

No. 392, S.]

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CHAPTER 279

AN ACT to create 30.085 (12) (f) of the statutes, relating to the issuance of revenue bonds by a city of the first class to finance harbor improvements, and conferring powers.

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

30.085 (12) (f) of the statutes is created to read:

30.085 (12) (f) 1. In addition to all other powers and notwithstanding any provisions to the contrary, whenever the board of harbor commissioners of a city of the first class shall determine to construct or acquire harbor facilities or to repair, remodel or alter existing facilities or to provide adequate improvements in connection with the Saint Lawrence Seaway project or for other purposes in any manner related or incidental to harbor facilities, the board shall adopt a resolution setting forth the amount of money required for such purpose or purposes and shall transmit a certified copy of such resolution to the common council of such city. The common council shall thereupon, if it approves the recommendations of the board as set forth in the resolution, proceed by ordinance to authorize the issuance and sale of revenue bonds of the city, and the proceeds of such bonds shall be used specifically for the purposes enumerated in the

resolution of the board. The common council in the ordinance shall set forth the purposes for which the revenue bonds are to be issued and shall state the amount or a sum not to exceed a stated amount of such issue. Such ordinance shall be offered and read at a regular meeting of the common council and a notice of the amount and purposes of such bonds shall be published in the official paper of the city not less than 10 days prior to the meeting at which such ordinance is to be considered for final passage. Such ordinance shall be deemed invalid and ineffectual for any purpose unless supported by the affirmative vote of at least three-fourths of all of the members of said council taken at a regular meeting held after such publication. No such issue of bonds shall be sold at an interest cost exceeding $4\frac{1}{2}$ per cent per annum. Such bonds shall not be the general obligation of the city and shall expressly so state on the face thereof. Any indebtedness created pursuant to this subsection shall be deemed to be incurred for a public utility, and shall not be included in indebtedness subject to any debt limitation. The common council may authorize the purchase of a part or all of such revenue bonds out of moneys accruing to or held in the debt amortization fund or any other city funds not immediately needed, and said funds may be invested in said bonds.

2. The city shall fix rates and charges for the use of the harbor facilities or improvements sufficient for the payment of the cost of operation and maintenance of such facilities or improvements, for the payment of principal of and interest on any indebtedness incurred for such harbor facilities or improvements and to provide revenues sufficient to comply with any covenants or agreements made by the city in any ordinance providing for the issuance of obligations to pay the cost of such harbor facilities or improvements. Any ordinance authorizing the issuance of obligations payable from such revenues shall constitute a contract with the holder of any bonds or other obligations issued pursuant to such ordinance and shall include such covenants and provisions for the security of the bondholders and the payment of the bonds, including but not limited to provisions for the establishment of adequate rates or charges, insurance against loss, covenants against the sale or alienation of the property, establishment of budgets relating to operation of harbor facilities or improvements and other provisions as are deemed necessary or desirable for the security of the bondholders. Any such ordinance shall contain provisions for:

a. Maintenance and operation of the harbor facilities or improvements, including any such facilities or improvements constructed out of the proceeds of the sale of bonds authorized by the ordinance.

b. The establishment of a debt amortization and interest fund sufficient to provide for the payment of interest on and principal of the bonds or other obligations authorized by the ordinance.

c. The establishment of a reserve fund or funds into which shall be paid annually such percentage of the amounts required to be paid into the debt amortization and interest fund as shall be determined by the ordinance, which shall be used for the purpose of making good depreciation of the harbor facilities or improvements, including those facilities or improvements for which bonds are authorized to be issued by the ordinance, the purchase or redemption of bonds authorized by the ordinance and, subject to any covenant made with the holders of bonds issued thereunder, any other lawful purpose.

3. The common council may also appropriate to the harbor commission such sums as may, in the discretion of the common council, be required to perform any governmental functions entrusted to the harbor commission.

4. Title to all of the facilities for which said revenue bonds are issued shall remain in the city; however, a statutory lien shall exist in favor of the bondholders against the facilities which have been constructed, altered or remodeled and the cost of which has been financed with funds obtained through the issuance of such revenue bonds.

5. No referendum shall be required before such revenue bonds are issued.

6. Such revenue bonds shall be in the form designated by the common council and shall be signed by the mayor, the city clerk and countersigned by the comptroller. The members of the public debt commission shall also sign such bonds. Any of such signatures may be in facsimile form, except that at least one shall be a manual signature.

7. In the event the city does not purchase such revenue bonds with its own funds as hereinbefore provided or determines to sell such bonds after their purchase by the city with its funds, then such bonds shall be offered at public sale after advertising as provided in ch. 67 and shall be sold under the direction of the public debt commission.

8. The common council may confer upon the board adequate powers to negotiate, approve and execute leases for any of the harbor facilities under the jurisdiction or supervision of said board, and may from time to time confer upon said board such additional powers as may to the common council seem appropriate.

9. The terms harbor facilities or improvements as used herein shall include transportation facilities, including railroads, steam or electric, motor truck or other street or highway vehicles, tunnels, bridges, boats, ferries, car floats, lighters, tugs, floating elevators, barges or harbor craft of any kind, aircraft suitable for harbor service and every kind of transportation facility now in use or hereafter designed for use for the transportation or carriage of persons or property, also terminal facilities, wharves, piers, slips, ferries, docks, dry docks, bulkheads, dock walls, basins, car floats, float bridges, grain or other storage elevators and warehouses, cold storage, tracks, yards, sheds, switches, connections, overhead appliances and every kind of terminal or storage facility now in use or hereafter designed for use for the handling, storage, loading or unloading of freight at steamship, railroad or freight terminals; also railroads, including railroads, extensions thereof, tunnels, subways, bridges, elevated structures, tracks, poles, wires, conduits, power houses, substations, lines for the transmission of power, carbarns, shops, yards, sidings, turnouts, switches, stations and approaches thereto, cars and motive equipment; also all other facilities, including all works, buildings, structures, appliances, appurtenances necessary and convenient for the proper construction, equipment, maintenance and operation of such facilities or any one or more of them.

10. Bonds issued pursuant to this subsection are hereby made securities in which all state and municipal officers and bodies, all banks, bankers, trust companies, savings banks, building and loan associations, savings and loan associations, investment companies and other persons carrying on a banking business, all insurance companies, insurance associations and other persons carrying on an insurance business and all administrators, executors, guardians, trustees and other fiduciaries and all other persons whatsoever who are now or may hereafter be authorized to invest in any bonds or other obligations of the state may properly and legally invest any funds including capital belonging to them or within their control, and said bonds are hereby made securities which may properly and legally be deposited with and shall be received by any state or municipal officer or agency for which the deposit of bonds or other obligations of this state is now or may hereafter be authorized.

Approved June 21, 1955.