

No. 65, S.]

[Published June 24, 1927.]

CHAPTER 264.

AN ACT to repeal subsection (18) of section 20.20; to create sections 144.51 to 144.57 and subsections (11) and (11a) of section 20.43; and to amend the introductory paragraph of section 144.01 of the statutes, relating to the prevention of the pollution of the surface waters of the state, providing penalties and making an appropriation.

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

SECTION 1. Subsection (18) of section 20.20 of the statutes is repealed.

SECTION 2. Seven new sections are added to the statutes, and two new subsections are added to section 20.43 to read: 144.51 As used in sections 144.51 to 144.57 the following terms mean:

(1) "Surface waters" include all lakes, rivers and water courses within the state.

(2) "Industrial wastes," liquid or other wastes resulting from any process of industry, manufacture, trade or business or the development of any natural resource.

(3) "Other wastes" include decayed wood, sawdust, shavings, bark, lime, sand, ashes, offal, oil, tar, chemicals and all other substances, except industrial wastes and sewage, as this latter term is defined in section 144.1, which pollute any of the surface waters of the state.

(4) "Pollution," the contamination or rendering unclean or impure, injurious to the public health, harmful for commercial or recreational use, deleterious to fish or animal or plant life of the waters of the state.

144.52 (1) The committee on water pollution shall consist of the state chief engineer, a member of the railroad commission designated by the commission, the conservation commissioner or one of his employes whom he may designate to represent the conservation commission, the state health officer, or a member of the board of health designated by the board, and the state sanitary engineer, or other engineer appointed by the state board of health.

(2) The state board of health shall designate one of its representatives to be the secretary and executive officer of the committee, and shall be the administrative agent for the committee on water pollution. It shall make such inspections, conduct such

investigations and do such other acts as may be necessary to carry out the provision of this act; within the limits of the appropriation made for this purpose. The executive officer shall have all of the powers conferred by law upon the committee, except that of enacting the general orders and rules and the regulations provided for in subsection (4) of section 144.53, subject, however, to the general direction of the committee and rules and regulations which it may adopt.

(3) The committee on water pollution shall meet regularly in January and July of each year, and special meetings may be held at any time or place, as agreed upon by the committee, or upon call of the state board of health, the state health officer or of any three members of the committee, to take up any matter within its jurisdiction.

144.53 It shall be the duty of the committee on water pollution and it shall have power, jurisdiction and authority:

(1) To exercise general supervision over the administration and enforcement of all laws relating to the pollution of the surface waters of the state.

(2) To study and investigate all problems connected with the pollution of the surface waters of the state and its control and to make reports and recommendations thereon.

(3) To conduct scientific experiments, investigations and research to discover economical and practicable methods for the elimination, disposal or treatment of industrial wastes to control pollution of the surface waters of the state. To this end the committee may cooperate with any public or private agency in the conduct of such experiments, investigations and research and may receive on behalf of the state any moneys which any such agency may contribute as its share of the cost under such cooperative arrangements.

(4) To issue general orders and adopt rules and regulations applicable throughout the state for the installation, use and operation of practicable and available systems, methods and means for controlling the pollution of the surface waters of the state through industrial wastes, refuse and other wastes. Such general orders, rules and regulations shall be issued only after an opportunity to be heard thereon shall have been afforded to interested parties and shall take effect as directed therein, which shall be not less than thirty days after publication in the official state paper.

(5) To issue special orders directing particular owners to secure such operating results toward the control of pollution of the surface waters as the committee may prescribe, within a specified time. If such results are not secured in the specified time, the committee may direct the owner to use or adopt designated systems, devices and methods for handling industrial wastes, refuse and other wastes within a specified time.

(6) To make investigations and inspections to insure compliance with any general or special orders, rules and regulations which it may issue. In the exercise of this power the committee may require the submission and approval of plans for the installation of systems and devices for handling, treating or disposing of industrial and other wastes.

(7) To enter into agreements with the responsible authorities of other states, subject to approval by the governor, relative to methods, means and measures to be employed to control pollution of any interstate streams and other waters and to carry out such agreement by appropriate general and special orders. This power shall not be deemed to extend to the modification of any agreement with any other state concluded by direct legislative act, but, unless otherwise expressly provided, this committee shall be the agency for the enforcement of any such legislative agreement.

144.54 Nothing in sections 144.51 to 144.57 shall be construed to limit or modify in any manner the powers and duties of the state board of health under sections 144.01 to 144.12, or to interfere with its power to select, employ and direct the sanitary engineer and all other employes of its bureau of sanitary engineering.

144.55 Every owner of an industrial establishment shall furnish to the committee on water pollution all information required by it in the discharge of its duties under section 144.53. Any member of the committee and any employe of the bureau of sanitary engineering may enter any industrial establishment for the purpose of collecting such information and no owner of an industrial establishment shall refuse to admit such member or employe. Any member of the committee shall have power for all purposes falling within its jurisdiction to administer oaths, issue subpoenas, compel the attendance of witnesses and the production of necessary or essential data.

144.56 Any owner or other person in interest may secure a review of the necessity for and reasonableness of any general or special order of the committee on water pollution in the following manner:

(1) They shall first file with the committee a verified petition setting forth specifically the modification or change desired in such order. Upon receipt of such a petition the committee shall order a public hearing thereon and make such further investigations as it shall deem advisable. Not more than thirty days after the filing of the petition the committee shall affirm, repeal or change the order in question.

(2) If dissatisfied with the determination made by the committee upon any such petition, any party in interest may commence an action in the circuit court of Dane county against the committee on water pollution, which shall be tried and determined as other civil actions. From any judgment in such action either party may appeal to the supreme court within thirty days.

(3) In lieu of the remedy provided in subsection (2) any owner may agree in writing to submit the matter to the arbitration of three reputable and experienced sanitary engineers, one chosen by the owner, one by the committee on water pollution and the third by the other two. The decision of such arbitrators shall be rendered in writing within thirty days after their selection, unless the time be extended by agreement, but no decision shall be binding unless agreed to by all of the arbitrators. All expenses of arbitration shall be paid by the owner applying therefor.

144.57 Any person who shall violate any of the provisions of sections 144.51 to 144.57 or who shall fail, neglect or refuse to obey any general or special order of the committee on water pollution lawfully issued pursuant to section 144.53 shall forfeit and pay into the state treasury a sum of not less than ten nor more than one hundred dollars for each violation, failure or refusal. Each day of continued violation shall be deemed a separate offense.

(20.43) (11) Annually, beginning July 1, 1927, fifteen thousand dollars to carry out its duties as the enforcement agent of the committee on water pollution.

(11a) All moneys contributed by any public or private agency pursuant to a cooperative agreement with the committee on water pollution under subsection (4) of section 144.53 are appropriated

to the board of health to be used for the purposes for which they were donated. Any balance remaining after the conclusion of the experiments, investigation and research conducted under such cooperative agreement may be refunded to the donors.

SECTION 3. The introductory paragraph of section 144.01 of the statutes is amended to read: (144.01) (Introductory paragraph) The following terms as used in * * * sections 144.01 to 144.12 mean:

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

Approved June 23, 1927.

No. 320, S.]

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CHAPTER 265.

AN ACT to amend subsection (6) of section 221.04, subsection (1) of section 221.33 and section 223.10 of the statutes, relating to state banks and trust companies.

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

SECTION 1. Subsection (6) of section 221.04, subsection (1) of section 221.33 and section 223.10 of the statutes are amended to read: (221.04) (6) When thereto authorized by the commissioner of banking, and if and after it shall have in good faith complied with all requirements of law and fulfilled all the conditions precedent to the exercise of such powers imposed by law upon trust company banks, except section 223.02, any *state* bank may act as trustee, executor, administrator, registrar of stocks and bonds, guardian of estate, assignee, receiver, committee of estates of lunatics, and in any other fiduciary capacity in which trust company banks are permitted to act, and when so appointed, is authorized and shall be required to execute bond with a corporation authorized to transact surety business as surety in such amount and in other respects as shall be directed or approved by the court exercising jurisdiction of such trust. *Provided, that any state bank so authorized by the commissioner of banking which shall comply with section 223.02 of the statutes shall be exempt from furnishing the bond hereinbefore specified and shall be entitled to the same exemption as to making and filing any*