

SECTION 33. This act shall take effect upon passage and publication.

Approved July 25, 1933.

No. 420, S.]

[Published July 31, 1933.

CHAPTER 490.

AN ACT to amend chapter 138 of the statutes, relating to joint harbors and harbor commissions for joint harbors, and outlining its powers, duties and limitations.

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

SECTION 1. Chapter 138 of the statutes is amended to read:

CHAPTER 138.

138.01 HARBOR COMMISSION CREATED. * * * A harbor commission is hereby provided and created for cities in the state of Wisconsin, located on a harbor which lies partly in this state and partly in another state. Such a harbor is herein designated a joint harbor. Such commission shall be known as the "..... Harbor Commission" (carrying the name of the Wisconsin city in which the commission is located), and such harbor commission is referred to in this * * * chapter as the commission. This * * * chapter shall not become operative in any city until the city council of such a city shall, by resolution, accept the provisions of this * * * chapter, and until the city clerk shall * * * certify to the secretary of state * * * that this chapter has been adopted and is in force in such city.

* * * 138.02 COMPOSITION; TERMS. Such commission shall consist of three members who shall be appointed * * * by the mayor of the city in which the commission is located, and shall be confirmed by the council. All members shall be residents of the city in which the commission is located, and all members shall be appointed with special reference only to ability and fitness for the office. The members shall serve without compensation other than remuneration for expenses. Of the first members, * * * one shall be appointed for a two-year term, one for a four-year term and one for a six-year term with terms beginning on the first day of July of the year in which this chapter shall be adopted. After the expiration of these first terms all members shall hold their offices for the terms of six years each or until their successors shall be appointed, confirmed and qualified. Va-

cancies shall be filled by appointment for unexpired terms.
 * * * All members shall qualify by taking the oath of office provided for officers of the city.

* * * *138.03 ORGANIZATION; MEETINGS.* Upon the appointment *and confirmation* * * * of the members of such commission, they shall organize by electing one of the members president, one vice president, and by electing a secretary who may or may not be a member of the commission. *The secretary, whether a member of the commission or a nonmember, may be paid such salary as may be fixed by the commission provided that such salary shall be paid only out of revenues of the commission, unless the city council shall authorize the salary or some part of it paid out of the city treasury.* * * * The commission shall hold meetings at such times and places as it may appoint, and it may adopt such by-laws consistent with law as may seem practical for its regulation and government.

* * * *138.04 JURISDICTION OF COMMISSION.* Such commission shall be the official body representing the Wisconsin part of such joint harbor and its equipment and shipping facilities and interests. It shall be the duty of its members to obtain available information on, and to study, the needs of the harbor and its appurtenances and shipping interests, both with reference to its separate Wisconsin and its joint aspects, and it shall be the duty of the commission to make such recommendations to the proper authorities from time to time for the proper maintenance, improvement and betterment of the harbor and especially the Wisconsin part of such joint harbor and its docks, warehouses, wharves and slips and its harbor, dock, * * * wharf *and other* facilities, equipment and its shipping interests, including railroad terminals and service, and shipping facilities and interest in general, as may seem needful and practical, and to take such steps as may seem practical to cause such recommendations to be carried out and put into effect.

* * * *138.05 CONTROL OF HARBOR FACILITIES.* All real estate held for docks, wharves or shipping purposes and all docks, wharves, warehouses, piers, slips or other structures and harbor facilities *and improvements*, and the waters adjacent or appurtenant thereto, and all railway tracks and facilities connecting with or appurtenant to them, which are owned or held by the city in which such commission is located, shall be under the exclusive charge, control, management and operation of the * * * com-

mission, and all docks, wharves, buildings, structures, tracks or improvements made on, or to, city owned or controlled docks or shipping property, and all repairs and alterations thereto shall be made by the commission, and in accordance with its plans. *In addition to having charge, control, management and operation of city-owned harbor property and facilities the commission may acquire by gift, purchase, exchange or condemnation real estate and property in its own right, and may improve it by the construction of docks, wharves, bridges, tunnels and other buildings, structures and improvements including dredging, and it may make improvements jointly with the other city located on the joint harbor, or with a harbor commission or similar body located in such other city, and the commission may jointly with the other city, commission or similar body manage, control and operate such joint improvements.*

* * * 138.06 TOLLS. All tolls and charges for dockage, wharfage, *travel and use* or for other services in connection with both city owned and commission-owned docks, wharves, warehouses, appurtenances, equipment * * * , structures, facilities and improvements shall be fixed and collected by the commission.

* * * 138.07 ACQUISITION OF HARBOR FACILITIES. By and with the consent of the city council the commission may sell, purchase, exchange, lease or mortgage docks and wharves, or dock or wharf property and its appurtenances or any dock facilities, property or equipment owned by the city, * * * and without the consent of the city council, any property owned by the commission in its own right. The commission shall have the right of eminent domain, and may condemn any real estate or property necessary or appropriate for any of the purposes or powers herein granted or implied and not necessarily used by some other public utility. As a preliminary to such condemnation the commission shall adopt a resolution providing for the condemnation of the land or property, describing it as definitely as practical and designating the use to be made of such property, and condemnation proceedings may be conducted in accordance with chapter 32 as far as applicable. The commission may borrow money and mortgage its interest in the land and property being condemned to pay the compensation for land or property so condemned. But in no event shall the commission obligate or bind the city without the consent of the city council.

* * * 138.08 COMMISSION CITIES. In cities having a commission under this * * * *chapter* the duties and powers conferred on common councils by section 30.04 of * * * *Wisconsin* statutes shall be exercised by the commission.

* * * 138.09 DOCK LINES. No dock line shall be altered or established by the city council of a city in which a commission has been established under this * * * *chapter*, until it shall have been submitted to and approved by the commission.

* * * 138.10 PLANS FOR DOCKS, WAREHOUSES, ETC. Before any permit shall be issued by the city or its departments for building or improving any dock, wharf, warehouse or other structure pertaining to marine shipping, the plans therefor shall first be submitted to and approved by the commission.

* * * 138.11 OPERATION OF SHIPPING FACILITIES. The commission may make such rules and regulations for the operation, government and control of *both city owned and commission owned* docks, wharves, warehouses, slips and shipping facilities and equipment, *bridges, tunnels* and for carriers and shippers and persons using * * * *any facility or improvement*, as it may deem needful and wise.

* * * 138.12 EMPLOYES OF COMMISSION. For the carrying out of the purpose and intent of this * * * *chapter*, the commission shall have power to appoint agents and employ help, and to fix their *duties and* compensations.

* * * 138.13 HARBOR COMMISSIONS BODIES CORPORATE. Commissions under this * * * *chapter* may sue and be sued, and shall have municipal corporate powers to carry out the purpose and intent of this * * * *chapter*.

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* * * 138.14 RELATIONS TO OTHER CITY DEPARTMENTS; LETTING OF CONTRACTS. It shall be the duty of the city attorney where commissions are located to serve the commission in a legal capacity, and the city engineer to serve it in an engineering capacity, *when called upon by the commission*. But the commission may employ additional or other legal or engineering talent *and help* when it shall deem it advisable. Upon the request of the commission the board of public works or any other board or city department shall act for such commission in carrying out the powers and duties herein conferred on such commission. *The commission shall exercise precaution in letting all construction or repair contracts to responsible persons and at reasonable prices,*

provided that all construction and repair contracts involving more than five hundred dollars shall be let to the lowest responsible bidder except that contracts for projects involving federal funds shall be let under such regulations and conditions as shall be prescribed by the federal agency controlling such funds so far as such regulations and conditions may conflict with this section.

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* * * 138.15 JOINT ACTION WITH HARBOR COMMISSIONS OF CITIES LOCATED IN ANOTHER STATE. Any commission created under this * * * chapter may meet and act jointly with a similar body created and acting for a city located in another state on such joint harbor, on matters of common interest and which affect the joint harbor or facilities or improvements * * *, and it may join with such other body in taking such action and making such recommendations as may seem advisable, in executing such action and in causing such recommendations to be carried out, and it may join with such other body in making and adopting or causing to be made and adopted, a general plan for the development of the joint harbor.

* * * 138.16 REPORTS OF EXPENDITURES. The commission shall, on or before the first day of October of each year, file with the city clerk a detailed statement of the amount of money that will be required to meet its expenses and needs for the ensuing year, and the city clerk shall place such statement before the city council in due course.

* * * 138.17 TAX LEVY. The city in which a commission is located is hereby authorized and empowered to levy and place on the tax rolls such sums as it deems practical, and to make appropriations of money from time to time, to defray the expenses and meet the needs and requirements of the commission in the performance and carrying out of powers and duties.

* * * 138.18 BONDS. For purchasing real estate, building or purchasing docks, wharves, warehouses * * *, structures or improvements herein authorized to be built or owned and for dredging and improving slips and basins, * * * the * * * commission may issue its bonds or other evidences of indebtedness payable out of the revenues of any facility or improvement owned or operated by the commission or out of any revenue of the commission and may pledge or give a lien on any property owned by the commission and with the consent of the city council, any property owned by the city.

* * * 138.19 CITY TREASURER TO HOLD FUNDS; MANNER OF PAYMENT OF CLAIMS. Money levied or appropriated or procured from the sale of such bonds or evidences of debt and all revenues of the commission, except revenues from joint improvements before divided, shall be held in the city treasury to the credit of the commission, and shall be paid out only on orders signed by the president and secretary after the allowance of claims by the commission, or on orders entered in the minutes of its meetings.

* * * 138.20 ANNUAL REPORT TO CITY COUNCIL. The commission shall, annually in January of each year, make a report to the city council of the city in which it is located, giving an account of its activities, and * * * an account of its revenues and expenditures, in the prior calendar year, and reporting such other matters as it deems of interest, and it may make such recommendations as it deems for the best interests of the city, its harbor and docks, wharves, slips, improvements and appurtenances and shipping and other facilities and interest.

138.21 NET REVENUES TO GO TO CITY. All revenues of the commission after paying overhead, operating, improving and additional expenses shall be annually turned over to the city in which the commission operates.

* * * 138.22 LIMITATION ON POWER TO CONTRACT DEBT. No commission under this * * * chapter shall have power to financially obligate the state of Wisconsin or the city in which it operates, in any manner without the consent of the state legislature or of the city council of such city.

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

Approved July 25, 1933.

No. 436, S.]

[Published July 31, 1933.

CHAPTER 491.

AN ACT to repeal unintended implied repeals, to correct errors and to supply omissions in various acts of the 1933 session of the legislature.

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

SECTION 1. Subsection (1) of section 1.055, as amended by chapter 272, Laws 1933, is amended by substituting "conservation commission" for "conservation commissioner."