

No. 358, A.]

[Published May 4, 1929.

CHAPTER 74.

AN ACT to amend subsection (1) of section 324.27 of the statutes, relating to fees of appraisers in county court.

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

SECTION 1. Subsection (1) of section 324.27 of the statutes is amended to read: (324.27) (1) To appraisers, * * * an amount * * * to be fixed by the court *in its discretion*;

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

Approved May 2, 1929.

No. 97, S.]

[Published May 8, 1929.

CHAPTER 75.

AN ACT to create section 138.01 of the statutes, authorizing a harbor commission in certain cities.

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: 138.01 (1) 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 section as the commission. This section shall not become operative in any city until the city council shall, by resolution, accept the provisions of this section, and shall file such resolution or a certified copy thereof with the secretary of state of the state of Wisconsin.

(2) Such commission shall consist of three members who shall be appointed as follows: Two members shall be appointed by the governor of the state of Wisconsin, and one member shall be appointed by the mayor of the city in which the commission is located. 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, the member appointed by the mayor shall hold office for two years from the first day of July of the year in which this section is accepted by the city. The two members appointed by the governor shall hold office for four and six years respectively from such date, and the governor shall designate at the time the appointments are made which shall hold the four year term and which shall hold the six year term. 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 and qualified. Vacancies shall be filled by appointment for unexpired terms. The city clerk of the city in which a commission is located shall certify to the secretary of state the names and dates of appointment of members appointed by the mayor, and the secretary of state shall certify to the city clerk the names and dates of appointment of members appointed by the governor. All members shall qualify by taking the oath of office provided for officers of the city.

(3) Upon the appointment and election 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. A non-member secretary may be paid such salary as may be fixed by the commission and approved by the city council. 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.

(4) (a) 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 and wharf facilities, equipment and its shipping interests, including railroad terminals and service, and shipping facilities and interests 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.

(b) All real estate held for docks, wharves or shipping purposes and all docks, wharves, warehouses, piers, slips or other structures and harbor facilities, 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 harbor commission, 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.

(c) All tolls and charges for dockage, wharfage or for other services in connection with city owned docks, wharves, warehouses, appurtenances, equipment and facilities shall be fixed and collected by the commission.

(d) 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 or equipment owned by the city, and on recommendation of the commission the city shall have power to acquire by condemnation any lands, property or interests in lands, needed for docks, wharves or trackage or for any shipping or warehousing purposes.

(e) In cities having a commission under this section the duties and powers conferred on common councils by section 30.04 of the statutes shall be exercised by the commission.

(f) No dock line shall be altered or established by the city council of a city in which a commission has been established under this section, until it shall have been submitted to and approved by the commission.

(g) 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.

(h) The commission may make such rules and regulations for the operation, government and control of city owned docks, wharves, warehouses, slips and shipping facilities and equipment,

and for carriers and shippers using them, as it may deem needful and wise.

(i) For the carrying out of the purpose and intent of this section, the commission shall have power to appoint agents and employ help, and to fix their compensations.

(j) Commissions under this section may sue and be sued, and shall have municipal corporate powers to carry out the purpose and intent of this section.

(k) As needs develop, commissions created under this section may ask the legislature for additional or changed powers and duties by the enlargement or amendment of this section.

(5) 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. But the commission may employ additional or other legal or engineering talent 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, and all contracts for the construction of docks, wharves, buildings, dredging or other improvements involving more than five hundred dollars shall be let to the lowest responsible bidder, and the commission shall be the sole judge of such responsibility. The calling for bids on such works and improvements shall always be done by the board of public works according to its practice in letting public works as far as applicable, but shall be under the direction and control of the commission.

(6) Any commission created under this section may meet 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 as a whole, and it may join with such other body in taking such action and making such recommendations as may seem advisable, 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.

(7) 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.

(8) (a) 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 duties.

(b) For purchasing real estate, building docks, wharves, warehouses and structures and for dredging and improving slips and basins, for any shipping purposes, the city may issue its bonds.

(c) Money levied or appropriated or procured from the sale of such bonds 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.

(d) 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 a detailed account of its 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 interest of the city, its harbor and docks, wharves, slips and appurtenances and shipping facilities and interest.

(9) No commission under this section shall have power to financially obligate the state of Wisconsin in any manner.

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

Approved May 6, 1929.

No. 178, S.]

[Published May 8, 1929.

CHAPTER 76.

AN ACT to create paragraph (e) of subsection (10) of section 85.33 of the statutes, relating to revocation of drivers' licenses. *The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. A new paragraph is added to subsection (10) of section 85.33 of the statutes to be numbered and to read: (85.33) (10) (e) When a judgment of any court has been entered against such licensee on account of negligence in operating an automobile. Upon the filing of a bond on appeal and a bond for