

No. 683, A.]

[Published September 3, 1929.]

CHAPTER 449.

AN ACT to reletter paragraphs (a) to (q) to be paragraphs (b) to (r) of subsection (6), to reletter paragraphs (a) to (c) to be paragraphs (b) to (d) of subsection (7) all of section 59.96; to amend the introductory paragraph and paragraph (q), as relettered, of subsection (6), the introductory paragraph of subsection (7), the introductory paragraph of subsection (8) all of section 59.96; and to create paragraph (e) of subsection (7) and paragraph (b) of subsection (8) of section 59.96 all of the statutes, relating to the metropolitan sewerage commission in counties containing a city of the first class.

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

SECTION 1. Paragraphs (a) to (q) are relettered to be paragraphs (b) to (r) of subsection (6) and paragraphs (a) to (c) are relettered to be paragraphs (b) to (d) of subsection (7) of section 59.96 of the statutes.

SECTION 2. The introductory paragraph and paragraph (q), as relettered, of subsection (6), the introductory paragraph of subsection (7) and the introductory paragraph of subsection (8) of section 59.96 of the statutes are amended to read: (59.96) (6) (Introductory paragraph) (a) The metropolitan sewerage commission shall project, plan, construct and maintain in such county outside of the city limits of such city of the first class main sewers for the collection and transmission of house, industrial and other sanitary sewerage to and into the intercepting sewerage system of such city of the first class, *and when required in the judgment of such commission, pumping and temporary disposal works and other plants*, sufficient in the judgment of such commission to care for the sanitary sewerage of the territory in said county outside of said city of the first class within the drainage area hereinafter provided for.

* * * (q) When any such main sewer, *or other disposal works, pumping or other plant* shall be completed it shall thereafter be operated and kept in repair and in sanitary condition by the sewerage commission of said city of the first class, or by such authority as shall be charged by law with the duty of the operation and maintenance of the * * * *intercepting* sewers and sewage disposal plant of said city.

(7) (Introductory paragraph) (a) Whenever said *metropolitan sewerage commission* requires funds out of which to pay for the projection, planning, construction and maintenance of said main sewers, *pumping and temporary disposal works and other plants*, or in other respects in connection therewith, it shall adopt a resolution stating the amount that it requires for such purposes and shall file with the county board of supervisors of such county a certified copy thereof, and thereupon such board of supervisors is required and directed to provide by resolution for issuing corporate bonds of such county for the amount so required payable within twenty years from the time of their issue in lawful money of the United States, bearing interest at a rate to be determined in said resolution, and such bonds shall be in such form as may be prescribed by such resolution and shall be signed by the chairman of said board and by the clerk thereof and shall be called metropolitan sewerage bonds and shall be consecutively numbered and shall have interest coupons attached and shall show on their face that the same are issued for the benefit of so much of the territory of said county as lies in the same drainage area as said city of the first class and there shall be annually levied by said county board a direct tax upon all taxable property in said drainage area sufficient to pay the annual interest thereon, and after and upon the expiration of the first ten years, to raise a sinking fund each year of ten per cent on the principal of such bonds remaining unpaid and outstanding for the payment of such principal as the same becomes due, which tax shall be collected in the same manner as county taxes are collected. It shall not be necessary to submit any such bond issue to the vote of the people.

(8) (Introductory paragraph) (a) When the sewerage commission of such city of the first class begins the operation of its sewage disposal plant it shall estimate and report to the clerks of every city, town or village within the drainage area of the city of the first class the actual cost, including interest at five per cent upon said actual cost of so much of the intercepting sewers and sewage disposal plant constructed by the sewerage commission of such city of the first class prior to the organization of the metropolitan sewerage commission and before the first day of February in each year thereafter the sewerage commission of such city shall estimate and by resolution determine what sums in their judgment will be required to meet the ex-

penses and disbursements of the sewerage commission of such city for the current fiscal year and shall include in such estimate and resolution as a part of the expense of the operation of such sewerage system all the expense of operation and of keeping in repair such sewerage system and disposal plant, including said main sewers, *pumping and temporary disposal works and other plants*, constructed by said metropolitan sewerage commission, and also an amount equal to five per cent per annum upon the actual cost as estimated and reported hereunder of said intercepting sewers and sewage disposal plant constructed prior to the organization of said metropolitan sewerage commission, and shall estimate and report the proportion thereof that will be due from each city, town or village in said drainage area in payment for the transmission and disposal of its sewage and for keeping in repair the intercepting sewers and disposal plant, including said main sewers, *pumping and temporary disposal works and other plants*, constructed by said metropolitan sewerage commission, and each city, town or village shall pay that proportion of the whole expense as the amount of sewage it contributes bears to the total amount of sewage disposed of by said city, *in such disposal plants*, except such city of the first class shall be entitled to a credit against its proportion of such expenses equal to said five per cent of the actual cost of such intercepting sewers and disposal plant constructed prior to the organization of such metropolitan sewerage commission, but the charge and the credit of such five per cent of such actual cost shall continue only until provision has been made by which said entire drainage area, including said city of the first class, shall reimburse said city of the first class for the amount of such actual cost.

SECTION 3. A new paragraph is added to subsection (7) and a new paragraph is added to subsection (8) all of section 59.96 of the statutes to read: (59.96) (7) (e) At least ten days before the first day of October in each year beginning with the year 1929, such metropolitan sewerage commission shall by resolution determine and certify to the sewerage commission of such city of the first class, the proportion, if any, of said actual cost plus interest thereon as defined in paragraph (a) of subsection (8) of so much of the intercepting sewers and sewage disposal plant constructed by the sewerage commission of such city of the first class prior to the organization of the metropolitan sewerage commission which in that year shall be credited to such city of

the first class until said entire actual cost plus such interest shall have been discharged by such credits, which shall be not later than the year 1960.

(8) (b) On or before the first day of October in each year beginning with the year 1929 such sewerage commission of the city of the first class shall by resolution determine and certify to the county board of supervisors of such county the proportion of the actual cost plus interest thereon, as defined in paragraph (a) of subsection (8), of so much of the intercepting sewers and sewage disposal plant constructed by the sewerage commission of such city of the first class prior to the organization of the metropolitan sewerage commission, which in that year shall be credited to such city of the first class as determined by such metropolitan sewerage commission, according to the provisions of paragraph (d) of subsection (7), together with annual interest on the unpaid balance thereof at the rate of four and one-half per cent per annum until said entire cost plus interest shall have been discharged, and there shall be annually levied by said county board a direct tax upon all of the taxable property in such drainage area sufficient to pay said amounts together with the amounts provided to be levied in paragraphs (a) and (c) of subsection (7), but in making such levy there shall be credited to such city of the first class the amount so certified to the county board of supervisors by such sewerage commission of the city of the first class under the provisions of this subsection for payment of principal and interest on the actual cost plus interest thereon, as defined in paragraph (a) of subsection (8), of so much of the intercepting sewers and sewage disposal plant constructed by the sewerage commission of such city of the first class prior to the organization of such metropolitan sewerage commission, and during and after the year 1929, the charge and credits of such five per cent of such actual cost as provided for in paragraph (a) of subsection (8) shall cease and be discontinued.

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

Approved August 29, 1929.