**§ 17-1901. Comprehensive studies and reports: definitions; state aid; powers and duties of the commissioner; powers of the municipalities.**

1. As used in this section:

a. "Comprehensive study and report" means an engineering study for the development of economical projects for the present and future collection, treatment and disposal of sewage for one or more municipalities or any portion thereof. Such study shall contain such information as may be determined by the commissioner, including, but not limited to, the determination of the economical service area or administrative area for sewage works projects; cost estimates covering construction, engineering, legal and other services, land acquisition, and contingencies; proposed method of financing; preparation of estimates of first costs and total annual costs for the construction, and operation and maintenance of the recommended facilities; basic data such as general plan for sewage treatment plant site, flow, size and capacity of proposed units, and location, size or capacity of main trunk sewers, subtrunks, pumping stations, force mains, and outfalls; basic information so that sewage works and sewerage systems may be enlarged economically to serve future areas and population; and development of major alternative solutions. Such study shall not provide for minor sewer extensions or for sewer plans for small subdivisions or small areas, and shall not include the preparation of detail design and engineering drawings, specifications, and contract documents.

b. "Municipality" means county, city, town or village, or any designated agency thereof.

c. "Governing body" means in a county, the county legislative body; in a city, the board of aldermen, a common council, commission or other body vested by its charter or other law with jurisdiction to enact ordinances or local laws, except that in a city having a population of one million or more, if there be a board of estimate, the term "governing body" shall mean such board of estimate; in a town, the town board; and, in a village, the board of trustees.

d. "Agency" means the department, bureau, commission, board, division, agency, public benefit corporation, or committee of any municipality or municipalities, designated by the governing body of such municipality, or by the governing body of each participating municipality in the case of a joint undertaking, to conduct and develop comprehensive studies and reports.

2. The commissioner may, in the name of the state, make or contract to make, within appropriations therefor, a state grant, for payment during any of the ten successive fiscal years of the state beginning with its fiscal year commencing April 1, 1972, to any municipality, or to two or more municipalities jointly, to cover the entire cost, as determined and approved by the commissioner, of the preparation or updating of a comprehensive study and report for the present and future collection, treatment, and disposal of sewage in such municipality or municipalities.

3. In administering and enforcing the provisions of this section, the commissioner shall:

a. Make an estimate of the funds or appropriations for inclusion annually in the executive budget;

b. Receive applications for state aid in such form and containing such information as he may require;

c. Qualify municipalities for state aid and advise them of such qualifications;

d. Approve the area and scope of any comprehensive study prior to its execution;

e. Approve the person or firm selected by the municipality to perform necessary consulting services for the comprehensive study and reports;

f. Approve the report prior to final payment;

g. Execute contracts for the services of consulting engineers necessary for such study jointly with the municipality or municipalities requesting state aid therefor;

h. Approve the amount of compensation to be paid for such engineering services and the method of determining such compensation, provided, however, that such compensation shall not be computed on a per diem or percentage of estimated costs basis;

i. Approve vouchers for payment of state aid grants;

j. Perform such other and further acts and promulgate such rules and regulations, pursuant to subdivision 2 of section 17-0303, as may be necessary, proper or desirable to carry out effectively the provisions of this section.

4. Any municipality, or municipalities acting jointly, may:

a. Apply to and contract with the commissioner for state aid pursuant to this section;

b. Select, subject to the commissioner's approval, the person or firm to perform necessary consulting engineering services for a comprehensive study and report, and enter into contracts for such services, provided, however, that the commissioner shall also be a party to any such contract;

c. Expend money received from the state pursuant to this section only for purposes consistent with this section.