

such waters or impede their free navigation, or shall construct or maintain, or aid in the construction or maintenance therein of any bridge, boom or dam not authorized by law, shall forfeit for each such offense, and for each day that the free navigation of such stream shall be obstructed by such bridge, boom, dam or other obstruction, a sum not exceeding fifty dollars. But the floating or movement of logs or timber in navigable waters, or the necessary use of temporary booms in the course of such floating or movement *or the cutting of weeds in such waters with the consent of the conservation commission* shall not incur such forfeiture.

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

Approved June 22, 1931.

No. 389, S.]

[Published June 23, 1931.

#### CHAPTER 314.

AN ACT to create sections 198.50 to 198.60 and section 20.513 of the statutes, relating to the state utility corporation of Wisconsin, and making an appropriation.

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

SECTION 1. Twelve new sections are added to the statutes to read: 198.50 There is created a state department to be known as the "State Utility Corporation of Wisconsin," hereinafter referred to as the corporation.

198.51 Five persons shall be appointed by the governor with the advice and consent of the senate to serve as the directors of such corporation for a regular term of ten years beginning with the first Monday in February of each odd numbered year. The first appointment of such persons as directors shall be for terms expiring on the first Monday in February, 1933, 1935, 1937, 1939 and 1941.

198.52 Each director shall receive compensation from the corporation for his services as such director at the rate of twenty-five dollars for each day he shall attend meetings of the board or of any committee of the board of which he shall be a member, but such compensation shall not exceed the sum of one thousand dollars in any one year. Each director shall also be entitled to be reimbursed his actual and necessary traveling and hotel ex-

penses, by him incurred, whenever it shall be necessary for him to travel outside of the municipality in which he resides to attend meetings of the board, or a committee of the board of which he is a member, or to render any other service or discharge any other duty which may be required of him by vote or resolution of the board.

198.53 No director shall have any financial interest in any public utility or street or interurban railway, and if any such director shall voluntarily become so interested, his office shall ipso facto become vacant; and if he shall become so interested otherwise than voluntarily he shall within a reasonable time divest himself of such interest; failing so to do, his office shall become vacant.

198.54 In the performance of its duties the corporation shall have access to all available information collected by any department of the state; it may call upon the public service commission to obtain further information, and the commission is hereby authorized to gather such information under section 196.02 to enable the corporation to perform its duties. The governor may direct that assistance and advice be given the corporation by any officer, agent or employe of any department of the state and may require the temporary transfer of any employe from any department to the corporation.

198.55 The corporation:

- (1) May sue and be sued in its corporate name;
- (2) May adopt a corporate seal, which shall be judicially noticed, and may alter it at pleasure;
- (3) May acquire, hold and dispose of property for the state of Wisconsin upon any terms not repugnant to the constitution of the state at the time such action is taken;
- (4) May appoint, fix the compensation of, and remove such officers, employes, attorneys and agents as are necessary for the carrying out of its purposes; define their duties, and require bonds of them, and fix the penalties thereof.

198.56 The corporation shall:

- (1) Upon request of any city, village or town work out with such municipality, or with any group of municipalities interested with it in the creation of a power district, a feasible working plan for a proposed district.

(2) Upon request of any city, village, town, power district, or any department of the state, furnish advice, service and information concerning the purchase, ownership, construction, extension, improvement, management and operation of any facilities for the production, transmission, delivery and furnishing of light, heat, water or power, the transmission of telephone messages, and the rendering of street and interurban railway services.

(3) Upon request of the governor or the public service commission, represent the interests of the state before the interstate commerce commission, and the federal power commission.

198.57 (1) The corporation shall survey the resources and facilities, existing and potentially available, for the production, transmission and distribution of light, heat, water and power in the state. The survey shall be for the purpose of establishing a state-wide plan for the most practical means of securing an economical development of such resources and facilities as will best secure for industrial, transportation, agricultural and domestic uses an abundant and cheap supply of these essential services. The corporation shall investigate, hold public hearings and arrive at a tentative plan concerning the location and development in the future of facilities for the production, transmission and distribution of light, heat, water and power, the coordination of water power and fuel power developments with the regulation of rivers by storage or otherwise for water supply, navigation, public health, recreational and other uses, the saving and utilization of by-products, the potential field for electrification of railroads, farms, homes and industrial establishments, the interchange on a basis of mutuality of interest of electrical and other energy between this and other states within practicable transmission distance, the effect of the existing consolidations and intercorporate relations of public utilities upon the cost of producing, transmitting and delivering of light, heat, water and power. In devising the state-wide plan, account shall be taken of the most feasible way of integrating independent municipal and small private public service enterprises with the existing larger units. It shall also ascertain and develop the financial aspects of the state-wide plan, with the view of securing its earliest practicable realization.

(2) When the tentative state-wide plan shall have been drawn up, it shall be submitted to the public service commission which,

after public hearings, shall adopt said plan, with such modifications as it finds will serve the public interest, and file the same in its office, available for public inspection. Thereafter the commission in passing upon application for the issuance of certificates of convenience and necessity, in approving the construction, extension, and improvement of plant and facilities devoted to production, transmission, and distribution of light, heat, and power, and in exercising its powers under section 196.80 shall not depart from the plan so filed unless the commission finds that the public interest would be better served by such a deviation. The corporation may revise its plan only in accordance with the procedure specified in this section.

198.58 (1) The corporation may enter into contracts for periods not exceeding ten years upon any terms not repugnant to the constitution of this state at the time such contract is entered into, with the owner or owners of any public utility, street railway and interurban railway operated in whole or in part in this state for any or all of the following purposes:

(a) 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.

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

(c) 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 the earnings of such utility, street railway, or interurban railway.

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

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

(f) To provide for the purchase of all or any part of such properties by the state, 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 state whether derived out of the earnings of such properties or otherwise, or derived in part from such earnings and in part from other sources.

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

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

(i) To provide for reasonable equality of opportunity for all classes of consumers, actual and potential, within the state, as to rates, service and access to facilities.

(j) 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 accepted by the corporation and by the owners of such public utility, street railway, or interurban railway shall be submitted to the public service commission, and shall be published in one or more newspapers having a general circulation in the municipalities whose citizens will receive any services under the contract. The public service commission shall examine and hold public hearing on the contract and submit a report to the legislature within thirty days or as soon thereafter as the legislature shall be in session, giving the text of the contract and setting forth its opinion as to whether the contract is in the public interest. Such contract shall not be binding until it shall have been approved by statute.

(3) It shall be the duty of the public service commission upon request of all parties to any such contract in negotiation or in operation to advise and co-operate 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 due performance of the contract.

(4) In so far as such contract provides for the use, operation, service, management, control, sale, lease, purchase, extension, improvement, rates, value or earnings of the public utility, street railway or interurban railway or for the ultimate acquisition of the same, and so long as said contract remains in force, the public service commission shall be bound by the terms thereof, anything to the contrary in any law of the state notwithstanding, and shall

exercise all powers of regulation or administration required under such contract.

198.59 Annually, on or before the first day of December, the corporation shall file with the governor a report containing an accurate review of the work of the corporation in the preceding fiscal year, including a statement in such detail as the corporation deems practicable of the progress made in the development and execution of the state-wide plan as provided in section 198.58 of the performance of its duties under section 198.59. The report shall also contain a statement of the receipts and disbursements of the corporation, and such other material information relating to public utilities and street and interurban railways as it desires to bring to the attention of the governor.

198.60 The cost of any service rendered to any municipality at its request under subsections (1) and (2) of section 198.56.

20.513 There is appropriated from the general fund to the state utility corporation of Wisconsin, annually, beginning July 1, 1931, thirty thousand dollars for the discharge of its functions under sections 198.50 to 198.60, and in addition thereto all amounts which shall be paid to the corporation for services rendered pursuant to sections 198.50 to 198.60.

SECTION 2. This act shall take effect July 1, 1931.

Approved June 22, 1931.

No. 263, S.]

[Published June 24, 1931.

### CHAPTER 315.

AN ACT to create subsection (1b) of section 29.18 of the statutes, relating to close season for wild animals and birds in 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 29.18 of the statutes to read: (29.18) (1b) No person shall hunt or trap any wild animal or bird in Milwaukee county, except that the owner or occupant of land located in such county or members of his family may hunt or trap any rabbits or other wild animals or birds not otherwise protected by law on his land at any time.