

No. 1 A.]

[Published September 18, 1959.]

## CHAPTER 441

AN ACT to repeal chapter 30, 31.02 (5) to (7), 31.24, 31.50, 66.073, chapter 138 and 959-78k, 959-78L and 959-78m; to renumber 31.40; to renumber and amend 31.14; to amend 31.23 (1), 31.25, 67.04 (1) (g) and (j), (2) (n) and (5) (f) and 195.40 (5); to repeal and recreate the title to chapter 31; and to create chapter 30 and 31.38 of the statutes, all for the purpose of and incident to the revision of the laws relating to navigable waters, harbors and navigation, providing a penalty, and granting rule-making authority.

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

SECTION 1. Chapter 30 of the statutes, including section 30.09 of the statutes of 1917 (withdrawn from the statutes by ch. 247, laws of 1919, s. 12), is repealed.

SECTION 2. Chapter 30 of the statutes is created to read:

### Chapter 30

#### NAVIGABLE WATERS, HARBORS AND NAVIGATION

##### General provisions

30.01 DEFINITIONS. In this chapter:

(1) "Municipality" means any town, village, city or county in this state.

(2) "Governing body" means, with reference to a town, the town board, with reference to a village, the village board of trustees, with reference to a city, the city council, and with reference to a county, the county board.

(3) "Harbor facility" means every facility useful in the maintenance or operation of a harbor, including transportation facilities of all types, terminal and storage facilities of all types, wharves, piers, slips, basins, ferries, docks, bulkheads and dock walls, and floating and handling equipment, power stations, transmission lines and other facilities necessary for the maintenance and operation of such harbor facilities.

(4) "Pier" means any structure extending channelward from the shore with water on both sides, built or maintained for the purpose of providing a berthing or mooring place for watercraft or for loading or unloading cargo or passengers onto or from watercraft.

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(5) "Wharf" means any structure extending along the shore and generally connected with the uplands throughout its length, built or maintained for the purpose of providing a berthing or mooring place for watercraft or for loading or unloading cargo or passengers onto or from watercraft.

(6) "Watercraft" means any contrivance used or designed for navigation on water.

30.02 GENERAL PROVISION FOR NOTICE AND HEARING. In any proceeding under chs. 30 or 31 where a hearing by the public service commission is required by statute and there is no specific provision as to the time and manner of giving notice thereof, the commission shall, not less than 10 days before such hearing, mail a written notice thereof to the clerk of each municipality directly affected thereby, and may give such further or other notice as it deems proper.

30.03 PROCEDURE FOR ENFORCEMENT OF FORFEITURES AND ABATEMENT OF NUISANCES. (1) The public service commission shall report to the governor every forfeiture incurred under ss. 30.15 (1) and 31.23 (1) and every nuisance committed in violation of ss. 30.15 (4) and 31.23 (4). Thereupon, the governor shall cause the attorney general, or some person authorized by the governor to act instead of the attorney general, to institute proceedings to recover such forfeiture or abate such nuisance.

(2) The attorney general, when so requested by the governor, and otherwise the district attorney of the proper county, shall institute proceedings to recover any forfeiture incurred under chs. 30 or 31 other than those specified in sub. (1).

(3) All forfeitures shall be recovered by civil action as provided in ch. 288 and when collected shall be paid directly into the state treasury.

30.04 SHORE AND DOCK LINES NOT INVALIDATED. A shore line lawfully established prior to [the effective date of this revision] is deemed to be a lawfully established bulkhead line subsequent to such date. A dock line lawfully established prior to [the effective date of this revision] is deemed to be a lawfully established pierhead line subsequent to such date.

30.05 APPLICABILITY OF CHAPTER TO MUNICIPALLY-OWNED SUBMERGED SHORE LANDS. Nothing in this chapter relative to the establishment of bulkhead or pierhead lines or the placing of structures or deposits in navigable waters or the removal of materials from the beds of navigable waters is applicable to submerged shore lands in Lake Michigan, the title to which has been granted by the state to a municipality.

30.06 WAIVER OF CERTAIN PROVISIONS OF CHAPTER 30. The public service commission, by rule, may waive the applicability to specified navigable waters of the United States of all or part of those provisions of ch. 30 which relate to the establishment of bulkhead or pierhead lines or the placing of structures or deposits in navigable waters or the removal of materials from the beds of navigable waters. The commission may adopt such rule only after it has entered into an agreement with the appropriate federal agency wherein it is agreed that the comparable federal law will be enforced on the waters in question in lieu of the state law which is being waived. The objective of such agreement shall be to avoid duplication of administration with respect to navigable waters over which this state and the United States government have concurrent jurisdiction, in those situations wherein administration by a single governmental agency will tend to avoid confusion and the necessity of obtaining permits from both the state and federal governments by those

who are subject to the law and at the same time will adequately protect the public interest. The agreement may contain such further provisions as are designed to achieve this objective.

#### Navigable waters and navigation in general

**30.10 DECLARATIONS OF NAVIGABILITY. (1) LAKES.** All lakes wholly or partly within this state which are navigable in fact are declared to be navigable and public waters, and all persons have the same rights therein and thereto as they have in and to any other navigable or public waters.

(2) **STREAMS.** All streams, sloughs, bayous and marsh outlets, which are navigable in fact for any purpose whatsoever, are declared navigable to the extent that no dam, bridge or other obstruction shall be made in or over the same without the permission of the state.

(3) **ENLARGEMENTS OR IMPROVEMENTS IN NAVIGABLE WATERS.** All inner harbors, turning basins, waterways, slips and canals created by any municipality to be used by the public for purposes of navigation, and all outer harbors connecting interior navigation with lake navigation, are declared navigable waters and are subject to the same control and regulation that navigable streams are subjected to as regards improvement, use and bridging.

(4) **INTERPRETATION. (a)** This section does not impair the powers granted by law to municipalities to construct bridges over streams.

(b) The boundaries of lands adjoining waters and the rights of the state and of individuals with respect to all such lands and waters shall be determined in conformity to the common law so far as applicable, but in the case of a lake or stream erroneously meandered in the original United States government survey, the owner of title to lands adjoining the meandered lake or stream, as shown on such original survey, is conclusively presumed to own to the actual shore lines unless it is first established in a suit in equity, brought by the United States government for that purpose, that the government was in fact defrauded by such survey. If the proper claims of adjacent owners of riparian lots of lands between meander and actual shore lines conflict, each shall have his proportion of such shore lands.

**30.11 ESTABLISHMENT OF BULKHEAD LINES. (1) WHO MAY ESTABLISH.** Any municipality may, subject to the approval of the public service commission, by ordinance establish a bulkhead line and from time to time re-establish the same along any section of the shore of any navigable waters within its boundaries.

(2) **STANDARDS FOR ESTABLISHING.** Bulkhead lines shall be established in the public interest and shall conform as nearly as practicable to the existing shores.

(3) **HOW ESTABLISHED.** Whenever any municipality proposes to establish a bulkhead line or to re-establish such a line already in existence, the municipality shall indicate both the existing shore and such proposed bulkhead line upon a map and shall file with the public service commission for its approval 3 copies thereof together with 3 copies of the ordinance establishing the bulkhead line. Such map shall use a scale of not less than 100 feet to an inch or such other scale as may be required by the public service commission. Upon approval by the commission, the municipality shall file the copies of the map and ordinance as follows: one in the office of the public service commission, one in the office of the clerk of the municipality, and one in the office of the register of deeds of the county in which the waters lie. No such lines are legally established until such copies of the map and ordinance have been so approved and filed.

(4) **RIPARIAN RIGHTS PRESERVED.** Establishment of a bulkhead line shall not abridge the riparian rights of riparian proprietors. Riparian proprietors may place solid structures or fill up to such line.

**30.12 STRUCTURES AND DEPOSITS IN NAVIGABLE WATERS PROHIBITED; EXCEPTIONS.** (1) **GENERAL PROHIBITION.** Unless a permit has been granted by the public service commission pursuant to statute or the legislature has otherwise authorized structures or deposits in navigable waters, it is unlawful:

(a) To deposit any material or to place any structure upon the bed of any navigable water where no bulkhead line has been established; or

(b) To deposit any material or to place any structure upon the bed of any navigable water beyond a lawfully established bulkhead line.

(2) **PERMITS TO PLACE STRUCTURES OR DEPOSITS IN NAVIGABLE WATERS.**

(a) The public service commission may, upon application and after notice and hearing, grant to any riparian owner a permit to build or maintain for his own use a structure otherwise prohibited by statute, provided such structure does not materially obstruct navigation or reduce the effective flood flow capacity of a stream and is not detrimental to the public interest.

(b) A riparian owner may place a layer of sand or other similar material on the bed of a lake adjacent to his property for the purpose of improving recreational use upon obtaining approval as stated in this paragraph. An application for approval to put sand or other similar material on the bed of a lake for such purpose shall be made to the public service commission. Thereupon the commission shall notify the conservation director of such application, and the latter shall cause an inspection to be made of such proposal and of the location involved and shall report in writing to the public service commission whether the proposal will materially impair navigation or be inconsistent with the public interest. Thereafter the public service commission may disapprove such application in the event it finds the proposed work will materially impair navigation or be detrimental to the public interest. If the commission does not disapprove within 10 days after receipt of the report of the conservation director, approval is deemed granted. The applicant shall be notified by mail as to the manner of disposition of his application.

**30.13 REGULATION OF WHARVES AND PIERS; ESTABLISHMENT OF PIERHEAD LINES.** (1) **RIGHTS OF RIPARIAN PROPRIETORS.** Riparian proprietors may construct wharves or piers in navigable water in aid of navigation without obtaining a permit under s. 30.12, provided such wharves or piers do not interfere with public rights in navigable waters or with rights of other riparian proprietors, and subject to any pierhead line which may have been established and to the regulations contained in sub. (2) and in any ordinances enacted pursuant thereto. Except as otherwise expressly provided, any wharf or pier which does not comply with this subsection constitutes an unlawful obstruction of navigable waters.

(2) **WHARVES AND PIERS REGULATED.** All wharves and piers extending beyond the natural shore or established bulkhead line shall be so constructed as to allow the free movement of water underneath and in such manner as will not cause the formation of land upon the bed of the water. A municipality may enact ordinances not inconsistent with this section regulating the construction of wharves and piers located within, or attached to land within, such municipality.

(3) **ESTABLISHMENT OF PIERHEAD LINES.** Any municipality authorized by s. 30.11 to establish a bulkhead line may also establish a pierhead line in the same manner as it is authorized to establish a bulkhead line, except that if such municipality has created a board of harbor commissioners, the municipality must obtain the approval of such board to the

establishment of the pierhead line in addition to the approval of the public service commission. Any pierhead line established by a municipality shall be established in the interest of the preservation and protection of its harbor or of public rights in navigable waters.

(4) WHARVES AND PIERS BEYOND PIERHEAD LINES PROHIBITED; EXCEPTIONS. Any wharf or pier extending into navigable water beyond a lawfully established pierhead line constitutes an unlawful obstruction of navigable water unless a permit for such wharf or pier has been obtained pursuant to s. 30.12 (2).

30.14 REPORTS OF AND HEARINGS ON VIOLATIONS. (1) MUNICIPALITIES TO REPORT VIOLATIONS. The governing body of each municipality shall promptly report to the public service commission every violation of s. 30.12 or s. 30.13 which occurs or which it has reason to believe is likely to occur within the municipal boundaries.

(2) HEARINGS BY PUBLIC SERVICE COMMISSION. Upon complaint by any person to the public service commission that any wharf, pier or other structure exists in navigable water in violation of s. 30.12 or s. 30.13 or that any wharf, pier or other structure proposed to be built in navigable water will violate s. 30.12 or s. 30.13, the public service commission shall hold a hearing thereon to determine whether such structure is or will be in violation of those sections.

30.15 PENALTY FOR UNLAWFUL OBSTRUCTION OF NAVIGABLE WATERS. (1) OBSTRUCTIONS PENALIZED. Any person who does any of the following shall forfeit not more than \$50 for each offense:

(a) Unlawfully obstructs any navigable waters and thereby impairs the free navigation thereof.

(b) Unlawfully places in navigable waters or in any tributary thereof any substance that may float into and obstruct any such waters or impede their free navigation.

(c) Constructs or maintains in navigable waters, or aids in the construction or maintenance therein, of any boom not authorized by law.

(2) EXCEPTIONS. Subsection (1) does not apply to the floating or movement of logs or timber in navigable waters, or the necessary use of temporary booms in the course of such floating or movement or the cutting of weeds in such waters with the consent of the conservation commission.

(3) EACH DAY A SEPARATE VIOLATION. Each day during which an obstruction exists in violation of sub. (1) is a separate offense.

(4) OBSTRUCTIONS ARE PUBLIC NUISANCES. Every obstruction constructed or maintained in or over any navigable waters of this state in violation of this chapter is declared to be a public nuisance, and the construction thereof may be enjoined and the maintenance thereof may be abated by action at the suit of the state or any citizen thereof.

30.16 REMOVAL OF OBSTRUCTIONS TO NAVIGATION. (1) REMOVAL. The governing body of any city, village or county in this state may cause to be removed to a convenient and safe place any watercraft or float obstructing or interfering with the free navigation of any river, canal, water channel or slip within its harbor after having given reasonable notice to the master or owner or his agent, if known and a resident of this state, or to the person in charge thereof, to so remove such watercraft or float. The governing body of such city, village or county by ordinance or resolution may authorize any harbor master or other public officer over whom it has jurisdiction to remove such obstruction, and may prescribe his duties with respect thereto and the mode of carrying them into effect and may prescribe penalties for violation of such ordinance or resolution.

(2) **COSTS OF REMOVAL.** All costs, charges and expenses of such removal are a first lien on such watercraft or float, which lien may be enforced in the manner provided by law. The owner of any such watercraft or float is also personally liable for such costs, charges and expenses, to be recovered by such city, village or county by a personal action.

**30.17 INTERFERING WITH BUOY OR BEACON.** Any person who intentionally removes any buoy or beacon placed in the waters of this state by authority of the United States or this state or other governmental authority or who moors or attaches any watercraft to any such buoy or beacon shall be fined not more than \$50 or imprisoned not more than 90 days or both.

**30.20 REMOVAL OF MATERIAL FROM BEDS OF NAVIGABLE WATERS.** (1) **UNLAWFUL REMOVAL.** (a) No person shall remove any material from the bed of any navigable lake or from the bed of any outlying waters of this state without first obtaining a contract therefor as provided in sub. (2).

(b) No person shall remove any material from the bed of any lake or stream not mentioned in sub. (2) so as to leave any hole or other condition dangerous to human life.

(c) Any person violating any provision of this section shall forfeit not more than \$1,000 for each such violation.

(2) **CONTRACTS FOR REMOVAL.** The public service commission, whenever consistent with public rights, may enter into contracts on behalf of the state for the removal of any material from the bed of any navigable lake or any of the outlying waters, and for the lease or sale of such material. Every such contract shall contain such conditions as may be necessary for the protection of the public interest and the interests of the state and shall fix the compensation to be paid to the state for material so removed, except that no compensation shall be paid for such material if the contract is with a municipality and the material is to be used for a municipal purpose and not for resale. No contract entered into pursuant to this section shall run for a longer period than 5 years.

(3) **OUTLYING WATERS DEFINED.** In this section, "outlying waters" has the meaning designated in s. 29.01 (4).

**30.21 USE OF BEDS OF GREAT LAKES BY PUBLIC UTILITIES.**

(1) **WATER INTAKE FACILITIES.** Upon compliance with such applicable regulations as may be imposed by the government of the United States and subject to chs. 196 and 197 and rules and orders of the public service commission issued pursuant thereto, any public utility may, pursuant to permit granted by resolution of the governing body of any city, village or town situated on any waters of Lake Michigan or Lake Superior, construct, maintain and operate, upon and under the bed thereof adjoining such city, village or town, all cribs, intakes, basins, pipes and tunnels necessary or convenient for securing an adequate supply of water suitable for the purposes of such utility. Such facilities shall be so constructed, maintained and operated as to avoid material obstruction to existing navigation or the use of private property not owned by such utility.

(2) **HARBOR FACILITIES; PUBLIC UTILITY STRUCTURES.** Pursuant to the authority and conditions specified in sub. (1), any such utility may also:

(a) Improve the navigability of any of the waters specified in sub. (1) and construct upon the shore and the adjoining bed of such waters, harbor facilities adapted for the reception, docking, unloading and loading of vessels carrying supplies required for the operation of such utility.

(b) Place any public utility structure, including all or part of any plant for the generation of electricity and the appurtenances, upon the bed of any of the waters specified in sub. (1), provided the utility first obtains the approval of the public service commission as required by s. 196.49 or rules or orders of the public service commission issued pursuant thereto, and also obtains the approval of the commission to the making of any payment to be made to the municipality with respect to the erection of such structure.

**30.22 GREAT LAKES COMPACT COMMISSION. (1) MEMBERS; APPOINTMENT; TERMS.** Two members to be appointed by the governor are hereby added to the Wisconsin Great Lakes compact commission created by ch. 275, laws of 1955, so that the commission will consist of 5 commissioners appointed by the governor. The commissioners shall be persons having knowledge of and interest in problems of the Great Lakes basin. One commissioner, appointed for an indefinite term, shall be a state officer or employe and shall serve as secretary of the Great Lakes compact commission. With respect to the terms of the other 4 commissioners, the 2 appointed prior to 1959 shall serve terms which expire on June 30, 1957 and June 30, 1959, respectively, and the 2 commissioners added to the commission by this section shall be appointed for terms expiring on June 30, 1961 and June 30, 1963, respectively; thereafter, appointments shall be for terms of 4 years. The commissioners shall receive no salaries but shall be reimbursed for actual and necessary expenses.

(2) **DUTIES.** It is the duty of the Wisconsin Great Lakes compact commission: (a) To represent this state on the Great Lakes commission created by the Great Lakes basin compact ratified and enacted by chapter 275, laws of 1955, and through such representation to perform the functions of the Great Lakes commission in conjunction with the commissioners of other party states. Whenever a vote is required by the terms of the Great Lakes basin compact, each member of the Wisconsin Great Lakes compact commission is authorized to cast the same proportion of the 3 votes to which the state of Wisconsin is entitled under the compact as each of the other members of the Wisconsin Great Lakes compact commission.

(b) To maintain a continuing investigation of the project of connecting the Great Lakes with the Atlantic ocean by means of the Welland canal and the St. Lawrence river and to urge upon congress the enactment of additional appropriate legislation to enable the full development of such waterway, the commission to work in conjunction with similar commissions in other states and with other interested groups and agencies in the promotion of such project.

(c) To direct and execute a program of education in such form as the commission may determine, in support of the projects for development of the St. Lawrence seaway and the deepening of the Great Lakes connecting channels, using not to exceed the amount of funds appropriated for that purpose.

(d) To report annually to the governor and biennially to the legislature, and to make such other reports as are requested by the governor or which it deems appropriate.

(3) **FINANCING GREAT LAKES COMMISSION.** The Great Lakes compact commission may annually contribute to the Great Lakes commission not to exceed the amount appropriated for that purpose.

**30.23 STATE OFFICERS TO AID GREAT LAKES COMMISSION.** It is the policy of the state to carry out the Great Lakes basin compact and to accomplish the purposes thereof, and all officers of the state shall do all things falling within their respective jurisdictions necessary or incidental

to carrying out such compact. Officers, agencies and employes of the state government shall, at reasonable times and upon the request of the Great Lakes commission, furnish such commission with information and data within their possession and aid such commission by loan of personnel and other means lying within their respective legal powers.

Development and operation of harbors

**30.30 MUNICIPAL AUTHORITY TO MAKE HARBOR IMPROVEMENTS.** Every municipality having navigable waters within or adjoining its boundaries may exercise the following powers:

(1) **HARBOR IMPROVEMENT.** By proper filling or excavating or dredging and docking, create or improve any inner or outer harbor and such turning basins, slips, canals and other waterways within its boundaries as it determines are necessary.

(2) **REPAIRS AND ALTERATIONS.** Keep in repair and from time to time alter, extend, enlarge or discontinue any improvement mentioned in sub. (1).

(3) **DOCK WALLS AND SHORE PROTECTION WALLS.** Either by itself or in conjunction with another municipality, construct, maintain or repair suitable dock walls or shore protection walls along the shore of any waterway adjoining or within the limits of such municipality, exclusive of privately owned slips. Such structures may be located within or without the municipal limits.

(4) **SPECIAL ASSESSMENTS.** Make special assessments for benefits to lands on account of any of the improvements specified in sub. (3) and also in those cases where the owners of the property to be benefited by improvements in navigable waters consent in advance to such assessments, and in no other case, but the cost of protecting the ends of public streets and highways and other public grounds shall be paid wholly by the municipality.

(5) **ACQUISITION OF LAND.** Acquire such lands or interests therein as it deems necessary for properly carrying out its powers under this chapter, including such lands outside the municipal limits as are necessary to protect its property or to carry out its powers under sub. (3). Such acquisition may be by condemnation proceedings.

(6) **CO-OPERATION WITH FEDERAL GOVERNMENT IN HARBOR IMPROVEMENTS.** Prepare the necessary plats and otherwise co-operate with the federal government when it indicates its intention to aid in the improvement of any harbor over which the municipality has jurisdiction. If the municipality has established a board of harbor commissioners, such board shall have charge of the preparation of the plats and other necessary co-operation. The title to any lands acquired for the purpose of such harbor improvement may be transferred to the United States government for use in improving the harbor of the municipality.

(7) **DOING OF WORK.** Contract for the doing of the work authorized by this section or purchase the necessary equipment for the doing of the work itself, but if the municipality has established a board of harbor commissioners such board shall have charge of the letting of contracts and shall supervise the doing of the work, except as provided in ss. 30.31 (1) and 30.32 (2).

(8) **LEASE OF WHARFING PRIVILEGES.** Lease the wharfing privileges of navigable waters at the ends of streets, giving preference to owners of adjoining land, and prescribe or regulate the fees to be charged for wharfage at such places. No buildings shall be erected on the ends of streets, and a free passage over the same for all persons with their baggage,



shall be reserved. If the municipality has established a board of harbor commissioners, the municipality may delegate to such board the powers conferred by this subsection.

**30.31 PROCEDURAL AND OTHER REQUIREMENTS TO BE FOLLOWED IN MAKING HARBOR IMPROVEMENTS.** (1) **SUPERVISION OF WORK.** In exercising the powers granted by s. 30.30 (1) to (3) a municipality shall be governed by the law governing the laying out, improvement and repair of streets and bridges in such municipality, so far as applicable, except that no petition of property owners for doing any such work is necessary. If the municipality has established a board of harbor commissioners, such board shall be in charge of the work unless the board determines that it is not equipped to supervise the work and by resolution delegates such function to the agency which ordinarily performs such function for the municipality. If the municipality does not have a board of harbor commissioners, the municipality's board of public works or, in the event there is no such board, the municipality's governing body shall be in charge of the work.

(2) **WORK REQUIRING APPROVAL OF STATE OR FEDERAL GOVERNMENT.** No work for which the approval of the state public service commission or of the United States is required shall be commenced unless the plans and specifications for such work have been submitted to and approved by the public service commission or the proper officer of the United States, as the case may be. When the plans and specifications have been so approved, the work shall be done only in accordance with such plans and specifications.

(3) **GOVERNMENT DREDGING OF HARBOR CHANNELS.** Whenever the United States government indicates its intention to aid in the improvement of any harbor by dredging of harbor channels at federal expense, subject to the proviso that the local interests save the federal government harmless from all liability and claims for damages resulting from such dredging, the governing body of such municipality may, by resolution, assume liability for and on behalf of both public and private ownership adjacent to, within, under and over the channels involved in such federal project. Such municipality may provide adequate insurance coverage, indemnifying such municipality for all damage done by reason of such dredging.

(4) **ACQUISITION OF LAND.** In acquiring land by condemnation for any of the purposes specified in this chapter, a municipality shall be governed by the law relating to condemnation of land for public grounds or street purposes. Whenever land is acquired through a land contract arrangement, such contract may create a lien on such lands for the purchase price and interest thereon but shall not create any liability therefor on the part of the municipality.

(5) **CO-OPERATION AMONG MUNICIPALITIES.** Whenever 2 or more municipalities propose to co-operate in erecting, maintaining or repairing a dock wall or shore protection wall, their governing bodies shall first meet and adopt a method of proceeding and a plan of apportioning to each its share of the entire cost. Such method of proceeding and plan of apportionment shall be embodied in a resolution adopted by the governing bodies of the co-operating municipalities acting jointly and later such resolution shall be adopted by each of the governing bodies acting separately. Municipalities acting under this section shall have the powers conferred by s. 66.30.

(6) **SPECIAL ASSESSMENTS.** Special assessments for benefits to lands, when authorized by s. 30.30 (4), shall be made and enforced as provided by s. 66.60, except that at any time within the 90-day period immediately following the publication of the final resolution as required by s. 66.60 (8) (d), the owner of any property along which such improvement is to be

made may elect to make the improvement along his property at his own expense in accordance with the approved plans and specifications or in a manner which conforms to good engineering practice and which provides for materials and designs which, with respect to strength and permanence, are at least equal to the requirements of the approved plans and specifications. If such owner makes such improvement at his own expense, no assessment of benefits shall be made therefor. If such owner fails to commence the work within the 90-day period specified herein or fails to carry on and complete the work with due diligence, the work may be done or completed by the municipality and assessment of benefits made therefor.

(7) BUILDING PERMITS FOR MARINE SHIPPING STRUCTURES. Before any permit for building or improving any structure directly affecting marine shipping is issued by a municipality or any of its departments, the plans therefor shall be submitted to the municipality's board of harbor commissioners, if any. If the board finds that the location or design of the structure will adversely affect the orderly development of the harbor or the orderly movement of traffic to or within the harbor, the board may disapprove the plans, giving its specific reasons for such disapproval. No permit for building or improving any such structure shall be issued until the plans therefor have been approved by the board of harbor commissioners. The governing body of the municipality may delegate to the board of harbor commissioners the power to issue permits for construction of dock walls.

### 30.32 CONTRACTS; COMPETITIVE BIDDING; EXCEPTIONS.

(1) COMPETITIVE BIDDING REQUIRED. Except as otherwise provided in this section, all work to be let relative to the construction, repair or maintenance of a harbor or harbor facility and all purchases of equipment, supplies or materials relative to carrying out the purposes of the statutes relating to harbors shall be by contract awarded to the lowest competent and reliable bidder in accordance with the laws of this state and ordinances then applicable to such municipality with reference to the letting of public work.

(2) BOARD OF HARBOR COMMISSIONERS TO HAVE CHARGE OF LETTING CONTRACTS. If a municipality has established a board of harbor commissioners, such board shall be in charge of the letting of contracts relative to construction, repair or maintenance of a harbor or harbor facility or the purchase of equipment, supplies or materials relative to carrying out the purposes of the statutes relating to harbors, in lieu of the officer or agency which otherwise would be in charge of the letting of public work, except that if the board determines that it is not equipped to handle the contracting formalities required under this section, it may by resolution delegate all or part of its functions under this section to the agency which ordinarily performs such functions for the municipality.

(3) EXCEPTIONS TO COMPETITIVE BIDDING. Subsection (1) does not apply in any of the following cases, and work to be done or equipment, supplies or materials to be acquired may be contracted for or acquired without competitive bidding and in such manner as the officer or agency in charge of the work or acquisition may direct:

(a) The work to be done or equipment, supplies or materials to be acquired will cost less than \$2,500.

(b) The work to be done or equipment, supplies or materials to be acquired involve marine construction or repair work requiring the use of floating scows, pile drivers or other floating equipment and will involve an expenditure of less than \$5,000.

(c) The equipment, supplies or materials to be acquired is a patented article or process or an article or process made by one party only.

(d) The work to be done or equipment, supplies or materials to be acquired involves an emergency repair as set forth in sub. (4).

(4) **EMERGENCY REPAIRS.** Whenever repairs become necessary to any harbor facility which, in the judgment of the official having executive charge of such facility, constitutes an emergency in that it interrupts the ordinary use and operation of such facility, such official may order such repairs to be made by some competent party without compliance with sub. (1) or the intervention of a formal contract. In all cases of such emergency repairs the official causing the repairs to be made shall report the circumstances thereof, including the agreed price or estimated costs of the repairs, to the officer or agency in charge of the operation of the harbor and shall also forthwith send a copy of such report to the clerk of the municipality or, in the case of a city, to the chief auditing officer. Whenever any party is liable, under a lease or otherwise, to reimburse such municipality for repairs or cost of maintenance of such harbor facility, the official causing the repairs to be made shall also send a copy of such report to the party so liable.

(5) **COMPETENCY AND RELIABILITY OF BIDDERS.** Whenever any bidder for any work to be let by an officer or agency in charge of a harbor is, in the judgment of such officer or agency, incompetent or otherwise unreliable for the performance of the work for which he bids, the officer or agency may accept the bid of the person who, in its judgment, is the lowest competent and reliable bidder for such work, stating its reasons therefor, or may relet the same anew. Such officer or agency may permit a sum of money or a certified check payable to its order to be filed with any bid or proposal in such an amount as in its judgment will save the municipality from any loss if the bidder fails to execute a contract pursuant to law, in case his bid is accepted and the contract awarded to him.

(6) **CONTRACTS TO PROVIDE FOR LIQUIDATED DAMAGES.** Every contract executed pursuant to sub. (1) shall contain either of the following agreements on the part of the contractor and his sureties:

(a) An agreement that in case such contractor fails to fully and completely perform his contract within the time therein limited for the performance thereof, the contractor shall pay to the municipality as liquidated damages for such default, a fixed sum to be named in the contract, which shall be such a sum as in the judgment of the officer or agency in charge of letting the contract will save the municipality harmless on account of such default and insure the prompt completion of the contract; or

(b) An agreement that in case such contractor fails to fully and completely perform his part of the contract within the time therein limited for the performance thereof, the contractor shall pay to the municipality as liquidated damages for such default, a definite sum to be named in the contract for each day's delay in completing such contract after the time therein limited for its completion, which daily sum shall be such an amount as in the judgment of the officer or agency in charge of letting the contract will save the municipality harmless on account of such default and insure the prompt completion of the contract.

(7) **CONTRACTS TO BE EXECUTED BY SURETIES.** Every contract executed pursuant to sub. (1) shall also be executed by at least 2 sufficient sureties, or a surety company, to be approved by the officer or agency letting the contract. Such sureties or surety company shall guarantee the full performance of the contract by the contractor to the satisfaction of such officer or agency, according to the plans and specifications of such officer or agency, and shall be liable for such performance of the contract, as sureties, in an amount equal to such officer's or agency's estimate of the aggregate cost of the work.

(8) **PAYMENT BEFORE COMPLETION OF CONTRACT.** When a contractor proceeds properly and with due diligence to perform a contract, the officer or agency which let the contract may, in its discretion, from time to time

as the work progresses, grant to the contractor an estimate of the amount already earned for the work done, withholding in all cases until final completion and acceptance of the contract 15 per cent of such estimate when such estimate is less than \$100,000, and 10 per cent of such estimate when such estimate is \$100,000 or over, which shall entitle the contractor to receive such estimate less the amount withheld.

(9) **OPTIONAL CONTRACT PROVISIONS.** The officer or agency in charge of negotiating the contract may insert in the specifications of the work reasonable and lawful conditions as to hours of labor and the residence and character of workmen to be employed by the contractor and especially, so far as is practicable in the judgment of such officer or agency, such reasonable and lawful conditions as will tend to confine employment on such work, in whole or in part, to permanent and bona fide residents of this state. The officer or agency may do any part of such work by day labor under such conditions as it prescribes. The officer or agency may demand of such bidders and contractors that all contracts shall be let subject to chs. 101, 102 and 105, and all acts amendatory thereof and supplemental thereto, to the end that the officer or agency and municipality shall be held harmless. The officer or agency may reject any or all bids or parts thereof for any such work or supplies or materials.

(10) **CONFLICTS WITH FEDERAL REGULATIONS.** Contracts for projects involving federal funds shall be let under such regulations and conditions as are prescribed by the federal agency controlling such funds, so far as such regulations and conditions conflict with this section.

**30.33 HARBOR RAILWAY BELT LINES. (1) BOARD TO HAVE POWERS OF RAILROAD CORPORATION.** Any municipality operating a public harbor through a board of harbor commissioners may, through such board, construct, maintain or operate railway facilities or a harbor belt line connecting various harbor facilities with one another or with other railroads within the municipality or its vicinity. The board of harbor commissioners is granted all the rights, powers and privileges conferred upon railroad corporations by s. 190.02, except such rights, powers and privileges as are conferred upon railroad corporations by s. 190.02 (9). Such facilities or belt line may be constructed, maintained or operated partly outside the corporate limits of the municipality. In constructing, maintaining or operating such facilities or belt line, the board of harbor commissioners has the powers and privileges of railroad corporations and shall be subject to the same restrictions as railroad corporations and to the supervision of the public service commission, except as to the system of accounting and the payment of wages to employees.

(2) **MUNICIPALITY MAY ORGANIZE HARBOR RAILWAY CORPORATION.** Any municipality mentioned in sub. (1) may, with the consent of its board of harbor commissioners, organize a railroad corporation for the purpose of constructing, maintaining or operating a harbor belt line or may subscribe for stock in an existing railroad corporation organized for such purpose. If the municipality decides to organize a railroad corporation for such purpose, the governing body thereof may, by resolution, authorize the chief executive officer or presiding officer of such municipality to act, together with 4 citizens to be designated by him, as incorporators of such company. Such incorporators shall proceed to incorporate the railroad corporation in accordance with chs. 190 to 192, so far as applicable. Such harbor railroad corporation is subject to the supervisory and regulatory powers of the public service commission to the same extent as other railroad corporations. The municipality may subscribe to the stock of such harbor railroad corporation and may pay for such stock out of any funds it may lawfully have available for that purpose, including the proceeds of harbor improvement bonds.

**30.34 FINANCING HARBOR IMPROVEMENTS AND OPERATIONS GENERALLY.** (1) **HARBOR FUND TO BE CREATED.** All municipalities operating a public harbor through a board of harbor commissioners shall establish in the municipal treasury a revolving fund to be known as the "harbor fund". Moneys for such fund may be raised by appropriation from the general fund or by taxation or loan as other moneys in the general fund are raised. Moneys in such fund may be expended only as provided in s. 30.38 (13).

(2) **FINANCING DOCK WALLS AND SHORE PROTECTION WALLS.** A municipality may pay either or both the assessable and nonassessable parts of the cost of the construction, maintenance or repair of any dock wall or shore protection wall, authorized by s. 30.30 (3), out of its general fund or other available funds, or it may finance such work through the issuance of its negotiable bonds as provided in ch. 67, except that it is not necessary to include such bonds in the municipal budget or to submit the question of their issuance to a referendum vote of the electors. The bonds shall be serial bonds, payable at any time within 10 years and shall bear interest at a rate not to exceed 6 per cent per annum, payable either annually or semiannually as the governing body determines. The bonds shall be a direct obligation of the municipality and the full faith and credit of the municipality shall be pledged for their payment. No such bonds shall be issued unless at or before the time of their issuance the governing body levies a direct annual tax sufficient to pay the principal and interest thereon as they fall due.

(3) **FINANCING BY MEANS OF REVENUE BONDS, MORTGAGE CERTIFICATES OR ASSIGNMENTS OF NET PROFITS.** (a) Any municipality may, with the consent of its board of harbor commissioners, finance the cost of acquisition, construction, alteration or repair of any harbor facility by issuing evidences of indebtedness payable only out of the revenue obtained from the public harbor facilities. Such evidences of indebtedness may be revenue bonds issued under s. 30.35 or may be mortgage certificates or pledges or assignments of net profits, issued pursuant to s. 66.066 (3) or (4) as if the harbor facility were a public utility.

(b) The moneys received from the sale of such evidences of indebtedness shall be used solely for the specific purpose for which they were issued. The municipality issuing them shall not be deemed obligated or indebted thereon, and no funds or money of such municipality, except the revenues from the public harbor facilities, shall ever be used for payment or redemption of the evidences of indebtedness, except that the municipality issuing such evidences of indebtedness may at any time, with the consent of its auditing officer or committee, and by a vote of two-thirds of its governing body, assume the obligation of paying the principal and interest of such evidences of indebtedness as are then outstanding. Thereafter, such evidences shall in every respect be held to be outstanding indebtedness of such municipality. The governing body of any municipality assuming an indebtedness under this paragraph shall levy an annual irrepealable tax to pay interest thereon and discharge the principal thereof as required by Article XI, section 3, Wisconsin constitution.

(c) The holders of evidences of indebtedness issued as authorized by this subsection shall have the rights accorded by s. 66.066 (2) (b) to holders of mortgage bonds issued pursuant to s. 66.066, but in case of sale by order of any court, there shall be sold only the facility itself without the land on which it is erected. The purchaser at such sale may either remove such facility or may continue to operate the same and collect the revenue thereof, in a fair and businesslike manner, under the supervision of the court, until the outstanding evidences of indebtedness, together with interest until payment, have been paid, together with all costs and charges as determined by the court.

(4) **EMERGENCY REPAIR FUND.** Any municipality having established a board of harbor commissioners to operate its harbor facilities may create a contingent fund for the purpose of permitting the secretary of the board to pay for repairs to harbor facilities which constitute emergency repairs within the meaning of s. 30.32 (4). The secretary may pay for such repairs out of such fund on his signature alone.

(5) **OTHER FINANCING.** Nothing in this section is intended to prevent a municipality not operating its harbor as a commercial enterprise from raising and appropriating funds for improvement, alteration or repair of its harbor and harbor facilities in the same manner as it may raise and appropriate funds for other legitimate municipal purposes.

**30.35 FINANCING HARBOR IMPROVEMENTS THROUGH REVENUE BONDS.** (1) **ISSUANCE OF BONDS TO BE AUTHORIZED BY ORDINANCE.** Whenever the governing body of a municipality, after having obtained the consent of the board of harbor commissioners, determines to finance the acquisition, construction, alteration or repair of a harbor facility through revenue bonds, the governing body shall proceed by ordinance to authorize the issuance and sale of such bonds. The ordinance shall set forth the purposes for which the revenue bonds are to be issued and shall state either the amount of such issue or an amount which such issue shall not exceed. The ordinance shall be offered and read at a regular meeting of the governing body and a notice of the amount and purposes of such bonds shall be published in the official paper of the municipality, or in a newspaper of general circulation in the municipality if the municipality has no official newspaper, not less than 10 days prior to the meeting at which such ordinance is to be considered for final passage. The ordinance is not valid unless supported by the affirmative vote of at least three-fourths of all of the members of the governing body taken at a regular meeting held after such publication. No referendum is required before such revenue bonds are issued.

(2) **CONTENTS OF ORDINANCE AUTHORIZING BOND ISSUE.** The ordinance authorizing the issuance of revenue bonds constitutes a contract with the holder of such bonds and shall include covenants and provisions for the security of the bondholders and the payment of the bonds as the governing body deems necessary or desirable for the security of the bondholders, including, but not limited to, provisions for the establishment of adequate rates or charges for the use of the public harbor facilities, insurance against loss and covenants against the sale or alienation of such facilities and establishment of budgets relating to operation of such facilities. Any such ordinance shall contain provisions for:

(a) Maintenance and operation of the public harbor facilities.

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

(c) The establishment of a reserve fund 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. Such reserve fund shall be used for the purpose of making good depreciation of the public harbor facilities, 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.

(2a) **MUNICIPALITY TO FIX ADEQUATE RATES.** The municipality shall fix rates and charges for the use of the harbor facilities sufficient for the payment of the cost of operation and maintenance of such facilities, for the payment of principal of and interest on any indebtedness incurred for such harbor facilities, and to provide revenues sufficient to comply with

any covenants or agreements made by the municipality in any ordinance providing for the issuance of obligations to pay the cost of the acquisition, construction, alteration or repair of such harbor facilities.

(3) **FORM OF THE BONDS.** Revenue bonds shall be in the form designated by the governing body and shall be signed by those persons who regularly execute instruments of indebtedness on behalf of the municipality. Any of such signatures may be in facsimile form, except that at least one shall be a manual signature.

(4) **BONDS NOT AN OBLIGATION OF THE MUNICIPALITY.** Bonds issued pursuant to this section shall not be the general obligation of the municipality and shall expressly so state on their face. Any indebtedness created pursuant to this section is deemed to be incurred for a public utility, and shall not be included in indebtedness subject to any debt limitation.

(5) **SALE OF THE BONDS.** The governing body 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 municipal funds not immediately needed, and such funds may be invested in such bonds. If the municipality does not purchase such bonds, as authorized by this subsection, or determines to sell such bonds after having so purchased them, the bonds shall be offered at public sale after advertising as provided in ch. 67. In cities of the first class, such bonds shall be sold under the direction of the public debt commission. No such issue of bonds shall be sold at an interest cost exceeding  $4\frac{1}{2}$  per cent per annum.

(6) **BONDHOLDERS HAVE LIEN.** Title to all of the harbor facilities for which revenue bonds are issued remains in the municipality, but a statutory lien exists 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.

(7) **BONDS MAY BE PURCHASED BY FIDUCIARIES.** Bonds issued pursuant to this section are hereby made securities in which any of the following may legally invest any funds, including capital, belonging to them or within their control:

(a) State and municipal officers and bodies.

(b) Banks, bankers, trust companies, savings banks, building and loan associations, savings and loan associations, investment companies and other persons carrying on a banking business.

(c) Insurance companies, insurance associations and other persons carrying on an insurance business.

(d) Administrators, executors, guardians, trustees and other fiduciaries.

(e) Persons authorized to invest in bonds or other obligations of the state.

(8) **BONDS MAY BE ACCEPTED BY STATE OR MUNICIPAL OFFICER.** The bonds issued pursuant to this section are 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 the state is authorized.

### 30.37 BOARDS OF HARBOR COMMISSIONERS AUTHORIZED.

(1) **WHO MAY CREATE.** Any municipality situated on a navigable waterway may create a board of harbor commissioners to exercise the powers and perform the duties conferred upon such boards by law, except that a county may not create a board of harbor commissioners if there exists an active town, village or city board of harbor commissioners within the county.

(2) **HOW CREATED.** Boards of harbor commissioners shall be created by resolution of the governing body of the municipality. Such resolution

shall state whether the board is to be composed of 3, 5, 7 or 9 members and shall fix the date of commencement of the original term of office. Such resolution also shall state the length of the term of each member of the first board to be appointed, so that the term of one or more will expire in one year, one or more in 2 years, and one or more in 3 years.

(3) **APPOINTMENTS, TERMS, QUALIFICATION AND COMPENSATION OF MEMBERS.** As soon as possible after the passage of the resolution creating such board, the chief executive officer of the municipality, in the case of a city or village board of harbor commissioners, or the chairman of the town or county board, in the case of a town or county board of harbor commissioners, shall appoint the members of the board and designate the length of the term of each member thereof in accordance with the resolution creating the board. Thereafter, at the expiration of the term of any member, he shall appoint a successor for a 3-year term. All appointments are subject to confirmation by the governing body of the municipality. No person shall be appointed to the board unless he is a qualified elector of the municipality which created the board and has been a resident of the municipality for at least 3 years. Not more than one member of the governing body of such municipality is eligible for appointment to the board. A person appointed to the board shall serve until his successor has been appointed and qualifies. Members of the board shall receive no compensation for their services but they shall be reimbursed for expenses actually and necessarily incurred in the performance of their duties.

(4) **ORGANIZATION; OFFICERS.** As soon as possible after the appointment and confirmation of the members of the board, they shall meet and organize by electing from among their members a president and a vice president. The board shall hold meetings at such times and places as it determines and may adopt such bylaws consistent with law as seem practicable for its government.

(5) **EMPLOYES.** The board shall employ a secretary, not a member of the board, and fix his salary, and may employ such other persons, including a harbor master, as it deems necessary for the proper performance of its functions, and fix their duties and compensation. If the municipality which created the board has a civil service system for its employees, all appointments shall be made pursuant to such system.

(6) **EFFECT OF REVISION ON EXISTING HARBOR BOARDS.** Boards of harbor commissioners, harbor commissions or dock and harbor boards in existence on [the effective date of this revision] are deemed to be valid boards of harbor commissioners as if created pursuant to this section and are vested with all the powers and duties conferred upon boards of harbor commissioners by this chapter. The members of such boards may continue to hold office until their terms expire, notwithstanding any provision of this section which would otherwise disqualify them, but appointments made after [the effective date of this revision] shall be made only in accordance with this section. Nothing in this subsection is intended to prevent a municipality by resolution from abolishing its board of harbor commissioners, harbor commission or dock and harbor board.

**30.38 POWERS AND DUTIES OF BOARDS OF HARBOR COMMISSIONERS.** (1) **RELATIONSHIP TO MUNICIPALITY'S GOVERNING BODY.** (a) Except as otherwise expressly provided, a board of harbor commissioners may exercise its powers and perform its duties without first obtaining the consent of the governing body of the municipality which created it, but in no event is the board empowered to financially obligate in any manner this state without the consent of the state legislature, or the municipality in which it operates without the consent of the governing body of such municipality.



(b) It is the public policy of this state that, so far as possible, the board of harbor commissioners shall have exclusive control of the commercial aspects of the day-to-day operation of the public harbor and public harbor facilities, as set forth in sub. (8), and the governing body of the municipality shall have exclusive control of the governmental aspects relating to public health, order and safety. No municipality may exercise the powers set forth in subs. (8) (a) or (9), except through a board of harbor commissioners.

(c) Insofar as consistent with the principle set forth in par. (b), all powers not expressly conferred upon the board of harbor commissioners are reserved to the governing body of the municipality.

(2) MUNICIPAL DEPARTMENTS TO ASSIST BOARD OF HARBOR COMMISSIONERS. A board of harbor commissioners may make written requests to any other officer or agency of the municipality for assistance in the performance of its duties and such officer or agency shall comply with such request if the requested assistance involves the type of work normally performed by such officer or agency and the assistance will not substantially affect the budget of such officer or agency. If a difference arises between the officer or agency and the board as to whether such officer or agency is required to render the requested assistance, the ruling of the governing body of the municipality with respect thereto shall be final.

(3) CONTRACT PROCEDURES. In the letting of work relative to the construction, repair or maintenance of a harbor or harbor facility or in the purchase of equipment, supplies or materials relative to carrying out its powers and duties, a board of harbor commissioners shall be governed by the procedures and requirements set forth in s. 30.32.

(4) TITLE LANDS AND FACILITIES. Title to harbor lands and facilities shall vest in the municipality.

(5) PLANNING AND EFFECTUATING HARBOR IMPROVEMENTS. A board of harbor commissioners shall make such plans as it deems necessary for the improvement of the harbor over which it has jurisdiction, so as to adequately provide for the needs of commerce and shipping, including the efficient handling of freight and passenger traffic between the waterways of the harbor and air and land transportation terminals. Among other things, such planning may include plans for the acquisition of land for harbor purposes, including industrial sites, plans for laying out service roads, plans for the construction and acquisition of harbor facilities designed to enlarge or improve harbor operations, and plans for the improvement of publicly-owned harbor facilities. In planning for service roads the board shall seek the advice and co-operation of the local highway authorities and in all cases shall seek the advice and co-operation of the municipal planning agency, if any. The board shall not carry out any such plans until they have been submitted to and approved by the governing body of the municipality. When such plans have been so approved, either as submitted or in modified form, the board shall be in charge of carrying such plans into effect.

(6) LEASING HARBOR LANDS AND FACILITIES. A board of harbor commissioners may lease to any party, either for exclusive or common use, such parcels of publicly-owned harbor lands or such publicly-owned harbor facilities as it deems expedient, provided such lease is for any purpose or use requiring, involving or connected with the construction, operation, maintenance or use of any harbor facility. Such board may also lease, for revenue purposes, any of the publicly-owned harbor lands under its jurisdiction, not actually in use for harbor purposes, to be used for any purpose deemed satisfactory to the board. No leases of municipally-owned harbor lands or harbor facilities made pursuant to this subsection are

valid until approved by the governing body of the municipality, unless such governing body has authorized the board to make such leases without its approval.

(7) **MAINTENANCE OF HARBOR FACILITIES.** The board of harbor commissioners shall be in charge of the maintenance of the public harbor facilities. To the extent that funds, including revenue from harbor operations, are available for such purpose, the board may make repairs to harbor facilities without first obtaining the consent of the governing body of the municipality.

(8) **HARBOR OPERATION.** (a) A board of harbor commissioners shall have exclusive control over the commercial aspects of the day-to-day operation of the public harbor and public harbor facilities. Among other things the board may:

1. Operate publicly-owned or leased wharf and terminal facilities and handling equipment.

2. Operate publicly-owned railroad beltlines or other essential railroad facilities, or lease railroad facilities.

3. Assign berths at publicly-owned or leased harbor facilities.

4. Maintain guards at publicly-owned or leased harbor facilities.

(b) When so authorized by the municipal governing body, a board of harbor commissioners also may:

1. Operate airport facilities owned or leased by the municipality and located on or contiguous to the harbor lands.

2. Operate municipal harbor craft, such as fireboats, tugs, dredges, barges, lighters and inspection boats.

(c) In lieu of operating the publicly-owned harbor facilities, a board of harbor commissioners may lease such facilities for operation by the lessee, but the board shall retain such control over the lessee as will enable it to make certain that the harbor is operated in accordance with the public policy set forth in par. (e). No lease of municipally-owned facilities is valid until approved by the governing body of the municipality, unless such governing body has authorized the board to make such lease without its approval.

(d) A board of harbor commissioners may adopt rules to facilitate the exercise of its powers and duties under this subsection. Copies of such rules shall be made available to interested persons upon request.

(e) In exercising its powers under this subsection, a board of harbor commissioners shall be guided by a policy designed to maintain the operation of the harbor in a continuous, peaceful and efficient manner and shall maintain its services so as to effectuate this policy and shall handle without discrimination, any valid and legitimate cargo. But nothing in this subsection shall prevent the board or its lessees from adopting reasonable rules regarding noxious cargo or explosives.

(f) A board of harbor commissioners shall have no jurisdiction over public bridges.

(9) **FIXING FEES.** A board of harbor commissioners shall fix and regulate all fees and charges for use of the publicly-owned and operated harbor facilities and for other services rendered. All such fees and charges are subject to the approval of the governing body of the municipality. Equal fees shall be charged for equal services. Copies of the schedule of fees and charges shall be made available to interested persons upon request.

(10) **ACCOUNTS AND STATISTICS.** A board of harbor commissioners shall maintain an adequate system of accounts with respect to its operations, which system of accounts shall be in conformity with the system used by the municipality. The board also shall maintain statistics with respect to the traffic and finances of the port.

(11) **PROMOTION ACTIVITIES.** A board of harbor commissioners may engage in activities designed to promote trade and traffic through the port and for this purpose may, among other things, make representations before official public bodies and intervene in rate case proceedings.

(12) **RESPONSIBILITIES RELATIVE TO JOINT HARBORS.** If a board of harbor commissioners is in charge of a harbor which lies partly in this state and partly in another state, the board shall be the official body representing the interests of the Wisconsin part of such joint harbor and its harbor facilities and shipping interests. The board shall study the needs of the harbor and its harbor facilities and shipping interests, with reference to both its separate Wisconsin aspects and its joint aspects, and from time to time shall make such recommendations to the proper authorities for the proper maintenance, improvement and betterment of the harbor, and especially the Wisconsin part of such joint harbor and its harbor facilities and shipping interests, as seems needful and practical. The board may take such steps within its power as seem practicable to cause such recommendations to be carried into effect. The board may also meet and act jointly with the agency having charge of the operation of that part of the joint harbor located in the other state, on matters of common interest and which affect the joint harbor and its harbor facilities. It may join with such agency in adopting a general plan for the development of the joint harbor and in making such other recommendations as seem advisable and may act jointly with such agency in doing all things within its power to cause such plans and recommendations to be carried into effect.

(13) **FUNDS; DISBURSEMENTS; NET REVENUE.** (a) All moneys appropriated to a board of harbor commissioners, all revenues derived from the operation of the public harbor except (in the case of a joint harbor) revenue from joint improvements before division thereof, and all other revenues of the board shall be paid into the municipal treasury and credited to the harbor fund.

(b) Subject to the limitations and conditions otherwise expressed in this section and to a budget approved by the municipal governing body, moneys in the harbor fund may be used for the acquisition, construction, improvement, repair, maintenance, operation and administration of the public harbor and harbor facilities. Except as provided in s. 30.34 (4), such moneys shall be paid out of the harbor fund only on orders signed by the president and secretary of the board, or some other official authorized by the board, after the allowance of claims by the board or on orders entered in the minutes of the board. Disbursements from the harbor fund shall be audited as other municipal disbursements are audited.

(c) At the end of each fiscal year, the board shall compute its net revenue, if any, after paying the costs of operating, maintaining and improving the harbor. Thereupon, the board shall certify the amount of such net revenue, if any, to the municipal treasurer who shall cause such amount to be transferred from the harbor fund to the general fund of the municipality.

(14) **REPORTS OF EXPENDITURES.** A board of harbor commissioners shall, on or before October 1 of each year, file with the clerk of the municipality which created the board, a detailed statement of the amount of money that will be required to meet its expenses and needs for the ensuing year, and the clerk shall place such statement before the governing body in due course so that it may levy such taxes and make such appropriations as it deems practical to defray the expenses and meet the needs and requirements of the board in the performance of its functions.

(15) **ANNUAL REPORTS.** A board of harbor commissioners shall make a report annually to the governing body of the municipality which created it, giving an account of its activities and an account of its revenues and

expenditures in the preceding calendar year. Such report may contain such other matters as the board deems of interest, including such recommendations as it deems to be for the best interest of the municipality and its harbor, harbor facilities and shipping interests.

#### Regulation of Watercraft

**30.45 SAFETY REGULATIONS FOR CERTAIN BOATS. (1) SCOPE OF SECTION.** This section applies to every type of watercraft which is wholly or partly propelled by engine power and operated upon any waters under the exclusive jurisdiction of this state.

**(2) LIGHTING EQUIPMENT. (a)** Every watercraft mentioned in sub. (1), when operated at any time during the period of one hour after sunset to one hour before sunrise, shall be equipped with the following lights which shall be kept lighted at all times during such operation:

1. On the bow or fore part there shall be one red light and one green light, so placed and screened that they will both be visible from a head-on view and so that neither will be visible across the bow or from the rear.

2. On the rear or stern, one white light.

3. On the bow, one searchlight of sufficient candlepower to make visible an object the size of a rowboat or canoe at a distance of 200 feet upon the water, except that it need not be so equipped if it does not travel at a speed in excess of 15 miles per hour. All watercraft may carry a searchlight on the bow thereof.

**(b)** No watercraft mentioned in sub. (1) shall carry any lights not authorized by par. (a), except cabin lights.

**(3) LIFE PRESERVERS; FIRE EXTINGUISHERS.** Every watercraft mentioned in sub. (1), which carries passengers for hire, shall be equipped with at least one life preserver for each such passenger and also shall be provided with good and sufficient fire extinguishers.

**(4) RULES FOR PASSING AND DOCKING.** Every watercraft mentioned in sub. (1), when approaching any other watercraft and in immediate danger of collision, shall pass to the right of such other watercraft. Watercraft approaching a dock, pier or wharf shall yield the right of way to watercraft departing from such dock, pier or wharf.

**(5) PENALTY.** Whoever violates any provision of this section shall be fined not less than \$5 nor more than \$25 for the first offense, and not less than \$10 nor more than \$25 for each succeeding offense.

**(6) NEGLIGENCE NOT EXCUSED.** Nothing in this section shall exonerate any owner or pilot of any watercraft from the consequences of any failure to give the proper signals or to keep a proper lookout.

**30.46 MUFFLERS; SPEED LIMITS; RECKLESS MOTOR BOATING. (1) MOTOR BOAT MUFFLERS.** Except as provided in par. (b), no person shall operate any boat propelled by gasoline or other similar motive power upon any outlying or inland waters in this state, as defined in s. 29.01 (4), unless such boat is equipped with a muffler which is so constructed and kept in constant operation that it prevents excessive or unusual noise at all times during such operation.

**(b)** Paragraph (a) does not apply to boats when operated upon Lake Superior, Lake Michigan, Green Bay or Sturgeon Bay nor does it apply to boats when engaged in a race conducted or sanctioned by a boat club in this state and for which a permit has been secured from the county, or in the alternative from each of the municipalities, in which the lake or river upon which the race is to be held is located.

(2) **SPEED LIMITS.** No person shall operate any boat propelled by gasoline or other similar motive power at a speed in excess of the following:

(a) Eight miles per hour on the Brule river or any of its tributaries in Douglas county.

(b) Fifteen miles per hour on the Waupaca Chain o'Lakes, located in the towns of Farmington and Dayton in Waupaca county.

(3) **RECKLESS MOTOR BOATING.** No person shall operate a motor boat on the waters of this state in a careless, negligent or reckless manner so as to endanger the life, property or persons of others.

(4) **PENALTY.** Any person who violates any provision of this section shall be fined not less than \$10 nor more than \$50 or imprisoned not more than 30 days, or both.

(5) **ENFORCEMENT BY CONSERVATION WARDENS.** Conservation wardens may assist in the enforcement of subs. (1) and (3) and are vested with the powers of sheriff in the performance of such duties.

**30.47 MUNICIPAL REGULATION OF BOATS. (1) INSPECTION.** Every city, village and town in this state may inspect at least once each year the hull, boiler and machinery of every vessel propelled by power other than hand power and which is used within its boundaries upon inland waters of the state and not subject to the laws of the United States.

(2) **SAFETY REGULATIONS.** Every such city, village and town may adopt reasonable safety regulations relating to the operation and equipment of such vessels and provide reasonable penalties for violation of such regulations.

**30.48 MUNICIPAL REGULATION OF SEA PLANES. (1) REGULATION AUTHORIZED.** Any city, village or town adjoining or surrounding any waters may, after public hearing, by ordinance:

(a) Prescribe reasonable safety regulations relating to the operation on the surface of such waters of any aircraft capable of landing on water.

(b) Prescribe the areas which may be used as a landing and take-off strip for such aircraft or prohibit such use of the waters altogether.

(c) Provide proper and reasonable penalties for the violation of any such regulations or prohibitions.

(2) **MARKING OF REGULATED OR RESTRICTED AREAS.** Every such ordinance shall direct that the regulated or prohibited areas be designated by standard marking devices.

(3) **CONFLICT OF JURISDICTION.** Any conflict in jurisdiction arising from the enactment of ordinances by 2 or more municipalities shall be resolved as provided by s. 66.32.

**30.50 DAMAGE BY FOREIGN WATERCRAFT; REPORT OF ACCIDENT; VENUE OF ACTION; SERVICE OF PROCESS. (1) DEFINITIONS.** In this section:

(a) "Foreign watercraft" means any watercraft owned or operated by a nonresident or a corporation not incorporated under the laws of this state.

(b) "Waters of this state" includes the Wisconsin portion of boundary waters.

(2) **REPORT OF ACCIDENT.** The person in charge of any foreign watercraft which causes injury to any person or property while operating or moored in the waters of this state or while moored against shore land in this state shall, within 24 hours after the accident causing such injury, report to the sheriff of the county in which the injury occurred the names and addresses of the operator and owners of the watercraft and of all persons on board the same at the time of the injury and a brief statement

as to how the accident occurred. Failure to make such report will subject the owner of the watercraft to a fine of not less than \$25 nor more than \$500.

(3) VENUE. In any action arising out of such injury, venue is in the county in which the damage occurred. The presence of such watercraft and the doing of such damage within the territorial jurisdiction of this state, together with the subsequent removal of such watercraft from the jurisdiction of this state, constitutes a waiver by the owner or operator thereof of any objection to the venue of such an action commenced in a proper court of this state.

(4) SERVICE OF PROCESS. Service of process upon a nonresident defendant in any such action may be made by mailing a copy of the original summons to the secretary of state, together with a fee of \$2, and by sending a copy of such service to the defendant by registered mail. The defendant's return receipt and an affidavit by the plaintiff or his attorney as to compliance with this subsection shall be filed with the court as evidence that service of process was made in compliance with this subsection.

SECTION 3. Chapter 31 (title) of the statutes is repealed and re-created to read:

### Chapter 31

## REGULATION OF DAMS AND BRIDGES AFFECTING NAVIGABLE WATERS

SECTION 4. 31.02 (5) to (7) of the statutes are repealed.

SECTION 5. 31.14 of the statutes is renumbered 30.18 and amended to read:

### 30.18 DIVERSION OF WATER FROM LAKES AND STREAMS.

(1) WHEN DIVERSION LAWFUL. (a) It \* \* \* is lawful to temporarily divert the surplus water of any stream for the purpose of bringing back or maintaining the normal level of any navigable lake or for maintaining the normal flow of water in any navigable stream, regardless of whether such navigable lake or stream is located within the watershed of the stream from which the surplus water is diverted \* \* \*.

(b) Water other than surplus water may be diverted with the consent of riparian owners damaged thereby for the purpose of agriculture or irrigation but no water shall be so diverted to the injury of public rights in the stream or to the injury of any riparian located on the stream, unless such riparians \* \* \* consent thereto.

(2) SURPLUS WATER DEFINED. "Surplus water" as used in this section means any water of a stream which is not being beneficially used. The public service commission may determine how much of the flowing water at any point in a stream is surplus water.

(3) APPLICATION FOR PERMIT. (a) Before any water may be diverted for the purposes set forth in sub. (1), the applicant shall file an application with the public service commission setting forth the name and post-office address of the applicant, the name of the stream, the point in the same from which it is proposed to divert the surplus water, the name of the navigable lake or navigable stream or lands to which such water is to be diverted, the location and description of the canal, tunnel or pipes and other works through which the water is to be diverted, the amount of water to be diverted, the periods of time when it is proposed to divert such water, and the time required for the completion of the canal and other structures necessary for the completed project, which shall not be greater than 2 years from the filing of the application.

(b) A map shall accompany the application on a scale of not less than 4 inches to the mile, showing the land topography and the course of the proposed diversion canal and other works, and the ownership of all lands upon which will be located the canal and all other works for the completed project.

(c) Plans in duplicate showing cross sections and profiles for the canal, showing all tunnels, pipes or other diversion works, the dam and control works at the point of diversion and at the point of discharge, must accompany the application.

(d) The commission may \* \* \* require such \* \* \* additional information as may be pertinent.

(4) NOTICE OF HEARING ON APPLICATION. On the receipt of the application, the commission shall set the application for a public hearing, notice of which shall be given by publication and by mailing a copy of the notice, as provided in s. 31.06, to every person upon whose land any part of the canal or other structures will be located, to the clerk of the town, village or city and county in which the diversion will take place, the clerk of the town next downstream, and the clerk of any village or city through which the stream runs and which is adjacent to said municipalities in which the diversion takes place, and by posting the notice in 5 public places in each of said towns, villages or cities.

(5) ISSUANCE OF PERMIT. At the conclusion of the hearing, if it \* \* \* appears that the water to be diverted is surplus water, or if not surplus water the riparians injured by such diversion have consented thereto, the commission shall so find and shall issue a permit for the diversion of such water \* \* \*. The commission shall determine and fix the quantity of water to be diverted and the time when such water may be diverted. Until January 1, 1959, when it is determined that a riparian is authorized to withdraw a stated flow of water, he may use that water on any other land contiguous to his riparian land, but he may not withdraw more water than he did prior to August 1, 1957. If the public service commission in consultation with the conservation commission, upon investigation, finds that the withdrawal is detrimental to other riparians or to the stream or lake the public service commission shall revoke and withdraw the permit.

(6) COMMISSION TO HAVE CONTINUING JURISDICTION. The quantity of water to be taken and the time or times when it may be taken shall be under the control of the *public service* commission, to the end that only surplus water be diverted from its natural channel, and that when any water in a stream ceases to be surplus water, the diversion of such water shall cease except that the commission may permit the diversion of other than surplus water with the consent of the riparian owners damaged thereby.

(7) PREREQUISITES TO PROJECT CONSTRUCTION. *After an application under this section has been filed with the public service commission, the applicant may enter any land through which it is proposed to divert the water for the purposes of making any surveys required for drafting the plans for the project, but no work shall be commenced on the canal, head-works or other structures necessary for the project until the plans for the same \* \* \* have been approved by the commission. Any person having received a permit to divert water under this section may construct upon the land of another the canal and other works authorized by the permit after the damage which will be sustained by the owner or owners of such land has been satisfied, or has been determined as provided for in ch. 32, and after the final sum so determined and all costs have been paid to the persons entitled thereto or to the clerk of the circuit court on their account.*

\* \* \*

(8) PERMIT TO CONSERVATION COMMISSION. When after due examination and investigation, the conservation commission \* \* \* *determines* it to be necessary for conservation purposes that water elevations in any navigable stream or lake \* \* \* be raised, the commission may, whenever it has funds available from any source other than license fees, file *with the public service commission* an application for a permit under this \* \* \* *section or ch. 31*. The commission shall grant such permit, and shall determine and fix the elevations to which the water may be raised or maintained, but such water elevation shall in no case be fixed below the normal elevation without the consent of the conservation commission. If any lands are damaged by the raising of the water levels above normal, pursuant to the permit, and the conservation commission cannot acquire the right to flow such lands by agreement with the owner, it may acquire such lands or the right to flow the same by condemnation under ch. 32.

(9) JUDICIAL REVIEW. \* \* \* Any order or determination made by the public service commission \* \* \* *is subject to judicial review* as prescribed in ch. 227.

(10) PENALTY. *Any person violating any provision of this section or any order of the public service commission made pursuant thereto shall forfeit not more than \$1,000 for each such violation.*

SECTION 6. 31.23 (1) of the statutes is amended to read:

31.23 (1) Every person \* \* \* *who constructs or \* \* \* maintains in navigable waters or aids in the construction or maintenance therein of any bridge \* \* \* or dam not authorized by law, shall forfeit for each such offense, and for each day that the free navigation of such \* \* \* waters are obstructed by such bridge \* \* \* or dam \* \* \* a sum not exceeding \$50.* \* \* \*

SECTION 7. 31.24 of the statutes is repealed.

SECTION 8. 31.25 of the statutes is amended to read:

31.25 Every dam, bridge or other obstruction constructed or maintained in or over any navigable waters of this state in violation of \* \* \* this chapter \* \* \*, and every dam not furnished with a slide, chute or other equipment prescribed by the commission, is hereby declared to be a public nuisance, and the construction thereof may be enjoined and the maintenance thereof may be abated by action at the suit of the state or any citizen thereof.

SECTION 9. 31.38 of the statutes is created to read:

31.38 MUNICIPAL AUTHORITY TO CONSTRUCT AND MAINTAIN DAMS. (1) Every municipality may, subject to this chapter, authorize the construction, maintenance or repair of dams across any lake or stream adjoining or within the limits of such municipality, and may locate such dam within or without such limits.

(2) Whenever it is deemed necessary to construct or repair any such dam, a plan of the work, with specifications and cost estimates, shall be prepared and presented to the governing body of the municipality for adoption. When so adopted, the plan shall, where required, be submitted to the public service commission or proper officer of the United States for approval. No work shall be done in pursuance of such plan until it has been so approved.

(3) For the purpose of this section, a municipality may purchase or condemn lands within and, when necessary, without its limits in order to protect any property situated within such limits.

(4) The municipality shall proceed in accordance with s. 66.60 to make special assessments to property on account of benefits resulting



to the property from the improvement mentioned in sub. (2). If the excess of benefits over damages accruing to property within the assessment district is not sufficient to pay the cost of the improvement, the municipality shall pay the balance, either out of its general fund or out of any special fund created for that purpose. The municipality may issue its negotiable bonds, as provided in ch. 67, to pay for such improvement.

(5) Whenever 2 or more municipalities propose to co-operate in erecting, maintaining or repairing a dam, their governing bodies shall first meet and adopt a method of proceeding and a plan of apportioning to each its share of the entire cost. Such method of proceeding and plan of apportionment shall be embodied in a resolution adopted by the governing bodies of the co-operating municipalities acting jointly and later such resolution shall be adopted by each of the governing bodies acting separately.

SECTION 10. 31.40 of the statutes is renumbered 30.24.

SECTION 11. 31.50 of the statutes is repealed.

SECTION 11A. 66.073 of the statutes is repealed.

SECTION 12. 67.04 (1) (g) and (j), (2) (n) and (5) (f) of the statutes are amended to read:

67.04 (1) (g) To \* \* \* finance the cost of any \* \* \* dock wall, shore protection wall or dam, as authorized by \* \* \* ss. 30.34 (2) and 31.38.

(j) In counties having a population of less than 500,000: for dredging, docking, and other permanent river or harbor improvements; \* \* \* or to acquire the necessary sites for, and to construct and maintain thereon, public docks, wharves and approaches.

(2) (n) For dredging, docking, and other permanent river or harbor improvements; to \* \* \* finance the cost of any \* \* \* dock wall, shore protection wall or dam, as authorized by \* \* \* ss. 30.34 (2) and 31.38; or to acquire the necessary sites for, and to construct and maintain thereon, public docks, wharves and approaches.

(5) (f) To \* \* \* finance the cost of any \* \* \* dock wall, shore protection wall or dam, as authorized by \* \* \* ss. 30.34 (2) and 31.38.

SECTION 13. Chapter 138 of the statutes is repealed.

SECTION 14. 195.40 (5) of the statutes is amended to read:

195.40 (5) Any person who \* \* \* violates any of the provisions of this section shall forfeit for each such offense a sum \* \* \* not to exceed \$250 together with the actual costs of all administrative and legal action necessary to collect such forfeiture. Such forfeiture shall be enforced and the proceeds disposed of as prescribed in s. \* \* \* 30.03. Any unregistered operation shall be subject to summary abatement as a public nuisance.

SECTION 15. 959-78k, 959-78L and 959-78m of the statutes of 1915 (withdrawn from the statutes by ch. 335, laws of 1917, s. 12), are repealed.

SECTION 16. This act shall take effect January 1, 1960.

Approved September 9, 1959.

CHAPTER 441

CROSS REFERENCE TABLE TO CHAPTER 441

This table is designed to assist in tracing the various provisions of the old law into the new sections created by this bill. It does not show (except in the case of complete repeals) what specifically happened to a particular provision of the old law, i.e., whether it was substantially changed or restated without change. To find that information, turn to the new section and the note appended thereto.

<u>Old</u>	<u>New</u>
30.01 (1)	30.10 (1)
(2)	30.10 (2)
(3)	30.10 (3)
(4) (a)	30.10 (4) (a)
(4) (b)	30.01 (1)
(4) (c)	30.10 (4) (b)
30.02 (1) (a) (1st sentence)	30.11 (1)
	30.13 (3)
	30.05
(last 2 sentences)	30.11 (2)
	30.13 (3)
(1) (b) (1st sentence)	30.12 (1), (2) (a)
(2nd sentence)	30.14 (2)
(1) (ba)	30.12 (2) (b)
(1) (c) (1st sentence)	30.13 (4)
(2nd sentence)	30.14 (2)
(1) (d)	30.13 (2)
(1) (e)	30.11 (3)
	30.13 (3)
(1) (f)	30.11 (4)
(1) (g)	30.14 (1)
(2) (1st sentence)	30.30 (1), (2)
(2nd sentence)	30.30 (6), 30.31 (2)
(3) (1st sentence)	30.31 (1)
(2nd sentence)	30.30 (5)
	30.31 (4)
(3rd sentence)	30.34 (5)
(4)	30.16 (1)
(5)	30.16 (2)
(6)	30.31 (1)
(7)	30.30 (3), (4)
	30.31 (6)
(8) (a)	30.30 (3), (4)
	30.31 (1)
(8) (b) to (f)	30.31 (6)
(8) (g)	30.32 (8)
(8) (h)	30.34 (2)
(8) (i) to (l)	30.31 (6)
30.03 (1) (1st sentence)	30.30 (4)
(2nd sentence)	30.31 (6)
(2)	30.30 (7)
	30.34 (5)
30.04 (1) to (7)	30.30 (5), (6)
(8)	30.31 (3)

<u>Old</u>	<u>New</u>
30.05 (1)	30.30 (3)
(2)	31.38 (1)
(3)	30.31 (2)
(4) to (6)	31.38 (2)
	30.30 (5)
	31.38 (3)
	30.30 (4)
	30.31 (6)
	30.34 (2)
	31.38 (4)
(7) (1st sentence)	30.30 (3)
(2nd sentence)	30.31 (5)
	31.38 (5)
30.06 (1)	30.45 (1), (2)
(2)	30.45 (2) (a) 3.
(3)	30.45 (4)
(4)	30.45 (3)
(5) (1st sentence)	30.45 (2) (b)
(2nd sentence)	30.45 (6)
(5a)	30.45 (5)
(6)	30.47 (1)
(7)	30.47 (2)
(8) (a)	30.46 (1)
(8) (b)	30.46 (4)
(9)	30.46 (2) (a), (4)
(10)	30.46 (3), (4)
(11)	30.46 (2) (b), (4)
(12)	30.46 (5)
30.061	30.48
30.065	30.17
30.07	Repealed
30.08	Repealed
30.083	Repealed
30.085 (1)	30.37 (1), (2)
(2) (a)	30.37 (2), (3)
(2) (b)	30.37 (3)
	17.22 to 17.25
(2) (c)	30.37 (4)
(3)	30.37 (5)
(4)	30.38 (2)
30.085 (5)	30.38 (5)
(6) (a)	30.32 (1), (2), (3)
(6) (b)	30.32 (5)
(6) (c)	30.32 (6)
(6) (d) (1st sentence)	30.32 (7)
(2nd sentence)	30.32 (8)
(6) (e)	30.32 (9)
(6) (f)	30.32 (4)
(6) (g)	30.34 (4)
(7) (a)	30.38 (1) (b), (5), (7), (8)
(7) (b)	30.38 (8) (e), (9)
(7a)	30.38 (11)
(8) (1st & 4th sent.)	30.38 (9)
(2nd & 3rd sent.)	30.38 (6)

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<u>Old</u>	<u>New</u>
(9) (a)	30.30 (5)
(9) (b)	30.31 (4)
(9) (c)	30.31 (4)
(10)	30.34 (5)
(11) (a)	30.38 (1) (b), (c)
(11) (b) (1st sentence)	30.31 (7)
(11) (b) (2nd sentence)	30.38 (8) (f)
(11) (c)	30.13 (3)
(11) (d)	30.30 (6)
(12) (a)	30.34 (3) (a)
(12) (b)	30.34 (3) (a)
(12) (c)	30.34 (3) (b)
(12) (d)	30.34 (3) (c)
(12) (e)	30.34 (3) (b)
(12) (f) 1. (1st sentence)	Repealed
(12) (f) 1. (2nd to 5th sent.)	30.35 (1)
(12) (f) 1. (6th sentence)	30.35 (5)
(12) (f) 1. (7th & 8th sent.)	30.35 (4)
(12) (f) 1. (last sentence)	30.35 (5)
(12) (f) 2. (1st sentence)	30.35 (2a)
(12) (f) 2. (remainder)	30.35 (2)
(12) (f) 3.	30.34 (1)
(12) (f) 4.	30.35 (6)
(12) (f) 5.	30.35 (1)
(12) (f) 6.	30.35 (3)
(12) (f) 7.	30.35 (5)
(12) (f) 8.	30.38 (6)
(12) (f) 9.	30.01 (3)
(12) (f) 10.	30.35 (7), (8)
30.086	Repealed
30.087	30.21
30.09	Repealed
30.10	30.50
30.19	30.33 (1)
30.20	30.33 (1)
30.21	30.33 (2)
30.22	30.22
30.23	30.23
31.02 (5)	30.20 (2)
(6)	30.20 (2)
(7)	30.20 (1) (a), (b)
31.14	30.18
31.23 (1)	30.15 (1), (2), (3)
	31.23 (1)
31.24	30.03
31.25	30.15 (4), 31.25
31.40	30.24
31.50	30.02
66.073	30.13 (2), (3)
	30.30 (8)
138.01	Repealed
138.02	30.37 (2), (3)
138.03	30.37 (4)
138.04	30.38 (12)

<u>Old</u>	<u>New</u>
138.05 (1st sentence)	30.38 (1) (b), (7)
138.05 (2nd sentence)	Repealed
138.06	30.38 (9)
138.07 (1st sentence)	30.38 (6)
138.07 (remainder)	Repealed
138.08	30.30 (6)
138.09	30.13 (3)
138.10	30.31 (7)
138.11	30.38 (8) (d), (f)
138.12	30.37 (5)
138.13	Repealed
138.14 (1st sentence)	30.38 (2)
138.14 (2nd sentence)	30.37 (5)
138.14 (3rd sentence)	30.38 (2)
138.14 (4th sentence)	30.32
138.15	30.38 (12)
138.16	30.38 (14)
138.17	30.38 (14)
138.18	Repealed
138.19	30.38 (13)
138.20	30.38 (15)
138.21	30.38 (13) (c)
138.22	30.38 (1) (a)
Ch. 762, laws of 1913	
959-78k	30.37 (1)
78L	30.37 (2), (3), (4)
78m 1.	30.38 (5)
78m 2.	Repealed
78m 3.	30.38 (5), (6), (7)
78m 4.	30.38 (1), (8), (9)
78m 5.	30.32
78m 6.	30.38 (3)
78m 7.	30.31 (7)
78m 8.	30.38 (8) (d)
78m 9.	30.38 (9)
78m 10.	Repealed
78m 11.	30.37 (5)
78m 12.	30.34 (3)
78m 13.	30.35
	30.35 (2)
	30.38 (14)
	30.38 (13)