

bring action for damages and have injunction, if the facts warrant, in the circuit court or other court of the county in which his damaged lands or some part thereof is located, and shall have the right to trial by jury.

* * * In case any lands of the state of Wisconsin be required to be taken or overflowed for any of the purposes of this act the * * * *public service* commission of Wisconsin shall appraise and fix the damage to be caused by such taking or overflow, and the amount thereof shall be paid into the state treasury by the Wisconsin Valley Improvement company before the taking or overflow shall occur.

SECTION 3. There is added to chapter 335 of the laws of 1907, as amended by chapter 514 of the laws of 1915 a new section to read: (Chapter 335, laws of 1907) Section 9a. Whenever the term "Railroad Commission of Wisconsin" is used in this chapter it is understood to mean the "Public Service Commission of Wisconsin".

SECTION 4. This act shall take effect upon passage and publication.

Approved July 25, 1933.

No. 966, A.]

[Published July 29, 1933.

CHAPTER 479.

AN ACT to create subsection (9m) of section 66.06 of the statutes, relating to the financing of necessary public works projects by municipalities under the National Industrial Recovery Act. *The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. A new subsection is added to section 66.06 of the statutes to read: (66.06) (9m) For the purpose of financing necessary public works projects under the act of Congress entitled "An act to encourage national industrial recovery, to foster fair competition and to provide for the construction of certain useful public works", approved June 17, 1933, usually referred to as the National Industrial Recovery Act, garbage incinerators, toll bridges, swimming pools, tennis courts, parks, playgrounds, golf links, bathing beaches, bath houses, street lighting, city halls, court houses, jails, schools, hospitals, and any and all other necessary public works projects undertaken pursuant to this federal act by any town, village, city, county or other municipality shall

be deemed public utilities within the meaning of subsection (9) of section 66.06, and any town, village, city, county or other municipality may finance such public utilities in accordance with the provisions of and in the manner provided in subsection (9) of section 66.06. For the purposes of such financing, rentals and fees shall be considered as revenue. Any indebtedness created pursuant to this subsection shall not be considered an indebtedness of such town, village, city, county, or other municipality and shall not be included in arriving at the constitutional five per cent debt limitation.

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

Approved July 25, 1933.

No. 959, A.]

[Published July 29, 1933.

CHAPTER 480.

AN ACT to create section 101.35 of the statutes, relating to contract conditions in the construction of public works under federal funds.

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

SECTION 1. A new section is added to the statutes to read: 101.35 CONTRACTS AND SURETY BONDS TO CONFORM TO FEDERAL REQUIREMENTS. In the construction of public works undertaken in this state from funds made available under the National Industrial Recovery Act or any other act of the seventy-third congress, the requirements as to bid guaranties, surety bonds and partial payments on contracts and other contract conditions shall conform to the requirements prescribed by the federal government, notwithstanding the provisions of any statute or law of this state or of any ordinance of any political subdivision of the state to the contrary.

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

Approved July 25, 1933.