

1979 Assembly Bill 860

Date published: December 17, 1979

**CHAPTER 106, Laws of 1979**

AN ACT to amend 59.96 (7) (a) and (c); and to create 59.96 (7) (m) of the statutes, relating to financing sewerage costs of a metropolitan sewerage commission and a sewerage commission of a 1st class city.

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

SECTION 1. 59.96 (7) (a) and (c) of the statutes are amended to read:

59.96 (7) (a) ~~Whenever said~~ Except as provided under s. 59.964, if the metropolitan sewerage commission requires funds out of which to pay for the projection, planning and construction of said main sewers, pumping and temporary disposal works or for improving any watercourse within the district by deepening and widening or otherwise changing the

same, or by diverting waters therefrom into drains, conduits or storm sewers, or for placing storm, surface or ground waters therein or for building drains, conduits or storm sewers, in the judgment of the commission pursuant to the exercise of the powers set forth in sub. (6) (a) or in other respects in connection therewith, it shall place the same in the budget. ~~Thereupon such~~ submitted under sub. (6) (s). The board of supervisors ~~is required and directed to~~ shall provide for the amount so required by tax levy under sub. (10) or by issuing corporate bonds of ~~such the~~ the metropolitan sewerage district, or by a combination of a tax levy and corporate bonds, and make such amount available within the period of time designated by ~~said the~~ the metropolitan sewerage commission, which period shall not be less than ~~90~~ 180 days from the date ~~said the~~ the budget is filed with the county board of supervisors. ~~Such The~~ The bonds shall be authorized, sold and issued in the same manner as bonds of a county for its own behalf under ch. 67, shall be in an aggregate principal amount not in excess of the sum of the funds so required plus interest on any notes which may have been issued in anticipation thereof and shall be payable at such a time not longer than 20 years from the date of their issue as shall be determined by said board of supervisors, provided that when any part of an issue shall have a maturity greater than 10 years, such resolution shall require payment of the principal in substantially equal annual instalments during the life of such issue. Such bonds shall be payable in lawful money of the United States, bearing interest at a rate to be determined in said resolution. Such bonds shall be in such form as may be prescribed by such resolution, shall be signed by the chairman of said board and by the clerk thereof, shall be called metropolitan sewerage bonds, shall be consecutively numbered, shall have interest coupons attached and. The bonds shall show on their face that the same are issued for the benefit of the metropolitan sewerage district. There shall be annually levied by said The county board shall levy a direct annual irrevocable tax upon all taxable property in said within the district sufficient to pay the annual interest thereon, and also to pay and discharge the principal thereof at maturity, and there shall be included in said tax levy an amount estimated by the board of supervisors to be sufficient to cover the loss and cost of the collection thereof, which tax shall be collected as provided in sub. (10) for the payment of the bonds. It shall not be necessary to submit any such bond issue to the vote of the people. The tax hereinabove provided to be levied shall under this paragraph may not be included within the provisions of any county, town, city or village tax limitation statute.

(c) ~~Whenever~~ Except as provided under s. 59.964, if the sewerage commission of ~~such city of the a~~ the a 1st class city requires funds out of which to pay for the projection, planning, construction and maintenance of a sewerage system for the collection, transmission and treatment or disposal of house, unpolluted industrial and processed waters and other sewage, or for the improvement of any watercourse within the district by deepening and widening or otherwise changing the same, or for constructing, maintaining and operating flushing stations and tunnels or for constructing, building and maintaining its sewage disposal or treatment plants in connection therewith, it shall place the same in the budget. ~~Thereupon such the~~ the board of supervisors ~~is required and directed to~~ shall provide for the amount so required by tax levy or by issuing corporate bonds of ~~such the~~ the metropolitan sewerage district, or by a combination of a tax levy and corporate bonds, and shall make such amount available within the period of time designated in the resolution of ~~said the~~ the sewerage commission, which period shall not be less than ~~90~~ 180 days from the date ~~such the~~ the budget is filed with the county board of supervisors. ~~Such The~~ The bonds shall ~~be payable at such time not longer than 20 years from the date of their issue as shall be determined by the board of supervisors, provided that when any part of an issue shall have a maturity greater than 10 years, such resolution shall require payment of the principal in substantially equal annual instalments during the life of such issue. Such bonds shall be payable 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, shall be signed by the chairman of said board and by the clerk thereof, shall be called metropolitan sewerage bonds, shall be consecutively numbered, shall have interest cou-~~

~~pons attached, and shall show on their face that the same are issued for the benefit of the metropolitan sewerage district. There shall be annually levied by said county board a direct tax upon all taxable property in such district sufficient to pay the annual interest thereon, and also to pay and discharge the principal thereof at maturity, and there shall be included in said tax levy an amount estimated by the board of supervisors to be sufficient to cover the loss and cost of the collection thereof, which tax shall be collected as provided in sub. (10). It shall not be necessary to submit any such bond issue to the vote of the people. The tax hereinabove provided to be levied shall not be included within the provisions of any county, town, city or village tax limitation statute conform to the requirements for bonds issued under par. (a).~~

SECTION 2. 59.96 (7) (m) of the statutes is created to read:

59.96 (7) (m) 1. If the board authorizes the issuance of bonds under this section, the board may, prior to the issuance of the bonds and in anticipation of their sale, authorize by resolution an issue of bond anticipation notes on behalf of the district in an aggregate principal amount not in excess of the authorized principal amount of the bonds. The resolution shall be adopted by two-thirds of the members-elect of the board and shall state that all conditions precedent to the authorization of the bonds have been complied with and that the notes are issued for the purposes for which bonds are authorized to be issued. The resolution shall pledge to the payment of the principal of and interest on the notes the proceeds of the sale of the bonds in anticipation of the sale of which the notes were issued. The resolution may provide, in addition to, or instead of, such pledge of bond proceeds, for the levy of a direct, annual, irrevocable tax upon all of the taxable property within the district, such tax to be in an amount sufficient to pay the interest on the notes as it falls due and to pay and discharge the principal thereof at maturity.

2. No notes may be issued under this paragraph unless the county treasurer first certifies to the board that contracts with respect to improvements are to be let and that the proceeds of the notes are required for the payment of the contracts.

3. Notes issued under this paragraph shall be sold at public or private sale as determined by the resolution authorizing them, shall mature within 3 years of the date of issuance and shall be executed in the same manner as are bonds issued under this section. The notes shall recite on their face that they are issued on behalf of the district and are payable from proceeds of bonds issued under this section or from a tax upon all the taxable property in the district. The notes shall not be deemed a general obligation of the county issuing them, except to the extent that a tax has been levied under subd. 1. No lien may be created or attached with respect to any property of the district as a consequence of the issuance of the notes.

4. Any funds derived from the issuance and sale of bonds under this section and issued subsequent to the execution and sale of notes issued under this paragraph shall constitute a trust fund, which shall be expended first for the payment of principal and interest of the notes, and then may be expended for such other purposes as are set forth in the resolution authorizing the bonds.

5. Notes issued under this paragraph shall constitute a legal form of investment for county funds as well as municipal funds under s. 66.04 (2).

---