

No. 1005, A.]

[Published July 17, 1907.]

CHAPTER 664.

AN ACT to create section 40a of the statutes relating to the ballot in special questions submitted to the electors of towns, villages and cities.

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

SECTION 1. There is added to the statutes a new section to read:

* * * * *

SECTION 2. All acts and parts of acts, which in any way conflict with this act, are repealed.

Approved July 16, 1907.

(In effect from and after date of publication.)

No. 1014, A.]

[Published July 18, 1907.]

CHAPTER 665.

AN ACT to create sections 927—11 to 927—19, inclusive of the statutes, relating to issue of mortgage certificates by municipalities for the purchase or construction of public utilities.

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

SECTION 1. There are added to the statutes nine new sections to read:

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Approved July 16, 1907.

(In effect from and after date of publication.)

free employment offices in the state, *one to be located in conjunction with the state factory inspector's office in Milwaukee, the other three to be located in such cities or places as may be selected or named by a commission consisting of the governor, secretary of state and the attorney general, for the purpose of receiving applications of persons seeking employment, and applications of persons seeking to employ labor.* Each such office shall be designated and known as Wisconsin free employment office. The said offices shall be so located in such parts of the state by said commission as may best serve the interests of the people of the state.

(Ch. 373, 1907.)

Milwaukee labor bureau offices: clerk and stenographer. **Maximum expenses.** SECTION 926—162. The commissioner of labor and industrial statistics shall recommend immediately after the passage of this act, and the governor shall appoint a superintendent for each of the offices created by section 1 of this act and who shall devote his time to the duties of his office, *and a clerk and stenographer at the Milwaukee office who shall divide his time between the Wisconsin free employment office and the state factory inspector's office, and whose salary shall not exceed seventy-five dollars per month to be paid out of any funds in the state treasury not otherwise appropriated.* The tenure of such appointment shall be for two years, unless sooner removed for cause. The salary of each superintendent shall be fixed by said commission not, however, to exceed twelve hundred dollars per annum, which sum, together with proper amounts for defraying the necessary cost of the equipping, *advertising, running and maintaining the respective offices, rent for such offices, not to exceed * * * eight hundred dollars per annum, shall be paid out of any funds in the state treasury not otherwise appropriated.*

(Ch. 373, 1907.)

Municipal ownership of utilities: newspaper notice of ordinance for. SECTION 927—11. Any plant or equipment or any part thereof for the production, transmission, delivery or furnishing of heat, light, water or power may be constructed or acquired by any town, village or city as herein provided. Before any town, village or city shall construct or acquire any such plant or equipment or any part thereof, under this section, the common council, board of aldermen, the board of

trustees, the town or village board or the governing body of such town, village or city shall authorize such acquisition or construction by a resolution or ordinance adopted at a regular meeting by a vote of at least a majority of the members elect. At least one week prior to such meeting the proposed resolution or ordinance shall be published in the official paper of the town, village or city or if no paper be published therein, such proposed resolution or ordinance shall be posted in four of the most public places in such town, city or village at least ten days prior to such meeting.

(Ch. 665, 1907.)

Cost payable by cash, bonds or mortgage. SECTION 927—12. Such resolution or ordinance shall prescribe the parts of the expense of such acquisition or construction to be paid out of the general fund of the city, or from the proceeds of bonds issued pursuant to law or from the proceeds of mortgage certificates issued as in this act provided.

(Ch. 665, 1907.)

Popular vote for and against. SECTION 927—13. Such resolution or ordinance shall also direct the town, village or city clerk to call a special election for the purpose of submitting to the electors thereof the question of the acquisition or construction of such plant or equipment or part thereof in the manner provided in such resolution and to be paid for in the manner therein provided.

(Ch. 665, 1907.)

Notice of election: items. SECTION 927—14. The notice of such election shall state: (1) The purpose thereof; (2) the plant, equipment or part thereof it is proposed to acquire or construct; (3) the proposed manner of payment for the same; (4) the time and place of holding the election and the hours at which the polls will be opened and closed. Such notice shall be signed by the town, village or city clerk, and be published in one or more newspapers in the town, village or city for three successive weeks prior to the election; if no newspaper be published therein, such notice shall be posted in four of the most public places in the town, village or city, at least twenty days prior to the election.

(Ch. 665, 1907.)

Canvass and return; ballot form. SECTION 927—15. Such election shall be held and conducted and the results can-

vassed and certified as provided in section 943 of the statutes. The question shall be printed upon any ballot issued at such election in substantially the following form:

“Shall (designate plant, equipment or part thereof) be acquired or constructed and mortgage certificates ((and) (or) bonds) be issued therefor?

YES

NO

(Ch. 665, 1907.)

Combination of ballots. SECTION 927—16. When any such special election is held at the same time as a regular or special town, village or city election, then such form of ballot, instead of being separate may be printed upon the official, municipal or town ballot to be voted at such election.

(Ch. 665, 1907.)

Mortgage certificates; recital. SECTION 927—17. If the resolution or ordinance and the notice of election to the voters shall call for the issuing of mortgage certificates and if a majority of the ballots cast shall be in favor of such proposition, the chairman and clerk of the town, the president and clerk of the village, or the mayor and clerk of the city, as the case may be, shall issue mortgage certificates for the purpose and to the amount stated, which certificates shall recite upon their face that the same are secured by a trust deed or mortgage upon the plant, equipment or part thereof so acquired or constructed and that no municipal liability is created thereby.

(Ch. 665, 1907.)

Certificates: interest, price, maturity. SECTION 927—18. Such mortgage certificates shall bear interest not to exceed six per cent. per annum, payable semi-annually, shall not be sold for less than par value, and shall be made payable at the option of such city in not less than five years from the date thereof and in not more than twenty years from the date thereof.

(Ch. 665, 1907.)

Mortgage on plant: provisions; default; re-issue. SECTION 927—19. To secure the payment of the principal and interest of such mortgage certificates, the chairman and clerk

of the town, the president and clerk of the village, or the mayor and clerk of the city, as the case may be, shall execute to the purchasers of such mortgage certificates, or to a trustee, selected by the town, village or city by resolution or ordinance, a trust deed, or mortgage, in such manner and form as may be by such resolution or ordinance prescribed, upon the plant, equipment or part thereof acquired or constructed, and upon all future additions and extensions thereto, which trust deed or mortgage shall among other things provide: 1. That the lien of such trust deed or mortgage upon the property therein mentioned, and upon the income from such plant, equipment or part thereof shall be the only security which the holder of such mortgage certificates shall have, and that by such trust deed or mortgage, and by such mortgage certificates, no municipal liability shall be created; (2) that the income derived from the operation of such plant, equipment or part thereof, over and above the actual and necessary running expenses and necessary repairs shall be kept as a separate fund in the treasury of such town, village or city out of which fund the interest on such mortgage certificates shall be paid as in said mortgage certificates provided; (3) that out of the excess an amount not less than four per cent. of the face value of such mortgage certificates shall be annually set aside as a sinking fund, and invested as other sinking funds of such town, village or city are invested to meet the principal of such mortgage certificates at maturity, and that the income excess of such running expenses and repairs, interest and sinking fund, may be used for the extension and improvement of such plant, equipment or part thereof, or otherwise as may be directed by ordinance or resolution; (4) that if any payment of interest due upon such certificates shall remain unpaid for a period of twelve months or if any part of such principal shall not be paid when due, the said mortgage or trust deed may be foreclosed as is provided by law for the foreclosure of other mortgages and trust deeds. Upon default in the payment of principal or interest, the holder or holders of such trust deed or mortgage, may, at his or their option, by a notice in writing served after such default, declare the whole amount secured by such trust deed or mortgage due and payable six months after the service of such notice, after which time such whole amount shall be so due and payable.

Any such town, village or city may issue new mortgage certificates in the manner hereinbefore provided secured in the same manner, to provide funds for the payment of the principal and interest upon any such mortgage certificates so de-

faulted, provided, that upon any re-issue of such mortgage certificates the question shall not be required to be submitted to the electors whenever such re-issue shall be approved by a vote of not less than two-thirds of the town board, village board or common council as the case may be.

Upon any such re-issue which shall not be submitted to a vote of the electors, the rate of interest and times of payment shall be fixed within the limits specified in section 927—18.

(Ch. 665, 1907.)

Reorganization of cities as villages. SECTION 927—m. Whenever the population of any city, organized under general or special law, shall fall below one thousand inhabitants, as determined by the last state or United States census, the common council of such city may upon petition of fifteen per cent. of the qualified electors of such city submit to a vote of its electors at any general or spring election the question whether or not such city shall cease to continue as a city and organize as a village. If three-fifths of the votes cast at such election shall be in favor of reorganization as a village, the mayor and members of the common council of such city shall file a certified copy of the result of such election in the office of the register of deeds and with the clerk of the circuit court in the county in which such city is located and shall immediately call an election, to be conducted as are village elections, for the purpose of electing village officers for such proposed village. Upon the election and qualification of such newly elected village officers, such city shall be declared reorganized as a village. All rights or liabilities that may have existed at the time of such reorganization in favor of or against such city shall continue for and against such village.

(Ch. 421, 1907.)

Removal of rubbish; special or general tax therefor. SECTION 927p. The common council of all cities and the village boards of all villages are authorized and empowered to cause the removal of ashes, garbage and rubbish from residences, residence premises and such other buildings and premises as may be determined by the common council or village board. It shall be optional with the common council or village board to charge the cost of such removal to the several owners of such residences, buildings and premises, and to assess and tax the cost of removing the same to the premises or property upon which the said ashes, garbage and rubbish