

SECTION 1. The action of any county board, that, prior to the taking effect of this act, in good faith purchased a fairground with buildings and other improvements thereon without submitting the question of such purchase to a referendum as provided in subsection (1) of section 59.69 of the statutes, and paid for such fairground a price not more than one thousand dollars in excess of the amount that such county board might lawfully have expended for grounds and for the construction of buildings, fences and other improvements without a referendum under the provisions of the said subsection, and has subsequent to such purchase expended funds for county fairs which have been conducted on such fairgrounds without submitting the question of such expenditures to the voters of the county, as provided by section 59.865, is hereby validated as to such purchase and expenditure for the county fairgrounds so purchased and the county fairs thereon so conducted.

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

Approved July 3, 1931.

No. 413, S.]

[Published July 8, 1931.

CHAPTER 475.

AN ACT to clarify the language of sections 180.135 (2) first sentence, 180.17 (3) first sentence, 184.01 (1), 196.405 (2), 196.45, 196.49 (1) and (4), 196.52 (1), 196.81 and 226.025 (3); to supply omissions in sections 196.52 (4) and 196.85 (1) and (2); and to repeal the last sentence (of doubtful constitutionality) of section 184.03 (1), all of which provisions were enacted by chapter 183, Laws 1931, relating to the regulation of public utilities and to substitute the name "Public Service Commission" for "Railroad Commission" in the statutes.

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

SECTION 1. The first sentence of subsection (2) of section 180.135 of the statutes is amended to read:

(180.135) (2) (First sentence) Any director violating the provisions of this section may be removed by the *public service commission*, after notice and hearing.

SECTION 2. The first sentence of subsection (3) of section 180.17 of the statutes is amended to read:

(180.17) (3) (First sentence) The *public service* commission after a public hearing as provided in section 196.26, and subject to the right of review as provided in chapter 196, may declare any line to have been abandoned or discontinued, if the facts warrant such finding.

SECTION 3. Subsection (1) of section 184.01 of the statutes is amended to read:

(184.01) (1) "Public service corporation" means and embraces every corporation, except municipalities and other political subdivisions, which is a public utility as defined in section 196.01, and every corporation * * * *which is a railroad as defined in section 195.02.*

SECTION 4. Subsection (1) of section 184.03 of the statutes is amended to read:

(184.03) (1) No securities shall be issued by any public service corporation until it shall first have obtained from the commission, and recorded upon its books a certificate authorizing such issue; and the commission shall not authorize the issuance of securities for any purposes which are not proper corporate purposes, or in an amount greater than is reasonably necessary for such corporate purposes, having in view the immediate requirements of the corporation and its prospective requirements over a reasonable period in the future, and other relevant considerations. * * *

SECTION 5. Subsection (2) of section 196.405 of the statutes is amended to read:

(196.405) (2) The application for a rehearing shall set forth specifically the ground or grounds on which the applicant considers said order or determination to be unlawful or unreasonable. No * * * action * * * *to set aside or vacate* any order, decision or determination of the commission shall * * * *lie* in any court * * * unless * * * *the plaintiff* shall have made, before the effective date of such order or decision, application to the commission for a rehearing. No person or corporation shall in any court urge or rely on any ground not so set forth in said application.

SECTION 6. Section 196.45 of the statutes is amended to read:
196.45 Any party to an action to set aside an order or determin-

ation of the commission, within sixty days after service of a notice of entry of * * * the order or judgment of the circuit court, may appeal to the supreme court, and the cause shall be placed on the state calendar of the then pending term and shall be assigned and brought to a hearing in the same manner as other causes on the state calendar.

SECTION 7. Subsection (1) of section 196.49 of the statutes is amended to read:

(196.49) (1) No public utility not legally engaged in performing a public utility service on August 1, 1931, in any municipality where there is not in operation under an indeterminate permit a public utility engaged in similar service, shall * * * *commence the construction of any public utility plant, extension or facility, or render service* in such municipality directly, or indirectly by serving any other public utility or agency engaged in public utility service or otherwise, unless and until it shall have obtained a certificate from the commission authorizing it to transact such public utility business.

SECTION 8. Subsection (4) of section 196.49 of the statutes is amended to read:

(196.49) (4) In such general or special order the commission may provide that no such project as herein described shall proceed until the commission has certified that public convenience and necessity require such work; but, such general or special order shall not require such certificate for the completion of the construction and installation of plants and facilities upon which construction work has begun prior to the taking effect of this section or for which contracts may have been entered into prior to such date. The commission may refuse such certificate if it appears that the completion of such project (a) will substantially impair the efficiency of the service of such public utility; (b) provides facilities unreasonably in excess of the probable future requirements; or (c) will, when placed in operation, add to the cost of service without proportionately increasing the value or available quantity thereof * * * *unless the public utility * * * shall waive consideration by the commission, in the fixation of rates, of such consequent increase of cost of service.* The commission shall have power to issue a certificate for such project or for such part thereof as complies with the requirements of this section, or the commis-

sion may attach to the issuance of its certificate such terms and conditions as will insure that the project meets the requirements of this section.

SECTION 9. The introductory paragraph of subsection (1) of section 196.52 of the statutes is amended to read:

(196.52) (1) (Introductory paragraph) "Affiliated interests" *with a public utility* means and includes the following:

SECTION 10. The first sentence of subsection (4) of section 196.52 of the statutes is amended to read:

(196.52) (4) (First sentence) In any proceeding, whether upon the commission's own motion or upon *application or* complaint, involving the rates or practices of any public utility, the commission may exclude from the accounts of such public utility any payment or compensation to an affiliated interest for any services rendered or property or service furnished, as above described, under existing contracts or arrangements with such affiliated interest unless such public utility shall establish the reasonableness of such payment or compensation.

SECTION 11. Subsections (1) and (2) of section 196.85 of the statutes are amended to read:

(196.85) PAYMENT OF COMMISSION'S EXPENDITURES BY UTILITIES. (1) Whenever the commission in a proceeding upon its own motion, on complaint, or upon an application to it shall deem it necessary to investigate the books, accounts, practices and activities of, or make appraisals of the property of any public utility, power district or railroad or to render any engineering or accounting services to any public utility, power district or railroad, such public utility, power district or railroad shall pay the expenses reasonably attributable to such investigation, *appraisal or* service; provided, however, that the commission may exempt and relieve such public utility, power district, or railroad from the duty of paying such expenses, or a portion thereof, but only upon a finding that the public interest requires that such public utility, power district, or railroad be thus exempted and relieved, in which event such expenses shall not be chargeable as a part of the remainder described in subsection (2) of this section. The commission shall ascertain such expenses and render a bill therefor, by registered mail, to the public utility, power district or railroad, either at the conclusion of the investigation, *appraisal or*

services, or from time to time during its progress. Upon bill so rendered such public utility, power district or railroad shall, within thirty days, pay to the commission the amount of the special expense for which it is billed, and such payment when made shall be credited to the appropriation to the commission in subsection (4) of section 20.51.

(2) The commission shall annually, within ninety days after the close of each fiscal year, ascertain the total of its expenditures during such year which are reasonably attributable to the performance of its duties under chapters 184, 196 and 198, and of its duties in relation to street and interurban railways under chapter 195, and shall deduct therefrom all amounts collected under subsection (1) of this section and of subsection (2) of section 184.10. The remainder shall be assessed to the several public utilities, *power districts*, and street and interurban railways in proportion to their respective gross operating earnings during the last calendar year. Such assessment shall be paid within thirty days after bill rendered, by registered mail, to the several public utilities, power districts, or street and interurban railways, and when paid shall be credited to the appropriation made in subsection (4) of section 20.51. The total amount which may be assessed to the public utilities, power districts, and street and interurban railroads, under authority of this subsection, shall not exceed one-fifth of one per cent of the total gross operating revenues of such public utilities, power districts, and railroads during such calendar year.

SECTION 12. Section 196.81 of the statutes is amended to read:

196.81 ABANDONMENT; COMMISSION APPROVAL REQUIRED. No public utility or railroad as defined in chapters 195 and 196 shall abandon or discontinue * * * any line, branch line or extension *or service thereon* without first securing the approval of the commission. In granting its approval, the commission may impose such terms, conditions or requirements as in its judgment are necessary to protect the public interest. Any public utility or railroad abandoning or discontinuing * * * in pursuance of authority granted by the commission shall be deemed to have waived any and all objections to the terms, conditions or requirements imposed by the commission in that regard. Nothing herein contained, however, shall be construed to eliminate the neces-

sity of obtaining the consent of the proper municipal authorities as required by section 193.11. The provisions of this section shall apply only so far as the constitution and laws of the United States permit.

SECTION 13. Subsection (3) of section 226.025 of the statutes is amended to read:

(226.025) (3) The appointment of the secretary of state or the designation of a resident agent as attorney for the service of summons, notice, pleadings or process under paragraph (f) of subsection (3) of section 226.02 shall be applicable only to actions or proceedings against the foreign corporations described in this section (*unless such corporations have been admitted to this state for purposes other than those mentioned in this section*) where the cause of action or proceeding arises out of transactions between such foreign corporations and public utilities operating in this state with which such foreign corporations are affiliated; and to actions or proceedings by or before the *public service* commission involving the transactions described in subsection (1) herein, or involving the relation between such foreign corporations and public utilities operating in this state with which they are affiliated.

SECTION 14. The name "Public Service Commission" is substituted for the name "Railroad Commission" wherever the latter occurs in the Statutes.

SECTION 15. This act shall take effect upon passage and publication.

Approved July 3, 1931.

No. 421, S.]

[Published July 9, 1931.

CHAPTER 476.

AN ACT to amend sections 29.191, 29.34 (4) as amended by chapter 209, Laws 1931, 37.25 (7), as amended by chapter 305, Laws 1931, 70.11 (4), as amended by chapter 302, Laws 1931, 318.06 (4), as amended by chapter 259, Laws 1931, and to renumber 83.14 (9) created by chapter 325, (702, A), Laws 1931 to be 61.34 (39), all for the purpose of correcting errors, reconciling conflicts and supplying omissions.

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