

1981 Assembly Bill 358

Date published: April 28, 1982

## CHAPTER 281 , Laws of 1981

AN ACT to repeal 926-11L; to amend 59.96 (1), 60.29 (16) and 62.61 (1) (f); and to create 62.175 (title) of the statutes; and to repeal private and local laws of 1856, chapter 168, private and local laws of 1858, chapter 261, private and local laws of 1867, chapter 402, private and local laws of 1868, chapter 64, private and local laws of 1870, chapter 494, laws of 1889, chapter 67 and laws of 1895, chapter 225; and to renumber and amend laws of 1897, chapter 231, section 1 and laws of 1913, chapter 608, section 15.1 and 2, relating to placing in the statutes laws related to sewerage commissions in 1st class cities and metropolitan sewerage districts.

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill was prepared by the revisor of statutes pursuant to the directive in laws of 1977, chapter 379, section 32, and referred to the law revision committee under s. 13.83 (1) (c) 3 of the statutes. After careful consideration of the various provisions of this bill, the law revision committee has determined that this bill complies with the directive of laws of 1977, chapter 379, to incorporate into the statutes any laws of this state affecting sewerage commissions in 1st class cities or metropolitan sewerage districts, and does so while making only minor substantive changes in the laws.

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

59.96 (1) APPOINTMENT OF COMMISSIONERS. In any county having a population of 500,000 or more where the common council of any 1st class city ~~of the 1st class~~ within ~~such~~ the county has adopted a resolution under s. 62.60 (1) declaring that it is necessary to provide sewage disposal works for such the city and in which a sewerage commission has been appointed and qualified, and has adopted plans for, and commenced the construction of a sewage disposal plant for ~~said~~ the city, the governor shall appoint 3 sewerage commissioners who shall constitute and be known as the "Metropolitan Sewerage Commission" of such county. One person shall be certified by the sewerage commission of ~~such~~ the 1st class city ~~of the 1st class~~ and one person by the department of natural resources to the governor, who shall appoint as members of the metropolitan sewerage

commission the 2 persons thus certified and shall name as the 3rd member of the commission a resident within the drainage area of said the county outside of the city limits of ~~such~~ the 1st class city of the 1st class. Not less than 6 weeks prior to the expiration of the term of any commissioner, his or her successor shall be certified and appointed as provided ~~above~~ in this subsection for a term of 6 years. A commissioner shall hold office until his or her successor has been appointed and qualified. Vacancies occurring during the term of any commissioner shall be filled in like manner, but for the unexpired term only.

SECTION 3. 60.29 (16) of the statutes is amended to read:

60.29 (16) (title) WATER MAINS AND SEWERS OF ADJOINING MUNICIPALITY. To grant to any adjoining city or village permission, in the extension of its water or sewage systems, subject to s. 62.175 (1) and the rights of abutting property owners, to lay and maintain water mains and sewers in any street or highway in the town, and no abutting property owner who is permitted to connect with and use any such water main shall be deprived of the use thereof, except as to the use of water for nonpayment of water charges, without the consent of the town board.

NOTE: Laws of 1897, chapter 231, section 1, renumbered by the bill to be section 62.175 (1) of the statutes, provides for sewer and water extensions by 1st class cities.

SECTION 3m. 62.175 (title) of the statutes is created to read:

**62.175 (title) Sewer and water extensions in 1st class cities; sewage from other municipalities.**

SECTION 4. 62.61 (1) (f) of the statutes is amended to read:

62.61 (1) (f) To appoint or employ, professional or technical advisers and experts, and such other personnel as the commission requires for the proper execution of the duties devolved upon it by this subchapter, and to fix their respective compensations and to remove or discharge the employes at pleasure (except such highly trained, experienced or skilled employes as the commission agrees to appoint or employ upon special terms, for definite and fixed periods of time), and to exact from such employes indemnity bonds for the proper performance of their respective duties, as the commission deems proper. No Except as provided by par. (k), no law respecting civil service applies to the sewerage commission established under this subchapter or to the sewerage commission employes.

SECTION 6. 926-11L of the statutes, withdrawn from the statutes by laws of 1921, chapter 396, is repealed.

NOTE: Section 926-11L of the statutes refers to the anticipated transfer of a completed sewer system from the city sewerage commission of the city of Milwaukee to the city. That transfer, contemplated when this section was originally enacted, has never taken place. Instead, the sewerage system is operated by the Milwaukee metropolitan sewerage district. Also, this section refers to a one mill tax which has been repealed by implication by the enactment of section 59.96 of the statutes and which was expressly repealed by the laws of 1977, chapter 379. Accordingly, section 926-11L of the statutes is repealed as obsolete.

SECTION 7. Private and local laws of 1856, chapter 168, is repealed.

NOTE: Obsolete. This act authorized construction of a sewer in Milwaukee's 2nd ward. The sewer would have been authorized by the laws of 1869, chapter 399, sections 7 and 15, which included existing sewers in a diagram of Milwaukee's sewerage plan. The plan would be subject to approval by Milwaukee's common council. Laws of 1869, chapter 399, was superseded by the laws of 1870, chapter 274, which was in time superseded by the laws of 1874, chapter 184. Laws of 1874, chapter 184, as amended, is the basic document of the Milwaukee city charter.

SECTION 8. Private and local laws of 1858, chapter 261, is repealed.

NOTE: Obsolete. This act authorized the construction of a sewer in Milwaukee's 5th ward and a tax levy to finance the construction. See note to SECTION 7 of this bill.

SECTION 9. Private and local laws of 1867, chapter 402, is repealed.

NOTE: Obsolete. This act authorized the construction of a sewer in Milwaukee's 5th and 8th wards, a tax levy to finance the construction and procedures to be followed in the construction and tax levy. See note to SECTION 7 of this bill.

SECTION 10. Private and local laws of 1868, chapter 64, is repealed.

NOTE: Obsolete. This act authorized a tax on Milwaukee's 8th ward during the year 1868 to finance a sewer in the 8th ward. See note to SECTION 7 of this bill.

SECTION 11. Private and local laws of 1870, chapter 494, is repealed.

NOTE: Obsolete. This act authorized a tax levy on Milwaukee's south sewerage district during the year 1870 to finance sewers. See note to SECTION 7 of this bill.

SECTION 12. Laws of 1889, chapter 67, is repealed.

NOTE: This session law is obsolete. It ratified the Milwaukee board of public works sewerage plans as of March 11, 1889, and was superseded by the laws of 1913, chapter 608, now ss. 62.60 to 60.68.

SECTION 13. Laws of 1895, chapter 225, is repealed.

NOTE: Laws of 1895, chapter 225, amended the laws of 1893, chapter 255, which was repealed by the laws of 1897, chapter 371.

SECTION 14. Laws of 1897, chapter 231, section 1 is renumbered 62.175 (1) of the statutes and amended to read:

62.175 (1) ~~All cities of the first First class, and operating under a special charter granted by the legislature of this state, are hereby authorized and empowered to cities may construct and extend the sewer and water system into the adjoining towns of such cities; provided, such, subject to s. 62.67. The extensions shall be made without expense to said the cities, and that the. The rates, to be charged for water to consumers beyond the corporate limits of said the city, shall be fixed by the common council of such the city upon the recommendation of the city's board of public works thereof.~~

NOTE: This modernizes the language and incorporates s. 62.67. SECTIONS 2 and 3 of the laws of 1897, chapter 231, are left in the session laws.

SECTION 15. Laws of 1913, chapter 608, section 15.1 and 2, as created by the laws of 1917, chapter 304, are renumbered 62.175 (2) and (3) of the statutes and amended to read:

62.175 (2) ~~Whenever If any 1st or 2nd class city of the first or second class, however incorporated, shall have has begun to plan, construct, and establish, or shall have planned, constructed, and established, has completed the planning, construction and establishment of, a sewage system and a sewage disposal works, under any law of this state authorizing the same, any town, village or other city located in the same county where said cities of the first or second class are the 1st or 2nd class city is located and whose purified or unpurified sewage, either before or after any purifications thereof, flows directly or indirectly into any lake which is the source of the water supply of said cities of the first or second class, the 1st or 2nd class city shall, before, constructing any sewers, or sewerage system, or extensions thereof or of any existing sewers or sewerage system for the purposes of connection with the sewers, sewerage system and sewage disposal works of the 1st or 2nd class city, submit the plans of the same to and secure the written approval thereof in writing of the plans by the sewerage commission, or other board or body or official having~~

charge and control of the planning, construction, establishment, operation and maintenance of the sewage disposal system of ~~said cities of the first or second~~ the 1st or 2nd class. ~~Said city.~~ The sewerage commission, or other board or, body or official of ~~said cities of the first or second~~ the 1st or 2nd class shall have the power to city, may approve ~~said the~~ plans or to approve them providing subject to recommended changes and modifications in ~~said plans or entirely different plans, recommended by them, or adopted by said town, village, or city, or substitutions~~ in order that, if at any time the sewers or sewerage system, or extensions thereof, of any of ~~said the~~ towns, villages or cities are connected with the sewers, sewerage system and sewage disposal works of ~~said cities of the first or second~~ 1st or 2nd class, ~~such city, the~~ sewers or sewerage system, or extensions thereof, ~~or said towns, villages or cities,~~ will in all respects properly conform to and fit in with the plan of the sewers, sewerage system and sewage disposal works of ~~said cities of the first or second~~ 1st or 2nd class. ~~In case such the 1st or 2nd class city.~~ If the town, village or city, in the manner aforesaid, submits its plans for its sewers, sewerage system, or extensions thereof, to the sewerage commission, or other board or body or official, having charge and control of the ~~planning, construction, establishment, operations and maintenance of the sewage disposal system of said cities of the first or second class, and secures the aforesaid approval and constructs the same~~ in accordance with the approved plans thus approved, such, the town, village or city shall have the right to may connect its sewers, sewerage system, or extensions thereof with the sewers, sewerage system, and sewage disposal works of ~~said cities of the first or second class at such times and such places and in such a manner as shall be determined and the 1st or 2nd class city, as specified in writing, prior to any such connection therewith,~~ by the sewerage commission, or other board or, body or official having charge and control of the ~~planning, construction, establishment, operation and maintenance of the sewage disposal system of said cities of the first or second class, but subject to the right of said cities of the first or second~~ the 1st or 2nd class city. Except as otherwise provided by statute, a 2nd class to city may charge annually compensation, ~~to be determined, collected, and paid as hereinafter provided under sub. (3), for the use of its sewers, sewerage system and sewage disposal works for the transmission of the sewage of said the~~ towns, villages or cities.

(3) ~~As soon as possible after the first day of~~ Immediately after each January in each year following the passage of this act 1, the sewerage commission, or other board, or body, or official, having charge and control of the sewage disposal system of ~~said cities of the first or second~~ 2nd class city furnishing said service under sub. (2), shall determine the sum of money which is a reasonable compensation to charge ~~said the~~ towns, villages or cities for ~~said the~~ service furnished for the preceding year, or part of said year, during which said service was furnished, and report the same to the city clerk of ~~said cities of the first or second~~ 2nd class, ~~who shall, on~~ city. On or before the first day of August of each year, 1, the city clerk shall certify ~~said the~~ report to the clerk of the town, village or city which received ~~said the~~ service. ~~Thereafter the~~ The clerk of ~~said the~~ town, village or city shall, at the same time and in the same manner ~~that other local taxes are extended on the tax roll, and in addition to all other taxes, extend a sufficient amount opposite each valuation on the tax roll of said the town, village or city to realize the total amount of said sum certified to him in said the report, which. The tax shall be collected at the same time and in the same manner as other local taxes are collected, and then paid over to the treasurer of the said city of the first or second~~ 2nd class city which furnished such the service.

NOTE: Laws of 1913, chapter 608, section 15, is renumbered into the statutes and amended to reflect the enactment of section 59.96 of the statutes which created a metropolitan sewerage district in Milwaukee county. The deletion of references to 1st class cities in laws of 1913, chapter 608, section (15) 2 reflects the fact that section 59.96 (8) of the statutes presently allows 1st class cities to

assess municipalities which connect their sewerage systems with the city of Milwaukee for the operating costs resulting from the services provided by the metropolitan sewerage district sewage system. Repetition in this section is thus unnecessary.

**SECTION 17. 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:

| <b>A</b>                | <b>B</b>                                       | <b>C</b>                                              |
|-------------------------|------------------------------------------------|-------------------------------------------------------|
| <b>Statute Sections</b> | <b>Old Cross-References</b>                    | <b>New Cross-References</b>                           |
| 62.03 (1)               | ss. 62.071, 62.08<br>(1) and 62.23 (7)<br>(em) | ss. 62.071, 62.08<br>(1), 62.175 and<br>62.23 (7)(em) |

**NOTE:** Laws of 1897, chapter 231, which is renumbered by this bill to be section 62.175 of the statutes, applies to 1st class cities under special charter and is thus incorporated into section 62.03 (1) of the statutes.

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