

No. 235, A.]

[Published July 9, 1919.

CHAPTER 492.

AN ACT to repeal sections 1797t—6 to 1797t—12, inclusive; to create sections 1797t—6 to 1797t—12, inclusive; and section 927—20; and to amend subdivision (11) of section 926—11 and subsection 7 of section 943 of the statutes, relating to municipal acquisition of street railways.

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

SECTION 1. Sections 1797t—6 to 1797t—12, inclusive, of the statutes, are repealed.

SECTION 2. Eight new sections are added to the statutes to be numbered and to read: Section 1797t—6. The municipal council of any municipality in which the major part of the property of any street railway company is situated, may by resolution adopted by a majority of all the members thereof, submit to the electors of the municipality at any general or municipal election, or at any special election called for that purpose, the question of acquiring the property of such street railway company actually used and useful for the convenience of the public. Such question shall be submitted in substantially the following form: "Shall the (name of municipality) acquire the property actually used and useful for the convenience of the public of the (name of the railway company)?"

Section 1797t—7. If a majority of the electors voting on such question shall vote in favor of acquiring said property, the municipal council shall, if said railway company is not operating under an indeterminate permit, adopt a resolution stating that the municipality has determined to acquire said property and fixing the place and time not less than twenty nor more than thirty days after the passage of such resolution when the municipality will apply to the judge of the circuit court for the county wherein such municipality is situated, for a jury to determine the necessity for the taking of said property. The municipal council shall thereupon cause to be made by the clerk a notice of the adoption of such resolution embracing a copy thereof, and notifying the street railway company that the municipality will at the time and place named apply to the judge for a jury to determine the necessity for the taking by the municipality of said property. Such notice shall be served upon the street railway company in the manner circuit court summons are served, at least one week before the time fixed for the application. The provisions of section 2625 of the statutes shall apply to such proceedings except that no change

shall be made as to the place of trial of the proceeding. No notice of the pendency of the proceedings need be filed with the register of deeds or any other officer.

Section 1797t—8. At the time and place fixed for the trial, a copy of the resolution and notice and proof of service thereof shall be filed with the judge and thereupon, in the presence of the judge of said court and of the parties, the clerk of said circuit court shall draw from the list of petit jurors prepared for said court by the jury commissioners of said county such number of jurors as the judge shall direct who shall be summoned to appear at a time and place fixed, to which time and place the proceedings shall be adjourned. The procedure in empaneling the jury, in trying the issue, and in rendering the verdict of the jury shall be the same as in actions tried in circuit court. The form of the verdict shall be substantially as follows: "Is the street railway property described in the resolution useful and convenient and a benefit to the public of sufficient importance to warrant the expense of acquiring said property?"

Section 1797t—9. If the jury shall render an affirmative verdict the clerk of the circuit court of the county wherein the hearing was had shall transmit a certified copy of the verdict and a copy of the resolution and notice filed at the hearing, to the railroad commission.

Section 1797t—10. If the municipality shall have determined by a majority vote of the electors to acquire the property actually used and useful for the convenience of the public of a street railway company which shall have consented to the taking over of such property by the municipality by acceptance of an indeterminate permit as provided by law, the city clerk shall transmit to the railroad commission a certified copy of the official canvass of the vote at said election and a certified copy of the resolution submitting the question to the electors.

Section 1797t—11. Upon receipt of the certified copies of the official canvass and resolution submitting to the electors the question of acquiring the property or of the verdict and resolution for condemnation, as the case may be, the commission shall in the manner prescribed by section 1797m—82 of the statutes proceed to determine the just compensation to be paid for the taking of such property, which determination shall be made as of the date of the filing with the commission of said certified copies, and all the provisions of said section shall apply to the proceedings before the commission except that all notices provided for by said section shall be given by the railroad com

mission and no other party. The commission shall by order fix and determine just compensation to be paid for the taking of the property of such railway company actually used and useful for the convenience of the public and all other terms and all conditions of acquisition which it shall ascertain to be reasonable and shall notify the municipality of the provisions of said order. The municipality shall within ninety days after being so notified provide for the collection of a direct annual tax sufficient to pay the interest on the debt incurred by the acquisition of such property as it falls due and also to pay and discharge the principal thereof within twenty years from the time of contracting the same unless the municipality shall within said ninety-day period discontinue the proceedings. At the end of said ninety-day period or as soon thereafter as can be conveniently done the commission shall, if the proceedings shall not have been discontinued, certify the order fixing and determining compensation and other terms and conditions of acquisition to the clerk of the municipality, to the street railway company and to any bondholder, mortgagee, lienor, or any other person having or claiming to have any interest in said street railway property appearing upon such hearing. The compensation and other terms and other conditions of acquisition shall constitute the compensation, terms and conditions to be paid, followed, and observed in the acquisition of such property from such street railway company. Upon the filing of such certificate with the clerk of such municipality the exclusive use thereof shall vest in the municipality. The order of the commission fixing and determining the just compensation to be paid for the taking of the property and all other terms and conditions of acquisition may be reviewed as provided in sections 1797m—64 to 1797m—73, inclusive, of the statutes, which sections so far as applicable shall apply to such proceedings for review.

Section 1797t—12. A municipality may at any time within thirty days after being notified of the provisions of the order of the commission, by a resolution adopted by a majority of all the members of the municipal council, discontinue all the proceedings, providing that such resolution shall not be in force and effect until thirty days after its passage. If within said thirty-day period a petition shall be filed with the clerk of the municipality, signed by electors equal in number in cities of the first class, to five per centum of the total number of votes cast for mayor at the last preceding election and in other municipalities signed by electors equal in number to ten per centum of

the total number of votes cast for mayor, president or chairman as the case may be, at the last election in said municipality, requesting that the question of discontinuing said proceedings to acquire such street railway property be submitted to the electors, the municipal council shall submit the same at a special election called for that purpose within thirty days from the date of filing the petition, or at a general or municipal election, if there be any such election held within said thirty-day period, or the municipal council may submit such question at a general, municipal or special election within thirty days after the filing of said certified order of the commission without any petition therefor being filed. When such question shall have been submitted to the electors as aforesaid the resolution discontinuing the proceedings shall not have force and effect unless a majority of the electors voting on such question shall be in favor thereof. Such election shall be noticed, held and conducted and the returns thereof canvassed and the result determined in the manner provided by the statutes relating to regular or special elections in such municipality.

Section 927—20. Whenever a city, except cities under commission form of government, shall have acquired the property of any street railway company used or useful for the convenience of the public, the municipal council shall appoint a board of three utility commissioners in addition to the mayor who shall be a member of said board ex-officio and one alderman to be elected annually by the municipal council at its annual meeting to take the entire charge and management of said street railway property, to appoint a manager and fix his compensation and to supervise and control the management and operation of said street railway property under the general control and supervision of the municipal council.

SECTION 3. Subdivision (11) of section 926—11 and subsection 7 of section 943 of the statutes are amended to read: (Section 926—11) (11) For the construction or purchase of electric or gas plants *or the acquiring of street railway property.*

(Section 943) 7. The provisions of this section shall not apply to the issuing of bonds by any city of this state for street improvements, school purposes, waterworks, electric light works, gas works, *street railway property*, hospitals, sewerage, parks and public grounds, or, in cities of the second, third and fourth class to the issuing of bonds for apparatus or equipment of fire departments, unless within thirty days after the passage by the common council of the city of a resolution or ordinance authorizing the issuing of bonds for such purposes there shall

be filed in the office of the city clerk a petition in writing signed by not less than ten per cent in number of the voters who voted in said city at the last general state election, asking for a submission of the question of issuing such bonds to a vote of the people, in which case such question shall be submitted as provided for in this section; and, in case the common council of any city has heretofore, by resolution or ordinance, authorized the issuing of any bonds for said purposes, the electors of such city shall have thirty days within which to file such petition after the passage and publication of this act.

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

Approved July 3, 1919.

No. 525, S.]

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CHAPTER 493.

AN ACT to create sections 1636—57a to 1636—57n of the statutes, regulating the capacity, dimensions, speed and equipment of motor trucks, tractors, trailers, and wagons, and their loads; providing for the preservation of public streets and highways; and providing a penalty.

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

SECTION 1. There are added to the statutes fourteen new sections to be numbered and to read: Section 1636—57a. The term "motor truck," when used in sections 1636—57a to 1636—57n, inclusive, shall include every type of self-propelled vehicle used for commercial purposes carrying its loads as a single unit with non-detachable propelling power, except those exclusively running on rails or tracks. The term "tractor" when used in sections 1636—57a to 1636—57n, inclusive, shall mean a self-propelled vehicle used exclusively for commercial hauling purposes to haul one or more articles or vehicles, except those exclusively running on rails or tracks. The term "trailer" when used in sections 1636—57a to 1636—57n, inclusive, shall mean a vehicle which is not self-propelled, and which is attached to another vehicle when operated, except those exclusively running on rails or tracks. The term "wagon" when used in sections 1636—57a to 1636—57n, inclusive, shall mean any animal drawn vehicle regardless of the number of wheels, except those exclusively running on rails or tracks.

Section 1636—57b. It shall be unlawful for any person, firm or corporation to operate, or to cause or permit any of his or its agents or employes to operate, any motor truck, tractor,