

1981 Senate Bill 501

Date published: April 26, 1982

CHAPTER 282 , Laws of 1981

AN ACT to repeal 59.96, 59.964 (2) and (3) (a) to (c) and (h) to (j), 60.309 (2), (3) and (5) and 62.60 to 62.67; to renumber 59.964 (3) (d) to (g); to renumber and amend 59.964 (title), (1), (3) (intro.) and (4) to (6); to amend 60.306 (3) (a), 60.307 (6), 60.309 (4), chapter 62 (title), 66.066 (2) (a), 66.067, 66.076 (1), (1m), (7) and (8), 66.30 (1), 66.912 (2) (b) and (c), as renumbered, 67.01 (1) and (3), 67.05 (6), 67.07, 67.08 (1), 67.10 (2), 67.11 (1) (e), 67.12 (1) (b) and (d), (5), (6) and (12) (a) 4, (b), (c), (d), (e) 1 and (f), 70.66 (1), 74.03 (5) (d) 3 and 5, (8) (f) and (g) and (10) (a), 74.031 (8) (d) 3 and (9), 74.19 (3) (a), 74.79 (2), 219.06 (title) and (1) and 823.02; to repeal and recreate 59.96 (12) and 60.309 (1); and to create 19.21 (8), 66.88 to 66.918, 67.01 (9), 67.04 (16m) and 147.04 (1) (c) of the statutes, relating to financing for town sanitary districts, creating a metropolitan sewerage commission, increasing the financing powers of the commission, providing for the appointment of commissioners and providing penalties.

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

SECTION 1. Legislative findings. (1) It is the sense of the legislature that notice should be taken of chapters 144 and 147 of the statutes, including the availability of grant funding for the programs under sections 144.24 and 144.242 of the statutes, and of the federal municipal wastewater construction grant amendments act of 1981 and the amendments to the federal water pollution control act amendments of 1972, including reduced authorization levels under section 207 of the federal municipal wastewater construction grant amendments act. In light of these acts, the parties to state consent decrees establishing a deadline, schedule or timetable for the construction of publicly owned treatment works shall reexamine the provisions of the consent decrees and, if required by equity, adjust the provisions appropriately.

(2) (a) The legislature finds that an interceptor sewer constructed or operated by the metropolitan sewerage commission created under sections 66.88 to 66.918 of the statutes, instead of by a municipality, means a sewer constructed to receive and convey dry flow from a local sanitary sewage collection system terminus in a previously developed area,

other than from a dwelling or building, and to convey the flow to an existing interceptor sewer or treatment works, whichever is nearer. Any sewer that operates at less than 40 % of its flow capacity when first placed in service is not an interceptor sewer.

(b) The legislature finds that it is in any metropolitan sewerage district's best interest to complete on schedule all interceptor sewer capital improvements included in its budget that are required by a court order and to complete on schedule all water pollution abatement projects required by state or federal agency rules, regulations or orders. The legislature further finds that it is in any metropolitan sewerage district's best interest to designate as the district's lowest priority completion of interceptor sewer capital improvements within the district, except storage interceptor sewers and sewers to connect any sewage collection system to a storage interceptor sewer. The statement of legislative intent in this subsection does not apply to sewers or intercommunity connecting sewers that are included in the facilities plan approved under section 144.04 of the statutes as of the effective date of this subsection.

(3) The legislature finds that it is in the best interests of the persons residing in a district created under sections 66.88 to 66.918 of the statutes that is subject to any schedule for the completion of capital improvements issued by a court of competent jurisdiction, and in the best interests of users served by such a district, for the district to adopt a capital budget sufficient to meet the requirements of the schedule as it exists on the date the budget is adopted. The legislature further finds that it is in the best interests of the state and the residents and users of the district that the district perform the work necessary to comply with any court-ordered schedule of compliance which work is eligible for state or federal aid.

SECTION 2. 19.21 (8) of the statutes is created to read:

19.21 (8) Any metropolitan sewerage commission created under ss. 66.88 to 66.918 may provide for the destruction of obsolete commission records. Prior to any destruction of records under this subsection, the commission shall give at least 60 days' prior notice of the proposed destruction to the state historical society, which may preserve records it determines to be of historical interest. Upon the application of the commission, the state historical society may waive this notice. The commission may only destroy a record under this subsection after 7 years elapse from the date of the record's creation.

SECTION 3. 59.96 (title) and (1) to (10) of the statutes are repealed.

SECTION 4. 59.96 (11) of the statutes, as created by chapter 20, laws of 1981, is repealed.

SECTION 5. 59.96 (12) of the statutes is repealed and recreated to read:

59.96 (12) **APPLICABILITY.** This section applies only to the financing of budgets submitted before the effective date of this subsection (1981). This section does not apply after December 31, 1982.

SECTION 6. 59.96 (12) of the statutes, as affected by chapter (this act), laws of 1981, is repealed.

SECTION 7. 59.964 (title) and (1) of the statutes are renumbered 66.912 (title) and (1) and amended to read:

66.912 (title) User charges for sewer operation. (1) **DECLARATION OF POLICY.** In the interpretation and application of this section, it is declared to be the policy of this state to authorize a ~~metropolitan sewerage commission and a sewerage commission acting jointly~~ district to institute a system of user charges and capital cost recovery charges which is designed to recover all or part of the operating costs and capital costs to the extent required by federal or state law in order to obtain federal or state funding from a user of the sewerage system in the proportion to which the user's waste water discharge contributes to such costs. It is intended that the system be instituted to satisfy but not exceed eligibility requirements of public grants under Title II of the water pollution control act (33

U.S.C. USC 1251 et seq.) or under any other state or federal law and to satisfy but not exceed any other applicable state or federal law requiring such a system. ~~Any inconsistency between this and any other provision of law shall be resolved in favor of the powers granted under this section so that the public policy stated in this subsection is effected, except that if any provision of this section conflicts with federal law, the federal law shall apply.~~

SECTION 8. 59.964 (2) of the statutes is repealed.

SECTION 9. 59.964 (3) (intro.) of the statutes is renumbered 66.912 (2) (intro.) and amended to read:

66.912 (2) COLLECTION OF CHARGES AS USER FEES. (intro.) ~~A sewerage commission and commission acting jointly~~ district may, as a complete or partial alternative to any other method of recovering ~~capital costs and~~ operating costs:

SECTION 10. 59.964 (3) (a) to (c) of the statutes are repealed.

SECTION 11. 59.964 (3) (d) to (g) of the statutes are renumbered 66.912 (2) (a) to (d), and 66.912 (2) (b) and (c), as renumbered, are amended to read:

66.912 (2) (b) Adopt the uniform schedule of charges computed under par. ~~(d)~~ (a). The ~~sewerage commission and commission acting jointly~~ may modify the schedule periodically.

(c) Submit the schedule adopted under par. ~~(e)~~ (b) and every modification to every municipality within the sewerage service area as early in every calendar year as practicable.

SECTION 12. 59.964 (3) (h) to (j) of the statutes are repealed.

SECTION 13. 59.964 (4), (5) and (6) of the statutes are renumbered 66.912 (3), (4) and (5) and amended to read:

66.912 (3) FACTORS IN CHARGE SCHEDULES. ~~In computing a charge schedule under sub. (3) (a), the sewerage commission and commission acting jointly shall require each user to pay the portion of the cost of construction of such treatment works which is allocable to the treatment of the wastes of such users to the extent attributable to the share of cost of construction required by federal or state law to be recovered.~~ In computing a charge schedule under sub. ~~(3)~~ (2) (a), the sewerage commission ~~and commission acting jointly~~ shall require each user to pay the proportion of total operating cost of the system incurred by the transmission and treatment of the user's wastewater. In determining such proportional costs, the sewerage commission ~~and commission acting jointly~~ shall consider such factors, without limitation because of enumeration, as strength, volume and delivery flow rate characteristics of each user's sewage.

(4) COLLECTION OF FEES BY MUNICIPALITIES. Every sanitary district organized under ss. 60.302 to 60.305 or metropolitan sewerage district organized under ss. 66.20 to 66.26 billed by a ~~sewerage commission and commission acting jointly~~ district under sub. ~~(3)~~ (2) shall in turn bill every city, town or village served by the sanitary district or metropolitan sewerage district organized under s. 66.20 to 66.26. Every city, town and village billed by a ~~sewerage commission and commission acting jointly~~ district under sub. ~~(3)~~ (2), by a sanitary district or metropolitan sewerage district organized under ss. 66.20 to 66.26 under this subsection shall collect such charges from the individual sewer system users in the city, town or village and shall promptly remit the same to the district. The district may adopt rules for the establishment and administration of collection procedures and the settlement of such collections with the district as required by this section. ~~No municipality may be required to pay any charge until the charge is collected by the municipality.~~ Under such rules the district may provide for reimbursement of the municipality for the expense of collecting late payments of charges. Each municipality shall pay the district in full within 45 days after receiving a bill from the district. The district or, if the district does not act, every municipality is empowered to levy a penalty for late payment

by the user to the municipality. Any city, town or village may collect under s. 66.076 (7) any charge which is due under this section and which is delinquent. In the event that any municipality does not remit such charges to the district within 45 days of the billing date, the district may borrow moneys, repayable in not longer than 18 months, sufficient to offset such uncollected charges.

(5) REVIEW BY PUBLIC SERVICE COMMISSION. Upon complaint to the public service commission by any user that charges, rules and practices under this section are unreasonable or unjustly discriminatory, according to the standards and criteria which the commission ~~and the sewerage commission are~~ is required to follow under state or federal law, including, without limitation because of enumeration, this section, ch. 147 and 33 U.S.C. USC 1251 et seq., or upon complaint of a holder of a mortgage bond or mortgage certificate or other evidence of debt, secured by a mortgage on the sewerage system or any part thereof or pledge of the income of sewerage service charges, that charges are inadequate, the public service commission shall investigate the complaint. If sufficient cause therefor appears, the public service commission shall set the matter for a public hearing upon 10 days' notice to the complainant and the ~~sewerage commission and~~ commission. After the hearing, if the public service commission determines that the charges, rules or practices complained of are unreasonable or unjustly discriminatory, it shall determine and by order fix reasonable charges, rules and practices and shall make such other order respecting such complaint as may be just and reasonable. The proceedings under this subsection shall be governed, as far as applicable, by ss. 196.26 to 196.40. The ~~sewerage commission and~~ commission may submit the factual data, reports and analyses considered by ~~them~~ it in establishing the charges, rules or practices subject to a complaint under this subsection. The public service commission shall give due weight to such data, reports and analyses. Judicial review of the determination of the public service commission may be had by any person aggrieved in the manner prescribed under ch. 227. If any user pays a charge and the public service commission or court, on appeal from the public service commission, finds such charge, after reviewing a complaint filed under this subsection, to be excessive, the ~~commission which collected the charge~~ district shall refund to the user the excess plus the interest thereon computed at the rate then paid by the ~~city of the 1st class~~ district for borrowing funds for a term of one year or less.

SECTION 13b. 60.306 (3) (a) of the statutes, as affected by chapter 20, laws of 1981, is amended to read:

60.306 (3) (a) On or before November 1 of each year, the commission shall levy a tax upon all the taxable property in the district, apportioned among the municipalities on the basis of equalized full value as determined by the department of revenue to carry out the provisions and perform the duties required under ss. 60.30 to 60.309. The amount of this tax in excess of that required for maintenance and operation and for principal and interest on bonds or promissory notes may not exceed, in any one year, one mill on each dollar of the equalized full value of all taxable property in the district. The commission shall certify in writing to the clerks of the ~~towns~~ municipalities having territory in the district the total amount of tax levied against the taxable property in each municipality lying in whole or in part within the district.

SECTION 13e. 60.307 (6) of the statutes is amended to read:

60.307 (6) Every bond so issued by a town sanitary district shall be a negotiable instrument, payable to bearer, but may be registered as to principal, and shall mature in a period not exceeding 20 years from the date thereof and bear interest ~~at a rate not to exceed 8% per year~~. It shall contain a statement of the equalized value of all of the taxable property in the district ~~according to the last preceding assessment thereof for state and county taxes~~, the aggregate amount of the existing bonded indebtedness of such district, and that a direct annual irrevocable tax has been levied by the district sufficient to pay the interest thereon when it falls due and also to pay and discharge the principal thereof at maturity.

SECTION 13h. 60.309 (1) of the statutes is repealed and recreated to read:

60.309 (1) The commission may levy special assessments to finance the activities of the district, using the procedures specified for a city that levies special assessments under s. 66.60 and assuming the powers and duties of a city under that section.

SECTION 13k. 60.309 (2) and (3) of the statutes are repealed.

SECTION 13r. 60.309 (4) of the statutes is amended to read:

60.309 (4) All special assessments heretofore levied by town sanitary districts and all special assessment ~~improvement~~ B bonds heretofore issued by town sanitary district commissioners in accordance with this section are hereby validated.

SECTION 13w. 60.309 (5) of the statutes is repealed.

SECTION 14. Chapter 62 (title) of the statutes is amended to read:

CHAPTER 62
~~CITIES, AND SEWERAGE COMMISSION IN
CITIES OF THE 1ST CLASS~~

SECTION 15. 62.60 to 62.67 of the statutes are repealed.

SECTION 16. 66.066 (2) (a) of the statutes is amended to read:

66.066 (2) (a) 1. The board or council shall order the issuance and sale of bonds bearing interest payable semiannually, executed by the chief executive and the clerk and payable at such times not exceeding 40 years from the date thereof, and at such places, as the board or council of such municipality shall determine, which bonds shall be payable only out of the ~~said~~ special redemption fund. Each such bond shall state plainly upon its face that it is payable only from the special redemption fund, naming the ordinance creating it and that it does not constitute an indebtedness of such municipality. The bonds may be issued either as registered bonds or as coupon bonds payable to bearer. Coupon and bearer bonds may be registered as to principal in the holder's name on the books of such municipality, such registration being noted on the bond by the clerk or other designated officer, after which no transfer shall be valid unless made on the books of such municipality by the registered holder and similarly noted on the bond. Any bond so registered as to principal may be discharged from such registration by being transferred to bearer after which it shall be transferable by delivery but may be again registered as to principal as before. The registration of the bonds as to the principal shall not restrain the negotiability of the coupons by delivery merely, but the coupons may be surrendered and the interest made payable only to the registered holder of the bonds. If the coupons are surrendered, the surrender and cancellation thereof shall be noted on the bond and thereafter interest on the bond shall be payable to the registered holder or order in cash or at his option by check or draft payable at the place or one of the places where the coupons were payable. Such bonds shall be sold in such manner and upon such terms as the board or council deems for the best interests of said municipality.

2. All bonds shall mature serially commencing not later than 3 years after the date of issue in such amounts that the requirement each year to pay both principal and interest will be as nearly equal as practicable.

3. All such bonds may contain a provision authorizing redemption thereof, in whole or in part, at stipulated prices, at the option of the municipality on any interest payment date after 3 years from the date of the bonds, and shall provide the method of selecting the bonds to be redeemed. The board or council may provide in any contract for purchasing, acquiring, leasing, constructing, extending, adding to, improving, conducting, controlling, operating or managing a public utility, that payment thereof shall be made in such bonds at not less than 95% of the par value thereof.

SECTION 17. 66.067 of the statutes is amended to read:

66.067 Public works projects. For financing purposes, garbage incinerators, toll bridges, swimming pools, tennis courts, parks, playgrounds, golf links, bathing beaches, bathhouses, street lighting, city halls, courthouses, jails, schools, cooperative educational service agencies (CESAS), hospitals, homes for the aged or indigent, regional projects, waste collection and disposal operations, systems of sewerage and any and all other necessary public works projects undertaken by any town, village, city, county, other municipality, public inland lake protection and rehabilitation district, any metropolitan sewerage district created under ss. 66.88 to 66.918, or a commission created by contract under s. 66.30, are public utilities within the meaning of s. 66.066. In financing under that section, rentals and fees shall be considered as revenue. Any indebtedness created under this section may not be included in arriving at the constitutional debt limitation.

SECTION 18. 66.076 (1), (1m), (7) and (8) of the statutes are amended to read:

66.076 (1) In addition to all other methods provided by law any municipality may construct, acquire or lease, extend or improve any plant and equipment within or without its corporate limits for the collection, ~~transportation, storage,~~ treatment and disposal of sewage, including the lateral, main and ~~intercepting~~ interceptor sewers necessary in connection therewith, and any town, village or city may arrange for such service to be furnished by a metropolitan sewerage district or joint sewerage system. Payment for the same or any part thereof may be provided from the general fund, from taxation, special assessments, sewerage service charges, or from the proceeds of either municipal bonds, mortgage bonds, mortgage certificates or from any combination of these enumerated methods of financing.

(1m) In this section, "municipality" means any town, village, city or metropolitan sewerage district created under ss. 66.20 to 66.26 or under ss. 66.88 to 66.918.

(7) Sewerage service 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 s. 66.069 (1) or 66.071 (1) (e) ~~as the same has been and from time to time may be amended or recreated,~~ so far as applicable, except that charges of a metropolitan sewerage district created under ss. 66.88 to 66.918 shall be assessed and collected as provided in s. 66.91 (5).

(8) The governing body of any municipality, 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~~ section by s. 66.069 or 66.071 (1) (e) ~~as the same has been and from time to time may be amended or recreated,~~ which are hereby made a part of this section so far as applicable and not inconsistent herewith or, in the case of a metropolitan sewerage district created under ss. 66.88 to 66.918, by ss. 66.91 and 66.912.

SECTION 19. 66.30 (1) of the statutes is amended to read:

66.30 (1) In this section "municipality" means the state or any department or agency thereof, or any city, village, town, county, school district, public library system, public inland lake protection and rehabilitation district, sanitary district, farm drainage district, metropolitan sewerage district, sewer utility district, water utility district, mosquito control district or regional planning commission.

SECTION 20. 66.88 to 66.918 of the statutes are created to read:

66.88 Definitions. In ss. 66.88 to 66.918:

(1) "Capital costs" means the cost of acquiring, purchasing, adding to, leasing, planning, designing, constructing, extending and improving all or any part of a sewerage system and of paying principal, interest or premiums on any indebtedness incurred for these purposes.

(2) "Combined sewer overflow abatement" means decreasing discharges of a combination of storm and sanitary wastewater or storm and industrial wastewater directly or indirectly to the waters of the state that occur when the volume of wastewater flow exceeds the transport capacity of a combined storm and sanitary sewer system.

(3) "Commission" means the metropolitan sewerage commission created under s. 66.882.

(4) "District" means the metropolitan sewerage district created under s. 66.882.

(5) "Interceptor sewer" means a sewer that:

(a) Is constructed, maintained and operated by the district;

(b) Is either a force main sanitary sewer with a diameter greater than 12 inches or a gravity flow sanitary sewer with a diameter greater than 24 inches; and

(c) Performs any of the following functions:

1. Receives and conveys sanitary sewage from a sanitary sewage collection system directly or indirectly to a sewage treatment facility.

2. Temporarily collects and stores excessive sewage flow until existing treatment plant capacity is available.

(6) "Local sewer" means any sewer constructed, operated or maintained by any municipality. "Local sewer" does not include any sewer that has been incorporated into the sewerage system under s. 66.896 (2). If the classification of any sewer is unclear, the presumption shall be that the sewer is local.

(7) "Municipality" means any city, town, village, sanitary district organized under ss. 60.302 to 60.305 or metropolitan sewerage district organized under ss. 66.20 to 66.26 that is located wholly or partially within the district or that contracts for services under s. 66.898.

(8) "Operating costs" means the costs of controlling, operating, managing or maintaining the sewerage system. "Operating costs" also includes replacement costs.

(9) "Replacement costs" means the costs of obtaining and installing equipment, accessories or appurtenances that are necessary during the service life of the district's sewerage system to maintain the capacity and performance for which the sewerage system was designed and constructed.

(10) "Sewerage system" means all facilities of the district for collection, transportation, storage, pumping, treatment and final disposition of sewage. "Sewerage system" does not include any private sewage system, as defined in s. 145.01 (14), or any local sewer.

(11) "Sewerage service area" means the area of the district and the area for which service is provided by contract under s. 66.898.

(12) "User" means any owner or occupant of any building or lot that is located within the sewerage service area and is furnished with sewerage service.

66.882 Establishing a district and a commission. (1) ESTABLISHMENT BY RESOLUTION OR REORGANIZATION. (a) Except as provided in par. (b), a commission is established under ss. 66.88 to 66.918 if the common council of any 1st class city passes a resolution of necessity by a majority vote of the members-elect.

(b) 1. On the effective date of this paragraph (1981), each metropolitan sewerage district organized under s. 59.96, 1979 stats., is reorganized as a district under ss. 66.88 to 66.918 and a commission is created under ss. 66.88 to 66.918.

2. Commencing in 1983, the district reorganized under this paragraph shall, on or before November 1, annually pay or provide for the payment to any county obligated on account of bonds or bond anticipation notes issued on behalf of a district under s. 59.96 (7), 1979 stats., an amount sufficient to pay the interest and principal falling due in the

succeeding year on the bonds and notes pursuant to the original terms of the bonds and notes. The county shall deposit amounts paid to it under this subdivision in the sinking funds for the bonds and notes established under s. 67.11. The county shall pay to the district any surplus in a sinking fund remaining after the bonds or notes for which the sinking fund was created are paid.

(2) **COMPOSITION OF THE COMMISSION.** The commission is composed of 11 members, who are appointed as follows:

(a) Except as provided in s. 66.884 (7), the mayor of the 1st class city shall appoint 7 individuals as members of the commission, each of whom shall have his or her principal residence in the 1st class city. Three of the commissioners appointed under this paragraph shall be elected officials. Each commissioner appointed under this paragraph may take his or her seat immediately upon appointment, pending confirmation or rejection by a majority of the members-elect of the common council. An appointee whose confirmation is pending may act within the scope of authority of a commissioner until the mayor withdraws the appointment or the common council rejects the appointment, whichever is earlier. The mayor shall withdraw any appointment that the common council rejects and may only resubmit the appointment for confirmation after at least one subsequent appointment is rejected.

(b) Except as provided in s. 66.884 (7), an executive council composed of the elected executive officer of each city, village and town that is wholly or partly within the boundaries of the district under s. 66.888 (1), except a 1st class city, shall appoint 4 members of the commission by a majority vote of the members of the executive council. Each of these members shall have his or her principal residence within the district but outside the 1st class city. Three of these members shall be elected officials. Each commissioner appointed under this paragraph may take his or her seat immediately upon appointment.

(c) The mayor and the executive council shall appoint the members of a commission that governs a district created under sub. (1) within 90 days after the passage of the resolution under sub. (1) (a) or within 90 days after the reorganization under sub. (1) (b).

66.884 Commissioners. (1) **TERM.** (a) Except as provided in par. (b) and sub. (8):

1. Each commissioner appointed by the mayor of the 1st class city under s. 66.882 (2) (a) who is not an elected officer serves for a 3-year term or until a successor is appointed, whichever is later.

2. Each commissioner appointed by the mayor of the 1st class city under s. 66.882 (2) (a) who is an elected officer serves for a one-year term or until a successor is appointed, whichever is later.

3. Each commissioner appointed by the executive council under s. 66.882 (2) (b) serves for a 3-year term or until a successor is appointed, whichever is later.

(b) Each term commences on the 2nd Tuesday of July. No commissioner may serve more than 9 consecutive years.

(c) Of the initial commissioners who are not elected officers appointed by the mayor of the 1st class city under s. 66.882 (2) (a), one commissioner has a term of one year, one commissioner has a term of 2 years and 2 commissioners have a term of 3 years. One of the initial commissioners appointed by the executive council under s. 66.882 (2) (b) has a term of one year, one of the initial commissioners has a term of 2 years and 2 of the initial commissioners have terms of 3 years.

(2) **SUCCESSORS.** The mayor shall appoint successors to commissioners appointed under s. 66.882 (2) (a) and the executive council shall appoint successors to commissioners appointed under s. 66.882 (2) (b), as provided in s. 66.882. Each successor shall be appointed at least 6 weeks before the expiration of the preceding commissioner's term.

(3) **CHANGE OF RESIDENCE OR LOSS OF ELECTED STATUS.** Any commissioner appointed under s. 66.882 (2) (a) who moves his or her principal residence outside the 1st class city and any commissioner appointed under s. 66.882 (2) (b) who moves his or her principal residence outside the district or into the 1st class city shall resign. Any commissioner who is an elected official and who is not reelected or who otherwise leaves the elected office may serve not more than an additional 90 days after leaving office or until a successor is appointed, whichever occurs first.

(4) **VACANCIES.** Vacancies occurring during the term of any commissioner shall be filled as provided under s. 66.882, but only for the balance of the unexpired term. All vacancies shall be filled within 90 days. The balance of the unexpired term constitutes one term for the commissioner appointed to fill the vacancy. A commissioner appointed to fill a vacancy may be reappointed for subsequent full terms, as provided in sub. (1) (a).

(5) **OATH OF OFFICE.** Before assuming the duties of the office, each commissioner shall take and subscribe the oath of office required under s. 19.01 and file the oath with the secretary of state, duly certified by the official administering the oath.

(6) **EXPENSES; SALARY.** Each commissioner shall receive actual and necessary expenses incurred while in the performance of the duties of the office and, in addition, shall receive a salary in an amount the commission specifies by resolution. Any change in salary after its initial establishment applies only to subsequently appointed or reappointed commissioners. The salary shall be paid at the time and in the same manner that the salaries of employees of the commission are paid.

(7) **REAPPORTIONMENT.** (a) Commencing in 1990, in the year immediately following the date when the federal decennial census of population becomes available in printed form, the commission shall reapportion the allocation of appointments between s. 66.882 (2) (a) and (b) to reflect as nearly as possible the proportionate populations within the district of the 1st class city and of the cities, villages and towns that are represented on the executive council. As part of its reapportionment the commission may increase the number of seats to not more than 13 and may decrease the number of seats to not less than 9.

(b) If the commission fails to reapportion itself under par. (a), any municipality, any aggrieved person or any county in which the district is initially created may petition the circuit court for the county in which the district is initially created for an order compelling reapportionment. After reasonable notice to the commission the court may order reapportionment.

(8) **REMOVAL FROM OFFICE.** Any commissioner appointed by the mayor under s. 66.882 (2) (a) may be removed by the mayor. Any commissioner appointed by the executive council under s. 66.882 (2) (b) may be removed by the same process as is used for appointment.

66.886 Commission; organization. (1) **QUORUM.** Six commissioners constitute a quorum for the transaction of business. If after reapportionment under s. 66.884 (7) the number of commissioners is increased to 12 or 13, 7 commissioners constitute a quorum. If after reapportionment under s. 66.884 (7) the number of commissioners is reduced to 9 or 10, 5 commissioners constitute a quorum.

(2) **ACTION CONCERNING FINANCING FOR THE DISTRICT.** (a) Except as provided in par. (b):

1. No resolution adopted by the commission under s. 66.91 (1), (3) (c) or (6), 67.05 (3) or 67.12 (12), no schedule of charges under s. 66.076 or 66.91 (5) (b) 3, and no decision to borrow against taxes under s. 67.12 (6) is valid unless adopted by an affirmative vote of at least a two-thirds majority of all commissioners.

2. No resolution adopted by the commission under s. 67.12 (1) (b) or (5) is valid unless adopted by an affirmative vote of at least a three-fourths majority of all commissioners.

(b) If one or more resolutions authorizing full financing of the capital budget adopted under s. 66.908 are not adopted on or before October 15 succeeding the annual adoption of the budget, the commission may by a vote of a simple majority of all commissioners annually levy taxes under s. 66.91 (6) (a) 4 or otherwise appropriate a sum from any source for the purpose of financing the capital budget. The total levy and appropriation may not exceed \$40,000,000.

(3) **CHAIRPERSON.** The commission shall elect one commissioner as chairperson of the commission, for a term specified by rule by the commission. The chairperson is removable at pleasure by the commission. The chairperson shall preside over the meetings of the commission and shall perform other duties imposed upon the chairperson by ss. 66.88 to 66.918 or assigned by the commission. The commission may also appoint a vice chairperson who may exercise the powers and shall perform the duties of the chairperson in the absence or disability of the chairperson.

(4) **SECRETARY.** The commission shall appoint a secretary who is not a member of the commission. The secretary is removable at pleasure by the commission and shall receive the compensation the commission determines. The compensation shall be paid at the time and in the same manner that the salaries of other employes of the district are paid. The secretary shall maintain all records concerning the district and shall perform the other duties that are imposed upon the secretary by ss. 66.88 to 66.918 or that are assigned by the commission.

(5) **TREASURER.** The commission shall appoint a treasurer who shall oversee and be responsible for the receipt and disbursement of all money received by the district and for the investment of money received by the district.

(6) **RECORDS; MEETINGS.** All records of the commission are subject to s. 19.21 (1) to (4). Subchapter IV of ch. 19 governs all meetings of the commission.

(7) **ANNUAL AUDIT.** The commission shall annually audit the financial transactions of the district and shall include a summary of the audit in its annual report under sub. (9).

(8) **DEMAND AUDIT.** (a) On the demand of any municipality or county located wholly or partly within the boundaries of the district, the district shall request an audit by the public service commission of its books, records and practices. The district shall pay the costs of the audit. The audit shall determine the district's compliance with generally accepted accounting principles. The public service commission may contract with an auditing firm to perform the audit if the public service commission cannot complete a requested audit in a timely manner. Under no circumstances is the district subject to a further demand audit under this subsection until at least one year elapses from the date the report of the previous demand audit under this subsection is filed.

(b) Upon completion of the demand audit and receipt of the audit report, the district shall hold a public hearing within 45 days in the municipality or county that demanded the audit. The district shall arrange for summaries of the report to be made available for the hearing.

(9) **ANNUAL REPORT.** The commission shall prepare annually a full report of its official transactions and expenditures and shall mail the report to the governor, to the secretary of natural resources and to the governing body of each municipality.

66.888 Boundary; name; corporate status. (1) **BOUNDARY.** (a) Except as provided in pars. (b) to (d), the initial boundary of the district is the boundary of the county in which the 1st class city is located.

(b) The initial boundary of a district created under s. 66.882 (1) (b) is the same as the boundary of the district created under s. 59.96 (5), 1979 stats.

(c) 1. The commission shall, by resolution, exclude areas from the district that it finds are not likely to receive sewerage service from the district within 25 years.

2. The commission may, by resolution, redefine the boundary of the district initially defined under sub. (1) (b) in accordance with subds. 3 to 5. If an area is likely to receive sewerage service from the district within 10 years, the area shall be included within each boundary redefined under this subdivision.

3. Within 90 days after all commissioners have been appointed under s. 66.882, the commission shall adopt rules concerning the factors to be considered in determining the redefined boundary of the district under subd. 2. The commission may also establish conditions by rule that shall apply if an area is not within the district after the boundary is redefined but is subsequently added to the district under par. (d). When adopting rules under this subdivision the commission shall consider, among other considerations:

a. The weight to be given to the need for private sewage systems, as defined in s. 145.01 (14), to maintain the public health and welfare in any area located within the district prior to a redefinition of the boundary but located outside the district after any redefinition of the boundary.

b. The weight to be given to the effects of excluding any area from the district by a redefinition of the boundary on property taxation of the area excluded, on the use of the area and on property taxation of the district as a whole.

c. The need to maintain the consistency of any redefined boundary of the district with a regional water quality management plan established or approved under ss. 144.025 and 147.25 or any facilities plan established and approved under s. 144.04.

d. The equity of providing similar treatment of properties located within a common drainage basin.

e. The weight to be given to plans approved by any municipality for expansion of its local sewers and for general development.

4. a. Within 45 days after adopting rules under subd. 3, the commission shall determine whether to redefine the boundary under subd. 2. Before the commission adopts a final resolution that would redefine the boundary, the commission shall first obtain the consent of the governing body of the city, village or town in which the area is located and shall hold a public hearing on the proposed resolution. The commission shall mail a notice that states the time and place of the hearing and is accompanied by a copy of the proposed resolution to the clerk of each municipality at least 30 days before the hearing. The commission shall also publish a copy of the notice and of the proposed resolution as a class 2 notice under ch. 985 within the district. The date of the first publication shall be at least 30 days prior to the date of the hearing. The proposed resolution shall contain the description by metes and bounds of each area to be affected by redefining the boundary.

b. Any area not included within the redefined boundary under subd. 1 or 2 ceases to be a part of the district for all purposes upon the filing of a certified copy of the resolution describing the area not within the district with the clerk of each county in which the district is located. The commission shall also file a certified copy of the resolution with the register of deeds for each county in which the district is located, with the clerk of each city, village and town in the district and with the department of natural resources.

5. The commission shall biennially review the redefinition of the boundary under subd. 4. a. If, after any biennial review, the commission finds that an area is likely to receive sewerage service from the district within the following 10 years, the commission shall redefine the boundary to include the area in the district. Additions to the district under this subdivision are not subject to par. (d).

(d) 1. The commission shall, by resolution, add any area to the district if all of the following conditions are met:

a. Sewage from the area to be added drains or may drain into any lake or into any river or stream flowing into a lake that is used or may be used as a source of drinking water for a municipality.

b. The commission has authorized the addition to the sewerage system of all facilities needed to treat and dispose of the sewage from the area to be added.

c. The municipality in which the area to be added is located requests that the commission add the area to the district.

d. Adding the area to the district is consistent with any regional water quality management plan.

2. Before the commission adopts a final resolution to add area to the district, the commission shall first obtain the consent of the governing body of the city, village or town in which the area is located and shall hold a public hearing on the proposed resolution. The commission shall mail a notice stating the time and place of the hearing along with a copy of the proposed resolution to the clerk of each municipality at least 30 days before the hearing. The commission shall also publish a copy of the notice and of the proposed resolution as a class 2 notice under ch. 985 within the district. The date of the first publication shall be at least 30 days prior to the date of the hearing. The proposed resolution shall contain the description by metes and bounds of each area to be added to the district.

3. Any area added to the district under this paragraph becomes a part of the district for all purposes upon the filing of a certified copy of the resolution describing the area being added with the clerk of each county in which the district is located. The commission shall also file certified copies of the resolution with the register of deeds for each county in which the district is located, with the clerk of each city, village and town in the district and with the department of natural resources.

(2) **NAME.** (a) Except as provided in par. (b), the name of the district is the metropolitan sewerage district of the county or counties in which it is established.

(b) The name of a district created under s. 66.882 (1) (b) is the Milwaukee metropolitan sewerage district.

(3) **CORPORATE STATUS.** The district is a municipal body corporate that may enter into binding contracts and that may sue and be sued in its own name. The district is a special district within the meaning and for the purposes of section 3 of article XI of the constitution.

66.89 General duties of the commission. Subject to ss. 66.88 to 66.918, the commission shall:

(1) Project, plan, design, construct, maintain and operate a sewerage system for the collection, transmission and disposal of all sewage and drainage of the sewerage service area including, either as an integrated or as a separate feature of the system, the collection, transmission and disposal of storm water and groundwater.

(2) Abate combined sewer overflows to the extent necessary to comply with federal or state law.

66.892 Local sewers. (1) (a) Each municipality shall construct, operate and maintain local sewers and appurtenant facilities and shall repair and rehabilitate local sewers and appurtenant local facilities.

(b) Except as provided in sub. (2), ss. 66.88 to 66.918 do not authorize the commission to operate, maintain, rehabilitate or preserve local sewers or appurtenant local facilities constructed by a municipality or to separate combined storm and sanitary sewers.

(c) This subsection does not prohibit the commission from operating, maintaining, rehabilitating or preserving its sewerage system.

(2) (a) Except as provided in pars. (b) to (d) and subject to s. 144.04, no commission may separate combined storm and sanitary sewers.

(b) 1. If the commission undertakes abatement of combined sewer overflows, it shall use the most cost-effective method available.

2. If partial or complete separation of combined storm and sanitary sewers is the most cost-effective method of abating combined sewer overflows, the commission may separate the combined sewers.

3. If 2 or more methods of abating combined sewer overflows are approximately equally cost-effective, the commission shall select the method of abatement that involves separating the fewest linear feet of combined storm and sanitary sewers.

(c) If separation of a combined storm and sanitary sewer is authorized under par. (b), the commission shall adopt an authorizing resolution before commencing the separation. The resolution shall include a statement that any person aggrieved may petition for judicial review under par. (d). Before adopting the resolution, the commission shall first obtain the consent of the governing body of the city, village or town in which the combined storm and sanitary sewer is located and shall hold a public hearing on the proposed resolution. The commission shall mail a notice that states the time and place of the hearing and is accompanied by a copy of the proposed resolution to the clerk of each municipality at least 30 days before the hearing. The notice shall include a statement that judicial review of the commission's decision is available, as provided in par. (d). The commission shall also publish a copy of the notice and the proposed resolution as a class 2 notice under ch. 985 within the district. The date of the first publication shall be at least 30 days prior to the date of the hearing.

(d) Any person aggrieved by the decision of the commission to separate a combined storm and sanitary sewer may file a petition for judicial review in the circuit court for the county in which the district is located. Nothing in this paragraph affects any review under s. 144.04.

66.894 Sewerage construction, operation and maintenance. (1) To the extent necessary to carry out its duties under s. 66.89, the commission may project, plan, design, adopt, construct, operate and maintain:

(a) District, interceptor and outfall sewers.

(b) Conduits, drains and pumping and other plants for the collection and transmission of residential, industrial and other sanitary sewage from local sewers to and into the interceptor sewers of the district.

(c) Facilities for the treatment and disposal of sewage transmitted into the interceptor sewers of the district.

(d) Pumping stations and tunnels for the purpose of flushing any of the rivers flowing through the district.

(e) Storm sewers and other facilities and structures for the collection and transmission of storm water and groundwater.

(f) Buildings, structures and facilities appurtenant to structures authorized under pars. (a) to (e).

(2) (a) Except as provided in par. (b), the commission may lay, construct and maintain, without compensation to the state, any part of the sewerage system or of its works or appurtenances over, upon or under any part of the bed of any river or its branches flowing through the district, or of any land that has not been the subject of a state lake bed grant to a county in which a 1st class city is located and that is covered by any of the outlying waters, as defined in s. 29.01 (4) (a).

(b) Nothing in ss. 66.88 to 66.918 authorizes the commission to lay or construct any part of the sewerage system after the effective date of this paragraph (1981), over, upon or under any land covered by any outlying waters, as defined in s. 29.01 (4) (a), unless the commission first obtains the prior consent of both houses of the legislature and the governor.

(3) The commission may lay, construct and maintain any part of the sewerage system over, upon or under canals or other waterways and under rights-of-way of interurban and street or electric railway companies.

(4) Upon application of the commission the proper officers of this state shall execute, acknowledge and deliver to the proper officers of the district any deed or other instrument as may be proper for the purpose of fully confirming the grants under subs. (2) and (3). Notwithstanding s. 30.05, the district may not commence an action under sub. (2) or (3) without obtaining all of the necessary permits from the department of natural resources under ch. 30.

(5) (a) In its actions under ss. 66.88 to 66.918, the commission shall comply with local zoning and land use ordinances unless it finds that, in carrying out its responsibilities under ss. 66.88 to 66.918, deviation from these ordinances meets the test of public necessity, as that term is used for the purposes of ch. 32. The commission may only make determinations of public necessity by resolution. This paragraph does not authorize the commission to deviate from flood plain or shoreland zoning ordinances.

(b) If the commission makes a determination of public necessity to deviate from a local zoning or land use ordinance, it shall serve a copy of the resolution by certified mail upon the clerk of the municipality whose ordinance is involved, including a statement that judicial review is available only for 90 days. Any aggrieved person may commence an action in the circuit court of the county in which the municipality is located to challenge the commission's determination within 90 days from the date of postmark. Any action under this paragraph shall name the district as a defendant. An action under this paragraph is the only manner by which the commission's determination of public necessity for deviating from such an ordinance may be challenged. The circuit court shall give precedence to a trial of the issues raised in such an action over all other actions not then on trial in the court. Failure to commence an action within 90 days from the date of postmark bars the raising of any objection by any person to the commission's determination of public necessity. This subsection does not limit any proceeding under s. 32.05.

(6) (a) The commission may require that any owner of any building, structure or other physical obstruction in, over or under the public lands, avenues, streets, alleys or highways in the district that blocks or impedes the construction, operation or maintenance of the sewerage system, upon reasonable notice by the commission, promptly shift, adjust, accommodate or remove the obstructions as needed to permit the commission to carry out its responsibilities. The district shall pay 50% of the owner's costs of complying with this subsection.

(b) If the owner fails after reasonable notice to discharge any duty imposed under par. (a) the owner may, in addition to any other available remedy or remedies, be fined \$100 for each offense plus an additional \$50 for each day that the owner's failure continues.

(c) This subsection also applies to any building, structure or other physical obstruction in, over or under the public highways of any county of this state into which the sewerage system extends.

(7) The commission may excavate in or otherwise alter any state, county or municipal street, road, alley or public highway in the district for the purpose of constructing, maintaining and operating the sewerage system or to construct in the street, road, alley or public highway an interceptor or district sewer or any appurtenance thereof, without providing a bond. The commission shall notify the public authority that controls the street, road, alley or public highway at least 45 days prior to the date the commission intends to advertise for bids as to the location where the excavation or alteration will take place. The public authority shall prepare a reasonable traffic control plan and provide the plan to the commission within 30 days after receiving the notice. The commission shall pay a reasonable fee for development of the plan and shall include the plan in its bidding documents. The commission shall pay the costs of implementing the traffic control plan during the

period of construction. Upon completing the work the commission shall restore the street, road, alley or public highway at its own expense to a condition as good as or better than existed before the commencement of the work.

(8) (a) Subject to s. 30.20 and to any applicable rule of the department of natural resources, the commission may improve any river or stream within the district by deepening, widening or otherwise changing it as the commission finds necessary in order to carry off surface or drainage water.

(b) The commission may make improvements outside the district of any river or stream that flows from within the district to a point outside the district. The commission may contract with any governmental body that owns or controls any lands through which such a river or stream flows for the payment of that part of the cost of the improvement in the territory governed by the body that is wholly or partially outside the district.

(9) (a) Within the district, the commission may divert storm water, groundwater and water from lakes, rivers or streams into drains, conduits or storm sewers but no surplus waters or floodwaters shall be diverted or bypassed into any lake, river or stream in another watershed. Before diverting water from any lake, river or stream into an enclosed drain, conduit or storm sewer or similar structure, the commission shall comply with pars. (b) and (c).

(b) The commission shall apply to the department of natural resources for a permit for the diversion. Upon receipt of an application for a permit, the department shall fix a time, not more than 8 weeks after receiving the application, and a convenient place for a public hearing on the application. The department shall notify the commission of the time and place and the commission shall publish a notice of the time and place of the hearing once each week for 3 successive weeks before the hearing in at least one newspaper designated by the department of natural resources and published in the district.

(c) In addition to the publication required under par. (b) the commission, not less than 20 days prior to the hearing, shall mail a notice of the hearing to every person who has recorded an interest in any lands that are likely to be affected by the proposed diversion and whose post-office address can be ascertained by due diligence. The notice shall specify the time and place of the hearing, shall be accompanied by a general statement of the nature of the application and shall be forwarded to these persons by registered mail in a sealed and postpaid envelope properly addressed. The commission shall file proof of the publication and mailing of notice with the department of natural resources. At the hearing or any adjournment thereof, the department of natural resources shall consider the application and shall take evidence offered by the commission and other persons in support of or in opposition to the application. The department may require that the application be amended. If the department finds after the hearing that the application is in the public interest, will not violate public rights and will not pose an unreasonable risk to life, health or property, the department shall issue a permit to the commission.

(10) The commission may make all preliminary investigations and perform all preliminary work as should, in the commission's judgment, precede the actual projection, construction and establishment of the sewerage system.

(11) (a) The commission may enter upon any land or water in the district for the purpose of making examinations, test borings, tests or surveys in the performance of its responsibilities under ss. 66.88 to 66.918. The commission shall compensate for damage caused by its examinations, test borings, tests or surveys. The commission may examine any sewer or sewerage system to determine if the sewer or sewerage system is defective in operation, construction, design or supervision.

(b) Except as provided in par. (c), prior to entry onto land under this subsection the district shall obtain the consent of the owner.

(c) If the consent of the owner cannot be obtained, the district shall obtain a special entry warrant prior to entry onto the land. To obtain a special entry warrant, the district shall petition the circuit court for the county in which the land to be entered is located and shall mail a copy of the petition by registered mail to the owner's last-known address, if any. If the court determines that entry onto the land is reasonably related to the performance of the district's responsibilities under ss. 66.88 to 66.918, the court shall issue the warrant on the district's affidavit that the district intends to enter the land under this subsection, that the district has mailed, at least 5 days prior to the affidavit, a copy of the petition for the warrant to the owner as required in this paragraph and that the district has been otherwise unable to obtain the owner's consent.

(12) Subject to any applicable rule of the department of natural resources, the commission may dispose of treated sewage by commercial or charitable means and may expend an amount reasonably necessary for this purpose.

(13) The commission may operate laboratory facilities for testing sewage for any municipality or user, but may not require that any municipality or user use these facilities.

66.896 Connections to the sewerage system. (1) The commission may approve or disapprove any connection with or use of the sewerage system by any town, city or village or by any private person or corporation. The commission shall examine proposed connections or uses and shall hear all the parties in interest. If the commission finds that any sewer connected or to be connected to the sewerage system is defective in construction, design, supervision or operation, the commission may not permit any connection to be made or continued until the alterations, new construction and changes in supervision or operation required by the commission have been made.

(2) (a) The commission may temporarily use any public sewer or drain, including any storm sewer or drain, in the district for the purposes of ss. 66.88 to 66.918. The commission may incorporate with the sewerage system for use as an outfall sewer into a channeled watercourse or as an interceptor sewer any public sewer or drain, including any storm sewer or drain, and any of their appurtenances, either in their existing condition or with repairs or modifications as the commission may determine. The commission may condemn, close up, abolish, destroy, alter the functions or increase the flow of any of those public sewers and drains incorporated with the sewerage system as it deems necessary to carry out the purposes of ss. 66.88 to 66.918. If the commission decides to incorporate or utilize a sewer or drain under this subsection, it shall use the procedures specified in par. (b).

(b) The commission shall act under par. (a) by resolution. Before the commission adopts a final resolution to incorporate or utilize a sewer or drain, the commission shall first obtain the consent of the governing body of the city, village or town in which the sewer or drain is located and shall hold a public hearing on the proposed resolution. The commission shall mail a notice that states the time and place of the hearing and is accompanied by a copy of the proposed resolution to the clerk of each municipality at least 30 days before the hearing. The commission shall also publish a copy of the notice and of the proposed resolution as a class 2 notice under ch. 985 within the district. The date of the first publication shall be at least 30 days prior to the date of the hearing.

(3) The commission may compel any owner or occupant of any premises located along the line of any interceptor sewer or along the line of any sewer of a municipality that is discharging sewage, refuse or industrial wastes of any kind into any river or canal within the drainage area of the district to change or rebuild any outlet, drain or sewer so as to discharge all the sewage, refuse or industrial wastes into the sewers of the town, city or village or into the district's interceptor sewer under rules adopted by the commission under s. 66.902.

66.898 Contract sewerage service. (1) Subject to subs. (2) to (6), the commission may contract with any city, town, village, sanitary district organized under ss. 60.302 to 60.305 or metropolitan sewerage district organized under ss. 66.20 to 66.26 wholly or partially outside the boundaries of the district, but wholly or partially within the same general drainage area as the district for the transmission, treatment or disposal of sewage from any territory located in the city, town, village, sanitary district or metropolitan sewerage district. Each contract executed under this section shall specify the terms of payment of sewerage service charges by the contracting party.

(2) Before permitting any city, town, village, sanitary district or metropolitan sewerage district to connect its sewers with or use any of the district's interceptor sewers under this section, the sewers shall be approved as provided in s. 66.896 (1). The governing body of the city, town, village, sanitary district or metropolitan sewerage district may enter into a contract under this section only by a vote of three-fourths of its members.

(3) As part of any contract executed under this section, the commission may assess reasonable and just sewerage service charges against the contracting party with respect to operating and maintenance costs. These charges shall be established in accordance with s. 66.912 and are subject to review under s. 66.912. The schedule of service charges may, but need not, be uniform with any other schedule of charges established by the commission.

(4) (a) As part of any contract executed under this section, the commission may assess reasonable and just sewerage service charges against the contracting party with respect to capital costs. These sewerage service charges are subject to review under s. 66.912. The schedule of service charges may, but need not, be uniform with any other schedule of charges established by the commission.

(b) The charges assessed under par. (a) shall be established in accordance with s. 66.076 or 66.91 (5). In computing the schedule of charges under this paragraph, the commission may consider the factors specified in s. 66.076 (5) or 66.91 (5) or any other reasonable factor which recognizes that the commission is not authorized to recover capital costs from any contracting party by levying property taxes against property located within the territorial limits of the contracting party. In computing the schedule of charges under this paragraph, the commission may also consider the fact that sewerage service may not be available to or may be available to but not utilized by a part of the property located within the territorial limits of a contracting party at the time of computing the schedule.

(5) (a) Any city, town, village, sanitary district organized under ss. 60.302 to 60.305 or metropolitan sewerage district organized under ss. 66.20 to 66.26 that contracts under this subsection may provide for the payment of charges from any available source, including:

1. Tax levy.
2. Assessments upon and assessments of charges against the whole city, town, village, sanitary district organized under ss. 60.302 to 60.305 or metropolitan sewerage district organized under ss. 66.20 to 66.26 or upon or against any part thereof that the governing body determines to be benefitted by the service.
3. Borrowing under s. 67.12 (12).
4. Disbursements from the general fund.
5. The proceeds of a sales tax.
6. The proceeds of its own schedule of service charges. The schedule of these charges may, but need not, be uniform with any schedule of charges established by the commission.

(b) A deficiency in the source of funds for payment does not relieve the contracting party of liability for failure to pay the commission in full at the time provided in the contract.

(6) Contracts executed under this section may provide for interest on late payments.

66.90 Acquisition of property. (1) The commission may acquire by gift, purchase, lease or other methods of acquisition or by condemnation, any real property situated in the state and all tenements, hereditaments and appurtenances belonging or in any way appertaining to, or in any interest, franchise, easement, right or privilege therein, that may be needed for the purpose of projecting, planning, constructing and maintaining the sewerage system, that may be needed for the collection, transmission or disposal of all sewage or drainage of the district or that may be needed for improving any river or stream within the district under s. 66.894 (8) (a) or (b).

(2) No stream over private lands may be altered unless the commission acquires the lands under sub. (1) or unless the governing body of the village, town or city in which the stream is located approves the proposed alteration.

(3) Section 32.05 controls the process of condemnation under this section. The commission shall establish the public necessity for any acquisition by condemnation.

(4) All property, real or personal, acquired by the commission shall be taken for the benefit of and shall belong to the district. The commission may convey any part of its interest in real or personal property it has acquired that is not needed to carry out the powers and duties of the commission.

66.902 Rules; special orders; special use permits. (1) (a) The commission may adopt the rules both necessary and proper to promote the best results from the construction, operation and maintenance of the sewerage system, to prevent damage to the sewerage system from misuse, injury to employes, surcharging all or part of the sewerage system or interference with the process of sewage treatment or disposal or to comply with federal or state pretreatment requirements. The rules may, without limitation by enumeration:

1. Prohibit discharge into the sewerage system, either directly or indirectly, of any liquid, gaseous or solid waste deemed detrimental to the sewerage system, to the commission's employes or to the process of sewage treatment or disposal.

2. Prescribe the conditions upon which wastes may be discharged.

3. Prescribe standards of sewer design, construction, operation, alteration and maintenance applicable to any sewerage system connecting with or using the sewerage system and the conditions upon and the manner in which connections to interceptor sewers and replacement of existing district sewers shall be made.

(b) The rules shall apply throughout the territory served by the sewerage system and, except as provided in s. 66.894 (5), shall have precedence over any conflicting ordinance, code or regulation of or permit issued by any municipality within the territory.

(c) The commission may adopt, amend or repeal a rule only after notice and public hearing, except that if the preservation of the public health, safety or welfare necessitates putting a rule into effect immediately, the commission may adopt any rule as an emergency rule. An emergency rule is effective for a period of 120 days after the date of adoption unless the commission specifies a shorter period of effectiveness. If the problem that necessitates adopting an emergency rule continues beyond 120 days the commission shall, after providing notice and a hearing, adopt a rule to deal with the problem. Except in the case of an emergency rule, the commission shall publish a notice of the hearing on a proposed rule that includes an informative summary of the proposed rule and specifies the time and place of the hearing at least 30 days prior to the hearing in a newspaper of general circulation in the district. The notice shall also include a statement that judicial review of a rule is available, as provided in par. (d). The commission shall also mail a similar notice to the clerk of each municipality at least 30 days prior to the hearing. The

commission shall identify and take all other steps, if any, that it determines are necessary to convey effective notice to persons who are likely to have an interest in the proposed rule making. Failure of any person to receive notice of a hearing on proposed rule making is not grounds for invalidating the resulting rule if notice of the hearing was published and mailed as provided in this paragraph. Insofar as applicable, s. 227.022 governs the conduct of the hearings. A rule adopted by the commission takes effect upon its publication in a newspaper of general circulation in the district.

(d) Except as provided in s. 227.05 (2), the exclusive means of judicial review of the validity of a rule is an action for declaratory judgment as to the validity of the rule brought in the circuit court for the county in which the district is located or for the county in which the plaintiff resides. Upon the motion of any party the court may change the place of the trial under s. 801.54 (1) to (3). If 2 or more petitions for review of the same rule are filed in different counties, the circuit court for the county in which a petition for review of a rule was first filed shall determine the venue for judicial review of the rule, to order transfer or consolidation where appropriate. The summons in the action for review shall be served by delivering a copy to the chairperson or secretary of the commission. The court shall render a declaratory judgment in the action only when it appears from the evidence presented that the rule or its threatened application unlawfully interferes with or impairs, or threatens to interfere with or impair, the rights and privileges of the plaintiff. A declaratory judgment may be rendered whether or not the plaintiff has first requested the commission to pass upon the validity of the rule in question. Insofar as applicable, s. 227.05 (2), (3) and (4) govern any declaratory judgment proceeding under this paragraph.

(e) If any person fails to comply with a rule of the district, a court may issue an injunction under s. 823.02 and may impose a forfeiture of not more than \$1,000 for each day the failure continues. The commission may recover the forfeiture in a civil action. Collected forfeitures shall be paid into the district's general fund. The forfeiture is in addition to and does not substitute for any damages recoverable by the commission.

(2) (a) The commission may issue special orders in the name of the district directing compliance with the rules of the district within a specified time. All special orders shall be in writing and shall specifically state the action by the user that is required to comply with the order. Service of any special order may be made in the manner provided for service of a summons under s. 801.11. The commission may designate commission employes to issue special orders in the name of the district in an emergency to prevent damage to the sewerage system from misuse, injury to employes, interference with the process of sewage treatment or disposal or substantial risk to the public health and welfare. Special orders are effective and enforceable upon service, unless the commission specifies a later effective date in the special order or agrees to a different effective date.

(b) Any person aggrieved by a special order of the district that directly affects the rights or duties of the person may secure a review of the necessity for and reasonableness of the order by filing with the commission, within 30 days after service of the special order, a verified petition specifying the person's objections to the order or the modification desired in the order. Upon receipt of the petition, the commission shall order a public hearing on the petition and make any further investigations it determines advisable. Insofar as applicable, ss. 227.07 (6), (7) and (8) and 227.08 to 227.11 govern the proceeding. The determination of the commission upon any petition is subject to review in a proceeding, brought within 30 days after service of notice of the final determination, in the circuit court of the county in which the district is located or of the county in which the plaintiff resides. Insofar as applicable, ss. 227.15 to 227.21 govern any proceeding for judicial review under this paragraph.

(c) If the commission does not stay compliance and a person fails to comply with a special order of the district within the time specified, or if a person fails to begin in good faith to obey, the person is creating a public nuisance enjoined under s. 823.02 and shall

forfeit to the district not more than \$1,000 for each day the failure continues. The forfeiture may be recovered by the commission in a civil action. Collected forfeitures shall be paid into the district's general fund. The forfeiture is in addition to and does not substitute for any damages recoverable by the commission.

(3) The commission may issue permits for the special use of the sewerage system to private persons, firms or corporations for the transmission and disposal of any liquid, gaseous or solid waste determined to be not detrimental to the sewerage system, to its employes or to the process of sewage treatment, upon terms and conditions specified by the commission. The commission may prescribe and collect an annual fee not to exceed \$500 for any permit for special use. The permit is revocable by the commission summarily for violation of the terms or conditions of the permit. A holder of the permit does not acquire any vested right or privilege by being issued a special use permit under this subsection. Any private person, firm or corporation using the sewerage system without a permit for a use for which a permit may be issued under this subsection, or continuing to use the sewerage system after notice of revocation of the permit, shall forfeit to the district not more than \$500 for each violation. The forfeiture may be recovered by the district in a civil action brought by the commission in the name of the district. Collected forfeitures shall be paid into the general fund of the district.

(4) The commission may designate representatives to conduct any hearings required under this section and, except as provided in s. 227.09 (5), may designate any member or employe of the commission for that purpose. If more than one person is designated, the commission shall specify the presiding officer for the hearing. All testimony or other evidence taken, appearances for and against the matter involved and a summary of the arguments of all parties shall be reported to the commission in the manner the commission prescribes.

(5) (a) Nothing in this section authorizes the commission to establish by rule or to enforce by special order or any other means any water quality standard, effluent limitation or other environmental standard that is more stringent than the rule or regulation governing the same subject matter adopted by the department of natural resources or the federal environmental protection agency.

(b) If neither the department of natural resources nor the federal environmental protection agency has adopted any rule or regulation affecting a particular subject matter, the commission may adopt rules in accordance with sub. (1).

(c) If the department of natural resources adopts a rule or the federal environmental protection agency adopts a regulation affecting the same subject matter as a rule adopted under par. (b) that is less stringent than the commission's rule, the commission shall within 90 days after the effective date of the department's rule or the agency's regulation amend or repeal the comparable commission rule, in order to comply with par. (a).

(6) The commission shall not establish by rule or enforce by special order or other means a duty on the part of any municipality to abate combined sewer overflows.

66.904 Contracts. (1) The commission may enter into contracts, agreements or stipulations necessary to perform its duties and exercise its powers under ss. 66.88 to 66.918, including contracts to purchase, lease or otherwise obtain the use of all necessary equipment, supplies and labor.

(2) (a) Except as provided in par. (b), all work done and all purchases of supplies and materials by the commission shall be by contract awarded to the lowest responsible bidder complying with the invitation to bid, if the work or purchase involves an expenditure of \$7,500 or more. If the commission decides to proceed with construction of any sewer after plans and specifications for the sewer are completed and approved by the commission and by the department of natural resources under ch. 144, the commission shall advertise by a class 2 notice under ch. 985 for construction bids. All contracts and the awarding of contracts are subject to s. 66.29.

(b) The commission may purchase without public advertisement or competitive bidding if the article, appliance, apparatus, material or process to be purchased is patented or made or manufactured by one party only or if damage or threatened damage to the sewerage system creates an emergency in which public health or welfare is endangered.

(c) The commission shall accept the bid of the person who it finds is the lowest responsible bidder complying with the invitation to bid for the contract unless it rejects all bids or relets the contract.

(d) Notwithstanding pars. (a) to (c) and in addition to any rights the commission may have under the provisions of the contract, the commission may amend any contract let under par. (a) with the agreement of the contractor, upon making the following findings:

1. The proposed amendment results in a reduction of the total contract price.
2. The changes do not substantially change the general scope or purpose of the contract work.

(3) (a) The commission may permit or require a sum of money or a certified check payable to the order of the district or a bond for the benefit of the district to be filed with any bid or proposal as liquidated damages in an amount that, in the judgment of the commission, will protect the district from any loss if the bid is accepted, the contract is awarded to the bidder and the bidder fails to execute a contract in accordance with the terms of the bid.

(b) Every contract made by the commission shall contain an agreement on the part of the contractor and the contractor's sureties requiring the contractor to pay to the district:

1. Actual damages if the contractor breaches the contract; or
2. Liquidated damages in a definite sum, to be named in the contract, for each day's delay in completing the contract after the time specified for its completion. The daily sum shall be an amount that, in the judgment of the commission, will protect the district from loss and will ensure the prompt completion of the contract.

(c) The commission may require any construction contract and any other contract specified by the commission's principal administrative officer to include a bond, which shall guarantee one of the following:

1. The full performance of the contract by the contractor to the satisfaction of the commission, according to the plans and specifications of the commission.
2. The full payment by the prime contractor of all claims for labor performed and materials furnished or used under the contract.

(4) The commission may use day labor to do any work if the principal administrative officer of the district in writing so recommends. All bids or part of a bid for any such work, supplies or materials may be rejected by the commission or may be subsequently relet.

(5) The commission may require that all contracts be let subject to ch. 102.

66.906 Commission employees. (1) The commission may appoint or employ professional or technical advisers and experts and other personnel the commission requires for the proper execution of its duties under ss. 66.88 to 66.918, fix their compensations and remove or discharge the employees at pleasure.

(2) The commission may appoint or employ highly trained, experienced or skilled employes for fixed periods.

(3) The commission may require any employe to provide an indemnity bond in an amount the commission finds appropriate for the proper performance of the employe's duties. No law respecting civil service applies to the commission or to the commission's employes.

66.908 Capital budget. (1) Annually on or before September 1, the commission shall adopt a capital budget for the benefit of the district, setting forth the anticipated revenues and expenditures for the ensuing fiscal year.

(2) During the budget year the commission may, with the concurrence of two-thirds of its members, transfer amounts from one capital account to another if it finds that the funds are not necessary to meet outstanding obligations payable from the account. Nothing in this subsection impairs, or authorizes the commission to impair, any contractual obligation entered into by the commission or the district.

66.91 Financing. The district may borrow money and issue and execute bonds, notes and other forms of indebtedness and may enter into agreements to secure its indebtedness in the manner specified in the following subsections:

(1) (a) The district may issue bonds, notes or certificates for the purposes provided in s. 66.066. Except as provided in pars. (b) to (f), the procedure for issuance of these bonds, notes or certificates is as specified in s. 66.066.

(b) The commission has the powers and duties specified for a board or council in s. 66.066. The district has the powers and duties specified for a municipality in s. 66.066. If s. 66.066 specifies that a board, council or municipality shall act by ordinance, the commission shall act by resolution.

(c) District bonds issued under s. 66.066 (2) (a) shall be executed by the chairperson and secretary of the commission rather than by a chief executive and clerk.

(d) 1. Section 66.066 (2) (a) 2 does not apply to district bonds. District bonds shall either mature:

- a. Serially, commencing not later than 3 years from the date of issue;
- b. In a specified term of years, if a sinking fund is created to pay the principal of these term bonds; or
- c. In any combination of serial and term bonds.

2. A sinking fund created under subd. 1. b shall provide for the retirement of the term bonds beginning not later than 3 years from the date of issue, or for deposit of money in the sinking fund, beginning not later than 3 years from the date of issue, to pay the principal of the term bonds at maturity.

3. Notwithstanding s. 66.066 (2) (a) 1, district bonds shall be made payable within 50 years from the date of the bonds, whether the bonds mature serially or within a specified term of years.

(e) Notwithstanding s. 66.066 (2) (c):

1. The commission may fix the proportion of revenues needed for operation and maintenance of the sewerage system and the proportion of revenues to be set aside as a depreciation fund.

2. The commission shall by resolution determine the proportion of revenues to be set aside for payment of principal and interest on the bonds as accurately as possible in advance. The commission may recompute the proportion of revenues set aside under this paragraph at any time, subject to the contract rights vested in holders of revenue obligations secured by the revenues.

(f) Deeds or mortgages that secure principal and interest of bonds under s. 66.066 (3) (c) shall be executed by the commission chairperson and secretary rather than by a chief executive and clerk.

(g) User charges and service charges established by the commission under sub. (5) or s. 66.076 to comply with any covenant concerning the sufficiency of the charges contained in a resolution providing for the issuance of revenue bonds, notes or mortgage certificates under s. 66.066 shall be presumed reasonable in any review of the charges by the public service commission under s. 66.912 (5).

(2) The commission may issue bonds or notes of the district for the purposes and in the manner provided in ch. 67. The purposes for which the commission may issue bonds or notes shall be construed to include financing the cost of planning and designing any part of the sewerage system and the cost of issuing the bonds or notes. Notwithstanding s. 67.08 (2), the commission may sell bonds or notes of the district issued under ch. 67 at public or private sale. If the commission authorizes the private sale of bonds or notes, the commission shall specify in its minutes the reasons for its decision to authorize private rather than public sale.

(3) To enhance the marketability of district bonds or notes issued under s. 66.066, the commission may:

(a) Pledge to the issue unencumbered amounts to be received by the district as service charges.

(b) Establish in the district's treasury a fund in a determinable amount not exceeding the principal amount of the issue, to be built up and maintained until the issue is paid or utilized as otherwise provided in the resolution or ordinance establishing the fund. The commission shall designate a fund established under this paragraph as a sinking fund for the particular issue. Any surplus in the sinking fund upon its termination shall be transferred to the general fund of the district treasury. The source of the sinking fund shall be one or more appropriations from the general fund of the district treasury, a direct, irrevocable, annual, general tax, a sales tax or a borrowing under sub. (2). The unfunded portion of the sinking fund is a debt of the district and shall be included in determining its constitutional debt limit under article XI, section 3 of the constitution.

(c) Levy a direct, irrevocable, annual, general tax in an amount sufficient to provide for the payment of all the principal and interest on the issue as it matures. The amount of the levy entered on the tax roll and collected each year shall be reduced by the amount in the special redemption fund provided under s. 66.066 or in any similar fund that is available for payment of principal and interest on the issue during the ensuing year. The portion of the principal of the issue not paid or provided for is a debt of the district and shall be included in determining its constitutional debt limit under article XI, section 3 of the constitution.

(4) (a) If the commission authorizes the issuance of bonds under ch. 67 it may, prior to the issuance of the bonds and in anticipation of their sale, authorize by resolution an issue of bond anticipation notes 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 of the commission 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 in place of the pledge of bond proceeds, for the levy of a direct, annual, irrevocable tax upon all of the taxable property of the district in an amount sufficient to pay the interest on the notes as the interest falls due and to pay and discharge the principal of the notes at maturity.

(b) No note may be issued under this subsection unless the commission's treasurer first certifies to the commission 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.

(c) Notes issued under this subsection shall be sold at public or private sale as determined by the resolution authorizing issuance. Notes issued under this subsection shall mature within 3 years of the date of issuance and shall be executed in the same manner as are district bonds. If the commission authorizes the private sale of notes, the commission shall specify in its minutes the reasons for its decision to authorize private rather than public sale. The notes shall state on their face that they are issued on behalf of the district

and that they are payable from proceeds of bonds issued under ch. 67 or from a tax upon all of the taxable property in the district. The notes are not a general obligation of the district, except to the extent that a tax has been levied under par. (a).

(d) Any funds derived from the issuance and sale of bonds under ch. 67 and issued subsequent to the execution and sale of notes issued under this subsection 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 other purposes set forth in the resolution authorizing the bonds.

(5) (a) The commission may establish, assess and collect service charges under s. 66.076 or under this subsection. Charges made by the district under this subsection are reviewable as provided in s. 66.912 (5).

(b) 1. The commission may, as a complete or partial alternative to any other method of recovering capital costs, compute a schedule of charges based on capital costs to be recovered under this subsection from any user.

2. In making this computation, the commission may consider any improvement, addition or rehabilitation of any physical structure, including interceptor sewers and treatment plants, to be an improvement, addition or rehabilitation to the entire sewerage system.

3. The commission shall:

a. Adopt a schedule of charges computed under this paragraph. The commission may modify the schedule as it deems necessary.

b. Submit the schedule it adopts and each modification of the schedule to each municipality within the district.

c. Bill periodically each municipality within the district for the charges due under this subsection.

(c) 1. Charges for sewerage service shall, to the extent practicable, be proportionate to the costs of the sewerage system that the district may reasonably attribute to the user.

2. The commission may classify users on the basis of uses and may establish separate charges for separate classes. In computing charges, the commission may consider any reasonable factor, including wastewater flow or drainage, delivery flow characteristics, water consumption, type and number of sewerage connections or plumbing fixtures, population served, lot size, portion of lot improved and assessed value of property served. The commission may also compute its fee schedules as needed to meet the requirements of s. 66.076 or of title II of the water pollution control act, 33 USC 1251 et seq.

(d) 1. Each sanitary district organized under ss. 60.302 to 60.305 and each metropolitan sewerage district organized under ss. 66.20 to 66.26 that is billed by the commission under par. (b) shall, within 5 days of receipt of a bill from the commission, in turn bill each city, town or village served by the sanitary district or metropolitan sewerage district organized under ss. 66.20 to 66.26. Each city, town or village located within the district and billed under this paragraph or billed by the commission under par. (b) or under s. 66.076 shall, within 45 days of receiving the bill, pay the full amount billed to the district. Each municipality may levy a reasonable penalty for late payment by the user to the municipality. Each municipality may provide for the payment of charges to it by any means specified in s. 66.898 (5).

2. Any city, town or village may collect and tax charges made by it to users in the same manner as water rates are taxed and collected under s. 66.069 (1) or 66.071 (1) (e). Charges taxed under this subdivision are a lien upon the property served, as provided in s. 66.091 (1) or 66.071 (1) (e).

(e) The commission may separately compute, on any reasonable basis, both capital and operating costs of providing sewerage service to any federal, state, county or municipal facility and may directly bill the federal government, the state, the county or the municipality.

(6) (a) The commission may levy a tax upon the taxable property in the district as equalized for state purposes:

1. To make payments to a county as provided in s. 66.882 (1) (b) 2;
2. To pay principal, interest and any premiums on bonds or notes issued by the district under sub. (2) or (4) or under s. 67.12;
3. For the purposes provided in sub. (3); or
4. To acquire, extend, plan, design, construct, add to or improve land, waters, property or facilities for sewerage purposes.

(b) Within 10 days after receiving the equalized valuations from the department of revenue, the secretary of the commission shall file with the clerk of each city, town or village wholly or partially within the boundaries of the district a certified statement showing the amount of the district tax levy and the proportionate amount of the tax to be entered on the tax rolls for collection in each city, town or village. The proportionate amount shall be based on the ratio of full value of the taxable property of the part of the city, town or village located in the district to the full value of all taxable property in the district. Upon receiving the certified statement from the secretary of the commission, the clerk of each city, town or village shall enter the amount of the tax on the tax rolls of the area of the city, town or village included in the district for collection. This proportionate amount of the tax is not subject to any limitation on county, city, village or town taxes.

(7) Prior to exercising its authority under this section, the commission shall consider the debt marketing plans of any municipality or any county located wholly or partially within the district's boundary that notifies the commission of its debt marketing plans.

66.914 Judicial review of compliance schedules. If a court-ordered schedule of compliance affecting the district is reviewed by a court, the court shall take into consideration the availability of state and federal grant funds used to comply with the schedule, the timely achievement of state and federal clean water goals and equity with the efforts of other cities, villages, towns, sanitary districts and metropolitan sewerage districts to comply with the requirements to achieve these goals. In its review the court shall determine what, if any, effect the availability of state and federal grant funds has on the compliance schedule.

66.916 Construction. Nothing in ss. 66.88 to 66.914 in any way limits or takes away any of the powers of any municipality located in the district, relating to the construction, extension or repair of local or sanitary sewers or drains except that all plans and specifications for the construction of any local or sanitary sewers or extensions thereof shall be submitted to and approved in writing by the district before the sewers are constructed.

66.918 Validation of debt; liability for diverting funds. (1) No legislative, judicial or administrative determination that a district may not spend borrowed money or that a district has spent borrowed money for a purpose other than the stated purpose for which it was borrowed affects the validity of the obligation or the evidence of indebtedness therefor.

(2) Section 893.77 applies to all borrowing by a district and to all evidences of indebtedness given therefor.

(3) (a) Any person participating in any impairment of or diversion from a borrowed money fund, sinking fund, special redemption fund, bond security or similar fund of the district is liable in an action brought by a party listed under par. (b) for the cost of restoring the fund to its proper level.

(b) The commission, any taxpayer of the district or any holder of an evidence of indebtedness payable in whole or in part out of the fund that is impaired or diverted may commence an action under par. (a).

SECTION 21. 67.01 (1) and (3) of the statutes are amended to read:

67.01 (1) "Municipality" includes a county, city, village, town, common school district, union high school district, unified school district, whether any such district is joint or otherwise, a board of education, a board of park commissioners, a vocational, technical and adult education district, a metropolitan sewerage district created under ss. 66.88 to 66.918 and any other public body empowered to borrow money and issue written obligations to repay the same out of public funds or revenues.

(3) "Governing body" includes a town or county board, the legislative body of a city or village, the commission of a metropolitan sewerage district created under ss. 66.88 to 66.918 and the board of any ~~district or~~ other municipality enumerated in sub. (1).

SECTION 22. 67.01 (9) of the statutes is created to read:

67.01 (9) "Clerk" includes the secretary of the metropolitan sewerage commission under s. 66.886 (4).

SECTION 23. 67.04 (16m) of the statutes is created to read:

67.04 (16m) By any metropolitan sewerage district created under ss. 66.88 to 66.918 to:

(a) Acquire, purchase, extend, construct, add to or improve land, waters, property or facilities for purposes of the district;

(b) Fund or refund any bonds or notes issued by the district under s. 66.066 or 66.91 (4) or under this chapter; or

(c) Fund or refund any bonds or notes issued by a county under s. 59.96 (7), 1979 stats., on behalf of a metropolitan sewerage district created under s. 59.96, 1979 stats.

SECTION 24. 67.05 (6) of the statutes is amended to read:

67.05 (6) REFERENDUM IN OTHER CASES. Whenever an initial resolution has been so adopted by the governing body of any municipality whatsoever other than a county, a town, a city, a village, a vocational, technical and adult education district, a metropolitan sewerage district created under ss. 66.88 to 66.918 or a board of park commissioners, the clerk of such municipality shall immediately record the same and call a special meeting for the purpose of submitting the resolution to the electors of the municipality for ratification or rejection. The calling and conduct of such meeting shall be governed by those statutes, so far as applicable, which govern the calling and conduct of special meetings in general. The notice of the meeting, which shall be publicly read before the balloting shall commence, and the ballot used, shall embody a copy of the resolution; the form of the ballot shall correspond, as near as may be, with form "D" annexed to s. 5.64 (2); and the question submitted shall be whether the resolution shall be approved.

SECTION 25. 67.07 of the statutes is amended to read:

67.07 Maturity and place of payment. The principal of every sum borrowed and secured by an issue of municipal bonds may be made payable at one time in a single payment or at several times in 2 or more instalments; but every instalment, whether of principal or interest, shall be made payable not later than the termination of the 20 years immediately following the date of the bonds, if issued by a county, town, city or village, board of park commissioners, vocational, technical and adult education district or by any school district referred to in s. 67.04 (6), and not later than the termination of the 15 years immediately following February 1 next ensuing such date, if issued by any other municipality, except that when the bonds are issued in the acquisition of lands by a county having a population of 150,000 or over, for public, municipal purposes or for the permanent improvement thereof, by a sewerage district or county having a population of

150,000 or over for sewerage purposes and by any city for sewerage purposes, all instalments of principal and interest shall be made payable within a period not exceeding 50 years from the time when the bonds become a municipal obligation. The terms of the bonds, when issued, shall comply with the initial resolution. A place without the state may be designated by the municipality for such payments.

SECTION 26. 67.08 (1) of the statutes is amended to read:

67.08 (1) Municipal bonds shall be executed in the name of and for the municipality issuing them by their qualified officers who shall, for that purpose, sign the same in their official capacities, as follows: For a county, the chairman of the county board and the county clerk; for a city, the mayor or the city manager and the city clerk; for a village, the president and the village clerk; for a town, the chairman and the town clerk; for a metropolitan sewerage district established under ss. 66.88 to 66.918, the chairperson and secretary; for any other municipality, the president and clerk or secretary of the governing body. The facsimile signature of any of the officers executing a municipal bond may be imprinted on the bond in lieu of the manual signature of the officer, but at least one of the signatures appearing on each bond shall be a manual signature. Bonds issued under this chapter bearing the signatures of officers in office on the date of the execution of the bonds are valid and binding obligations, notwithstanding that before the delivery of the bonds any or all of the persons whose signatures appear on the bonds have ceased to be officers of the municipality issuing them. Each bond issued by a municipality having an official or corporate seal shall be sealed with such seal or a printed facsimile of such seal. This subsection shall apply to mortgage revenue bonds under s. 66.066.

SECTION 27. 67.10 (2) of the statutes is amended to read:

67.10 (2) (title) FISCAL AGENTS. ~~The common council of any city and the county board of any county governing body of any municipality that is~~ indebted on account of outstanding municipal bonds ~~is authorized, in its discretion, to may~~ appoint a fiscal agent located in some city within or without the state, or, if deemed convenient, ~~two~~ 2 such agents, each in a different city. Every such fiscal agent shall be an incorporated bank or trust company authorized by the laws of the United States or of the state in which it is located to do a banking or trust company business. The treasurer of the ~~city or county municipality~~ shall, when instructed ~~so to do~~ by written communication from the ~~common council, or county board~~ municipality's governing body, deposit with such fiscal agent or agents such sums of money for the payment of the principal or interest of its ~~said~~ bonds as may be specified for that purpose in such communication.

SECTION 28. 67.11 (1) (e) of the statutes is amended to read:

67.11 (1) (e) Such further sums, raised by taxation annually, or from time to time, as may be necessary to make the contributions to the fund from all sources in each year, beginning with the first year, amount in the aggregate to a sum sufficient to pay all interest and principal maturing in such year ~~and not less than 5 per cent of the original indebtedness~~. The levying and collection of such taxes are authorized and commanded; but the governing body may, in its discretion, levy and collect larger sums than the sums so commanded, in order to speed the payment of the bonds.

SECTION 29. 67.12 (1) (b) and (d), (5), (6) and (12) (a) 4, as affected by chapter 20, laws of 1981, (b), (c), (d), (e) 1 and (f) of the statutes are amended to read:

67.12 (1) (b) The governing body of any metropolitan sewerage district created under ss. 66.88 to 66.918 or of any county, town, village or city about to solicit such a temporary loan, shall first adopt and record a resolution specifying the purpose and the amount of the loan, and levying a tax for the same amount to provide payment; which tax, after receipt of the borrowed money, shall become and continue irrevocable, and shall be carried into the next tax roll of the municipality and collected as other taxes are collected. The proceeds of such tax shall be kept in a distinct and separate fund and be used for the sole purpose of paying such temporary indebtedness. Such resolution shall be supported

in a the metropolitan sewerage district or in the county, town, village or city by at least three-fourths of all the members-elect of its governing body, or, in the case of a city borrowing for school purposes and having territory attached for school purposes only, by three-fourths of all the votes provided by the formula contained in s. 120.50 (2).

(d) Such temporary borrowing by any county or city is limited to such an amount as its board or common council deems necessary to its safety and interest; by a metropolitan sewerage district, town or village, to the amount for which it has levied a special tax as required by par. (b).

(5) EMERGENCY BORROWING. Whenever a public building, utility, sewer system, bridge or other property of a metropolitan sewerage district created under ss. 66.88 to 66.918 or of a county, town, village or city is suddenly destroyed or injured, or threatened with destruction or injury, by flood, fire, tempest or other unusual cause, the governing body of a municipality may levy a tax to provide means for the protection, repair or restoration of such property in such amount as such body may deem necessary. Borrowing for such emergencies shall be regulated by sub. (1) (b) and (c).

(6) ADVANCE BORROWING ON REGULAR TAX ROLL. When any tax has been ordered or levied to be collected on the next tax roll, and such tax roll shall have been placed in the hands of the treasurer for collection, any metropolitan sewerage district created under ss. 66.88 to 66.918 or any town board, village board or common council may, in temporary necessity, borrow money in anticipation of the payment of such tax, and apply the same to the purposes for which such tax was ordered or levied; and they may give orders on the treasurer, payable at a future date, therefor, with or without interest, and for the payment thereof such tax shall stand irrevocably pledged and irrevocable. But no order on any metropolitan sewerage district treasurer or on any town or village treasurer shall in any case whatever be, or be held to be, negotiable according to the usage of merchants.

(12) (a) 4. Any county may borrow money for acquisition and transfer of real property to the state for new collegiate institutions or research facilities. Any metropolitan sewerage district created under ss. 66.88 to 66.918 may borrow money to fulfill the powers and duties of the district specified in those sections.

(b) To evidence such indebtedness the county, city, village, town, school district, vocational, technical and adult education district, metropolitan sewerage district or town sanitary district shall issue to the lender its promissory notes with interest, payable within a period not exceeding 10 years following the date of issuance of said notes.

(c) At any time during the term of any original promissory note, or thereafter, in the event the county, city, village, town, school district, vocational, technical and adult education district, metropolitan sewerage district or town sanitary district has not paid the full amount due thereon: ~~1. the~~

1. The lender may grant an extension of time, or 2. if, or

2. If the terms of any note outstanding permits payment prior to maturity, the county, city, village, town, school district, vocational, technical and adult education district, metropolitan sewerage district or town sanitary district may refund such note outstanding or any part thereof, such extension or refunding to be evidenced by a refunding note for payment of any amounts due or to become due under the provisions of such original promissory note upon such terms as may be agreed upon, with interest, for a term not exceeding 10 years following the date of issuance of any such refunding note.

(d) Such notes shall be signed in the same manner and by the same officers as are required under s. 67.08 (1) to sign municipal bonds and shall carry on the face thereof the provisions of the resolution authorizing the same or a digest thereof or a reference to the same so that it can be readily located; and such notes shall be the general obligation of the county, city, village, town, school district, vocational, technical and adult education district, metropolitan sewerage district or town sanitary district issuing them.

(e) 1. The governing body of such county, city, village, town, school district, vocational, technical and adult education district, metropolitan sewerage district or town sanitary district shall adopt and record a resolution specifying the purposes and the amount of the loan or that the note is a refunding note, the instalments, the rate of interest, and levying a direct annual irrevocable tax sufficient to pay each instalment, and the interest, as it becomes due and payable. Such resolution shall be adopted by at least a two-thirds vote of the members-elect of such the governing body or, in the case of a city borrowing for school purposes and having territory attached for school purposes only, by at least two-thirds of all the votes provided by the formula contained in s. 120.50 (2).

(f) The county municipal clerk, city comptroller, ~~village clerk, town clerk, school district clerk,~~ vocational, technical and adult education district secretary or metropolitan sewerage district or town sanitary district secretary shall keep, maintain and preserve an adequate and correct register account of all notes issued and all payments and other transactions relating thereto.

SECTION 30. 70.66 (1) of the statutes, as affected by chapter 20, laws of 1981, is amended to read:

70.66 (1) BY TAXATION DISTRICT CLERKS. Upon receipt of the certificate of the apportionment from the county clerk and the secretary of the metropolitan sewerage district created under ss. 66.88 to 66.918, each taxation district clerk shall uniformly calculate and carry out in one item opposite to each valuation in the tax roll the amount required to be raised upon the valuation to realize in the taxation district the whole amount of state, county, school, metropolitan sewerage district and other taxes so certified, together with the town, village or city and other local taxes, except taxes to pay judgments, that are to be levied uniformly upon all the taxable property in the taxation district; and all other taxes, if any, including taxes to pay judgments, in separate column opposite the valuation of the property to be charged.

SECTION 31. 74.03 (5) (d) 3 and 5 and (8) (f) and (g) of the statutes are amended to read:

74.03 (5) (d) 3. The town, city or village treasurer shall then pay to each metropolitan sewerage district treasurer, school district treasurer and vocational, technical and adult education district treasurer the proportions of the levy of the district as the balance of the general property taxes collected in the town, city or village bears to the total general property tax levy therein for all purposes included in the tax roll, exclusive of levies for state trust fund loans. In cities operating schools under subch. II of ch. 120 the treasurer shall retain the proportion levied for school purposes.

5. The county treasurer shall remit state taxes and state special charges to the state treasurer as provided in s. 74.26, and likewise remit the county school moneys as provided by law, ~~and shall retain for the use of the metropolitan sewerage district an amount equal to the taxes levied under s. 59.96 (7), and credit the same amount to the proper metropolitan sewerage area accounts on or before March 20.~~

(8) (f) Out of the remaining proceeds of the general taxes and special assessments collected for each town, city or village, the county treasurer shall first set aside and pay to the state treasurer the balance due on state trust fund loans. The county treasurer shall then pay to each town, city or village treasurer or to the treasurer of a metropolitan sewerage district created under ss. 66.88 to 66.918 such proportions of the balances due on levies for school purposes, for vocational, technical and adult education districts, for metropolitan sewerage district purposes and for town, city or village purposes (including special assessments not returned in trust) as the balance of the general taxes and special assessments collected in such town, city or village bears to the total balance then due on all general levies and special assessments, except those referred to in pars. (b), (c) and (d). In cities operating schools pursuant to subch. II of ch. 120 the city treasurer shall retain such proportion levied for school purposes, and elsewhere the town, city or village

treasurer shall pay such proportion to the school treasurers. The county treasurer shall retain like proportions of the balances due on state taxes, state special charges, county school tax, other county taxes and county special charges. The county treasurer shall remit the proportions retained on state taxes and state special charges to the state treasurer as provided in s. 74.26, and likewise remit the amount retained for county school taxes as provided by law.

(g) The county board of any county may authorize and direct its county treasurer to settle in full for all taxes, or special assessments, or both, within one month after the return of such taxes and special assessments pursuant to s. 74.17. The county treasurer shall settle in full for all taxes levied by a metropolitan sewerage district created under ss. 66.88 to 66.918 within one month after the return of the taxes under s. 74.17. Such settlements shall be made with interest for special assessments levied for public improvements and benefits and for taxes and assessments levied pursuant to ch. 88 (or ch. 88 or 89 as they existed prior to January 1, 1965). Settlements for all other taxes and special assessments shall be made without interest.

SECTION 32. 74.03 (10) (a) of the statutes is amended to read:

74.03 (10) (a) On or before February 25, the city treasurer shall return the duplicate county tax roll to the county treasurer ~~and the~~. The delinquent city taxes and special assessments shall be collected by the city treasurer as provided in the city charter, except that the city treasurer shall certify all delinquent taxes levied by a metropolitan sewerage district that is created under ss. 66.88 to 66.918 to the county treasurer for collection.

SECTION 33. 74.031 (8) (d) 3 and (9) of the statutes are amended to read:

74.031 (8) (d) 3. The city, village or town treasurer shall then pay to each metropolitan sewerage district treasurer, school district treasurer and vocational, technical and adult education district treasurer the proportions of the levy of the district as the balance of the general property taxes collected in the city, village or town bears to the total general property tax levy therein for all purposes included in the tax roll, exclusive of levies for state trust fund loans ~~and metropolitan sewerage district taxes~~. In cities operating schools under subch. II of ch. 120 the treasurer shall retain the proportion levied for school purposes.

(9) DELINQUENT TAXES RETURNED. The city, village or town treasurer shall retain the tax roll and make collections thereon to and including July 31. On or before August 15 he shall return the tax roll to the county treasurer as provided by s. 74.17. The county board of any county may authorize and direct its county treasurer to settle in full for all taxes, or special assessments, or both, within one month after the return of such taxes and special assessments to the county. The county treasurer shall settle in full for all taxes levied by a metropolitan sewerage district created under ss. 66.88 to 66.918 within one month after the return of the taxes under s. 74.17. Such settlements shall be made with interest for special assessments levied for public improvements and benefits and for taxes and assessments levied pursuant to ch. 88 (or ch. 88 or 89 as they existed prior to January 1, 1965). Settlements for all other taxes and special assessments shall be made without interest.

SECTION 34. 74.19 (3) (a) of the statutes is amended to read:

74.19 (3) (a) All taxes returned delinquent and postponed and all delinquent taxes or instalments certified under s. 74.03 (10) (a) shall be collected by the county treasurer, with the interest thereon; and all actions and proceedings commenced and pending for the collection of any personal property tax shall be thereafter prosecuted and judgments therein be collected by the county treasurer.

SECTION 35. 74.79 (2) of the statutes is amended to read:

74.79 (2) The common council of such city ~~shall have the power~~ may by ordinance to extend the time of payment without interest of a portion of all taxes and charges in the duplicate county tax roll or of any tax or charge levied by a metropolitan sewerage district

under ss. 66.88 to 66.918 for a period of time not exceeding 6 months from January 31 in one or more instalments; the time of payment, interest and delinquency to be the same as provided for such city instalments.

SECTION 36. 147.04 (4) (c) of the statutes is created to read:

147.04 (4) (c) *Other limitations for combined sewer overflows.* In lieu of pars. (a) and (b), effluent limitations required by subs. (2) (a) and (5) for combined sewer systems tributary to treatment works owned and operated by any metropolitan sewerage district created under ss. 66.88 to 66.918.

SECTION 37. 219.06 (title) and (1) of the statutes are amended to read:

219.06 (title) Certain bonds legal investments and security. (1) The state and all public officers, municipal corporations, political subdivisions, and public bodies, all banks, bankers, savings and loan associations, credit unions, trust companies, savings banks and institutions, investment companies and other persons carrying on a banking business, and all executors, administrators, guardians, trustees and other fiduciaries, may legally invest any sinking funds, moneys or other funds belonging to them or within their control in any bonds or other obligations issued by a metropolitan sewerage district under ss. 66.88 to 66.918 or by a housing authority created by or pursuant to the housing authorities law of this state or issued by any public housing authority or agency in the United States, when such bonds or other obligations are secured by a pledge of annual contributions to be paid by the United States government or any agency thereof ~~or~~, by the city or county in which operates the housing authority issuing such bonds or other obligations or by the district under s. 66.91 or are guaranteed by the state. Such bonds and other obligations shall be authorized security for all public deposits and shall be fully negotiable in this state.

SECTION 38. 823.02 of the statutes is amended to read:

823.02 Injunction against public nuisance, time extension. An action to enjoin a public nuisance may be commenced and prosecuted in the name of the state, either by the attorney general on information obtained by the department of justice, or upon the relation of a private individual, sewerage commission created under ss. 66.20 to 66.26 or a county, having first obtained leave therefor from the court. An action to enjoin a public nuisance may be commenced and prosecuted by a city, village, town or ~~a sewerage commission of a city of the 1st class and a metropolitan sewerage commission~~ district created under ~~s. 59.96~~ ss. 66.88 to 66.918 in the name of the municipality or metropolitan sewerage district, and it is not necessary to obtain leave from the court to commence or prosecute the action. The same rule as to liability for costs shall govern as in other actions brought by the state. No stay of any order or judgment enjoining or abating, in any action under this section, may be had unless the appeal is taken within 5 days after notice of entry of the judgment or order or service of the injunction. Upon appeal and stay, the return to the court of appeals or supreme court shall be made immediately.

SECTION 39. **Reorganization of existing commission.** (1) (a) This act does not affect the lawful contracts, agreements and obligations entered into by the commissioners appointed to a metropolitan sewerage commission under section 59.96, 1979 stats., or by the commissioners appointed to a sewerage commission in a 1st class city under sections 62.60 to 62.67, 1979 stats., or entered into on behalf of a metropolitan sewerage district created under section 59.96, 1979 stats. These contracts and obligations are binding upon any metropolitan sewerage commissioners appointed under this act and upon the metropolitan sewerage district reorganized under this act and shall be enforceable by and against the parties with whom they are made.

(b) This act neither negates nor enhances any previous court orders or judgments entered against the metropolitan sewerage district reorganized or the metropolitan sewerage commission created under section 66.882 (1) (b) 1 of the statutes. The reorganized metropolitan sewerage district shall stand in the same stead as the metropolitan sewerage

district created under section 59.96, 1979 stats. The metropolitan sewerage commission created under section 66.882 (1) (b) 1 of the statutes shall stand in the same stead as the metropolitan sewerage commission created under section 59.96, 1979 stats., and as the sewerage commission of a 1st class city created under sections 62.60 to 62.67, 1979 stats.

(c) The metropolitan sewerage district reorganized under section 66.882 (1) (b) 1 of the statutes shall stand in the same stead as the metropolitan sewerage district created under section 59.96, 1979 stats., in actions and litigation pending as of the effective date of this paragraph. The metropolitan sewerage commission created under section 66.882 (1) (b) 1 of the statutes shall stand in the same stead as the metropolitan sewerage commission created under section 59.96, 1979 stats., and as the sewerage commission of a 1st class city created under sections 62.60 to 62.67, 1979 stats., in actions and litigation pending as of the effective date of this paragraph.

(2) On the effective date of this act, all positions and employes of a sewerage commission of a 1st class city under sections 62.60 to 62.67, 1979 stats., are transferred to the metropolitan sewerage district under sections 66.88 to 66.918 of the statutes. This act does not affect compensation or benefit programs of employes of a sewerage commission of a 1st class city under sections 62.60 to 62.67, 1979 stats.

(3) On the effective date of this act, all property, assets, rights, privileges, immunities, powers and choses in action of a metropolitan sewerage district created under section 59.96, 1979 stats., or held in the name of a sewerage commission created under section 59.96, 1979 stats., or under sections 62.60 to 62.67, 1979 stats., are transferred to the metropolitan sewerage district that is reorganized under section 66.882 (1) (b) of the statutes.

(4) (a) Notwithstanding the requirement in section 66.884 (1) (b) of the statutes, the terms of commissioners appointed under section 66.882 (2) (c) of the statutes commence on the date of appointment.

(b) Until a majority of the commissioners are appointed under paragraph (a), the commissioners of a sewerage commission created under section 59.96, 1979 stats., or under sections 62.60 to 62.67, 1979 stats., shall continue as commissioners of the metropolitan sewerage district that is reorganized under section 66.882 (1) (b) of the statutes. Until a secretary is appointed under section 66.886 (4) of the statutes, the secretary appointed under sections 59.96 (3) and 62.60 (3), 1979 stats., shall continue as secretary of the metropolitan sewerage district that is reorganized under section 66.882 (1) (b) of the statutes.

(c) The initial appointees to a metropolitan sewerage commission under paragraph (a) shall assume their seats on the date of appointment.

SECTION 40. Applicability to existing projects. Notwithstanding the limitation contained in section 66.894 (2) (b) of the statutes concerning the authority of a metropolitan sewerage commission to use the land under the waters of the state, the metropolitan sewerage district and the metropolitan sewerage commission created under section 66.882 (1) of the statutes may construct and maintain over, under or upon the bed of any outlying waters of the state, as defined in s. 29.01 (4) (a) of the statutes, any sewerage facilities necessary to carry into effect the facilities plan adopted prior to the effective date of this act and approved by the department of natural resources under section 144.04 of the statutes.

SECTION 41. Performance audit. (1) In this section:

(a) "Commission" means the metropolitan sewerage commission created under sections 66.88 to 66.918 of the statutes.

(b) "RFP" means a request for proposal.

(2) In addition to regular financial audits, a program, management and compliance audit of each commission shall be commenced during 1982 after all members of the commission are appointed. The audit shall be completed with all deliberate speed.

(3) After consulting with the commission, the legislative audit bureau shall prepare the draft RFP for the audit required under subsection (2). The legislative audit bureau shall hold one or more public hearings on the draft RFP. Based on the hearing or hearings, the legislative audit bureau shall formulate the final RFP.

(4) Upon authorization of the RFP by the legislative audit bureau, the commission shall issue the RFP and shall contract with the auditor selected by the commission to perform the audit under this section. The commission shall pay the cost of the audit.

(5) Prior to issuing the final audit report, the auditor shall review its findings, conclusions and recommendations with the commission.

(6) The elements of the audit as defined in the RFP under subsection (3) shall include each of the following provisions:

(a) An examination of the procedures used by the commission in planning and carrying out its responsibilities under ss. 66.88 to 66.918 of the statutes.

(b) A general examination of the efficiency and effectiveness with which all programs are administered by the commission.

(c) A review and use, as appropriate, of audits of the governing body of a metropolitan sewerage district created under section 59.96 of the statutes.

(d) A measurement of how effectively the goals and objectives of these programs are being met by the commission, including a determination of whether the commission has considered alternatives that might yield the desired results at a lower cost.

(e) An examination of whether financial operations are properly conducted, whether the commission's financial and accounting reports are fairly presented and whether the commission has complied with applicable laws, rules and regulations of the state and federal governments governing the programs under its administration.

(f) An evaluation of the consequences, effects and desirability, if any, of directing the commission to procure professional services on the basis of competitive bidding.

SECTION 42. Residual wastewater solids lagoons. (1) The metropolitan sewerage district reorganized under section 66.882 (1) (b) of the statutes shall begin substantial work on the site to remove the north lagoons of its southern treatment plant no later than July 1, 1982, and shall remove the north lagoons completely on or before November 1, 1982.

(2) (a) The metropolitan sewerage district reorganized under section 66.882 (1) (b) of the statutes shall cease storing and shall remove residual wastewater solids in one-fourth of the south lagoons of its southern treatment plant no later than December 1, 1982.

(b) Except as provided in par. (c), the metropolitan sewerage district reorganized under section 66.882 (1) (b) of the statutes shall cease storing and shall remove residual wastewater solids in an additional one-fourth of the south lagoons by December 15, 1983.

(c) The metropolitan sewerage district reorganized under section 66.882 (1) (b) of the statutes may use not more than 3 of the lagoons existing on the effective date of this paragraph between December 15, 1983 and December 15, 1985, if this use is necessary because the zoning and land use ordinances of all municipalities located wholly or partially within 50 miles of the southern treatment plant in which suitable agricultural land is available:

1. Prohibit the district from spreading residual wastewater solids on agricultural lands;
or

2. Require the district to pay prohibitively high fees in order to spread residual wastewater solids on agricultural lands.

(d) Use of the south lagoons under paragraph (c) as residual wastewater solids lagoons shall cease December 15, 1985, unless an emergency or litigation directly affecting the authority of the district to use the contiguous lake bed prevents complete termination. "Emergency" means failure to maintain the critical path for the design and construction of a dewatering building and storage facilities for dewatered residual wastewater solids because of litigation that temporarily or permanently prohibits the district from levying taxes or borrowing funds, labor or weather delays or unforeseen occurrences beyond the control of the district.

(e) On or before January 1, 1990, all south lagoons of the district's southern treatment plant shall be removed completely.

(3) Following the completion of any work required in subsection (1), the metropolitan sewerage district reorganized under section 66.882 (1) (b) of the statutes shall utilize the areas from which the north lagoons were removed for recreation and shall create, as a condition of any lake fill at its southern treatment plant, a facility for sport fishing.

SECTION 43. Combined sewer overflow abatement. For the purposes of determining the most cost-effective means of combined sewer overflow abatement for the metropolitan sewerage district reorganized under section 66.882 (1) (b) of the statutes, it shall be rebuttably presumed:

(1) That the method of combined sewer overflow abatement contained in any master facilities plan, as amended in February 1982 to delete the separation of combined storm and sanitary sewers, is the most cost-effective method of combined sewer overflow abatement.

(2) That separation of combined sewers is not the most cost-effective method of combined sewer overflow abatement.

SECTION 44. Exchange of quitclaim deeds. (1) The county in which a metropolitan sewerage district is initially reorganized under section 66.882 (1) (b) of the statutes and the metropolitan sewerage district created under section 66.882 (1) (b) of the statutes shall exchange quitclaim deeds as follows:

(a) Except as provided in paragraph (b), the metropolitan sewerage district shall quitclaim to the county its right, title and interest to any land that is covered by the outlying waters, as defined in section 29.01 (4) (a) of the statutes, and to which the state has given the county title in a lake bed grant under chapter 178, laws of 1933, as amended by chapter 194, laws of 1935.

(b) The county shall quitclaim to the metropolitan sewerage district its right, title and interest to any land that is covered by the outlying waters, as defined in section 29.01 (4) (a) of the statutes, to which the state has given the county title in a lake bed grant under chapter 178, laws of 1933, as amended by chapter 194, laws of 1935, and that on the effective date of this act is used for sewage treatment plant purposes or may be used for sewage treatment plant purposes as proposed in a facilities plan adopted prior to the effective date of this act and approved by the department of natural resources under section 144.04 of the statutes.

(2) Chapter 178, laws of 1933, as amended by chapter 194, laws of 1935, is amended to allow the county to execute the deed under subsection (1) (b) to the metropolitan sewerage district for sewage treatment plant purposes.

SECTION 45. Terminology changes. (1) Wherever the term "governing board" appears in the following section of the statutes, the term "governing body" is substituted: 67.12 (9) (a) and (10).

(2) Wherever the term "county, town, city, village, school district or vocational, technical and adult educational district" appears in the following section of the statutes, the term "municipality" is substituted: 67.11 (1) (intro.).

SECTION 46. Program responsibility changes. In the sections of the statutes listed in Column A, the program responsibilities references shown in Column B are deleted and the program responsibilities references shown in Column C are inserted:

(1) EXECUTIVE ADMINISTRATION.

A	B	C
Statute Sections	References Deleted	References Inserted
14.011 (intro.)	59.96	17.27 (1m)

(2) NATURAL RESOURCES.

A	B	C
Statute Sections	References Deleted	References Inserted
15.341 (intro.)	59.96 (6)	66.894 (4) and (9) and 66.904

(3) PUBLIC SERVICE COMMISSION.

A	B	C
Statute Sections	References Deleted	References Inserted
15.791	59.964 (6)	66.886 (8) and 66.912 (5)

SECTION 47. Cross-reference changes. In the sections of the statutes listed in Column A, the cross-references shown in Column B are changed to the cross-references shown in Column C:

A	B	C
Statute Sections	Old Cross-References	New Cross-References
32.05 (1)	s. 59.96 or 66.22	ss. 66.22 or 66.88 to 66.918
43.57 (2)	s. 59.96	ss. 66.88 to 66.918
59.07 (52)(a)	s. 59.96	s. 66.91 (5)
59.07 (52)(a)	59.964	66.912
59.96 (7)(a) and (c)	59.964	66.912
66.21	s. 59.96	ss. 66.88 to 66.918
66.24 (1)(d)	62.61 (2)	66.902
77.54 (9a)(d), as affected by ch. 20, laws of 1981	59.96 or 66.20 to 66.26	66.20 to 66.26 or 66.88 to 66.918

SECTION 48. Effective date. (1) Except as provided in subsection (2), this act takes effect on the day following its publication.

(2) (a) The repeal of section 59.96 (title), (7), (10) and (12) of the statutes by this act takes effect on December 31, 1982.

(b) The treatment of section 74.03 (5) (d) 5 of the statutes by this act takes effect on March 21, 1983.