

No. 315, S.]

[Published May 20, 1921.

**CHAPTER 248.**

AN ACT to amend subsection 1 of section 1797m—1 and subsection 1 of section 1797m—79 of the statutes, relating to public utilities.

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

SECTION 1. Subsection 1 of section 1797m—1 and subsection 1 of section 1797m—79 of the statutes are amended to read: (Section 1797m—1) 1. The term "public utility" as used in sections 1797m—1 to 1797m—109, inclusive, shall mean and embrace every corporation, company, individual, association of individuals, their lessees, trustees, or receivers appointed by any court whatsoever, and every town, village, or city that now or hereafter may own, operate, manage, or control any plant or equipment or any part of a plant or equipment within the state, for the conveyance of telephone messages or for the production, transmission, delivery, or furnishing of heat, light, water, or power either directly or indirectly to or for the public, or that now or hereafter may own, operate, manage, or control any toll bridge. \* \* \* Provided, however, that in any municipality wherein a public utility is operated by said municipality and there is no other operating utility furnishing the same service, the railroad commission may, after a public hearing and determination that said municipally owned utility cannot be operated profitably, authorize the making of a contract with any person, firm or corporation not a public utility, providing for the furnishing of light, power or electric current upon such terms and conditions as shall be approved by said railroad commission, without the vendor thereof becoming a public utility under this act.

(Section 1797m—79) 1. Any municipality shall have the power, subject to the provisions of sections 1797m—1 to 1797m—109, inclusive, to construct and operate a plant and equipment or any part thereof for the production, transmission, delivery or furnishing of heat, light, water or power, or to acquire, construct and operate a toll bridge.

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

Approved May 16, 1921.