

No. 621, A.]

[Published July 27, 1927.

CHAPTER 441.

AN ACT to amend subsection (1) of section 83.14 of the statutes, relating to improvements on state highways on the initiative of towns and villages.

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

SECTION 1. Subsection (1) of section 83.14 of the statutes is amended to read: (83.14) (1) Any town meeting or village board may vote a tax of not less than five hundred dollars to improve a designated portion of the system of prospective state highways. The town or village board may accept cash donations for such purposes, and when accepted subsequent proceedings shall be the same as if a tax of like amount had been voted. * * * Highways in villages shall not be eligible to improvement under this section wherever the buildings fronting the highways average more than one to each sixty lineal feet of highway. The tax voted shall not exceed the rate of one mill on the dollar on the taxable property provided that every town and village may vote five hundred dollars, and such tax shall be collected as other taxes, and shall be paid to the county treasurer when the county taxes are paid.

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

Approved July 26, 1927.

No. 647, A.]

[Published July 27, 1927.

CHAPTER 442.

AN ACT to create section 66.20 of the statutes, relating to the creation, government and maintenance of metropolitan sewerage districts for the collection and disposal of sewage, trade or other liquid wastes, and storm water.

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: 66.20 (1) Metropolitan sewerage districts may be created, governed and maintained as is in this section provided, in contiguous

territory containing two or more of any of the following municipalities: Any city or village in its entirety or any township or part thereof, located in one or more counties, when so situated that common outlet sewers or disposal plants will be conducive to the preservation of the public health, safety, comfort, convenience or welfare.

(2) For the purposes of this section the following provisions and definitions are made:

- (a) "District" means metropolitan sewerage district.
- (b) "Commission" means metropolitan sewerage commission.
- (c) "Commissioner" means a commissioner of the metropolitan sewerage district.

(d) "Interception sewer" means one which receives the dry-weather flow from a number of transverse sewers or outlets with or without a determined amount of storm water from a combined system.

(e) "Main sewer" means one which receives one or more branch sewers as tributaries.

(3) (a) The county court of any county in this state is vested with jurisdiction, power and authority, when the conditions stated in subsection (4) of this section are found to exist, to establish metropolitan sewerage districts.

(b) Where the proposed district is in more than one county, the county court of the county containing the largest assessed valuation within the proposed district shall have jurisdiction.

(4) Before any court shall establish a district as outlined in subsection (3):

(a) A petition signed by five per cent of the electors voting for governor at the last general election or by the owners of half the property, in either acreage or assessed value, within the limits of the territory proposed to be organized into such district, shall be filed with the clerk of the county court of the county having jurisdiction.

(b) No petition with the requisite signatures shall be declared null and void on account of alleged defects, but the court may at any time permit the petition to be amended in form and substance to conform to the facts, by correcting any errors in such petition. Several similar petitions or duplicate copies of the same petition for the organization of the same district may be filed prior to the time of the hearing of the first petition and shall be considered the same as though filed with the first petition.

(e) The petition shall set forth: (1) The proposed name of said metropolitan sewerage district; (2) The necessity for the proposed work; (3) A general description of territory to be included in the proposed work; and (4) A general outline of the proposed improvements.

(5) (a) At the time of filing the petition, or at any time subsequent thereto and prior to the time of the hearing on said petition, a bond shall be filed by the petitioners with security approved by the court, sufficient to pay all the expenses connected with the proceedings in case the court refuses to organize the district. If at any time during the proceedings, the court shall deem the bond first executed to be insufficient, it may by order require the execution of an additional bond within a time fixed, but not less than ten days from the date of such order. Upon failure of the petitioners to execute the same the petition may be dismissed by the court.

(b) In lieu of such bond any municipality or group of municipalities interested in the formation of such district may guarantee the payment of such expense.

(6) Immediately after the filing of such petition, the court shall fix a time and place for a hearing on said petition and shall cause notice by publication to be made of the pendency of the petition and of the time and place of such hearing. Such publication shall be made once a week for three consecutive weeks in a newspaper or newspapers of general circulation in the county or counties in which the proposed district is located. The first publication shall be not less than three weeks before said hearing. Said court shall also cause notice to be served personally upon the clerk of each municipality having territory in the proposed district, and upon the state health officer at least three weeks before said hearing.

(7) Any owner of real property, or the governing body of any municipality having territory within the proposed district, wishing to object to the organization thereof shall, on or before the date set for the hearing, file his or their objections to the formation of such district. Such objections shall be limited to questions of jurisdiction or a denial of the statements of the petition. The necessity for the formation of such district shall be heard by the court as an advanced case and without unnecessary delay.

(8) (a) Upon the hearing if it shall appear that the purposes of this section will be best served by the creation of a district,

the court shall, after disposing of all objections as justice and equity require, by its finding, duly entered of record, adjudicate all questions of jurisdiction, establish the boundaries and declare the district organized and give it a corporate name, by which in all proceedings it shall thereafter be known, and thereupon the district shall be a body corporate with the powers of a municipal corporation for the purposes of carrying out the provisions of this section.

(b) If the court finds that the territory set out in the petition should not be incorporated into a district, it shall dismiss said proceedings and tax the costs against the signers of the petition. If the district is established, certified bills covering the reasonable costs and disbursements of the petitioners may be presented to the commissioners herein provided for and paid out of the funds of the district.

(c) The state board of health shall be represented at the hearing for the creation of such districts and advise with the court.

(d) Should it appear to the court at said hearing that other territory not included in the original petition should be included within the district, the property holders in such additional territory shall be duly notified in such manner as the court shall determine, and a second hearing shall be held at a time and place to be fixed by the court.

(e) The decree of the court, whether for or against the organization of the district, may within twenty days after such decree, be appealed directly to the supreme court by any interested person feeling himself aggrieved and the question presented upon said appeal shall be determined by such court upon the record made in the lower court.

(f) After twenty days from the date of such decree, if no appeal is taken therefrom, the clerk of the court rendering such decree shall transmit to the secretary of state, the secretary of the state board of health, and the register of deeds in each of the counties having lands within the district, copies of the findings and decree of the court incorporating said district. The same shall be filed or recorded in the above mentioned offices in the manner prescribed by law concerning corporations, upon the payment of the requisite fee.

(9) (a) The district shall be governed by three commissioners appointed by the court creating the district, and shall be residents of the district.

(b) At the time of their first appointment one member shall be appointed for a term of three years, one for a term of two years, and one for a term of one year. Upon the expiration of their several terms of office the county court shall appoint a successor, whose term of office shall be for three years and until a successor is appointed and qualified. The county court may remove any member of the commission for cause after notice and hearing and may fill any vacancy.

(c) Each member of the commission shall take and file the official oath.

(d) A majority of such commission shall constitute a quorum to do business and in the absence of two members one member may adjourn any meeting and make announcement thereof. All meetings and records of the commission shall be published.

(e) Such commission, when all of its members have been duly sworn and qualified, shall be a permanent body corporate and shall have charge of all the affairs of the district.

(f) Such commission shall organize by electing one of its members president and another secretary.

(g) The secretary shall keep a separate record of all proceedings and accurate minutes of all hearings.

(h) Each member of the commission shall keep an accurate statement of his necessary expenses and of the services rendered by him together with the dates thereof.

(i) Each member of the commission shall receive as compensation for his actual necessary services ten dollars per day of eight hours and proportionately for fractions of days for actual time spent in rendition of services and his actual reasonable expenses. Such compensation and expenses shall be filed as a bill in the court having jurisdiction and when allowed by that court shall be paid by the treasurer of the district out of any moneys in his hands belonging to such district.

(j) The treasurer of the city or village having the largest assessed valuation within the district shall act as treasurer of the district; shall receive such additional compensation therefor as the commission may determine; and shall at the expense of the district furnish such additional bond as the commission may require. Such treasurer shall keep all moneys of the district in a separate fund to be disposed of only upon order of the commission signed by the president and secretary.

(k) The commissioners shall prepare annually a full and detailed report of their official transactions and expenses and shall

file a copy of such statement with the court, the state board of health and the governing bodies of all cities, villages and towns having territory in such district.

(10) (a) The commissioners shall project, plan, construct and maintain in such district intercepting and other main sewers for the collection and transmission of house, industrial and other sewage to a site or sites for disposal selected by them, such sewers to be sufficient, in the judgment of the commissioners, to care for such sewage of the territory included in such district. The commissioners shall project, plan, construct and operate sewage disposal works at a site or sites selected by them which may be located within or outside of the territory included in the district. The commissioners shall also project, plan, construct and maintain intercepting and other main sewers for the collection and disposal of storm water which shall be separate from the sanitary sewerage system.

(b) Except as provided in this section the commissioners shall have the powers and proceed as a common council and board of public works in cities in carrying out the provisions of paragraph (a) of this subsection.

(11) (a) If at any time the commissioners think it desirable to or are petitioned to include other territory in the district, a court proceeding similar to that for the creation of the original district shall be followed, such court proceeding, however, to be only upon the territory to be added and shall in no way affect the original district. A petition signed by the commissioners shall be deemed sufficient to start proceedings for the annexation of territory to the district.

(b) The commissioners may employ and fix compensation for a chief engineer and assistants, clerks, employes and laborers, or do such other things as may be necessary for the due and proper execution of their duties. In their discretion, the commissioners may employ the chief engineer, agents or employes of any municipality included wholly or partly in the district, as its engineers, agents or employes.

(c) The commissioners or their agents shall have access to all sewerage records of any municipality in the district and shall require all such municipalities to submit plans of existing systems and proposed extensions. The district shall file with the clerk or other authorized official of each city, village or town having territory within the district a copy of all plans of works

to be constructed by the district within such municipality. The district shall also file with each such clerk or other official a copy of all plans of sections of works without the municipality to which the sewerage facilities of such municipality must be connected.

(d) The commissioners or their agents may enter upon the land in any city, village and town in said district for the purpose of making surveys or examinations in the performance of these duties.

(e) The district may enter upon any state, county or municipal street, road or alley, or any public highway within said district for the purpose of installing, maintaining and operating the sewerage system provided for in this section, and it may construct in any such street, road or alley or public highway, a main sewer, intercepting sewer or any appurtenance thereof, without a permit or a payment of a charge. Whenever such work is to be done in a state, county or municipal highway, the public authority having control thereof shall be duly notified, and said highways shall be restored to as good condition as existed before the commencement of such work, and all costs incident thereto shall be borne by the district.

(f) The district shall have power to lay or construct and to forever maintain, without compensation to the state, any part of said system of sewerage, or of its work, or appurtenances, over, upon or under any part of the bed of any river or of any land covered by any of the navigable waters of the state, the title to which is held by the state, and over, upon or under canals or through waterways, and if the same be deemed advisable by the commission, the proper officers of the state are authorized and directed upon the application of the commission to execute, acknowledge and deliver to the commission such easements, or other grants, as may be proper for the purpose of fully carrying out the provisions of this section.

(g) Whenever necessary in order to promote the best results from the construction, operation and maintenance of the systems provided for in this section, and to prevent damage to the same from misuse, the commission may make, promulgate and enforce such reasonable rules and regulations for the supervision, protection, management and use of said system as it may deem expedient, and such regulations shall prescribe the manner in which connections to main sewers and intercepting sewers shall be

made, and may prohibit discharge into such sewers, of any liquid or solid waste deemed detrimental to the sewerage system herein provided for.

(h) The district may acquire by gift, purchase, lease or other like methods of acquisition or by condemnation, any land or property situated in said district, and all tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, or in any interest, franchise, easement, right or privilege therein, which may be required for the purpose of projecting, planning, constructing and maintaining said main sewers, or any part or parts thereof, or that may be needed for the workings of said sewers when established, and so often as resort shall be had to condemnation proceeding the procedure shall be that provided for by chapter 32, except that the powers therein granted shall be exercised by and in the name of said district in the place and instead of the county board. Furthermore, land or property may be acquired outside of said district for the purposes of this section.

(i) Before any city, village or town or any person, firm or corporation connects with or uses any main or intercepting sewer it shall obtain the permission of the commission. Prior to permitting such connection the commission shall investigate or cause to be investigated the sewer system for which such connection is requested and if found in a satisfactory condition such connection shall be permitted. Should such system be found defective in operation, construction, design or supervision the commission shall notify the governing body of the city, village or town, or the person, firm or corporation having such system, what alterations, new constructions or change in supervision or operation it shall require, and such connection shall not be permitted until all such requirements have been made.

(j) Nothing in this section shall be construed as restricting or interfering with any powers of the state board of health as provided by law.

(k) Lands used for agricultural purposes within any such district shall not be subject to assessment under the provisions of this section, but as soon as such use ceases lands shall be subject to assessment for benefits in the manner herein provided.

(l) In case an intercepting sewer is or can be used by adjacent property owners, the municipality in which such intercepting or main sewer is located shall assess the adjacent prop-

erty for benefits similar to the procedure followed by such municipalities in the construction by it of lateral sewers, and the moneys thus received shall be paid to the treasurer of the district.

(13) (a) The commissioners of such district shall, on or before the first day of October of each year, certify in writing to the clerks of the several cities, villages or towns having territory in such district, the total amount of tax assessed against the property of each such municipality lying within the district.

(b) Upon receipt of such report the clerk of each such city, town or village shall forthwith place the same upon the tax roll to be collected as other taxes, and such moneys when collected shall be paid to the treasurer of such district.

(14) Should any existing sewer or sewage disposal plant be taken over by the district the value of the same shall be agreed upon by the commissioners and the governing body of the municipality owning such sewer or sewerage disposal plant, and such value after approval by the court shall be credited to such municipality. Should the commissioners and the governing body of said municipality be unable to agree upon a value the matter shall be submitted to arbitration by law.

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

Approved July 26, 1927.

No. 606, A.]

[Published July 29, 1927.

CHAPTER 443.

AN ACT to amend subsection (1) of section 201.40 of the statutes, relating to the licensing and relicensing of insurance companies, and the expiration of licenses.

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

SECTION 1. Subsection (1) of section 201.40 of the statutes is amended to read: (201.40) (1) The commissioner of insurance shall, upon being satisfied *by examination or investigation*, that any * * * insurance * * * company, applying for license or relicense, has fully complied with all provisions of law applicable thereto, and that *its methods and practices in the conduct of its business, and the character and value of its assets, are*