

partment of the Veterans of Foreign Wars and its auxiliary, and the Wisconsin Department of the Disabled American Veterans of the World War. Not to exceed two hundred dollars shall be expended annually for each of the * * * *four* veterans' organizations named, together with their auxiliaries.

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

Approved May 17, 1933.

No. 121, S.]

[Published May 19, 1933.

CHAPTER 133.

AN ACT to repeal and recreate subsection (22) of section 66.06 of the statutes, relating to the collection, treatment and disposal of municipal sewage and to sewerage service charges.

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

SECTION 1. Subsection (22) of section 66.06 of the statutes is repealed.

SECTION 2. A new subsection is added to section 66.06 of the statutes to be numbered and to read: (66.06) (22) (a) Any town, village or city may construct, acquire or lease, extend or improve any plant and equipment within or without its corporate limits for the treatment and disposal of sewage, including the intercepting sewers necessary in connection therewith, and provide payment for the same or any part thereof from the general fund, from taxation, or from the proceeds of either municipal bonds, mortgage bonds, mortgage certificates, or as otherwise provided by law.

(b) It may provide that the entire capital, operating and other costs and expenses mentioned in paragraph (j) shall be paid out of the sewerage service charges or that only a part of these costs and expenses be so paid, and that the balance be paid from the general fund or by taxation or otherwise.

(c) A resolution specifying the method of payment shall be adopted by a majority of the members of the governing board at a regular meeting, after publication of said resolution at least one week previous in the official paper. The resolution need not be submitted to a referendum of the electors.

(d) The resolution shall include a general description of the plant, equipment, intercepting sewers, or other property it is proposed to acquire, construct or lease and the manner of payment.

(e) Where payment in whole or in part is to be made by the issue and sale of mortgage bonds or mortgage certificates, such payments shall be made as is provided in subsection (9) of section 66.06, the provisions of which paragraph are made a part of this section except as otherwise inconsistent herewith. The term "public utility" as used in said paragraph shall for this purpose include the sewage treatment or disposal plant and the intercepting sewers, accessories, equipment and other property, including land. Such mortgage bonds or mortgage certificates shall not constitute a general indebtedness of the municipality but shall be secured only by the property and revenue of such plant, and the franchise herein provided for.

In the event of a sale of the mortgaged premises on a judgment of foreclosure and sale, the price paid for the same shall not exceed the amount of the judgment and the costs of sale to and including the recording of the sheriff's deed. The purchaser on the foreclosure sale may operate and maintain said sewage disposal plant and the intercepting sewers and collect sewerage service charges, and for that purpose shall be deemed to have a franchise from the municipality. The term "purchaser" shall include his successors or assigns. The rates to be charged, in addition to the contributions, if any, which the municipality has obligated itself to make towards the capital or operating costs of the plant, shall be sufficient to meet the requirements of operation, maintenance, repairs, depreciation, interest and an amount sufficient to amortize the judgment debts and all additional capital costs which the purchaser contributes to the plant over a period not exceeding 20 years, and in addition to the foregoing the purchaser of the premises shall be entitled to earn a reasonable amount, as determined by the public service commission, on the actual amount of his investment in the premises represented by the purchase price of the premises, plus any additions made to the same by the purchaser or minus any payments made by the municipality on account of such investments. The municipality may at any time by payment reduce such investment of the purchaser and after full payment of the purchase price plus the cost of subsequent improvements the premises shall revert to the municipality. It is further provided that so long as the premises are owned by

the private purchaser, the same shall be considered a public utility and be subject to the provisions of chapter 196 of the statutes so far as applicable.

(f) For the purpose of making equitable rates for all services rendered by the sewerage system to the municipality or to citizens, corporations and other users, the property benefited thereby may be classified, taking into consideration the volume of water, including surface or drain waters, the character of the sewage or waste and the nature of the use made of the sewerage system, inclusive of the sewage disposal plant.

(g) Any town, village or city may pledge, assign or otherwise hypothecate the net earnings or profits derived or to be derived from a sewerage system to secure the payment of the costs of purchasing, constructing or otherwise acquiring a sewage disposal plant and necessary intercepting sewers or any part thereof, or for extending or improving such plant or intercepting sewers, in the manner provided in paragraph (d) of subsection (9) of section 66.06.

(h) When payment is provided by mortgage bonds or mortgage certificates, the sewerage system may be placed under the management of the same officials as control the water utility of said municipality, or otherwise, as provided by the governing body of the municipality.

(i) Sewerage service charges, which shall be established by the governing body of the municipality, shall be at least sufficient to meet the requirements for operation, maintenance, repairs and depreciation. Such charges shall be collected and taxed and shall be a lien upon the property served in the same manner as water rates are taxed and collected under the provisions of subsection (11) and subdivision 5 of paragraph (a) of subsection (14) of section 66.06, so far as applicable. The governing body of any town, village or city, and the officials in charge of the management of the sewerage system as well as other officers of the municipality, shall be governed in the discharge of their powers and duties under this subsection by the provisions of subsections (11) and (12) and subdivision 5 of paragraph (a) of subsection (14) of section 66.06, which are hereby made a part of this section so far as applicable and not inconsistent herewith.

(j) If the governing body of the municipality deems it advisable, rates may be established which shall not only be sufficient to meet the requirements for operation, maintenance, repairs and

depreciation, but also for the payment of the principal and interest of the bonds authorized and all or a part of the expenses for additions and improvements and other necessary disbursements or indebtedness. No part of the income of such plant shall be paid into the general fund, but all income in excess of the above requirements shall be paid into a special fund to be used only for the purposes set forth in this subsection.

(k) Upon complaint to the public service commission by any user of the service that rates, rules and practices are unreasonable or unjustly discriminatory, or upon complaint of a holder of a mortgage bond or mortgage certificate or other evidence of debt, secured by a mortgage on the sewage disposal plant and intercepting sewers or pledge of the income of sewerage service charges, the rates are inadequate, the public service commission shall investigate said complaint, and if sufficient cause therefor appears shall set the matter for a public hearing upon ten days' notice to the complainant and the town, village or city. After such hearing, if the public service commission shall determine that the rates, rules or practices complained of are unreasonable or unjustly discriminatory, it shall determine and by order fix reasonable rates, rules and practices and shall make such other order respecting such complaint as may be just and reasonable. The proceedings herein shall be governed, as far as is applicable, by the provisions of sections 196.26 to 196.405.

(l) An appeal shall lie from the determination of the public service commission by any person aggrieved in the manner prescribed in sections 196.41 and 196.42.

(m) The word "sewerage" as used in this subsection shall be considered a comprehensive term, including all constructions for collection, transportation, pumping, treatment and final disposition of sewage.

(n) The authority hereby given shall be in addition to any power which towns, villages or cities now have with respect to sewerage or sewage disposal. Nothing in this section shall be construed as restricting or interfering with any powers and duties of the state board of health as prescribed by law.

SECTION 3. This act shall take effect upon passage and publication.

Approved May 17, 1933.