

No. 537, S.]

[Published August 15, 1961.

### CHAPTER 369

AN ACT to create 196.58 (7) of the statutes, relating to regulation of utilities by a municipality and providing for installations in adjacent municipalities.

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

196.58 (7) of the statutes is created to read:

196.58 (7) Whenever a municipality operating a water works seeks to serve customers of an area which is part of such municipality and in the same county, but in order to serve such customers it is necessary or economically prudent for such municipality to install either mains, transmission lines, pipes or service connections either through, upon or underground of a public street, highway, road, public thoroughfare or alley located within the boundaries of any adjacent municipality, the municipality seeking such installation may file a petition with the clerk of the legislative body of such adjacent municipality requesting approval for the installation of either mains, transmission lines, pipes or service connections. The local legislative body of such adjacent municipality shall act on such petition within 15 days following the filing thereof. If the local legislative body of such adjacent municipality fails to act within such time, the petition so filed shall be deemed approved and the municipality may proceed with such installations required for service to its customers. If, however, the local legislative body of such adjacent municipality rejects the petition, then the municipality may make application to the public service commission for authority to install within the boundaries of such adjacent municipality such installations as are necessary to provide service to its customers. The commission shall hold a hearing upon the application of the municipality. If the commission determines that it is necessary or economically prudent that the municipality seeking to serve its customers make such installations within the boundaries of such adjacent municipality, the commission shall promptly issue an order authorizing the installation to proceed, and the municipality making such installation shall have full authority to do so, subject to the commission's establishing the manner in which such installation shall be made. Prior to January 1, 1962, there shall be no appeal from the determination of the commission with respect to orders promulgated by the commission under this subsection, and its order shall be deemed final. A municipality making an installation under this section shall be required to restore the land on or in which such installation has been made to the same condition as it existed prior to the time of making the installation. Failure to make such restoration shall subject the municipality to an action for damages by the adjacent municipality. The adjacent municipality may also require a performance bond from the municipality seeking to make such installation, and if no agreement can be effected between the municipalities as to the amount of the performance bond, the public service commission shall determine the amount of such bond. If the commission issues an order authorizing an installation as provided for in this subsection, the commission shall determine the amount of the performance bond which shall be required of the applicant municipality.

Approved August 4, 1961.