

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

Became law without approval of Governor.

No. 212, A.]

[Published June 19, 1925.

CHAPTER 341.

AN ACT to create section 85.25 of the statutes, relating to the liability of insurers in motor vehicle accident cases.

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: 85.25 Any bond or policy of insurance covering liability to others by reason of the operation of a motor vehicle shall be deemed and construed to contain the following conditions: That the insurer shall be liable to the persons entitled to recover for the death of any person, or for injury to person or property, caused by the negligent operation, maintenance, use, or defective construction of the vehicle described therein, such liability not to exceed the amount named in said bond or policy.

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

Approved June 16, 1925.

No. 205, A.]

[Published June 20, 1925.

CHAPTER 342.

AN ACT to repeal paragraph (c) of subsection (7) of section 62.16, and section 62.21; to amend paragraph (k) of subsection (6) of section 62.16, paragraph (c) of subsection (14) and paragraph (a) of subsection (15) of section 62.18 and subsections (1) and (2) and paragraph (a) of subsection (3) of section 62.20; and to create paragraph (c) of subsection (7) of section 62.16, paragraph (d) of subsection (3) of section 62.20 and section 62.21 of the statutes, relating to cities and authorizing the levy of special assessments to pay for local improvements,

the division of such assessments into instalments and the issuance of bonds against such instalments.

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

SECTION 1. Paragraph (c) of subsection (7) of section 62.16, and section 62.21 are repealed.

SECTION 2. Paragraph (k) of subsection (6) of section 62.16, paragraph (c) of subsection (14) and paragraph (a) of subsection (15) of section 62.18, subsections (1) and (2) and paragraph (a) of subsection (3) of section 62.20 are amended to read: (62.16) (6) (k) If the owner of any parcel of land affected by such determination feels himself aggrieved thereby he may, within twenty days after the date of such determination, appeal therefrom to the circuit court of the county in which such city or some part thereof is situated by causing a written notice of appeal to be served upon the clerk of such city and by executing a bond to the city in the sum of one hundred fifty dollars, with two sureties or a bonding company to be approved by the city clerk, conditioned for the faithful prosecution of such appeal and the payment of all costs that may be adjudged against him. The clerk, in case such appeal is taken, shall make a brief statement of the proceedings had in the matter before the council, with its decision thereon, and shall transmit the same with all the papers in the matter to the clerk of the circuit court. Such appeal shall be tried and determined in the same manner as cases originally commenced in said court, and costs awarded as provided in paragraph (d) of subsection (1) of section 62.25. In case any contract shall have been made for making the improvements said appeal shall not affect said contract, * * * and certificates or bonds may be issued in anticipation of the collection of the entire assessment for such improvement, including the assessment on any property represented in said appeal as if said appeal had not been taken; in case the appellant shall succeed the difference between the amount * * * originally assessed against the property involved in said appeal and the amount finally adjudged to be paid as benefits * * * on account of such property, shall be paid by the city into the special fund for such local improvement.

(62.18) (14) (c) The said board shall advertise for proposals for the construction of sewer service laterals and let the same

by contract, or the council may direct such work to be done directly without the intervention of a contract, and at the completion of the work there shall be assessed upon the lot or parcel of land benefited thereby, the cost of such lateral, or the average current cost of laying such laterals, and when the work is done by contract, * * * *payment to the contractor may be made in cash or in certificates or bonds payable out of the proceeds of the special assessment or instalments thereof or from the proceeds of the sale of such bonds in the same manner as in the case of other local improvements.* The cost of sewer laterals shall not be included in the estimate of the cost of the general plan of sewerage in any district.

(62.18) (15) (a) The council shall, by ordinance, provide for the construction by the lot owner, or by a contractor, or by the city without the intervention of a contractor of house sewers leading from the lot to be sewered to the sewer service lateral when the lot is so used or improved as to make connection with the public sewer desirable. When such work is done by the city or by a contractor the cost of each such house sewer shall be assessed by the board of public works against the lot or parcel of land benefited thereby, * * * *and payment to the contractor may be made in cash or in certificates or bonds payable out of the proceeds of the special assessment or instalments thereof or from the proceeds of the sale of such bonds in the same manner as in the case of other local improvements.*

(62.20) (1) When any contract is let for street improvement, the construction of any sanitary sewer or sewerage work, or surface or storm water sewer, or the laying of any water or heat main or lateral, or the laying or repair of any sidewalk, and * * * *the work covered by such contract is to be paid wholly or in part by special assessment upon the property to be benefited by the improvement, such contract may provide that the part of the total cost of the improvement to be defrayed by such special assessment may be paid in cash or with certificates or bonds issued for such improvement or with the proceeds of the sale of such bonds, or both. The amount chargeable to the city shall be paid as the contract for the work may provide.*

(2) Whenever any work mentioned in subsection (1) has been done under contract and the same shall have been approved by the board of public works, * * * *said board may issue to the*

contractor a certificate as to each parcel of land against which benefits have been assessed for the amount chargeable thereto.

* * * *Such certificate shall be in such form as the board may prescribe.* * * *

(3) (a) After the expiration of * * * *ninety days* from the date of * * * *any such certificate or bond* the same shall be conclusive evidence of the legality of all proceedings up to and inclusive of the issue thereof, * * * *and prima facie evidence of the proper construction of the improvement.*

SECTION 3. A new paragraph is added to subsection (7) of section 62.16, a new paragraph is added to subsection (3) of section 62.20 and a new section is added to the statutes to read: (62.16) (7) (c) Any special assessment for the construction of any local improvement shall be a lien on behalf of the municipality making the improvement on the property assessed from the date of the determination of such assessment by the council to the same extent and of equal force and validity as a lien for a tax assessed upon land. Such lien shall be enforced in the same manner as near as may be as the lien for general real estate taxes, except as otherwise specially provided.

(62.20) (3) (d) If any special assessment for any local improvement or instalment thereof or any interest on such assessment coming due in any year, remains unpaid on the day in such year when the city treasurer is required to make return of delinquent taxes, all unpaid instalments of such assessment and accrued interest thereon shall immediately become due and payable and shall be certified by the city treasurer to the county treasurer and thereafter the same proceedings shall be had for the collection thereof as in case of taxes upon land.

62.21 (1) (a) The total assessment levied to defray the cost of any local improvement, except sprinkling or oiling streets, and also each individual assessment may be divided into annual instalments not more than ten in number except that assessments for sidewalks may be divided into not more than five instalments.

(b) In all cases the division into instalments shall be made so that all instalments shall be as nearly equal in amount as possible.

(c) The first instalment shall be due and payable at the time of payment of general real estate taxes next after the date of the first voucher issued on account of work done and the second instalment one year thereafter and so on annually until all instal-

ments are paid; and it is hereby made the duty of the board of public works to file in the office of the city treasurer a certificate signed by its president of the date of said first voucher and of the amount thereof, within thirty days after the issuance thereof. All instalments shall bear interest as hereinafter provided at such rate not exceeding six per centum per annum as shall be fixed by the city council, payable annually. Interest on assessments shall begin to run from the date of the first voucher issued on account of work done as aforesaid. The interest on each instalment shall be payable as follows:

(d) On or before the day in the year upon which general real estate taxes become payable next succeeding the date of the first voucher certified as aforesaid, the interest accrued up to that time on all unpaid instalments shall be due and payable and be collected with the first instalment, and thereafter the interest on all unpaid instalments shall be payable annually and be due and payable at the same time as the instalment maturing in such year and be collected therewith. Whenever payment is made of any instalment, interest shall be payable thereon up to the thirty-first day of December of the year in which such payment is made.

(2) (a) For the purpose of anticipating the collection of any assessments for local improvements payable in instalments, it shall be lawful to issue bonds payable out of such instalments bearing interest at a rate not greater than the rate fixed for such instalments, payable semi-annually. Such bonds shall be payable out of the entire proceeds of the instalments against which they are issued, irrespective of the particular property on account of which collections are made, the intent being that the entire instalment shall constitute a single trust fund for the payment of all bonds issued against the same. Such bonds shall be signed by the mayor and clerk of the city issuing the same and be attested by the corporate seal of the city and contain such recitals as may be necessary to show that they are payable only out of the special fund provided pursuant to this chapter for the improvement for which they are issued and such other provision as the council shall think proper to insert. Such bonds shall be issued in sums of one hundred dollars or some multiple thereof so far as practicable (with any odd denominations allocated to the first maturity) and shall be dated and draw interest from date. Each bond shall state on its face out of which instalment it is

payable and shall designate the improvement for which it is issued. The principal of such bonds shall not exceed in the aggregate ninety per cent of the amount of the instalments of the assessment levied for the cost of such improvement and unpaid when the bonds are issued, and shall be divided into as many series as there are instalments. But any bond may be paid out of an instalment in which there is a surplus, other than the instalment against which such bond is issued, so that if from any cause the fund in the instalment against which such bond is issued is not sufficient to pay the same, the entire amount of the assessment or any instalment containing a surplus may be applied toward the payment of any bonds issued against the assessment. It is hereby made the duty of any city issuing such bonds to exercise the utmost good faith and diligence in the collection of the special assessment against which the same are issued. Each series of bonds shall become due not earlier than July first in the year in which the corresponding instalment will mature or at such other date in such year as will conform as nearly as may be to the time when such instalment will be collected as estimated by the city issuing the same.

(b) Such bonds may be substantially in the following form :

County of..... }
 State of..... } ss.
 \$..... Series.....
 Bond.....
 of

IMPROVEMENT BOND

The city of.....
 in
 County, Wisconsin, for value received, promises to pay to the
 bearer on the day of..... A. D.....
 the sum of.....dollars, with interest
 thereon from date hereof, at the rate of per centum, pay-
 able semi-annually on presentation of the coupons hereto an-
 nexed.

Both principal and interest of this bond are payable at.....

This bond is issued to anticipate the collection of a part of the
 instalment of a special assessment.....
 levied for the purpose of.....

which said instalment bears interest from the.....day of
.....A. D..... This bond and the in-
terest thereon are payable solely out of the special fund pro-
vided to pay the cost of said improvement and the city pledges
the exercise of the utmost good faith and diligence in the col-
lection of said special fund.

Dated this.....day of.....A. D.....
Seal.

Mayor.

Clerk.

(c) Coupons representing the interest on any bonds issued
under the provisions of this section shall be attached thereto.
Such coupons shall be executed by facsimile signatures of the
officials, executing the bonds, and shall be substantially in the
following form :

The City of.....County, Wis-
consin, will pay bearer.....Dollars on
.....19... in lawful money of the United States
at.....for semi-annual interest due on
that day on its Special Street Improvement Bond No.....
Coupon No.....

Chief Executive Officer or Mayor.

Clerk.

(d) Before any bonds shall be issued for any assessment for
any local improvement, the council shall cause a notice to be
published in the official paper substantially in the following
form :

CITY IMPROVEMENT NOTICE

NOTICE IS HEREBY GIVEN that a contract has been (or
is about to be) let for (describe the improvement) and that the
expense of said improvement chargeable to the real estate to be
benefited thereby has been determined as to each parcel of such
real estate and a statement of the same is on file with the city
treasurer. It is proposed to issue bonds payable out of the pro-
ceeds of said assessment for the cost of such improvement. Prior
to the issuance of bonds and within thirty days from the date
of this notice any property owner may pay his entire assessment
against any parcel of land, but not less than the entire assess-
ment against such parcel with interest to the date of such pay-
ment, or such property owner may file with the city clerk a
written notice that he elects to pay the special assessment or part
thereof on his property on presentation of the certificates.

(e) On the making of such payment the property shall be discharged from the lien of said assessment.

(f) Any bonds issued for a local improvement pursuant to this act may be sold or may be paid to the contractor having the contract for the improvement for which the bonds were issued at not less than their par value and interest accrued to the time of delivery whether sold or paid to the contractor. The proceeds of the sale of any such bonds shall be credited by the city treasurer to the special fund for the improvement for which the same are issued. Payment for any local improvement for which bonds are issued may be made in the bonds herein provided for. Any property owner assessed for any local improvement for which bonds are issued may pay his assessment wholly or in part with the bonds issued under this act, applying, however, the bonds of each series only to the payment of the instalments to which they relate. In making such payments such bonds shall be taken at their par value and interest accrued to the date of making such payment. All bonds received in payment of such assessment shall be cancelled by the officer receiving the same as of the date of their receipt and deposited with the treasurer of the city issuing the same.

(g) Immediately upon the determination by the city council of any special assessment levied for any local improvement the city clerk shall certify such assessment and also the amount levied against each separate parcel of property and the instalment thereof to the city treasurer. In each year in which any special assessment levied for any local improvement or any instalment thereof becomes due, the amount of such assessment or instalment thereof levied against each parcel of property assessed for such improvement, and the interest due in such year on all unpaid instalments, shall be extended on the tax roll when the tax roll for the year is prepared, as a special tax on such property and thereafter such special tax shall be treated in all respects as any other city tax and when collected the same shall be paid into the special fund for the assessment or instalment thereof on account of which the same is collected. Such fund shall be used only for the payment of the principal and interest of obligations issued against such special assessment or instalment thereof as the case may be and for no other purpose.

(h) If in any year there shall be a deficiency in the special fund for any local improvement available to pay the principal

and interest accruing in such year on account of all bonds issued for such local improvement, the city making such improvement may pay into such special fund from its general fund or from any special fund lawfully available for that purpose, as soon as may be after the ascertainment of such deficiency, the amount thereof together with interest thereon to the date of payment by the city into the special fund at the same rate as the rate of interest upon the bonds issued on account of such local improvement. The fund of the city from which such deficiency is made good shall be reimbursed from the special assessment against the property so in default as and when the same is collected.

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

Approved June 17, 1925.

No. 52, A.]

[Published June 20, 1925.

CHAPTER 343.

AN ACT to amend subsection (1) of section 12.12 and to repeal and recreate subsection (5) of section 12.09 of the statutes relating to corrupt practices in elections.

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

SECTION 1. Subsection (1) of section 12.12 of the statutes is amended to read: (12.12) (1) No person, firm, corporation, association or committee therefor or member thereof, shall demand, solicit, take, invite or receive from any candidate, from any personal campaign committee or member thereof, or from any party committee or member thereof, any payment or contribution or obligation, express or implied, for payment or contribution of money or thing of value for any religious, charitable or fraternal cause or organization, except for personal campaign committees or regular party committees. • • •

SECTION 2. Subsection (5) of section 12.09 of the statutes is repealed.

SECTION 3. A new subsection is added to section 12.09 of the statutes to be numbered and to read: (12.09) (5) (a) Any corporation, association, organization, committee or group, which in this state advocates, endorses or opposes any political party,