

CHAPTER 171

AN ACT to amend 59.96 (6) (a) and (L) and (7) (a); and to create 59.96 (6) (b) of the statutes, relating to the powers and duties of the metropolitan sewerage commission, in counties containing cities of the first class, in matters involving flood control and pollution.

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

SECTION 1. 59.96 (6) (a) of the statutes is amended to read:

59.96 (6) (a) The metropolitan sewerage commission shall project, plan and construct in such county outside of the city limits of such city of the first class but within the metropolitan sewerage district, main sewers, pumping and temporary disposal works for the collection and transmission of house, industrial and other sanitary sewage to and into the intercepting sewerage system of such district, and may improve any watercourse within the district by deepening and widening or otherwise changing the same where in the judgment of the commission it may be necessary in order to carry off surface or drainage water, and such power may be exercised outside the district in any case where any such watercourse flows from within the district to a point outside the district and then returns to the district, and such power may be exercised outside the district in any case where any such watercourse flows from within the district to a point outside the district. Such commission is hereby authorized and empowered to enter into a contract with such municipality or with any other governmental body which owns or has control of any such lands through which such stream flows for the payment of such part of the cost of such improvement in such municipality which is wholly or partly outside of the district as the municipalities and governmental bodies involved may agree upon. *The commission may divert water from watercourses into drains, conduits or storm sewers, and may place storm, surface or ground waters therein and for such purpose is authorized to build drains, conduits or storm sewers, provided that no surplus or flood waters shall be diverted or by-passed into any stream or watercourse in another watershed.*

SECTION 2. 59.96 (6) (b) of the statutes is created to read:

59.96 (6) (b) 1. Before the metropolitan sewerage commission shall divert water from any watercourse into an enclosed drain, conduit or storm sewer or similar structure, it shall apply to the public service commission for a permit for such diversion. Upon receipt of an application for a permit, the public service commission shall fix a time, not more than 8 weeks thereafter, and a convenient place, for a public hearing thereon; it shall also give notice of such time and place to the metropolitan sewerage commission which shall cause the same to be published once each week for 3 successive weeks before such hearing in at least one newspaper designated by the public service commission and published in the county.

2. In addition to such publication the applicant, not less than 20 days prior to such hearing, shall mail to every person interested in any lands that will be affected by the proposed diversion and whose post-office address can by due diligence be ascertained, notice of the time and place set for such hearing. This notice shall be accompanied by a general statement of the nature of the application and shall be forwarded to such persons by registered mail in a sealed and postpaid envelope properly addressed. Proof of such publication and notice shall be filed, with the commission.

3. At such hearing or any adjournment thereof, the public service commission shall consider the application, and shall take evidence offered by the applicant and other persons in support thereof or in opposition thereto, may require the amendment of the application, and if it appears that the application is in the public interest, will not violate public rights and will not endanger life, health or property, the public service commission shall so find and shall issue a permit to the applicant.

SECTION 3. 59.96 (6) (L) of the statutes is amended to read:

59.96 (6) (L) The powers of the commission shall not extend to or apply to the territory of any city of the first class which may be constructing, building and operating its sewerage system under a commission provided by law, *except that the metropolitan sewerage commission may divert waters from watercourses into drains, conduits or storm sewers, may place storm, surface or ground waters therein, may enter into contracts for such purposes and may obtain funds therefor under sub. (7), subject to the provisions of pars. (a) and (b).*

SECTION 4. 59.96 (7) (a) of the statutes is amended to read:

59.96 (7) (a) Whenever said 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 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. Thereupon such board of supervisors is required and directed to provide by resolution for the amount so required by tax levy or by issuing corporate bonds of such 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 in the resolution of said metropolitan sewerage commission, which period shall not be less than 90 days from the date said resolution is filed with the county board of supervisors. Such bonds shall be payable at such time not longer than 20 years from the date of their issue as shall be determined by said resolution of 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. 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 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 said 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.

Approved July 13, 1963.