

No. 334, S.]

[Published June 1, 1917.

## CHAPTER 303

AN ACT to amend subsection 3 of section 1022—41, sections 1022—43, 1022—44, and 1022—45, of the statutes, relating to burial permits.

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

SECTION 1. Subsection 3 of section 1022—41, sections 1022—43, 1022—44, and 1022—45 of the statutes are amended to read: Section 1022—41. 3. The undertaker shall deliver the burial permit to the sexton or person in charge of the place of burial before interring the body, or attach the removal permit to the box containing the corpse, when shipped by any transportation company, to accompany the same to destination, \* \* \*

Section 1022—43. In case the interment or other disposition of the body is to be made in some registration district other than that in which death occurred, a complete copy of the certificate of death \* \* \* issued by the authorities where the death occurred or the certificate of removal issued when shipped by any transportation company, shall be accepted as a burial permit for the interment of the body.

Section 1022—44. No sexton or person in charge of any premises in which interments or cremations are made shall inter or cremate or permit the interment or cremation of any body unless it is accompanied by a burial, \* \* \* permit as herein provided.

Section 1022—45. Each sexton or person in charge of any burial grounds shall indorse upon the permit the date of the interment, over his signature, and shall \* \* \* retain all such permits as a part of his record.

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

Approved May 29, 1917.

No. 348, S.]

[Published June 1, 1917.

## CHAPTER 304

AN ACT to amend section 3, subdivision (d) of section 5, and section 8, to renumber section 14 to be section 16, and to create sections 14 and 15, of Chapter 608 of the laws of 1913, relating to sewage disposal works in cities of the first class.

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

SECTION 1. Section 3, subdivision (d) of section 5, and sec-

tion 8, of chapter 608 of the laws of 1913 are amended to read: (Laws 1913 chapter 608) Section 3. A majority of said commissioners shall be a lawful quorum for the transaction of business. As soon as the commissioners first appointed under this act in any such city shall enter upon the duties of their office, they shall organize by the election of one of the members of said commission as chairman of said commission, who shall be removable at pleasure by said commission; he shall preside over the meetings of said commission and shall perform such other duties as are imposed upon him by this act or as may be assigned to him by said commission. At the same time the said commission shall elect a secretary, not a member of said commission, who shall be removable at pleasure by said commission and shall receive such compensation as the *said commission* may determine, such salary not to exceed the sum of three thousand dollars (\$3,000.00) per annum, and such salary shall be paid out from the fund hereinafter created in even and regular monthly installments at the time and in the manner that the salary of other city officials of such city shall be payable; such secretary shall enter in a well-bound book and carefully preserve neat, legible and accurate minutes of all matters concerning said commission and perform such other duties as usually appertain to the office of secretary of a private corporation, or as are imposed upon him by this act or as may be assigned to him by said commission. All sessions or meetings of said commission shall be open and public and all its records shall be public records and it shall, annually, make to the mayor and common council of said city, a detailed report of all its official transactions and expenditures.

SECTION 5. (d). To plan, construct and establish all such local, district, lateral, intercepting, outfall or other sewers, and all such conduits, drains and pumping or other plants, and all such buildings, structures, works, apparatus or agencies, and to lay all such mains and pipes, and to create or use, or create and use all such instrumentalities and means within any such city or any counties of the state, including *all public highways and* submerged as well as other lands, as it may deem expedient or necessary for carrying said system of sewerage, projected, planned and adopted as aforesaid, into full effect. And said commission is hereby specifically empowered to lay or construct, and any such city thereafter to maintain, without compensation to the state, any part or parts of said system of sewerage, or of its works or appurtenances, over or upon or under any part or parts of the bed or beds of any river or rivers or their branches

flowing through any such city, or of any land covered by any of the navigable waters of this state, the title to which is held by this state, any part or parts of said system of sewerage, or of its under rights of way of railroads, interurban and electric railway companies, and if the same be deemed advisable by the said commission, the proper officers of the state of Wisconsin are hereby authorized and directed upon the application of said commission to execute, acknowledge and deliver to the proper officers of any such city such deed or deeds or other instruments as may be proper for the purpose of fully confirming this grant.

*SECTION 8. That all work done or supplies or material purchased in carrying out the purpose of this act when involving the expenditures of ~~one thousand dollars~~ or more shall be by contract awarded to the lowest responsible bidder in accordance with the laws of this state and ordinances then applicable to any such city having reference to the letting of public work by and through the board or commissioner of public works or other proper department in such city except that said commissioners shall discharge the duties imposed by such laws upon the commissioner or board of public works or other department; but said commissioners shall have power to purchase without public advertisement or first receiving competitive bids, or the intervention of a formal contract, any patented article, appliance, apparatus, material or process, or any article, appliance, apparatus, material or process made or manufactured by one party only. Whenever any bidder for any work to be let by the commissioners shall be, in the judgement of said commissioners, incompetent or otherwise unreliable for the performance of the work for which he bids, the said commissioners may accept the bid of the person who in their judgment is the lowest competent and reliable bidder for said work, stating their reasons therefor, or reject the same anew. The commissioners may permit a sum of money or a certified check payable to the order of the commission to be filed with any bid or proposal in such an amount as in the judgment of the commissioners will save the city from any loss if the bidder shall fail to execute a contract pursuant to law, in case his bid is accepted and the contract awarded to him. Every contract made by the commission shall contain an agreement on the part of the contractor and his sureties that in case such contractor shall fail to fully and completely perform his contract within the time therein limited for the performance thereof, such contractor shall pay to the city as liquidated damages for such default a certain fixed sum to be named in the contract, which shall be such a sum as in the judgment of the com-*

missioners will save the city from any loss on account of such default and insure the prompt completion of the contract, or in lieu of such an agreement contain an agreement on the part of the contractor and his sureties that in case such contractor shall fail to fully and completely perform his part of the contract within the time therein limited for the performance thereof, such contractor shall pay to the city as liquidated damages for such default a definite sum, to be named in the contract, for each day's delay in completing said contract after the time therein limited for its completion, which daily sum shall be such an amount as in the judgment of the commissioners will save the city from loss in case of such default and insure the prompt completion of the contract. Every contract shall also be executed by at least two sufficient sureties, or a surety company, to be approved by the commission, who shall guarantee the full performance of the contract by the contractor to the satisfaction of the commission, according to the plans and specifications of the commission and be liable for such performance of the contract, as sureties, in an amount equal to the chief engineer's estimate of the aggregate cost of the work. When a contractor shall proceed properly and with due diligence to perform and complete a contract, the commissioners may in their discretion, from time to time, as the work progresses, grant to said contractor an estimate of the amount already earned for the work done, withholding in all cases fifteen per cent of said estimate when said estimate is less than one hundred thousand dollars, and ten per cent of said estimate when said estimate is one hundred thousand dollars or over, which shall entitle the contractor to receive said estimate less the amount withheld. Said commission shall be empowered, if it see fit, to insert in the specifications of any such work reasonable and lawful conditions as to the hours of labor, wages and the residents and character of workmen to be employed by the contractor and especially so far as may be practicable in the judgment of said commission, such reasonable and lawful conditions as will tend to confine employment on such work, in whole or in part, to permanent and bona fide residents of the state of Wisconsin; and provided, however, also that said commission with the consent of four or all its members may itself do any part or parts of any such work under such conditions in every respect as it may prescribe by day labor, whenever the chief engineer, in writing shall recommend that course; any and all bids or parts of bids for any such work or supplies or materials may be rejected by said commission. The commission shall have the power to demand of such bidders and contractors that all contracts shall be let subject to the pro-

visions of chapter 110a of the Wisconsin statutes for 1911 and acts amendatory thereof, entitled "Workmen's Compensation and Industrial Commission," to the end that said commission and such city may be held harmless.

SECTION 2. Section 14 of chapter 608 of the laws of 1913 is renumbered to be section 16 of said chapter.

SECTION 3. Two new sections are added to chapter 608 of the laws of 1913 to be numbered and to read: (Laws of 1913 chapter 608) Section 14. Nothing in this act shall be construed as in anyway limiting or taking away any of the powers of such city, relating to the construction of local or sanitary sewers or drains, or extensions or repairs thereof, which powers such city possessed prior to the passage of chapter 608, laws of 1913, or any of its amendments, or has acquired at any time since the passage of said act or any of its amendments, except that all plans and specifications for the construction of any local or sanitary sewers or extensions thereof shall be submitted to and approved in writing by the sewerage commission before said sewers are constructed.

SECTION 15. 1. Whenever any city of the first or second class, however incorporated, shall have begun to plan, construct, and establish, or shall have planned, constructed, and established, a sewage system and a sewage disposal works, under any law of this state authorizing the same, any town, village or other city located in the same county where said cities of the first or second class are located, and whose sewage, either before or after any purifications thereof, flows directly or indirectly into any lake which is the source of the water supply of said cities of the first or second class, shall, before constructing any sewers, or sewerage system, or extensions thereof or of any existing sewers or sewerage system, submit the plans of the same to and secure the approval thereof in writing by the sewerage commission, or other board or body or official having charge and control of the planning, construction, establishment, operation and maintenance of the sewage disposal system of said cities of the first or second class. Said sewerage commission, or other board or body or official of said cities of the first or second class shall have the power to approve said plans or to approve them providing changes and modifications in said plans or entirely different plans, recommended by them, or adopted by said town, village, or city, in order that, if at any time the sewers or sewerage system, or extensions thereof, of any of said towns, villages or cities are connected with the sewers, sewerage system and sewage disposal works of said cities of the

first or second class, such sewers or sewerage system, or extensions thereof, or said towns, villages or cities, will in all respects properly conform to and fit in with the plan of the sewers, sewerage system and sewage disposal works of said cities of the first or second class. In case such town, village or city, in the manner aforesaid, submits its plans for its sewers, sewerage system, or extensions thereof, to the sewerage commission, or other board or body or official, having charge and control of the planning, construction, establishment, operations and maintenance of the sewage disposal system of said cities of the first or second class, and secures the aforesaid approval and constructs the same in accordance with the plans thus approved, such town, village or city shall have the right to connect its sewers, sewerage system, or extensions thereof with the sewers, sewerage system, and sewage disposal works of said cities of the first or second class, at such times and such places and in such a manner as shall be determined and specified in writing, prior to any such connection therewith, by the sewerage commission, or other board or body or official having charge and control of the planning, construction, establishment, operation and maintenance of the sewage disposal system of said cities of the first or second class, but subject to the right of said cities of the first or second class to charge annually compensation, to be determined, collected, and paid as hereinafter provided, for the use of its sewers, sewerage system and sewage disposal works for the transmission of the sewage of said towns, villages or cities.

2. As soon as possible after the first day of January in each year following the passage of this act, the sewerage commission, or other board, or body, or official, having charge and control of the sewage disposal system of said cities of the first or second class furnishing said service, shall determine the sum of money which is a reasonable compensation to charge said towns, villages or cities for said service for the preceding year, or part of said year, during which said service was furnished, and report the same to the city clerk of said cities of the first or second class, who shall, on or before the first day of August of each year, certify said report to the clerk of the town, village or city which received said service. Thereafter the clerk of said town, village or city shall, at the same time and in the same manner that other local taxes are extended on the tax roll, and in addition to all other taxes, extend a sufficient amount opposite each valuation on the tax roll of said town, village or city to realize the total amount of said sum certified to him in said report, which tax

shall be collected at the same time and in the same manner as other local taxes are collected, and then paid over to the treasurer of the said city of the first or second class which furnished such service.

SECTION 4. This act shall take effect upon passage and publication.

Approved May 29, 1917.

No. 394, S.]

[Published June 1, 1917.

### CHAPTER 305

AN ACT to create subsection 5 of section 1797m—79 of the statutes, relating to a division of public utility service between a municipality and public utility located therein.

*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 1797m—79 of the statutes to read: (Section 1797m—79) 5. Any municipality, having secured a declaration of convenience and necessity to own, operate, manage or control any plant or equipment for the production, transmission, delivery or furnishing of heat, light, water or power, as provided by section 1797m—74 of the statutes, or owning any such plant, may contract with any public utility lawfully engaged as such for a division of any of the foregoing service in said municipality, for a period not exceeding ten years, with mutual covenants restricting and obligating operations by each party to service within the respective fields of division so contracted for, and within such fields the commission shall have the right to regulate the charges for, and quality of, service, notwithstanding anything provided in such contract. Nothing in this section shall be construed as preventing the railroad commission from terminating such contract and granting a certificate of convenience and necessity for a third or other utility, if in its judgment the public interest requires it.

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

Approved May 29, 1917.