection (2) of 201.06 is a duplication of part of 180.02 (1) (b). Subsection (6) is from 201.13 (4). [Bill 50-S, s. 28]

On exercises of police power see notes to sec. 1, art. I; on impairment of contracts see notes to sec. 12, art. I; on legislative power generally and on delegation of power see notes to sec. 1, art. IV; and on the insurance department see notes to various sections of ch. 200.

As to the use of a name by an insurance corporation, see *Independent Order of Foresters v. Insurance Commissioner*, 98 W 94, 73 NW 326.

A statute authorizing the formation of corporations to insure "all kinds of grain, fruits, hops and legumen" does not authorize the insurance of tobacco; but where the articles and by-laws of a mutual company were printed on each policy and stated that one of the purposes of the corporation was to insure tobacco, the policyholders took their policies